

UNCORRECTED PROOF
REPORT OF PROCEEDINGS BEFORE

SELECT COMMITTEE ON RECREATIONAL FISHING

INQUIRY INTO RECREATIONAL FISHING

At Sydney on 27 April 2010

The Committee met at 9.30 a.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 second public hearing of the Select Committee on Recreational Fishing. After today the Committee will commence travelling to a number of regional locations. Public hearings will be held at Nowra, Port Stephens, Port Macquarie, Batemans Bay, Griffith and Grafton. As details of these hearings are finalised they will be progressively placed on the Committee's website and published in the local press.

In accordance with the guidelines of the Legislative Council for broadcasting 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 they publish or what interpretation is placed on anything that is said before this Committee. The guidelines for the broadcast of proceedings are available on 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 remind everyone to please turn off mobile phones.

I welcome our first witnesses: Professor David Booth, Professor Maria Byrne and Dr Will Figueira. Please state your full name, the capacity in which you are appearing and then take either the oath or affirmation—the words of both are on the cards on the table in front of you.

DAVID JOHN BOOTH, Councillor, Australian Marine Sciences Association, Sydney; and

MARIA BYRNE, Member, Australian Marine Sciences Association, Director, University of Sydney, Sydney; and

WILLIAM FRANKLIN FIGUEIRA, Member, Australian Marine Sciences Association, Senior Lecturer, University of Sydney, affirmed and examined:

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

Professor BOOTH: We appreciate the opportunity to participate in this hearing. We are here as representatives of the New South Wales branch of the Australian Marine Sciences Association, which is the peak body for marine scientists in Australia. The association covers the full range of marine science, not only biology. We have more than 200 local members and more than 1,200 members Australia wide. Our association's goals are to engender collaboration in understanding marine biodiversity and to encourage its conservation and management.

In respect of this inquiry, we strongly support the goal of sustainable fishing, both recreational and commercial. We feel that these can link well with marine parks in New South Wales. In fisheries management all sources of fish mortality must be considered to achieve fish sustainability. It is well established that recreational fishing removes large numbers of key fish species in New South Wales marine waters, including important predators such as mulloway, bream, flathead and also tailor. In these species the recreational catch exceeds the commercial catch, although at the moment the overall recreational catch is lower than the commercial catch. We feel that it is crucial that recreational fishing is carefully managed. We strongly recommend that an environmental impact statement [EIS] for recreational fishing be undertaken for major recreational fishing species in New South Wales. While this approach may well be different from the EISs for commercial fishers, they should nonetheless be carried out. We are concerned about the lack of long-term monitoring of recreational fishing catches, species et cetera. In fact, we know of only one study published in 2002 covering 18 months of data. Data and monitoring should be a priority across the board so that we can inform all of these processes.

We are also concerned about the lack of public support for marine parks from recreational fishing organisations, even though the statistics indicate that there is more than 80 per cent of community acceptance of these parks. Spurious claims that continue to be made, such as that recreational fishers are locked out of areas of coastal waters by marine parks and that there is no science behind marine parks. In fact, parks cover 6.7 per cent of coastal waters—that is, 93 per cent of waters can be fished. We also have a wad of 1,100 papers that have been produced around the world and locally about marine parks. I understand that the Committee has a copy of a recent independent review of marine parks. The review states that the parks are tracking well and suggests that the research focus should be sharpened, especially in the social and ecological sciences. The appendix to the report affirms the benefits of no-take parts of parks—the sanctuary parts—on marine biodiversity both locally and worldwide.

We feel that the recreational fishing community—of which we are a part; I certainly am—has an important role and powerful voice in marine conservation to ensure enjoyment of fisheries resources for future generations. Fishing for the future is an area in which we feel the fishing community can make a huge difference, and it has in other parts of the world. The Recreational Fishing Trust could make a major contribution in this regard. Fishers, including Australian Marine Sciences Association members, pay their fishing licence fee in good faith in the understanding that this tax collected by the New South Wales Government will be devoted to improving fishing opportunities now and for the future. We are disappointed with the trust's performance to date. It has been charged with the disbursement of \$12 million, but we feel it has done little to improve the understanding of the impact of fishing on communities, habitats and the health of fish stocks. The vast majority of funding seems to be spent on restocking or artificial reef programs.

The large sum that was recently paid by the trust to an individual to write a report on a non-government organisation study of marine parks in New South Wales was particularly off the mark. While recreational fishing groups do express concern about the lack of science behind marine parks—we feel that is spurious—their priority appears to be the establishment of more recreational fishing havens, although there is little or no data on their effectiveness. The trust should urgently focus on supporting independent research into the benefit of these havens to fishing and marine conservation.

The Hon. RICK COLLESS: In your opening statement you mentioned the key species—flathead, bream, tailor and mulloway. Are those species highly migratory or sedentary?

Professor BYRNE: It depends. Mulloway are highly migratory, although at some stage of their lifecycle they are not. The more research we undertake the more we understand that for large parts of their lifecycle they are fairly sedentary. For instance, bream migrate to spawning sites, but they also sit on reefs and other areas for long periods of time within, say, a scale of 100 metres. Those two species vary in their migratory ability.

The Hon. RICK COLLESS: How far would they travel when they migrate to spawning areas or whatever?

Professor BOOTH: I can answer that one personally for bream. Back in the early eighties I was involved in tagging of bream and Ludwig at Lake Macquarie. We pay a premium to fishers for catching them. Very interestingly we recovered some adults of these at a fish shop at Caboolture in Brisbane and also on the South Coast. Obviously, they mate within three months. At certain times they can migrate very quickly in the open ocean. However, a proportion of them come into estuaries and sit fairly sedentary for large amounts of time.

The Hon. RICK COLLESS: A sanctuary zone or no-take zone can be set up under the guise of protecting those particular species, but two weeks later they could just swim out of the zone and move on, could they not?

Professor BOOTH: Possibly. Obviously, we need more research, but I will suggest one thing. For instance, in the case of bream, as far as I can see, when they are fairly sedentary, as I mentioned, that is usually inshore, rocky reef area. That area is protected and then they go offshore where they may not be as accessible to recreational or commercial fishers or whoever else can remove them or up those sources of mortality. It may well be that a static park situation would actually benefit that species.

The Hon. RICK COLLESS: What about mulloway and tailor? I always understood they were very much migrating types?

Professor BOOTH: I would suggest a small park for tailor would have limited value, although if an animal is moving through the ocean and a proportion of that ocean is protected, the law of averages suggests that it has some refuge.

The Hon. RICK COLLESS: In your submission you state that 20 per cent of all marine parks areas currently are sanctuary zones in which all fishing is prohibited. We use the expression "no-take zone" as a simple abbreviation. Have you any idea of the proportion of fish stocks that live in that 20 per cent no-take zone?

Professor BOOTH: What do you mean by proportion of fish stocks? Do you mean how much of the New South Wales population of, say, bream, lives in the 6 per cent?

The Hon. RICK COLLESS: Within that whole park area what proportion of fish stocks would live in that 20 per cent no-take zone?

Professor BOOTH: I suggest roughly in proportion to its proportional area because my understanding of the way parks are designed—you may have had some information on this from people who actually do that—suggests that sanctuary zones are chosen at least partly based on representativeness of habitat. In some sense they reflect the habitats present in the whole park, including the habitat protection zones when fishing is fully allowed. Professor Byrne might have a response too, if that is all right.

The Hon. RICK COLLESS: Certainly.

Professor BYRNE: I might just add something to that. The caveat of that particular question about what proportion is where, where they put the line on the water is really important. We have a wad of scientific papers, but this one in particular for New South Wales emphasises the importance that when you choose a protected area that it actually is a protected area that fish like. Putting a protected area as a compromise will not necessarily help that 20 per cent. It is really important.

CHAIR: Do you wish to table that document?

Professor BYRNE: I am tabling this document, along with the scientific papers. There are two examples. The review that David just mentioned is probably current up to about 2008, but major work has been done in 2009-10 in marine parks efficacy around the world. It was published in January 2010 of the proceedings of the National Academy of Sciences in the United States, which is one of the top journals, and reviewed also in that top journal, which is *Nature*. The two papers are the world's best practice paper and a New South Wales case. I would not expect you to read a thousand papers, but I have chosen 2010 ones so that you feel you have the most up-to-date information.

Document tabled.

The Hon. RICK COLLESS: What percentage of reef structure within the marine park area is contained in that 20 per cent no-take zone?

Professor BOOTH: The exact details you could probably take up with the marine parks themselves, but it varies between parks. For instance, Batemans Marine Park is very interesting because the very new and innovative mapping they are doing shows a huge amount of reef system in that park. We had no idea there was so much reef. I guess an advantage of the parks is that we are learning more about the underwater world that we may not ever have been able to get into, but the technologies now are present. You could argue that in that 20 per cent that particular park should probably have a high proportion of reef and other parks, potentially, if it is representative habitat. Port Stephens has a lot of sandy areas inshore and a lot of rocky areas on the coast et cetera. I guess what I am saying is that it is case by case for parks. For instance, one criteria is that the sanctuary zone should be relatively representative of the habitats in the area.

The Hon. RICK COLLESS: One criticism fishermen constantly raise with us is that while the no-take zones represent only a very small area of the total coastline and also a relatively small area of the marine parks, as you pointed out, that that 20 per cent actually is all the best fishing grounds in that park area?

Professor BOOTH: It is funny you should say that because there is always a counter to every argument. I have heard the opposite. In fact, in one of the parks—I guess I should not name which one it was—a good sanctuary zone was cut out around a famous marlin shore fishing spot. In other words, the shore fishing spot was moved in deference to fishing pressure. In a way, I do not have much problem with that. It drops the science a bit from the establishment of parks, but I guess it works a bit more with the community. The same applies with Solitary Islands: a lot of effort is undertaken. If you look at the wiggly maps on these things, you think, "Why didn't they go straight?" Often there is a story about dodging your favourite fishing spot. I am not saying that does not occur as well, but I am saying it is a bit both ways. I take umbrage at the suggestion that the parks are designed to take away the best fishing spots.

The Hon. RICK COLLESS: On page 4 of your submission you talk about the economic costs. Perhaps Dr Figueira might be able to answer this as I believe he was the author of the submission.

Dr FIGUEIRA: Yes.

The Hon. RICK COLLESS: You talk about the amount of revenue that can be generated out of the Barrier Reef Marine Park. I have not checked the reference you state. You make a suggestion also that New South Wales now has an unprecedented opportunity to benefit and capitalise from its marine park system. How do you see that the marine park system will actually generate income? From where will those funds come?

Dr FIGUEIRA: In most situations, especially the Great Barrier Reef situation, I believe it would be tourist related. That is what the papers are saying.

The Hon. RICK COLLESS: But, as you would appreciate, the Great Barrier Reef Marine Park is a whole quantum different from what the marine parks in New South Wales are, in terms of the reef and diving sites and all sorts of things.

Dr FIGUEIRA: Sure.

The Hon. RICK COLLESS: So, in New South Wales what would happen to generate an income?

Dr FIGUEIRA: I suppose it is a matter of increasing local profile for marine conservation in the areas, making it more desirable.

The Hon. RICK COLLESS: But what is going to generate the income? That is what I cannot understand. Off New South Wales now there are plenty of whale watching opportunities and that type of thing, which are very popular, but having a marine park there will not increase the number of whale watching opportunities.

Dr FIGUEIRA: No, true.

The Hon. RICK COLLESS: So I am at a bit of a loss to determine where the money is going to come from?

Professor BOOTH: My short comment would be, I think, Will is right on the money. Ecotourism is a big thing, and that includes ecotourism for fishing. We often keep forgetting that most of the marine parks are for fishing, recreational fishing, in one sense. Commercial fishing, in most cases, is not allowed so you could argue that, say, 80 per cent of a park is enhancing the experience of a recreational fishers compared to outside the park.

The Hon. RICK COLLESS: Is that any different from the situation now? How will that be any different from what the recreational fishing opportunities are now or were prior to the marine park at Port Stephens, for example?

Professor BOOTH: What I am saying is at Port Stephens it was a bit more open slather, you would have to say, with commercial fishing interests. I am on that marine park advisory committee and I know we work very hard. Most of the people on my committee were commercial and recreational fishers, the majority, that came up with the zoning plan. Some of those people were bought out. So, I am saying the establishment and the movement of the marine park forward—and there is a review every five years—have, you could argue, been of benefit to recreational fishers. Of course, others argue the opposite. But I would say with the ecotourism thing we have hardly scratched the surface in New South Wales. The Great Barrier Reef has done a wonderful job at the Federal level. I have dived and researched in each of these parks and they are magnificent. There was a James Woodford article in the *Sydney Morning Herald* that said it beautifully. I cannot think of how he said it, but it was poetic: Everything from coral reefs in the north to beautiful temperate reefs and sponge gardens and all these sorts of things. I think Tourism New South Wales has to get on board with this. Already Solitary and Jervis are probably second, and local communities like Coffs Harbour are cashing in on the marine parks.

The Hon. RICK COLLESS: But people have been diving on Solitary—I have dived on Solitary—long before it was a marine park.

Professor BOOTH: But you do not come from Czechoslovakia, do you? What I am saying is I think there is a real opportunity for foreign tourists who come in. Sydney is the major port. It is a major icon. When you go overseas you realise how poorly we market it.

The Hon. RICK COLLESS: Are the marine parks going to generate income from this ecotourism type of thing? How?

Professor BOOTH: By transferring income to local communities, and they have already.

Mr IAN COHEN: Continuing on Mr Colless' line of questioning, because it is an important point, in your submission, Dr Figueira, you do point to similarities of habitat protection zones in marine parks to recreational fishing havens. Most forms of commercial fishing are not allowed and most forms of recreational fishing are not permitted. In terms of natural resource management outcomes and economic returns from

tourism, would you agree that marine parks are significant habitat protection zones and represent a far superior economic and conservation outcome for the State and local communities which are? I come from Byron shire. I look at the lack of recognition that has occurred in the past of those different ecological systems. Everyone is dazzled by the Great Barrier Reef but we have a mix of tropical and cooler environments fish, seasonal differences, grey nurse sharks, et cetera, aggregating at certain times of the year. Have you any ideas on how this can support the local economy? Do you have an example on an international level—other than the Great Barrier Reef, which is a bit of a one-off—of where it has worked in other countries and how that would work, given our marine parks are relatively small and dotted along the coastline in quite different ecologies?

Professor BYRNE: You want examples?

Mr IAN COHEN: Yes.

Professor BYRNE: If you want non-core examples, in Florida, the whole industry of the southern United States there is all based on tourism, but let us take away from the tropical example. In the northern hemisphere we have the Pacific north-west—Alaska, British Columbia—a massive tourism industry associated with diving and in a marine park that has been there for 40 years.

Mr IAN COHEN: In cool temperatures?

Professor BYRNE: In cool, temperate waters, cold—colder than New South Wales, I can assure you.

Dr FIGUEIRA: The Channel Islands Marine Park.

Professor BYRNE: The Channel Islands Marine Park in California. There are lots. I sit on the Marine Parks Advisory Committee. We have Tourism New South Wales sitting right next to me, and they are really anxious to avail of all of this. We are already availing, and they can see the potential. I was just down in Jervis Bay, I came back late last night. I pulled up to Hyams Beach and there was a busload of Japanese tourists diving off the shore. I see it all the time. So, I think it is already happening. But it is really hard to get the economics, the figures, hard and fast. We need to work on that.

Professor BOOTH: And across the ditch, New Zealand is one of the world leaders in marine park design. Bill Ballantine is one of the fathers of this whole thing, the marine park industry, I suppose you would call it. I have been to several of those. It is an amazing experience, not just hat the marine park—the giant snapper blew me away—but also a little bit of spillover that the fishers enjoy outside the park. I should point out here, in case I do not get to mention it later, if we take on board the value of marine parks to our economy, we are missing something really big here in New South Wales. That is, we have a huge bioregion right off the coast here called the Hawkesbury bioregion. Part of the deal back then was to put at least one marine park in each bioregion. We have let that drop in the Hawkesbury. We have produced a very nice document called the Hawkesbury Bioregional Assessment Plan, which recommended this. It has been dropped off the plate a couple of elections ago when Minister Macdonald, I think it was, stated no new marine parks. We think that was a fishing lobby effort, which has been very successful and is very disappointing for biology and also I think for the economy.

Mr IAN COHEN: Is that accessible for general recreational diving, et cetera? When you are describing that bioregion that was stopped by the Government, is that accessible for various levels of tourism activity?

Professor BOOTH: Do you mean the physical area?

Mr IAN COHEN: Yes.

Professor BOOTH: Yes.

Mr IAN COHEN: Are we talking about right on to the coastal zone itself?

Professor BOOTH: Everywhere from the Hunter River, I think it is, down to somewhere off Wollongong is missing its protected area, as opposed to all the other areas, like your Byron Bay.

The Hon. RICK COLLESS: That would not prevent tourism opportunities accessing those areas, though?

Professor BOOTH: It certainly would not prevent it, but once again marine parks are a focus, and the allocation of resources to a scientific officer and all that sort of thing can really benefit the local area. At the moment we have a few little community centres like the one near Shelley Beach off the coast here that help a little bit. It is just local community stuff.

Mr IAN COHEN: So, you are saying that a marine park engenders an accompanying infrastructure that would then boost it. It is exponential in terms of its tourism attraction?

Professor BOOTH: Indeed. And certainly give an eye on other issues like land management run off, et cetera, into that area.

Mr IAN COHEN: Either Professor Booth or Professor Byrne might like to answer this—your submission contains references to marine parks and particularly sanctuary zones resulting in an increase of diversity and biomass of marine life. Could you discuss these, relating to New South Wales and whether you think the current zoning in New South Wales marine parks is adequate to maximise the benefits of sanctuary zones as shown by this research?

Professor BOOTH: I do not think it will ever be adequate to my satisfaction, I have to say. I think 20 per cent of the park is a somewhat arbitrary figure. It has been said there is no magic number of 20 per cent. It varies between parks. However, I do know when we were doing the Port Stephens park, the Minister said I am not taking more than 19 per cent, which is an unusual statement, but that is what ended up happening. Location is equally important as the percentage, and I think this is one area where New South Wales' answer would freely admit more science should be done, and each of us to various degrees are part of this review process and we have strongly recommended that more science be done. Part of that is that it really is quite a pathetic research budget for New South Wales marine parks compared to, say, Ningaloo Reef, which gets a \$2 million research allocation. I believe we get maybe \$100,000 towards research. It just is not enough. I think that the recreational fishing trusts could very well step up in some aspects that are of interest to them.

Mr IAN COHEN: Your submission expresses the view that recreational fishing groups are contradictory in their support of recreational fishing havens while being critical of sanctuary zones, and that recreational fishers have benefited from the establishment of marine parks. Could you explain how recreational fishers have benefited and perhaps compare it with the effectiveness or otherwise of recreational fishing zones?

Dr FIGUEIRA: The point there was just to highlight that, obviously, the establishment of marine reserves is a time for a bit of compromise for the sake of the organisms we are trying to protect. When I structured that, I think I was just trying to make the point that you are giving up roughly 6.5 per cent of area. When habitat protection zones are created I do not want to say that they are perfectly in line with recreational fishing havens—there are certainly differences—but the end result is generally the same. Basically you are excluding most forms of fishing that damage habitats. Essentially that rules out most forms of commercial fishing but allows nearly all forms of recreational fishing. Of course that area was something in the order of threefold the area that was taken away in terms of habitat protection.

Mr IAN COHEN: Professor Byrne, your submission states that recreational fishing havens receive strong support from the recreational fishers community, despite there being practically no evidence of their effectiveness in achieving the stated goals. Could you advise us of your understanding of what the stated goals of recreational fishing havens are, or should be?

Professor BYRNE: My understanding of recreational fishing havens is to improve the opportunities for recreational fishers. That is the bottom line, I would have thought. To improve the opportunity for recreational fishers, you want to make sure that those fish come back, are sustainable and that they are extracted in a sustainable manner. I am supporting the fish havens, absolutely; but I would like to see some research done to show how they are effective with respect to maintaining sustainable catch for generations to come. There is no point having a recreational fish haven now when everyone presently enjoys the extraction and bringing a fish home for tea. But if in 20 years time my children cannot go and get a fish to bring home for tea, then I would be concerned.

Of course it is the weight of evidence of a lot of things. You have climate change, you have the fishing practices, you have land management practices, so it is not just fishing. It is the whole, all aspects. There are no lines in the water. There is nothing stopping a fish from moving from A to B. There is nothing stopping freshwater movement and a flood of moving from A to B. But we need to know if they are effective.

The Hon. CHRISTINE ROBERTSON: Thanks very much for your submission, which is a very useful myth buster and very articulate. You refer to the fishing licence process. Could you give us more information on how you perceive that could be tidied up to utilise it for research purposes, for example? I am a recreational fisher too.

Professor BYRNE: Me too.

The Hon. CHRISTINE ROBERTSON: How on earth are you going to get accurate recreational fishing information?

Dr FIGUEIRA: The issue of the licences is actually quite a big one. It is not really surrounding money. I think the point that we are trying to make, and that a lot of people are trying to make, is that they are happy if people do not want to pay for licences and if they want there to be exemptions, that is fine. The issue is having contact information and being able to contact people to be able to assess recreational fisheries. Unfortunately at a statewide level the only possible way to assess recreational fisheries is to do surveys. You do not have the trip tickets like you do with commercial fisheries. You need to be able to assess them. Unfortunately I have done some cost-benefit modelling on this. When you are forced to go to random digit dialling and all these other techniques to contact people—

The Hon. CHRISTINE ROBERTSON: The methodology is dealt with in your submission.

Dr FIGUEIRA: —your costs skyrocket. Just having that information is important. You ask anybody who does recreational fishing survey assessments. It is the single most important bit of information that they could possibly have. They call it their licensing or their sample frame. That is where this idea came from to try to push for what we call a universal sampling frame of all recreational fishers. Of course, it is never going to be complete, but it can probably be a lot better than it is now. I know that in the United States they have been pushing for this. We had a major review of our recreational fishing assessments as well. Just like here, once again this has been highlighted as one of the massive areas that needs funding and needs support.

The Hon. CHRISTINE ROBERTSON: What groups are exempt from licensing?

Professor BYRNE: Aboriginal.

Dr FIGUEIRA: Yes. There is the Aboriginal group, pensioners and children under a certain age.

The Hon. CHRISTINE ROBERTSON: It is not tidy.

Dr FIGUEIRA: That is the problem. You have some fishers who fish a lot more than other fishers. Unfortunately, retired individuals often fall into that class. We are missing out on that. It is a bit harder to sample and you are missing out on that. It all comes into the sampling design and bias.

Mr IAN COHEN: In Canada and the United States, have recreational fisheries undergone environmental impact assessments? I know it is not something that is happening in New South Wales.

Dr FIGUEIRA: Recreational fishing on specific stocks are inherently included as part of our management program. In relation to recreational fishing assessments, I can speak mostly of the United States because that is what I have had most involvement in. There is data available every two months, or six times a year, based on phone surveys and diary surveys of all the different fishing groups, such as charter boats and private individuals. That data has been specifically included in stock assessments, which are federally mandated to be done on all stocks. They start with the most vulnerable and they move through and redo them as often as they can. It is quite an elaborate process. To be honest, whether or not there has been an actual impact assessment on fisheries at all, I do not know.

Mr IAN COHEN: Perhaps you could take it on notice.

Dr FIGUEIRA: But it basically happens as a part of that process.

The Hon. CHRISTINE ROBERTSON: Can you give some more detail on marine parks being viewed and used as fisheries management tools? Perhaps that could be a question taken on notice because it is far too long to respond to now. Is that reasonable? Would you prefer to do that?

Professor BOOTH: Do you mean the theory, or the actuality?

The Hon. CHRISTINE ROBERTSON: Both, please.

Professor BOOTH: We could give you more information at a later date on that. Certainly one of the things is the old insurance policy theory that, yes, fisheries management in a perfect world it would be really, really effective. We know in a number of instances that it is not—for instance, in cases in which the minimum legal size to catch a fish is well below the size of maturity of its species. There are various reasons for that that are beyond science, shall we just say. Those sorts of things may actually lead to some sort of meltdown of the species.

The Hon. CHRISTINE ROBERTSON: The market, or pressure with recreational fishers?

Professor BOOTH: In this case, recreational fishers, not so much the market.

The Hon. CHRISTINE ROBERTSON: But they have to match each other, do they not?

Professor BOOTH: That is true, I guess, yes. I am not going to be necessarily drawn on why, but certainly there is a mismatch between what the scientists would do in terms of a minimal legal size. That is just an example of how fisheries management outside marine parks might be an issue.

Professor BYRNE: I think the most important thing to state, though, is that marine parks are not gazetted as a fisheries management tool, and they are not a substitute for good fisheries management. If, in the best case scenario, the marine parks are of great benefit to fisheries, that is fantastic. It has been shown in places where fisheries are well managed. First and foremost, manage your fisheries, and then you will benefit from marine parks. It is a win-win situation. One cannot go without the other.

The Hon. CHRISTINE ROBERTSON: An interesting thing that has come to light during this inquiry is the definition of recreational fishing. We seem to have persons who are definitely professional fisher persons who are classified as recreational fisher persons, and we have thousands and thousands and thousands of amateur fisher persons. Have you come across this? This is a question that is troubling me.

Professor BOOTH: I would like Dr Figueira to answer this. He was co-author of a science paper on this very topic for overseas. That was for one of the two premier journals in the world. He would be the one to answer this.

The Hon. CHRISTINE ROBERTSON: Can you send us that reference?

Dr FIGUEIRA: Absolutely. More specifically, this is one that is sort of in review at the moment. That is an issue. It is one in the United States that they are addressing by revising management and moving more towards the commercial management of charter boat operators because they can get that data a bit more easily.

The Hon. CHRISTINE ROBERTSON: So they are actually putting a definition to it.

Dr FIGUEIRA: Essentially, yes. I think they still have to call them recreational fishing, but how the data is collected from them is different. They are going to move away from random dialling because they know where the boats are and they are all registered. What I was going to say was: there is a perception that the recreational fishers tend to catch most of the catch because they are professionals essentially; they are the experts, so we have actually crunched the numbers for the United States. Unfortunately I do not have the data for Australia but for the United States you look at the numbers and you look at the private rental boat sectors, which is just your average Bob in his boat, as I like to say, versus the charter boat, head boat guys. It still comes out 60, 70, 80 per cent, depending on area, depending on species—about 60-70 per cent overall is still coming from the private rental boat sectors. Honestly, it is just a matter of numbers.

The Hon. CHRISTINE ROBERTSON: It makes no difference to the effect on the fish stocks?

Dr FIGUEIRA: Well yes. A dead fish is a dead fish. That is an important point. The issue is trying to figure out how that fish died and what you can do about it.

The Hon. CHRISTINE ROBERTSON: I read your dead fish words. They were very emotive.

Dr FIGUEIRA: There is a misconception that perhaps it is all the charter boat guys—at least in the United States there is this misconception, but you actually look at the numbers and it is not. There are so many more individuals out there fishing on their own than there are charter boat guys.

The Hon. TONY CATANZARITI: Your submission states on page 3 that recreational fishing havens received strong support from the recreational fishing community despite there being in the past practically no evidence of their effectiveness in achieving their stated goals. Can you advise us of your understanding of the stated goals of recreational fishing havens?

Professor BOOTH: My memory of when I looked at the website recently was that it was to improve the experience of the fishers. That is a very broad statement. That does not necessarily mean catching more fish although it suggests that having that is one of the things you like, that that would improve your experience. The fisherman hour, which is a standard metric that is used, might increase subsequent to the establishment of recreational fishing havens. I keep saying almost no studies. There was the start of what could have been a quite good study done through Fisheries which looked at Lake Macquarie and changes in fish catch after the establishment but I do not know if it was stopped or if it ceased of its own accord before it became good science and that is it had a year before and a year after.

I happened to work on Lake Macquarie in the early 80s and spent two years talking to fishermen doing creel surveys and working with recreational and commercial catches. Those catch rates jumped up and down between the years alarmingly, so to just have it one year before and one year after is not scientifically valid. However, the results suggest some increase in the number of fish caught, but again two years means nothing.

CHAIR: Just as a point of clarification: Over what period of time should those sorts of research projects take place—five years?

Professor BOOTH: I would have to say forever. One of the points I think we made was that really we would not be sitting here with suppositions from marine parks and especially from recreational fishing havens if there were ongoing monitoring. Our scientists at universities are not going to be the ones doing that monitoring. We would definitely like to use the data to do specific science questions. That monitoring should effectively be done by the statutory authorities; for instance, the department of industry and innovation. I think that the recreational fishing trusts should step up and help with some of that funding—they are doing a little bit already but it has to come centrally and that is the basis on which we can manage any fishery.

The Hon. TONY CATANZARITI: With regard to commercial fishers and recreational fishers, where is the balance and how can both be sustainable in the waters of New South Wales?

Professor BOOTH: That is a very good question. As a separate thing, I am involved in a scientific reference panel looking at seafood products around Australia for their sustainability. This is quite an exciting project where, rather than looking at species like whether bream are sustainable, we are looking at a specific bream, the Spencer Gulf prawns, the Hawkesbury squid, which actually came up as relatively sustainable in spite of being a bottom trawling fishery. That just proves to me that you cannot say there is a bad type of fishing and a good type of fishing. It is possible to be relatively sustainable with any method. I guess what I am saying there is that step one is we need to look at the sustainability of the different sorts of fishing and maybe pick out the best-practice examples in different areas. Once we get those in place, then I think we can have pretty much any balance that the community wants.

The Hon. TONY CATANZARITI: To me it seems very important that we have that balance between the two. How, from your perspective, can we do that and what should be done to make sure that that is sustainable to both sections?

Dr FIGUEIRA: To a large degree, those issues of allocation are a societal decision where a catch is limited. As a society you have to make a decision of who gets that. How that is done can sometimes have to do

with what has happened in the past, who has taken what percentage in the past, and divide it up that way. In reference to Dave's point, before that ever happens we should be looking quite carefully at what are the impacts of the different kinds of fishing. A fish that is caught in the trawl net versus the fish caught individually on our line targeted, there are going to be some significantly different ecological impacts perhaps. Fish caught from different depths have more or less likelihood of dying if they are thrown back—that sort of thing.

All these things need to be considered, so you cannot weight various types of fishing equally. Once you have done that, then you can have this discussion about, "All right, what does society want to do about this?" Certainly we all want to eat our seafood and we all want to go to the stores to buy it, so we are not going to just push commercial fishers completely out, but the same time recreational fishing is a massively important part of Australian culture.

CHAIR: Unfortunately we are out of time. I wish we had been able to give you an hour and a half because it was starting to get interesting. Thank you for your evidence today. We appreciate you coming in. Along with any questions that you took on notice during your evidence, would you agree to receive additional written questions that members of the Committee may not have had the opportunity to ask you today?

Professor BOOTH: Yes.

CHAIR: Thank you very much for your evidence. We appreciate the work that you have done.

(The witnesses withdrew)

ROBERT EDWARD KEARNEY, Emeritus Professor, University of Canberra,
, affirmed and examined:

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

Professor KEARNEY: I would indeed. My introductory comments concentrate on paragraph (a) of your Committee's terms of reference for three primary reasons: first, my concern for the proper conservation of our coastal ecosystems; second, the need to protect the role of good science and scientific practices in the development and implementation of government policy; and third, to address the apparent refusal by governments collectively across Australia to consider marine conservation and fisheries management strategically, and particularly in the context of the sustainability of our total terrestrial and aquatic ecosystems and the sustainable supply of seafood to all Australians.

Here it is significant to note that the stocks of the great majority of the marine species taken by recreational fishers in New South Wales are in relatively good condition. This is somewhat remarkable, noting that many of them are stated to be estuarine-dependent and the Government reports that "New South Wales has lost over 60 per cent of all of its coastal wetlands while 97 per cent of assessed river length in New South Wales has been modified in some way". That statement comes from the New South Wales Government submission to this inquiry.

We have growing problems with introduced species and diseases, and these are of increasing importance and significance. It must also be noted that the primary control of recreational catches, that is bag limits, are so high that they do not seriously constrain the great majority of recreational fishers. Therefore the continued sustainability of individual species, and apparently the biodiversity that supports them, is clearly testimony of the extraordinary resilience of these species to fishing, rather than a direct outcome of particularly good fisheries management. Based on the Government's figures on the declines in our coastal aquatic environments, referred to above, the resilience of these species is clearly not a result of adequate protection or restoration of our coastal ecosystems, and it cannot continue indefinitely if the degradation of coastal ecosystems is not corrected.

As the New South Wales parliamentary *Hansard* record shows, my concerns over the extremely poor standard of science used to justify the creation and zoning arrangements of New South Wales marine parks are well documented. My primary concerns are threefold. The abuse of science leads to bad policy and destroys public faith in science. The current system of marine parks is an inappropriate and inadequate conservation measure, and the public has been deceived into thinking that fishing closures actually represent protected areas. And the claim that marine parks provide protection of comprehensive, adequate and representative samples of biodiversity, which clearly includes all of the State's biodiversity by definition, grossly misdirects public support for proper conservation of the whole of the State's ecosystems.

The original paper on the supposed benefits of marine parks, produced by the Marine Parks Authority and referred to by the authority as "the science paper" contains many of the worst abuses of science practices I have ever seen. These include falsely claiming that scientific papers made statements and reached conclusions that they did not, for example, that whole beaches need to be closed to fishing to effectively provide protection when the two papers cited are not about beaches at all and do not even mention whole beaches. There is no greater crime in science than deliberately misrepresenting the work of others. In fact, the two papers cited clearly lead to the conclusion that closing ocean beaches to fishing was extremely unlikely to ever have benefits for the types of species that occur in New South Wales.

The Marine Parks Authority documentation is even worse than the many specific cases of misinformation as it provided such systematic bias in the reporting of the available evidence and exaggeration of asserted benefits that these errors could not possibly have been by chance. There was clearly orchestrated distortion of the science in the primary documents that were presented to the public to justify marine parks in New South Wales. The public appears to have been deliberately deceived. What was perhaps even worse was that when I pointed out these distortions to the Government the original science was withdrawn from the Marine

Parks Authority's website, slightly modified and then reinstated. The revised version included several largely editorial changes but had deleted all references to the papers on ocean beaches but none of the conclusions on ocean beaches.

To deliberately delete references and arguments that do not align with the position of advocacy while maintaining that advocacy is scientific fraud. Misinformation or at best inaccurate interpretation of the available evidence by the Government on what the benefits of marine parks really are is not restricted to the early scientific documentation. I can provide many examples, including statements by relevant Ministers if you wish. The problem continues. For example, the Government's submission to this inquiry in support of marine parks states that based on evidence it is claimed is relevant to New South Wales, "an increase of mean biomass of 975 per cent" can be anticipated from marine reserves. Is it any wonder that even some anglers have started to be converted to the faith? Reality is considerably different.

In the recent zoning plan review for the Solitary Islands Marine Park, where fishing closures have been in place in some areas since 1991, the definitive statement on the outcomes from that park to date is that "the abundance of some species appears to be increasing in sanctuary zones". The record of the Marine Park Authority of distorting the available evidence in favour of marine parks, which I have already discussed, may make it difficult to many to accept the accuracy of the statement. No data is given in the review report to allow affirmation of its authenticity or to criticise it. In fact, the two examples have reported increases in biomass for red mullet and mud crabs actually given earlier by the Marine Parks Authority represent marginal changes in abundance for no assessed benefit.

Real questions for this inquiry are: Has the public been given totally unrealistic expectations for the benefits of marine parks to falsely justify having the parks, or—this is in relation to the 975 per cent we have been told you can expect—is the implementation of management of sanctuary zones by the Marine Parks Authority so poor that it cannot deliver to national and international standards? What is perhaps even more pertinent to this inquiry is why the Government has used data of questionable relevance from other States and other countries to justify its advocacy for marine parks and completely ignored a recent report specifically on New South Wales and produced jointly by its own then Department of Primary Industries—the other collaborators were the CSIRO and the University of British Columbia. The report was published in March 2009 with the title, "Ecologically Sustainable Development of the Regional Marine and Estuarine Resources of New South Wales: Modelling of the New South Wales Continental Shelf System". The ultimate conclusion from that report, the very final conclusion, states:

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

According to this recent Government report on New South Wales, as a result of marine reserves we cannot anticipate a 975 per cent increase but, rather, a decline in biodiversity. Yet the public is being told, such as by Minister Sartor's press release on 19 April 2010—very recently—that there needs to be more sanctuary zones and a total ban on prawn trawling in the Solitary Islands Marine Park. This is by no means the only misleading interpretation in the Government's submission to this inquiry. It is not surprising that "86 per cent of the people surveyed agreed that some area of the marine environment should be protected, even if it means recreational and commercial fishing is excluded". Most people want at least some areas of the New South Wales marine environment protected. I want it all protected.

Noting that they have been told that they can expect a 975 per cent increase in biomass and that the design of the parks was based on the world's best science practice, which Ministers Macdonald and Debus stated it was in 2004, it is amazing that anybody dissents. The question facing this inquiry is: What would have been the response if the public had been asked if they wanted tens of millions of dollars spent on fishing closures and administration of marine parks that was based on misuse of the available science, did not address the real threats to ecosystems or fisheries and, according to the Government's most recent assessment, actually caused a decline in biodiversity? It would not be 86 per cent in favour, I can assure you.

Finally, to the strategic issues of total ecosystem management and the sustainable supply of seafood. This must be debated in the context of a country where the population is growing rapidly and per capita demands for seafood for both health and lifestyle reasons are escalating. We already import approximately 75 per cent of our seafood. The percentage is actually much higher in New South Wales if you include other States' product as imports, which is up to you. Agriculture is the other major form of food supply for Australians. Agriculture usually starts by clear felling the land, ploughing it, planting introduced species and then killing or at least actively excluding any native species that dare to attempt to make a comeback.

In the current recreational fishing and marine parks debate, specific negative effects of fishing have not actually been identified. To my knowledge, anglers have not been told what threat any of their fishing represents to biodiversity in any area, let alone by all of their activities across the whole of the State. But all forms of fishing are excluded from areas that are then called "protected". The most recent assessment specifically relevant to the State actually suggests that collectively all forms of fishing, both commercial and recreational, are not only remarkably benign but they actually are beneficial to biodiversity. That is if you believe the Government's own documentation. Wild caught fish from sustainable fisheries is thus the ultimate organic and environmentally responsible food. This inquiry needs to see beyond implied or asserted but not defined problems with all forms of fishing and concentrate on the properly assessed protection and restoration of our ecosystems, and hence the fisheries that depend on them.

CHAIR: Professor Kearney, you stated in your submission, and you have restated it here this morning, that you feel there is a complete lack of commitment to a comprehensive and coordinated approach to ecologically sustainable development of New South Wales aquatic resources that span both resource conservation and allocation. Can you either identify any jurisdiction in Australia or overseas that has established such a coordinated approach, or perhaps give us a suggestion as to where the State Government should be going in terms of trying to get a coordinated approach?

Professor KEARNEY: It is very hard to find somewhere that has such a coordinated approach. New Zealand is probably trying a little harder than most to do it. I have written to the Prime Minister on this subject, shortly after he made the statement that food security was one of the 10, I think it was, primary issues identified for his 2020 summit. I pointed out to him that Australia simply does not have a policy on where our future fish supplies are going to come from, nor does it have the agreed and asserted actions. This is in spite of the fact that we import a great deal of it and our demands are going up for both health and lifestyle reasons. There is no national policy as to where this is going to come from; in fact, it was largely ignored. The response I got from Minister Burke on behalf of the Prime Minister was actually terrible: it ignored the issue.

So the truth is, we do not have one. I think it is alarming that we do not, but I do think that issues such as conservation of coastal resources need to be done in light of the need for that. We need to address the real problems of where habitat destruction, or whatever else it is that is truly impacting fisheries, are actually addressed, because our demand is going up astronomically and our supply is going down.

The Hon. TONY CATANZARITI: Professor, do you think that the existing marine parks provide any benefits for fisheries management?

Professor KEARNEY: If they do, I am not aware of them. There has not been a single fishery identified in the process for which marine parks represent the appropriate management response. It is important to note that there is not a single species listed in these areas that is what is called recruitment limited—in other words, not one species that has been fished to the point where subsequent breeding juvenile supply is inadequate. There is a suggestion that a couple might be. But in light of that, even having more and bigger fish in areas is extraordinarily unlikely to have significant benefits to these fisheries. Marine parks and area closures are an expensive and imprecise way, without having identified a single fishery in which they benefit, and in any case it is extremely unlikely that they are going to benefit all of the fisheries. There might be some benefits—I am not saying that there will not be—but whether they are cost-effective, realistic and appropriate is a totally different story, and there is no evidence of that at all.

The Hon. CHRISTINE ROBERTSON: Professor Kearney, I am not usually a thick person, but I am having quite a difficult time working through exactly what you are proposing. From some of what you have told us, and from the information I have here on paper, I am hearing that you want total environmental protection for the marine environment of perhaps the Australian coast entirely. Are you proposing that there should be no form of harvest of the sea in Australia?

Professor KEARNEY: No, I am certainly not. I think the issue is that well-managed fisheries and sustainable fisheries are not significantly harmful to—

The Hon. CHRISTINE ROBERTSON: What does that mean, "well-managed and sustainable"?

Professor KEARNEY: Where there are no destructive practices, to start with—there is no stupid destruction of areas by fishing—and no exploitation of individual species to the point where the species

themselves are threatened with extinction, and that any subsequent collateral damage is managed in the context of maintaining biodiversity.

The Hon. CHRISTINE ROBERTSON: Issues in relation to fisheries like abalone, for example—which is something that really did get onto the edge—and the work that was put into that specific species to ensure its maintenance and sustainability, do not count in your—?

Professor KEARNEY: Of course, it does.

The Hon. CHRISTINE ROBERTSON: I cannot understand what you are objecting to. I do not understand your issue.

Professor KEARNEY: I am not sure I understand your question, to be perfectly honest, and I do not wish to waste your time in answering one that I am not sure I understand. The issue is that if you have even well-designed marine parks or area closures that are designed to address a specific issue, that may benefit a fishery like abalone. In fact, that was one of the examples I used in one of my papers of where it may be of benefit. But that needs to be specific to that fishery and designed for that fishery. To claim that you are going to close an area to all fishing—for example, you have an abalone fisheries problem so you are going to close the area to flyfishing for tailor or something else in that same area—that is what is not right. The real, specific needs—whether it be the abalone fishery or any other—need to be addressed specifically, and they need to be addressed in the context of the overall maintenance of our ecosystems and biodiversity.

The Hon. CHRISTINE ROBERTSON: So, keep it in bits?

Professor KEARNEY: Not necessarily. Make sure you look at the right bits, is the issue. Make sure that you have looked at what the real issues are and what the real threats to them are. If it is that area management is the right way to address it, as I have stated repeatedly, I have absolutely no problem about that; it is just that when you look at the distribution of species and the types of species in New South Wales, it becomes very difficult to find areas where area management is in fact the right management. But abalone was one of two that I suggested was probably most likely.

Mr IAN COHEN: Professor, you make the point several times in your submission that the main threats to marine environments are siltation and pollution from urban industrial sources, rather than recreational fishing. In light of recent information provided to the Parliament by the Department of Environment, Climate Change and Water that recent testing shows that pollution is in fact not having a significant impact on estuarine and coastal waters that flow into marine parks, can you explain the basis for your opinion as stated in your submission? Are you standing by the fact that the department's science is completely faltered?

Professor KEARNEY: There are two issues here. The science that I said was really bad was that which was used for the creation of the parks. There may be some better science going on now—I do not see a lot of evidence of it, but I understand there is. It is good if the waterways flowing into the marine parks are quite good. I mean, I have not seen the evidence on this—

Mr IAN COHEN: You have made some accusations about that being a primary issue, have you not?

Professor KEARNEY: Across the State, yes, I have. I have not made it specifically in relation to waters flowing into marine parks. However, if that is the case, then this is good, and it may well be that it benefits what you may get from those marine parks. But the issue that needs to be addressed is the whole of the State. We have to be careful that we do not get misdirected into worrying about the quality of water only that flows into marine parks, rather than the quality of the total discharge of the State's waterways. One of the real issues in New South Wales waterways, and fisheries in particular, is the extraordinarily interconnected nature of the species and the environments they are in, and how damage, whether it is an introduced species, can come from another country; it can come into any point in the State and then spread. Similarly, pollution can come from a point source or a diffuse source, and it can come from well outside the area. This is one of the problems with area management.

It has been well documented, particularly in the South Pacific, where you close an area to something but unless you can protect it from things that threaten it from outside—and this means protection. These areas are called marine-protected areas. They are not even protected against fishing. Most of the negative impacts of fishing are going to come from outside those areas. They are not actually protected. They will be improved by

having the waterways that flow into them better than they are elsewhere in the State, but what needs to be done if we are going to have those areas truly protected, is to have them protected against the influences that they can get from anywhere in the State, or outside the State if that is appropriate.

Mr IAN COHEN: You might be aware of the Hexham Swamp and the reclamation there?

Professor KEARNEY: Yes.

Mr IAN COHEN: Are you saying that we should forget the marine parks, that we should re-establish that swamp?

Professor KEARNEY: For my money, that would be a much higher priority. I have real problems with the assertion that marine parks represent a great deal of resilience against climate change, for example, and this is one of the things that is used. They may represent some. But there are other things you can do which will represent greater resilience—like the Hexham Swamp and those areas. One of the things we are going to come up against, for certain, is that if—or, as ocean warming occurs—

Mr IAN COHEN: You do not accept that?

Professor KEARNEY: Of course, I do. As sea level rise occurs, because we put so many concrete and other abutments against our waterways, our current wetlands are going to get inundated and there will not be adequate areas to establish new ones. I know that some work is being done on this, and I applaud it; particularly the New South Wales Fisheries work on this I think is extremely good. But that is the sort of work that will give you greater resilience against sea level rises, and I think it is essential that the State takes that extremely seriously, rather than drawing a line on the water and saying this line on the water is drawn on the basis of the organisms that are there now, knowing full well that they are going to move if climate change occurs because that is what it is about.

So you know that the area you have got is not going to be the right one if they do move, but you have got to make sure you have got areas where they can go. Because you have only got to look at Sydney, where we have concrete walls now virtually up against every one of our estuaries, we have filled in most of the mangrove swamps in Sydney suburbs that used to be there, and as sea levels rise we are not going to let the houses go under and convert people's tennis courts into salt marshes and things—we are just not going to let that happen. So there is going to be really serious threat to this State's aquatic ecosystems and those that support recreational fisheries, or commercial fisheries for that matter.

The Hon. RICK COLLESS: In the paper you discuss some of the various threats on fish ecology as outlined in the science paper that you have referred to?

Professor KEARNEY: Yes.

The Hon. RICK COLLESS: What do you then see as the key threats to some of those fisheries in New South Wales? Perhaps you could give them to us in your order of priority as to what you see as the most threatening process on fish stocks in New South Wales?

Professor KEARNEY: I think the real issue is to look seriously at all of the fish stocks in turn, which is partially being done, and not claim that there is a simple panacea and you can close one area that is determined on the basis of something else. I am not a fan of fisheries management in New South Wales and you will see from some of the other documents—I cannot remember exactly whether it is in the ones that I sent you or some of the others—I am particularly critical of the management of recreational fisheries, which I think has been largely not managed. There have been a few things done because of the money that was in the trust that helped enormously for recreational fishing causes but I do not think it was necessarily first-class management. Similarly with commercial fisheries management, I do not believe that the current fisheries management in this State is particularly good.

Now there is excess of effort in most of the fisheries. There is a grossly confusing series of entitlements and endorsements and licence requirements and things that make it extraordinarily difficult for the fishery to be efficiently managed. Now there are real problems—and please do not imply for one moment that I am suggesting to you that there are simple solutions to these—but they do need to be addressed on a fishery-by-fishery basis. I cannot find any, for example, for which a marine park solution really helps. The one that is

commonly quoted at the moment is mulloway, for example. There is no doubt it is in decline—I think anybody can see that—and I have some doubts about the cause of the decline. I think that environmental problems is probably a good example to give you, such as the fact that Warragamba Dam has not overflowed for 25 years, and the Hawkesbury is the acknowledged best nursery area for mulloway, it is not surprising that there are serious problems there.

However, it is also possible that with recreational fishing and the advent of soft plastic lures that people were catching bigger fish than they had previously, and this has helped with the decimation of the population. They are all possible; I think they are all likely and all contributors. However, the real issue is the current system in marine parks offers absolutely no help to that; yet it has been claimed—you have got Verity Firth getting up saying in press releases, which I can give you, that marine parks secure the future of recreational fisheries. It is this distortion of it. I am not opposed to well managed, well designed marine parks—I never have been, and I have stated publicly that I am not—but it is the way they have been done in New South Wales and the distortion of the truth in establishing them, and I think the Government is now in cover-up mode over failing to acknowledge that.

The Hon. RICK COLLESS: I guess the follow-on from that statement then is, how would you like to see them changed or restructured to provide that level of protection and surety?

Professor KEARNEY: I think there needs to be a serious and critical review of where they can really help, where they do and seriously really help. I think there has been—as I said in my submission—the evidence that was given about the effectiveness of marine parks on ocean beaches and in estuaries has been falsified, it really was. Whether there is more recent evidence I do not know because nobody has given it to me. But it was certainly falsified in the first instance, and I find it extremely unlikely that closing an ocean beach to recreational fishing can possibly represent a cost-effective benefit when there are real things that money needs to be spent on, like trying to work out where the hell we are going to get our wetlands from when sea levels rise.

I think they are really huge issues that we have to address, and trying to stop a few people fishing on an ocean beach, particularly when the closures on ocean beaches really proportionately disadvantage the aged and the poor who do not have boats and four-wheel drives and cannot go anywhere else. I think these are just stupid things to do. The ones in estuaries again I think are a gross waste of money. I think if you abolish those to start with and then look at a serious review of the remaining parks to truly align them, and the other actions that are going on, rather than just these ephemeral statements that we are doing all these other things that are going to help the parks, seriously I think you would make progress, taking into account what the State's real needs are for future coastal environmental protection, because that certainly was not done. The science that was used is demonstrably, I used the word "fraudulent" and I stand by it, and interestingly enough nobody has ever corrected me on it. Three years and some months after I wrote numerous letters to the Premier pointing it out et cetera, on and on it goes.

CHAIR: In your submission you state:

A major gap more specifically tied to recreational fisheries management is the lack of adequate measures to more equitably allocate resources within the recreational fishing fraternity (less than 10% of anglers take more than 90% of the catch).

Can you make some suggestions as to what potential methods could be employed to achieve a more equitable allocation and what is the reason for the inequity?

Professor KEARNEY: The reason for the inequity is largely historical. Let me take you back in history as to why some of these things are out of proportion a little bit. When I became director of research for New South Wales Fisheries in 1986—which is a while ago but it is not ancient history—the official New South Wales fisheries management policy at that time was that it was impossible to over fish a species of fish—impossible—and if you did fish it down a bit and it became uneconomical, fishermen, both recreational and commercial, would simply move on to other species—that was the official policy. So we have come a long way since then and things have changed. But the expectation amongst anglers was that they could always continue to do what they had always done, and this was not surprising. I mean there was nothing being put to the contrary. However, in recent years, as you are aware from the submissions of numerous people, the recreational catch now exceeds the commercial catch for quite a few species. Anglers can no longer hide behind, "Commercial fishermen are doing all the harm and we are all right, we do not really do anything". They are now the major source of fishing mortality. That does not mean they are a major problem—

CHAIR: Such as mulloway?

Professor KEARNEY: Mulloway is the classic. The best estimates I have got—and this is verbal confirmation from the relevant scientists in New South Wales Fisheries, or whatever they call it these days—is that it is very close to 9:1 recreational catches, or let's say it is eight times the commercial catch of mulloway or of that order. So if fishing mortality is the cause of the problem, and as I have said I am not convinced it is, I think there are other environmental issues, and I do not think that getting rid of Warragamba Dam is a realistic solution for one moment—that is not going to happen—so we have got to find other ways of ameliorating the problem while we identify what the real cause is and other ways around it.

I do not think there is much alternative than to doing it through bag limits, through regulating the recreational effort. Bag limits and size limits are the only two real management tools. Now when I raise the issue of allocation within the recreational community; I have done a series of works in other States, for example, in Victoria when we did one there in 1999, the conclusion from recreational anglers was that they wanted to catch one fish—I can give you the details of this if you need it. They valued catching one fish when they went fishing at about \$20 and the second fish at 40 cents. What that tells you is that they do not catch any. They wanted to catch one. I asked—knowing I was going to be talking to you today—the person in charge of New South Wales recreational fisheries on Friday if he had any more recent data on this 10 percent, taking 90 per cent of the catch, and he said he did not but he disagrees slightly with me—he thinks it is a little bit lower than that, he thinks it is probably 20 per cent or something like that. I think he is wrong because the surveys you do never get the very best anglers—they refuse to be surveyed, you know—so I think it is that high.

Most significantly, he said that a very recent bit of work they have done showed that 40 per cent of the boated anglers, that is, fishing in boats in estuaries, caught absolutely nothing. An awful lot of people out there would like to catch one more fish. I think that the bag limits need to be ratcheted down for two or three purposes, the primary one being allocation within the recreational sector. I do not see too many cases where it is really necessary for the conservation of the species. But I do have concerns about a few, mulloway being one, snapper being another.

CHAIR: Could you hypothesise in relation to mulloway? What possible reason would Fisheries have not agreeing to increase the size limit on mulloway?

Professor KEARNEY: You have asked hypothetically. The possible reason would be that the size at which they are being caught is not a problem. It may well be that it is not. Let me give you an example, if I can quickly, where this is not the issue. Unfortunately, it is often assumed that catching small fish is wrong or catching spawning fish is wrong. This is not necessarily the case. It is the numbers that you leave in the water that is important, not the numbers you take out, when you get to spawning populations. If there are enough spawning—let us suppose there is twice as many spawning as there needs to be—there is no way you would know that because subsequent recruitment would remain strong until you get down to a level where the number of big ones you remove starts to impact. So you have no idea whether you have three times as many as you need or just enough. You still get basically the same result. You get a little bit more fluctuation.

It may not be any benefit in stopping the catching of smaller fish, if that is not the problem. I am uncertain with mulloway. I recently did an assessment of it because I am concerned about the real cause of the decline. I find it hard to believe with the damage to our waterways. In our big estuaries—the Clarence, the Hawkesbury, the really big estuaries—water quality is not great. Sydney Harbour was one of the areas. I am not sure how key an area it is but certainly the rivers running into it were important. Whether they still are is debatable. The Hawkesbury certainly was, the Georges River, all ones that are very seriously impacted by coastal development. What concerns me greatly is the sublethal effects of the pollution and contamination and distortion of environments that occur.

You do not see dead fish. One of the things that is difficult for people to comprehend is you do not see sick fish very often. You do not have to be very sick if you are a fish for your mates to decide that you are food. If you swim a bit slowly you are not going to survive very long. So we do not see these sublethal, as I call them, but they wind up being lethal, mortalities, in these estuaries. I really do think that is a big part of the problem. However, I am mindful that there is a real chance that the recent upsurge in recreational catch of large mulloway is a significant factor, particularly if the species was already under severe stress because of recruitment rates.

The Hon. TONY CATANZARITI: Professor, are you aware that the endangered grey nurse shark aggregates in certain locations, known as aggregation sites, and that the Fisheries Scientific Committee, an independent group of scientists, has listed line fishing as the key threatening process for this threatened species

at those sites? Do you think that the marine park can play a role in providing increased protection of the grey nurse shark?

Professor KEARNEY: The simple answer to your question is they could provide a role but it is and will remain a very minor role. There are several issues with the grey nurse shark. You may not be aware that I served on the Commonwealth Threatened Species Scientific Committee that was also involved with the grey nurse shark listing and I am familiar with the information in relation to it. I also have seen a very recent report on it that is just out, I think, days ago. There are a couple of issues here. One is that the assessment that was given to the Commonwealth Threatened Species Scientific Committee about the size of the population was about 470 individuals. I do not think there is any doubt that it was wrong. The current assessment suggests that it is closer to somewhere between 1,200 and 2,000. There is a higher assessment by another researcher that seems to me to be very reputable, and looks really good, that suggests it is around 1,800, which is a lot bigger. I am not saying that you do not need to be concerned but a lot less concerned.

There are also reasonably good suggestions that the species is making a comeback. More juveniles are being observed in areas in which they were not observed before. There are more aggregation sites being found than were found before outside marine parks. I do not have much doubt that this is a classic case where angler and spear fisher education was the primary reason and remains the primary reason for the relative improvement in the species. You have to remember that spear fishers used to target grey nurse sharks and slaughter them. They did. They do not any more. They have been told, they have learnt and they do not do it any more. Until not that long ago grey nurse sharks used to be on the official list of game fish species to be targeted by game fishermen in New South Wales. They used to go and actively target them and weigh them in game fishing competitions. That is not ancient history. One of the fishing representatives might tell me, but I think it is about 20 years ago that the practice stopped. Anglers have learnt and fishermen have learnt and, in my opinion, provided we continue to learn and monitor, get anglers and spear fishers to be responsible about it and point out the importance of it, I do not have much doubt that it will continue to improve whether or not we have marine parks.

The Hon. CHRISTINE ROBERTSON: Given that the stated aim of marine parks is to conserve biodiversity, do you agree with the Marine Parks Authority's use of habitat as a surrogate indicator of ecosystem type? If so, would you agree that by ensuring adequate samples of representative habitats within the sanctuary and habitat protection zones marine parks can help to protect marine ecosystems? I have not heard any evidence in this inquiry that the marine park process is not part of a component of the whole of the marine environment. Can you also register whether the marine parks can be considered as a component of the whole?

Professor KEARNEY: I have no problem at all accepting that they could be. My concern is that they be properly designed and managed and that they be designed on the real issues. The identification of comprehensive and adequate mapping of biodiversity and whatever else it happens to be is important, unquestionably. If you made the conclusion that you were going to have a comprehensive, adequate and representative system of it and you truly protected that representative sample, truly protected it, cost effectively, then it might justify, it does not necessarily—

The Hon. CHRISTINE ROBERTSON: What does "truly protected" mean?

Professor KEARNEY: That is what the Government uses. Would you like me to read the Government definition of "protection"?

The Hon. CHRISTINE ROBERTSON: You said if "you truly protected it". Therefore, you are challenging it. I want you to define it.

Professor KEARNEY: The reason for my challenge is that the Government says all the while that it has marine protected areas. Those areas are not protected. All they are at the moment are fish enclosures. There is no other protection. There is some natural protection provided by having them adjacent to national parks and if the waterways running into them are a bit better than they are elsewhere and that can be shown to help in their maintenance. But as to truly protected, if you want your money truly protected you do not go and put it under a tree and say, "I have protected it from sunlight." You have to protect it from the real threats. As the marine parks are at the moment, the Government draws a line in the water and calls these sanctuary zones protected. In fact, the Government says virtually total protection comes if you exclude all fishing. Those areas are not even protected against fishing. They are closed to fishing in those areas. They are not protected against fishing. Most of the impact of fishing occurs outside those areas. Whether a species is overfished outside those areas and then

impacts within those areas is what is important. If they were to be truly protected against threats like introduced species, upstream effects, pollution and all those things, that would be a totally different story. The problem is that the public is being told that these are truly protected areas. The Government is using those words. I can read you the Government definition. That is the concern.

The Hon. CHRISTINE ROBERTSON: I am concerned about the perception you are delivering that nothing else is happening, such as, the work that is being done to improve the waterways.

Professor KEARNEY: No, I am not denying that at all. I am saying that there is work being done to improve waterways, and so there should. There is no doubt about that. That does not mean that the areas that are being called protected are truly protected because the only additional thing that the parks are doing is closing them to fishing. The reason why fishing needs to be excluded has not been identified and the area is not protected against fishing.

Mr IAN COHEN: In your submission you outline concerns about the socioeconomic impacts from the creation of sanctuary zones, stating that in some cases it would run to hundreds of thousands of dollars for some individual recreational fishers. Can you please explain to the inquiry the basis for this statement, including any specific socioeconomic research that has informed your view? You might want to take part of that on notice.

Professor KEARNEY: No, I am happy to answer it to the best of my ability.

Mr IAN COHEN: As well as that, are there any species under threat of collapse from recreational fishing in New South Wales from your point of view?

Professor KEARNEY: Dealing with the first question, when the original socioeconomic statement—I think that is what it was called—or paper was put out it was significant that there was no consideration whatsoever by the Marine Parks Authority of the impact on recreational fishing. This was largely dismissed on the grounds that "We think these recreational fishers will be able to move and the benefits will outweigh the problems". What I said was that particularly the poor and the aged were not able to move as efficiently as many people and they would be disadvantaged by specific closures. There were many examples up and down the coast where people had actually retired to a specific beach area so that they could walk in their retirement to their preferred fishing spots. For those people the cost was indeed many hundreds of thousands of dollars. I talked to a couple somewhere on the South Coast, or a couple contacted me indirectly and said, "We've just moved here and we've spent a fortune on moving house and got here and now they have closed the beach that we came here for, because we can't walk to it any more."

So there are some individuals who have been seriously disadvantaged, for no assessed benefit whatsoever. That was my concern. Minister Firth's response to the Narooma Port Committee as to why ocean beaches were closed stated that they were closed to protect pippies, beach worms and spawning sites for sea bream, all of which were totally fallacious. The information she was given was wrong. The departmental advice she was getting was wrong. Bream do not spawn on ocean beaches and worms and pippies were not in any danger, so that was wrong. So there were people who were seriously disadvantaged for no assessed benefit. I did not say there were a huge number of individuals, but there are a very large number of individuals who have been disadvantaged at least slightly and some that have been disadvantaged greatly. I am sorry, I have forgotten your second question.

Mr IAN COHEN: Are there any species under threat of collapse from recreational fishing in New South Wales?

Professor KEARNEY: I do not think so. Mulloway is the only one that really worries me from a recreational fishing point of view. I would like to see recreational catches of some other species reined in because I think the collective threats to some of them are fairly great. Snapper is one that worries me. I think the snapper catch is excessive. I think we need to rein that in. As I said, mulloway is the species that worries me most. Most of the species are in no danger of collapse. It is largely a myth that fishing will make them collapse. It very rarely happens. It happens in countries where there is no fisheries management. It does not happen in most others.

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

Professor KEARNEY: Within reason, yes.

CHAIR: Thank you.

(The witness withdrew)

(Short adjournment)

KARL HOWARD SCHAERF, retired railway employee, Honorary Secretary, Central Acclimatisation Society, , , , sworn and examined; and

DONALD KEITH BARTON, retired solicitor, member, Central Acclimatisation Society, , , , affirmed and examined:

CHAIR: Thank you for agreeing to appear here today. If either of you should consider at any stage that certain evidence you wish to give or documents that you may wish to tender should be heard or seen only by the Committee please indicate the fact to the Committee and we will consider your request. If you take any questions on notice today the Committee would appreciate the response to those questions being sent to the Committee secretariat within 21 days of the date on which those questions are forwarded to you. Before the Committee commences to ask questions would one or both of you like to make a brief opening statement?

Mr SCHAERF: I will, Mr Chairman. The Central Acclimatisation Society, which we both represent here today, is a long-established organisation founded in 1937. It is one of the four recognised acclimatisation societies in New South Wales and whilst our origins were in trout fishing, as I have indicated in my submission to the Committee we have long recognised the significance and importance of our native fishes. We are especially concerned about environmental issues because without a suitable environment we cannot have any form of fishing, let alone trout fishing. We have been to the fore in urging NSW Fisheries, if I may use that term for brevity, to become more involved in numerous issues, particularly the environment, stream flows and the current concern, the large concern, we have of access. I think that is a brief enough summary of our concerns at the present time.

CHAIR: Mr Barton, do you have any opening comments?

Mr BARTON: Nothing to add to that, Mr Chairman.

CHAIR: We will proceed with Mr Colless.

The Hon. RICK COLLESS: Thank you for coming in, gentlemen. Could you just tell us what the Acclimatisation Society actually does in relation to both trout and native fishes? I understand you are also responsible for restocking of native fish. Could you expand on that please?

Mr SCHAERF: Under the Fisheries Management Act and the former Fisheries and Oyster Farms Act, the Acclimatisation Society has statutory recognition, and I would like to briefly say that I trust that in any future review of, particularly, the Fisheries Management Act, that particular privilege be retained. I think it is very important for a number of reasons. We, in association with NSW Fisheries, develop restocking programs with trout in particular. We meet once a year to discuss the stocking and the breeding programs necessary at the two New South Wales State-run trout hatcheries from which the fish are taken to carry out these restocking programs.

The Hon. CHRISTINE ROBERTSON: Where are they?

Mr SCHAERF: The principal hatchery is Gaden Trout Hatchery, Jindabyne, and the Dutton Trout Hatchery at Ebor near Armidale. The matter that I referred to—our involvement these days with native fishes—stems from the days when the late John Lake was in charge of the inland fishery station at Narrandera. We became aware of his work and had the privilege of actually having him attend a dinner we held in Bathurst many years ago. We were well aware of the importance of native fish even by that stage and it became a catalyst for our involvement with native fishes, to the extent that we are now involved in and are given the opportunity to comment upon the proposed stocking with native fish of various impoundments throughout the State.

I have a cautionary point to make that it concerns me as an individual, and certainly some of the members of the society I represent, that there may in fact be some overstocking of, particularly, trout, and in some instances when stockings of streams are undertaken there is a potential for overstocking of native fishes. The general perception is that stocking is the answer to everything. Whilst it certainly can assist, particularly when some major catastrophe has occurred, such as a case we had in 1982 when we had an outbreak of the disease *Chilodonella* in Macquarie River near Bathurst. We lost, tragically, most of the native fish population in Macquarie downstream of Bathurst, including Burrendong Dam and the tributaries of the Macquarie, principally the Cudgegong and Turon rivers.

The problem is that if we look at our streams as being able to carry fish, we should look at them as much as a farmer would a paddock. Those streams only have a certain carrying capacity and given that some of the streams have been badly affected by man's activities, particularly in the tablelands areas, through overgrazing, siltation from overclearing of steep, fragile lands, and, of course, increased abstraction, these streams have a limited carrying capacity. We recognise that and we try to work cooperatively and, in a practical sense, with NSW Fisheries. We are provided with juvenile fish, which we undertake to release on behalf of NSW Fisheries under stringent conditions by permits issued. Even trout stockings, which we carry out on behalf of Fisheries, are covered by permits with very stringent conditions.

The Hon. RICK COLLESS: When you are reaching a decision as to how you restock and what you restock with, do you take into account the issue of predation between the trout and the native species?

Mr SCHAERF: Yes, we do, but predation amongst the species is not necessarily as big an issue as are some of the issues to which I alluded a moment ago—the environmental conditions, particularly these past 10 years, this decade of drought we have just experienced. I believe that those events are probably of greater concern to us than predation. There are some very, very successful mixed fisheries in New South Wales, particularly in the impoundments. I can illustrate the success we have had with Wyangala Dam, which, when I was younger, principally was a trout fishery, and only upon the enlargement of the dam and then the final agreement by NSW Fisheries to carry out large-scale stockings with native fishes was the mixed fishery established there.

Burrundong Dam, because of its climatic region and the nature of the rivers which contribute to its storage, has been less successful as a mixed fishery. It certainly has a mixed population of native fishes. We have established a very good mixed fishery consisting of native fish and trout in Lake Lyell near Lithgow, and also, quite remarkably, in the much smaller dam, Lake Wallace, or Wallerawang Dam, near the Great Western Highway—a remarkably good fishery. It certainly has been proven in the case of Burrinjuck Dam in years past that the best fishery is a mixed fishery.

Mr IAN COHEN: It is interesting what you are saying about the best fishery being a mixed fishery. Could you clarify for the committee in terms of restocking how much, in your experience, does the trout that you are restocking with survive? Does it procreate in any of those environments at all or is it just purely a restocking, seeding operation as an ongoing activity? Similarly, with the native fishes, perhaps you could let us know which native fishes you are referring to? You particularly said that they somehow cohabit, whereas I was under the impression that the trout were pretty voracious and they actually overtook a lot of the native fishes and created, therefore, an artificial fishing circumstance.

Mr SCHAERF: Could I deal with the trout first? As I said, the society was founded around the notion that we here in Australia had to bring some of the European heritage with us. Hence, for, as it was termed in those days, sport fishing—we now obviously refer to it as recreational fishing—trout were the ideal. At that stage, sadly, and as a fifth generation piscatorian, it has a deep resonance with me that my forebears did not understand the value or importance of our native fishes. The fact is that in many cases the streams that we have stocked with trout did, in all probability, contain very good stocks of native fishes, particularly in the region around Bathurst. In my submission I have alluded to some of the history of the discovery and the types of specimens, the holotypes, of both trout cod and Macquarie perch that were taken from the Macquarie River in 1829 and 1830, respectively, by a French naturalist, Baron Cuvier and his assistant Valenciennes.

Unfortunately, those before us did not understand the native fishes nor the value; they saw them mostly as food—and along came, of course, land clearing, the gold rush era and the environmental havoc that has caused, and is still ongoing, let us not delude ourselves, and now these days we have the ever-increasing problem of water abstraction, and it certainly has had an impact on our streams and their carrying capacity. In the case of trout, of course, they have less tolerance to high water temperatures than do our native fishes, but they can also survive in a shallower stream condition with lower water temperatures, which often occurs on the tablelands, particularly in the winter months.

Many of the great holes in those wonderful rivers of the tablelands—that is, in the Southern, Central and Northern Tablelands—have been silted up as a result of our activities since white settlement. To a large extent these holes, which once would have acted as reservoirs for our native fishes to survive the drought periods and then move back out and repopulate, have been lost. It is deplorable to see the amount of silt, in

particular, in the Macquarie River and some of the tributary streams such as Evans Plains Creek—a classic example of where things have gone badly wrong in fragile granite soils.

I have no doubt from the research I have done myself—being an avid fisher of native species and concerned about their survival and preservation—that there were cod and probably trout cod, which these days is an endangered and threatened species, in Evans Plains Creek. So much so that some years ago the Soil Conservation Service spent many thousands of dollars—in fact, it spent well over \$1 million—trying to arrest soil erosion in the Evans Plains Creek catchment, to prevent silt sludge moving down it and into the Macquarie River and affecting Burrendong Dam. It is a matter of record that that money was spent on the project.

Trout stocking is affected by climatic conditions, the trout reproduce naturally and there are spawning areas. It is not uncommon, in particular, in the higher reaches around Oberon and Rydal in Lithgow, to see trout not only running up from the manmade dams and impoundments to spawn but also running up those streams to spawn and there is natural reproduction. In some ways the conditions that we have created have assisted them. If you understand the coldwater releases below these major impoundments you would be aware that we have created coldwater pollution which has had a severe impact on our native fishes, in particular, where these dams are constructed on the verge of the tablelands as you go down to the slopes—Burrendong and Wyangala are classic examples. They have driven our native fishes further downstream and affected the conditions that they require to spawn with the higher water temperatures, generally, 20 degrees Celsius or higher.

There are good reasons to restock. The only concern that I have is whether we have enough knowledge about the numbers we are putting into these streams. Do we have enough scientific evidence? The society I represent has reduced the number of trout—I believe we have acted extremely responsibly in this regard—that we stock in our streams. We do not physically release the fish from the impoundments—the trout that are stocked in the impoundments are stocked by NSW Fisheries—we release the fry, as they are called, from the trout hatcheries into our streams. As I explained a moment ago, they are all subject to review, are under very stringent conditions, and are all reviewed by NSW Fisheries. Under the fisheries management strategy stringent conditions are applicable to other species.

I have already alluded to the concerns that I have. I am not unmindful of the impact on some species of frog. The Booroolong frog is a classic example. The only question is: Has it been proved that they are at some of the sites that people have claimed—sites where currently they are supposed to be extinct?

The Hon. CHRISTINE ROBERTSON: Could you explain that?

Mr SCHAERF: The Booroolong frog is related to the green and golden bell frog in Sydney—a frog with which you are probably familiar. I am not sure whether the Booroolong frog is an endangered or threatened species, but certainly there has been some impact on its habitat. There are sites on the Central Tablelands with which I am obviously quite familiar, which were identified as having an extant population. We have a restriction of, I think, four kilometres; we cannot stock within four kilometres of those identified sites.

If these frogs are still there, given that trout have been stocked in the Central Tablelands for over a century, we must question whether it is necessarily correct that those populations are still there. It intrigues me at the very least that they could still be there, given the amount of stocking with native fishes and particularly the environmental degradation. I understand that the Booroolong frog requires rocky and stony streambeds. If you saw the Macquarie River around Bathurst, one of those identified sites, you would find, unfortunately and sadly, that it is a very sandy riverbed.

Mr IAN COHEN: In your submission you recommend increasing inland fisheries compliance officers by six positions?

Mr SCHAERF: Yes.

Mr IAN COHEN: Is this based on current concerns about a lack of compliance? How have you arrived at that figure? Where are the main areas in which some anglers or users are not doing right thing? Are we talking about the fishing process, or are we talking about environmental impacts or access? We have heard other evidence to suggest that when some fishers go into those areas they are not looking after them.

Mr SCHAERF: To answer your last comment first, the enforcement of anti-litter or anti-digging does not fall within the ambit of compliance officers. Sadly, some people still dig for bait on the banks of these streams, which is a deplorable practice and almost as bad as the unfettered access of stock.

Mr IAN COHEN: A compliance officer would not pull them up on that?

Mr SCHAERF: No, compliance officers would have no authority to do so. I do not doubt that some would do so, but unofficially they do not have the authority to enforce anti-litter regulations or legislation. I know for a fact that some of the compliance officers would like to be able to do that. We had a recent incident at Trangie on the Macquarie River where a campsite was left in an absolutely deplorable state. To get back to the number of compliance officers, given that there has been an increase in the population since the current numbers were arrived at, there have been staff cuts and there have been consolidations. I consider it to be nigh on impossible for the current numbers of compliance officers to cover the areas of the State—and, in particular, the Western Division—that they are expected to cover.

Over Easter there was an incident at Trangie. I was sent a text message from a member of my society and we had to arrange to get the compliance officers, as they are now known, from Dubbo to attend. I cannot go into the details because I am not familiar with them. However, I can certainly say that it was a serious event. The offenders were apprehended, which was great, but we have serious issues when fishers ring the so-called hotline—the 1800 number—and get nowhere. They get a recorded message. Compliance officers go on leave for various reasons—compliance officers must take periods of leave—and there are no relief officers to cover those periods. Often they have kids of their own so they take leave during school holiday time. Being a parent myself, although my children are now grown up, I can understand why people want to take their annual leave during school holidays. It is a simple matter.

But the compliance officers are not allowed to operate on their own; they must operate in pairs, for obvious reasons, because there have been instances when they have been threatened and attacked, in particular, on the coastal fringe. There have been attacks on compliance officers and I am aware that serious assaults have occurred at various times. We need more compliance officers. The current stations, as they are usually referred to, are not necessarily located near to the areas where these serious offences are taking place.

We have been successful in undertaking educative programs such as the "Get Hooked ... it's fun to fish" school program that is funded by recreational fishers through the recreational freshwater and saltwater trusts. I say these things because I believe that we are making a contribution. We already fund six inland compliance officers from the freshwater portion of the revenue from licences. I believe that the Government, at the very least, should meet more of its community service obligations.

Mr IAN COHEN: I understand that in your submission you call for New South Wales fisheries responsibilities to be moved to the Tourism or Sport and Recreation portfolios.

Mr SCHAERF: Yes.

Mr IAN COHEN: On what grounds are you concerned about that? Can you explain what capacity New South Wales Tourism or the Department of Sport and Recreation have to manage fisheries? It is a bit of a reckless call.

Mr SCHAERF: I do not believe so. Compared with other agencies such as Industry and Investment NSW, the fisheries department is very small. I believe it is regarded and treated as insignificant. I think I used the term "subservient" in my submission. I may not have, but I am prepared to say it here and now. It is subservient to the interests of agriculture and even more so these days to mining. The many activities overseen by Industry and Investment NSW take far greater precedence. I can understand that economically but not environmentally.

Most people at some stage have dangled a line; I think that most of us have been fishing. I do not know whether members have, but many people have, even if only occasionally. It is a recreational activity enjoyed by a large number of people on a more frequent basis, such as the people I represent. Nevertheless, the department is understaffed and poorly resourced. The department may not necessarily agree, but I think most recreational fishers see it that way. It is disregarded and treated subserviently because the interests of other entities are seen as more economically significant. I may be wrong, but I believe that when environmental impact statements are

considered the concerns of the many excellent fisheries scientists in New South Wales do not necessarily get an appropriate hearing or their recommendations accepted and acted upon.

The Hon. CHRISTINE ROBERTSON: If fisheries concerns were part of a broader agriculture or tourism portfolio I am interested to hear how you might compete with the Temora air show. That is what would happen.

Mr SCHAERF: I am very interested particularly in piston-driven aircraft. I love aircraft, particularly Second World War vintage aircraft.

The Hon. CHRISTINE ROBERTSON: Yes, but that does not help with fishing.

Mr SCHAERF: There is likely to be more funding available. It is a simple matter of dollars. I believe the current system lacks funding. Freshwater fishers provide \$3 million a year out of total licence revenue. It is effectively based on a two-thirds to one-third ratio. I am not out to bag the Government, but I believe it is not necessarily meeting its community service obligations.

The Hon. CHRISTINE ROBERTSON: I register that. However, I think you should check the budget papers to see how much the Tourism portfolio gets before you leave the portfolio you are in now.

Mr SCHAERF: Perhaps we could be with the Department of Sport and Recreation. It might have more money.

The Hon. CHRISTINE ROBERTSON: I would check the budget papers if I were you. I understand the issue because a witness at the last hearing discussed it. I also understand the issues in respect of catchments and the degradation that has happened and continues to happen in some geographic areas. Work been is being done by catchment management authorities, the Department of Climate Change, Environment and Water and Agriculture NSW on the protection of streams and rivers, especially in the tablelands. I know it is not happening at 100 kilometres an hour, but it is happening. You would know that because you would be involved. It is about the protection of banks and environmental flows. New dam projects on the North Coast could not go ahead until environmental flows were delivered. That sort of thing is happening. Do you think it would be better if fishers were involved in those processes; that is, if you had an opportunity to put your case about the catchment management authority work?

Mr SCHAERF: Yes. We do have some input. Individual members have belonged to catchment management authorities in the past. However, I understand there have been changes to the way in which catchment management authorities operate.

The Hon. CHRISTINE ROBERTSON: They are incorporated.

Mr SCHAERF: At least two current members were on a catchment management authority board. They were able to represent our interests on one particular catchment management authority, but that has been changed. I do not know at this juncture whether we as individuals could be board members. I believe it would be good if fishers were able to put their case to those authorities.

I am well aware that good work has been done. However, I am also aware that funding has been reduced. Some of those programs, such as the Bringing Back the Fish project, have been suspended largely because of catchment management authority funding cuts. Federal funding processes have also changed. Again, having been a member of the Recreational Fishing Freshwater Trust, I am well aware that some of those entities have approached the trust for additional funding. We were also supporting the work and made contributions through the trust to the work being undertaken in catchment management, remediation and stream degradation.

The Hon. CHRISTINE ROBERTSON: You would have a special interest in the term "environmental flow".

Mr SCHAERF: Absolutely. I have made reference to that. I have long been interested in environmental flows.

The Hon. CHRISTINE ROBERTSON: These catchment management authorities have very strict criteria for board membership. That is how they keep our mates off the boards. The criteria are in legislation or

regulations. How do you suggest that the Committee think about catchment management authority membership for groups like yours? One of the problems with this inquiry seems to be fishing groups all representing themselves and there being hundreds of different organisations. How would you suggest that board membership be determined so that fishers have the opportunity to have a say? A lot of the debate in this inquiry has been about who should have control.

Mr SCHAERF: As you are probably aware from my submission, I do not believe that any one body should become the electoral college. I have made that clear. That would give that one body much more influence than it should have.

The Hon. CHRISTINE ROBERTSON: So it should be based on skills?

Mr SCHAERF: Yes. It should be based on skill, experience and a proven record. I have some concerns about one entity or another becoming the electoral college. I alluded to representation on the advisory council and the Recreational Fishing Freshwater Trust Expenditure Committee in my submission. I see real problems in that. I am a member of another organisation that has in the past claimed to be the peak body representing freshwater fishers. I have some concerns that people can be overawed or dictated to when clearly they may have a different opinion from those who effectively saw their election to that committee.

The Hon. CHRISTINE ROBERTSON: Have you any members from the northern tablelands?

Mr SCHAERF: No.

The Hon. CHRISTINE ROBERTSON: Is that because you are the central area?

Mr SCHAERF: We are central, yes. However, we belong to an organisation that was founded by the acclimatisation societies back in the late 1950s.

CHAIR: Is that COFA, the coalition of freshwater anglers?

Mr SCHAERF: The CFA, the New South Wales Council of Freshwater Anglers. The original establishment was the institute of freshwater fishes. The four acclimatisation societies at the time and the Rod Fishers' Society established that organisation.

The Hon. TONY CATANZARITI: Access to inland waterways appears to be a perennial problem for fishers?

Mr SCHAERF: Yes.

The Hon. TONY CATANZARITI: Can you suggest ways in which access can be improved while still acknowledging the rights of individual property owners?

Mr SCHAERF: I can. I have been involved in lodging objections on behalf of my society and the wider fishing public to the closure and sale of former public roads, old paper roads, Crown reserves and leases. It is a deplorable situation. As I indicated in my opening statement, I am a fifth-generation Bathurstian. Much like the Aboriginal people, I have a feeling of belonging to the land. I do not believe I have any Aboriginal blood in me, but I understand how those people feel the land is their mother. I have that innate sense of belonging. I believe that we can coexist alongside landowners simply by acknowledging these old paper roads, which were established often as bush tracks by our forebears in the pioneering days, and retaining them. I trust I can make a slight political comment here, Mr Chairman?

CHAIR: You can say anything you like, provided it does not defame anybody.

Mr SCHAERF: I am a former member of the Australian Labor Party. I was a member of the party for 10 years. I was a branch secretary, I was a branch secretary-treasurer and I was a delegate to both SECs and FECs. I cannot believe that this has continued under the Labor Party, the sell-off of these things that I and many others regard as our birthrights. All we want is for those tracks to be acknowledged. We do not want people chugging up and down them in vehicles. It would be so simple to create, as I have alluded to, walking trails in the Flinders Ranges or these access laneways that exist in Tasmania. I have been to Tasmania only once, but I have seen the signage "Fishing Access Ways". I have been to New Zealand also and seen over there. The

recreational fishers coexist. They do not destroy the property. They do not interfere with stock or fences or infrastructure. By retaining these access places we are creating something for our descendants—for the future. We ought carefully look at the way this is going on at the present time. I am very passionate about access. I am getting on in years now, but I used to go out and fish on properties that were well over 500 hectares. These places now have been carved up into 40-hectare blocks. Rather than walking through the farmer's backyard, all I would do is ring up and say, "I want to go down fishing." I would be given access, or I knew them. But nowadays effectively I am walking through somebody's backyard.

The Hon. TONY CATANZARITI: You referred to wanting your area being part of tourism?

Mr SCHAERF: Sort of.

The Hon. TONY CATANZARITI: Would you consider getting the local council involved in providing access roads? How would you achieve being part of tourism?

Mr SCHAERF: That is a very good suggestion. To be quite frank, I had not thought along those lines. However, in some instances councils also are part of the problem, particularly in the more remote and less-populated councils, in that they do not necessarily have a pro-fisher outlook or even a sympathetic outlook towards fishers. I do not wish to berate farmers—my Australian forebears were farmers from the Bathurst district—but often they see us as an enemy rather than an ally or friend. We too see them often as the enemy for some of the practices to which I have alluded—unwise clearing and allowing stock unfettered access to our waterways. However, I believe the access officer position we currently fund with New South Wales Fisheries is an onerous position for the occupant. If he gets all the States' applications for sale and closure, he will be absolutely snowed under. At the present time I have a swag from the Orange LPMA that I am considering on behalf of the society. I have to make a decision whether I could make a reasonable objection to the granting of the approval. I will not make vexation objections. I have no intention of doing that, but I believe that we need another access officer. From memory, we fund the current access officer position from the freshwater trust to the tune of well over \$100,000 because large on costs are added to the actual salary of that officer. He has a very full-time job.

The Hon. TONY CATANZARITI: The councils have compliance officers?

Mr SCHAERF: Yes.

The Hon. TONY CATANZARITI: I do not want to go into that now, but could they do that?

Mr SCHAERF: Prior to the creation of the access officer position these applications were referred to compliance officers. Whilst I accept that as a stopgap or interim measure, if you like, I lobbied very hard within the trust committee of which I was a member at the time to have something done about access. The solution was to create the position, which we would have to fund.

CHAIR: Your submission recommends a broadening of the guidelines for the operation and expenditure of the two recreational trusts?

Mr SCHAERF: Yes.

CHAIR: Can you give examples of some areas in which those trust funds could be better or more usefully spent? Also, in regard to access and a place for recreational fishers, you would be aware of the current experiment where one of your acclimatisation societies is undertaking the role of trustee for public access et cetera. Should that role be expanded or should we see how it works first? If so, would the acclimatisation societies or whoever will be the trustees be supported from trust funds?

Mr SCHAERF: To answer the last question first, if those funds were available. I tried to get the trust fund to contribute money towards the purchase of water rights on the Warrego River some two and a bit years ago when the big stink was on about the potential loss of flow from the Warrego River to the Darling River and I was knocked back simply because the trust does not have corporate governance and cannot use the funds.

CHAIR: It does not have the ability?

Mr SCHAERF: It does not have the ability to do it. It is as simple as that. That is the example I alluded to in my submission. I believe it needs to be addressed very rapidly.

CHAIR: What about fisher bodies acting as trustees?

Mr SCHAERF: Absolutely. I am fully in favour of that. I am hopeful that my society with me as its secretary can become trustee of a much larger area—you will probably have a wry smile—within the confines of the Wollemi National Park on the Cudgegong River upstream of Dunns Swamp, to which I have referred. It is a bureaucratic nightmare to stock at the present time. I am keen and I have the support of my society to progress with that. I am well aware of Paddy's Corner down in the Monaro, which the Monaro Acclimatisation Society is taking on.

CHAIR: Could you clarify what you mean by the stocking of Dunns Swamp? Are you talking about native species only?

Mr SCHAERF: Yes I am. Dunns Swamp is a man-made structure; it is not a swamp as such. Certainly there are swampy areas at the headquarters where the Cudgegong River flows in. It may have been a swamp in past times, I do not know the history of it, but certainly it is a man-made structure that is still being used to supply water to Kandos and the Kandos cement works. I am aware of it being stocked with trout for well over 40 years in my time as a member of the society, and it has been stocked with native fishes.

Some years ago the National Parks and Wildlife Service took over that area and it was added to the national park. It has benefited from that, I do not deny it, because unfortunately there are some elements in society who think that access to places like that allows them to do some unthinkable things to the natural environment. I am a four-wheel driver myself but I believe I am extremely responsible one and I have always said I am not a bush basher.

CHAIR: For the Committee's benefit can you quickly tell us what has changed from the national park?

Mr SCHAERF: What has changed since the national park was added to the world heritage area, it can no longer be stocked with native fishes—we long ago ceased stocking it with trout. It can no longer be stocked with native fishes because recreational fishing is regarded as a form of harvesting and harvesting cannot take place in a world heritage area. It is as simple as that. It is bureaucracy gone mad.

CHAIR: Thank you for your evidence today. 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 the opportunity to ask of you today?

Mr SCHAERF: I certainly am prepared to do that.

CHAIR: The secretariat would appreciate any replies within 21 days of your receiving the questions.

(The witnesses withdrew)

PETER WINTON SAUNDERS, President, Underwater and Skindivers and Fishermen's Association,

ADRIAN HENRY CROMPTON WAYNE, Vice-President, Underwater and Skindivers and Fishermen's Association,

OLIVER JOHN WADY, Executive Committee Member, Underwater and Skindivers and Fishermen's Association, , sworn and examined:

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

Mr SAUNDERS: Yes, I will make an opening statement. The Underwater Skindivers and Fishermen's Association has been serving its members for 60 years and is the peak body for spearfishing in New South Wales. The association is devoted to the development, promotion and protection of spearfishing as an ecological, sustainable method of fishing. The objectives of the Underwater and Skindivers and Fishermen's Association are to ensure that amateur divers and underwater enthusiasts can continue to enjoy spearfishing activities and access to the waters of New South Wales.

The association's mission is to achieve this through the following actions: Provide literature and educate participants; accreditation of all New South Wales spear fishermen; issue media statements to convey information to the public; work proactively with all stakeholder groups and regulatory authorities; conduct and assist with relevant surveys or research; promote the positive and sustainable nature of spearfishing; provide rules, codes, regulations and policies for spearfishing; work with other similar recreational groups to increase awareness of our activities and attract new members; strongly oppose any limits to be placed on our sport that are deemed unreasonable; offer diver education programs and provide an avenue for members to participate in the safest manner possible; encourage independent and social divers to join and have representatives stand for any issues or suggestions; offer internationally accredited snorkel coaching programs and free dive instruction; conduct events and networking opportunities; provide tournaments for divers to compete; recognise excellence and achievement and represent members' interests on advisory councils established by authorities—committees such as LobMAC, ACoRF and AbMAC; and engage legal resources to contest matters that affect the interests of members.

With this in mind, and considering our long association with fisheries, the question should be asked why the Underwater and Skindivers and Fishermen's Association nominated representatives are the first group to be excluded from the following: Representation on marine parks committee's; access to marine parks—Lord Howe is the only fishing place that we cannot go and fish at; grey nurse sanctuaries zones—there is no evidence to link today's spearfishing, which is sight-based fishing, as threatening to grey nurse sharks. Furthermore, spearfishers were instrumental in showing that data purported by so-called scientists showing critically low numbers of grey nurse sharks were grossly incorrect. We continue to argue the case and substantiate this through the provision of sites previously unknown to science but known to divers as carrying comparatively large quotas and populations of grey nurse sharks. The issue that prevails is that there is now a low confidence in grey nurse data from scientific academics, and spearfishers, who know the local important grey nurse populations, are understandably cautious or disinclined to share this information.

Other exclusions include: Representation on the relevant fishing advisory councils—MACs, as we call them—such as LobMAC and AbMAC—as opposed to trap and line, which is comparatively outside our remit, although a MAC in which we are involved; the creation of fair and reasonable bag limits—this particularly pertains to rock lobster, where we should have expected an increase in the recreational limit and reduction in the commercial quota for fairer sharing of resources; and abalone, where the recreational limits could be maintained and the commercial quota reduced to allow the resource to recover.

What do we hope, as spear fishermen, to see to come from the Legislative Council's select committee's inquiry on recreational fishing? Proper representation of Underwater and Skindivers and Fishermen's

Association nominated representatives of spearfishing on all relevant government advisory groups that directly or indirectly impact recreational fishing. The association recommends an alternative representative and management structure for recreational fishing management in New South Wales with the formation of an independent New South Wales Recreational Fishing Council. The association recommends that the representation of parties on the recreational fishing advisory councils and committees not be allowed unless reciprocal arrangements are in place for anglers and spear fishermen to be present on all government conservation committees that could affect the status of recreational fishing in New South Wales.

The Underwater Skindivers and Fishermen's Association recommends that there should be frequent research and monitoring of the social and economic value of recreational fishing in New South Wales and that the outcome of this research be applied to regional development, community and health planning. The Underwater Skindivers and Fishermen's Association recommends that core funded and non-core funded activities of Fisheries be clearly delineated and that Fisheries should not be allowed to make applications to the Recreational Fishing Saltwater Trust and Recreational Fishing Freshwater Trust for funding of core activities. The Underwater Skindivers and Fishermen's Association also recommends that the status of Fisheries within government should be restored by the appointment of a Director of Fisheries, reporting to the Minister for Fisheries.

The Underwater Skindivers and Fishermen's Association also recommends that the plans of management should allow for recreational fishing access, and that recreational fishers should be involved in the development of these plans. The Underwater Skindivers and Fishermen's Association recommends that the New South Wales Government address its appalling record on consultation with recreational fishing on marine parks and its failure to develop recreational fishing management regulations for marine parks without regard to proper scientific research and diligence. The Underwater Skindivers and Fishermen's Association recommends that Fisheries should be recognised as the sole regulator of recreational fishing in marine and national parks.

The Underwater Skindivers and Fishermen's Association recommends that once the need for protection is identified by robust science, a variety of management tools should be used to achieve the protection with a management framework that accommodates all marine park users. The Underwater Skindivers and Fishermen's Association recommends that plans of management should allow for recreational fishing access, and that recreational fishers should be involved in the development of these plans for marine parks and national parks. The Underwater Skindivers and Fishermen's Association recommends that scuba shops and scuba divers pay a licence fee to dive in marine park sites, and dive sites and grey nurse protection sites, with limited scuba diver numbers visiting these sites daily. Also they should provide an environmental impact study for these sites.

The Underwater Skindivers and Fishermen's Association recommends that the saltwater fishing licence have a tick box showing the sport people do, with another box if personal information can be used, and whether information can be sent to the fisher. Also on the licence, an email address would be handy. Extremist group and conservation groups, such as the National Parks Association, freely admit that their objective is to achieve an increase in sanctuary zones and marine parks. This is a move that should not be made without rigorous scientific research. It should not be driven by the heinous desire to eliminate recreational fishing at all costs. The outcome we would be seeking as a process of proper consultation is a fair and equitable support by science to which we have input and we are ultimately agreeable to. The Underwater Skindivers and Fishermen's Association agrees and again recommends that Fisheries should be recognised as the sole regulator of recreational fishing in marine parks and national parks.

CHAIR: There is one point on which I seek clarification. Your members do not use scuba gear. Is that correct?

Mr SAUNDERS: No—free dive.

CHAIR: What sort of range of depths would your members fish in?

Mr SAUNDERS: Probably the deepest dive most divers do would be probably somewhere between 10 and 20 metres.

The Hon. LYNDIA VOLTZ: I just want clarification of your submission. You refer to the Underwater Skindivers and Fishermen's Association's recommendation on "representation on parties on recreational fishing advisory councils". What do you mean by "representation on parties on recreational fishing advisory council"?

Mr WAYNE: What we are saying is that we want representation of Underwater Skindivers and Fishermen's Association-nominated persons on those particular councils. That is what it means.

The Hon. LYNDA VOLTZ: Really it is a representation on recreational fishing advisory councils.

Mr WAYNE: Yes.

The Hon. LYNDA VOLTZ: The Underwater Skindivers and Fishermen's Association recommends an alternative representative on the management structure for recreational fisheries management in New South Wales with the formation of an independent New South Wales recreational fishing council. How does that differ from your view that Fisheries should have management of recreational fishing zones?

Mr SAUNDERS: I am sorry, I have lost my train of thought.

The Hon. LYNDA VOLTZ: You say that the Underwater Skindivers and Fishermen's Association recommends an alternative representative and management structure for recreational fisheries management in New South Wales, but in your spoken submission that you have just put forward you said that Fisheries should have management of the recreational fishing zones. The two statements seem to be in conflict. Perhaps I am just not clear on what you meant by point two in your submission.

Mr SAUNDERS: What we are trying to say there is that we are after the recreational fishing council to look after all fisheries in New South Wales, and then go back to Fisheries as far as fisheries management and all that sort of thing goes.

CHAIR: So you are suggesting an independent body that reports to the Minister for Fisheries. Is that what you are saying?

Mr SAUNDERS: Yes.

Mr WAYNE: Yes. We still feel that you require Fisheries. You require a fisheries department, but I do not believe that we need it to be the size that it is. When it comes to whatever the fisheries department has to do with recreational fishing only, we should have a far greater input in as much as all of the different fishing-type groups should have a committee, similar to what the Advisory Council on Recreational Fishing [ACoRF] is now, but represented by the fishing groups, that actually come up with the bag limits and size limits, look for the type of science they require, look through records of catches and catch rates, which are not done now. All of those things should be done so that when any regulation is set down, it is set down with the input of the fishing people, not fishing scientists telling us what it is going to be. That is basically what we are looking at.

The Hon. LYNDA VOLTZ: In your second last point, you also say that there is a conflict between normal fishery bags and possession limits and those imposed by the Marine Parks Authority creating confusion and anger among well-intentioned recreational fishers. I have gone back and checked with my fishing licence. I received a letter that stated I need to check the rules and regulations by going to the website. I also note that the recreational fishing pamphlet, which you may or may not have seen from the department, outlines recreational fishing in New South Wales marine parks. Is it because your members do not have access to computer and Internet services and the marine parks shops, or is there just complete confusion in terms of the documentation that has been provided?

Mr SAUNDERS: I think what you probably do not know is that Fisheries sets up bag limits and all that sort of thing. That is a Fisheries thing. If you go into a marine park, they have a different bag limit than the Fisheries. In a certain marine park down in Jervis Bay, we can take slipper crayfish in any other part of New South Wales. There are no signs to say that slipper lobster is in decrease anywhere. There has been no science done on it. Guess what? Down in Jervis Bay, we got pinged for taking slipper crabs. We know that the pro fisherman down there cannot take cuttlefish. They have not been pinged for it, but on the recreational fishing thing, it says that you cannot take cuttlefish in that area and octopus.

Mr WADY: The true frustration at the whole system is that we have been involved when Jervis Bay Marine Park was set up. There was no discussion with anyone about taking slipper crays off the bag limits. It got put into the regulations and no-one picked it up. Now suddenly members are being fined with no discussion. Yet if you look at the bag limit here, it says that you are allowed to take two, but if you go down to look at their fine print, you are not allowed two.

The Hon. LYNDA VOLTZ: Which bag limit are you referring to?

Mr WADY: This is for slipper lobsters. In Jervis Bay, you are not allowed to take them according to the Marine Park Regulations.

Mr SAUNDERS: Not fisherman.

Mr WADY: Members are getting fined down there. They had a review, which was about two and a half years ago. We did not even get consulted as a group with that because we do not have any representation on the committee. We went down on a separate matter for a meeting with them and they said, "Is everything fine?" They did not mention to us that there was an issue with slipper crays and that they were starting to fine people. They did not mention that at all. I would not be surprised to find out that they have once again renewed it without even discussing with an organisation such as ourselves that that limit is there.

Mr SAUNDERS: It is in the process at the moment of getting changed, but why has Marine Parks got anything to do with announcing a restriction on a fishery when they know nothing about the fishery that is going on in the rest of the State?

The Hon. LYNDA VOLTZ: So the confusion is not being created because of the information that is being provided. It is about the processing in regard to changes to the limits.

Mr SAUNDERS: Even the information—

The Hon. LYNDA VOLTZ: And that this is being done by the Marine Park Authority.

Mr SAUNDERS: Until about three months ago, the boards around the Jervis Bay Marine Park had nothing on them about slipper crays. As soon as we started putting in a stink about our members getting done for it, the board was put up with slipper crays on it.

Mr WAYNE: It was put up.

Mr SAUNDERS: So you tell me.

The Hon. LYNDA VOLTZ: So it is the signposting at the parks?

Mr SAUNDERS: It is not only the signposting; it is the process, is it not?

Mr WADY: It is both.

Mr IAN COHEN: Slipper crays might just be an indication of your considerable influence and impact on the Government perhaps more than the greenie groups; you would be surprised. Your submissions states that an average of 20 per cent of marine parks are closed to fishing as sanctuary zones. We have heard from the Government that the percentage figure of sanctuary zones is actually 6.7 per cent of the area of marine parks. On what basis do you claim that 20 per cent of marine parks are designated sanctuary zones? Do you have any evidence on that?

Mr WAYNE: We are talking about sport in particular and we cannot just take a paddock and say that a whole paddock is available to spear fishermen because it is not, because there are rules already that prevent us from diving in many, many areas, such as off beaches, in estuaries and on break walls.

Mr IAN COHEN: So you are saying that the 20 per cent—

Mr WAYNE: We are saying that at least 20 per cent of available area to us has been taken—at least 20.

Mr SAUNDERS: Available to us.

Mr WADY: There are physical constraints and there are also physiological ones. Our members, bar maybe 1 per cent, can go in water greater than 20 metres without risking death basically.

Mr WAYNE: And it is only around rocks.

Mr WADY: A lot of those sanctuaries take out a lot of that shallow water area that our divers can go to safely, and that has a major impact on us. A sanctuary might not look bad when it goes three miles out to sea, but when your 20-metre line is only 20 metres off the rocks, it has a major influence on us.

Mr IAN COHEN: I know up my way, up on the North Coast, they have actually excised the sanctuary zones from the in-shore area to actually allow that type of fishing access in the Cape Byron Marine Park. It is something a lot of conservationists are concerned about but it actually gave access to both spear fishers and line fishers virtually from shore as a result. Are you not acknowledging that is the position?

Mr WADY: No, because then I believe you have to go to the other part, which Adrian brought up; in Byron Bay spearfishing has virtually been limited through the use of sanctuaries. We cannot go off the beaches there legally. So we cannot get into those in-shore waters because we cannot step off the beach to go spear fishing. We have to be within 20 metres of a headland and what is that? All the headlands happen to be sanctuaries. There is bit of a problem here. We can illegally access—

Mr IAN COHEN: I do not want to go into details because there has been, around the Broken Head area, excision of areas for fishing, which I personally oppose, so it is a bit rough to see you making that claim when I know that there is access in those areas for fishers.

Mr SAUNDERS: I can tell you about Broken Head. We cannot fish at Broken Head.

Mr WADY: You can down the southern end but it is very, very small. The fishing is all at the northern end.

Mr WAYNE: That is right, and there is nothing there really either.

Mr SAUNDERS: They took one of our prawn-jewfish spots off us at Broken Head.

Mr IAN COHEN: What, at the second last cape of the nature reserve? Because it is still there and the sign is still there.

Mr SAUNDERS: You cannot go off the beach to dive it.

Mr IAN COHEN: We do not need to get into an argument about that. There are still significant areas in the reserve where you guys can go out.

Mr WADY: I disagree with that. Having spearfished it for a number of years prior to the ban we cannot fish it legally, aside from fishing over bare sand.

Mr IAN COHEN: Your organisation states that the Government has an appalling record of consultation with recreational fishers in marine parks and the Government's regulation of marine parks is not based on proper scientific research and diligence, yet we have heard directly from the Government that the management of marine parks is based on both scientific and socioeconomic considerations. Could you provide any details as to the basis of your claim to the contrary? You can take this on notice if you want to give a more detailed answer.

Mr SAUNDERS: Could you repeat that question?

Mr IAN COHEN: You claim that the Government has an appalling record of consultation with the organisation on marine parks yet it says it has done it on scientific and I suggest—the little argument we had before—on socioeconomic considerations as well.

Mr SAUNDERS: We have one representative from Underwater Skindivers and Fishermen's Association on a marine park and that is up at Coffs Harbour. We have asked for representation on every other marine park in New South Wales and to this day we still have no representation. They put a line fisherman in to represent spear fishermen. We have got one down at Jervis Bay and he refuses to talk to us.

Mr IAN COHEN: A line fisherman?

Mr SAUNDERS: A line fisherman representing spearfishing in the marine park at Jervis Bay.

Mr WADY: I should add, that it is openly said at marine park meetings that he does not like spearfishing. In fact, he is quite opposed to it, so the question is: How do we get fair representation at those committee meetings when decisions are being made?

Mr SAUNDERS: And the other one we would like to put up is: If we were to have fair representation, how come we still cannot dive at Lord Howe Island, where we have no representation at all. We are the only fishing body in New South Wales that cannot fish at Lord Howe Island.

The Hon. LYNDA VOLTZ: I seek clarification: On the 20 metres with the beaches, you are talking about the requirement under the licensing that you can only fish at 20 metres at the end of either ocean beaches?

Mr SAUNDERS: Yes, from the headland.

The Hon. LYNDA VOLTZ: That is the limitation, where you put those two together?

Mr SAUNDERS: Yes.

Mr WAYNE: Just in regard to Lord Howe Island, can I just comment further on that? Fisheries and marine park bodies, when they are setting it up, they are supposed to be considerate of legitimate activities of fishers, of which spearfishing is considered to be one by Fisheries, without any doubt. But in the case of Lord Howe, 70 per cent of people support spearfishing, of all the submissions that went in. The main population of the island, I believe, did not support spearfishing but there was no case run for us with the population of the island. We were not approached by Fisheries, who were supposed to be trying to incorporate a marine park to allow all legitimate users to have access. It was just taken, "Oh well, there's 150 people who don't particularly like spearfishing so you're out".

I think that is appalling; that nobody approached us, nobody said, "Let's go to Lord Howe, let's go the Lord Howe Council and talk to them about how Lord Howe can be negotiated for spearfishing". What are their objections? If they do not like us to take this, this and this, perhaps we do not want to take them. We will get down to snapper, kingfish and pelagics only. Perhaps we only do it out of their charter boats because Lord Howe was the perfect example of how a sport that is frowned upon by many people could be done as a legitimate exercise, where you cannot go in your own boat and do the wrong thing. You cannot get into Lord Howe. You have to go over there and dive with a charter operator. It was a perfect opportunity to put in a heap of different regulations for spearfishing. Spear fishermen do not want to take 20 snapper, they want one—and one good one. They may want to take one kingfish. We do our sport completely different to line fishing because we can see what we are taking, so we have that opportunity.

Yet there was no representation made to the population of Lord Howe. Yes, the Marine Park Management Act has that loophole in it that other things can be considered, socio or economic things can be considered in addition to all of the submissions received, but when we had over 70 per cent support for the fishing, if there was objection from the island, one would have thought that an organisation that was supposed to represent us—and Fisheries are supposed to represent us—could have represented us for Lord Howe and at least made us aware of the fact and taken us to talk to Lord Howe. I think that is appalling that they did not.

Mr IAN COHEN: That is a fair point. You implied that the National Parks Association's—you called them extremist greens or an extremist conservation group—call for an increase in sanctuary zones is not based on national science?

Mr SAUNDERS: No.

Mr IAN COHEN: Given that the total area of sanctuary zones in New South Wales is well below the recommendations of the international scientific community, could you explain how you have arrived at your view that the National Parks Association is out of step with the science?

Mr SAUNDERS: You know yourself, has there ever been a report come out of a marine park to show what they are doing? No, there has not. Oliver and I went to one at Wollongong. They found out that we were

there and closed the meeting down straightaway because we could disapprove their science straightaway and the science that they were doing was outside the marine park.

Mr IAN COHEN: Fair enough. I am not supporting or representing the Government in this. I am a separate entity but the point I am just asking here is: What evidence do you have—you might want to take this question on notice—to arrive at that view? I can understand the politics of these situations. We all respectively have our axe to grind, et cetera, and we are doing our best to represent our constituencies, but I am interested in whether you have any information. Perhaps you could take the question on notice?

Mr SAUNDERS: We will take it on notice.

The Hon. RICK COLLESS: Approximately how many spear fishermen are there in New South Wales?

Mr SAUNDERS: We do not know. We know how many are in our organisation as such—

The Hon. RICK COLLESS: How many is that?

Mr SAUNDERS: —and they are competitive spear fishermen. We have over 500 competitive spear fishermen in this State.

Mr IAN COHEN: Just on that, does every spear fisherman in this State have to be issued with just a fishing licence? Is that the status?

Mr SAUNDERS: Yes. This is why we wanted this ticked box because we do not know how many actually spearfish.

The Hon. RICK COLLESS: Suffice to say, though, I am a spear fisherman and I am not a member of your organisation. If you have 500 members, there would be many, many more people who would enjoy spear fishing on a regular basis.

Mr SAUNDERS: There is.

Mr WADY: Fisheries put the estimates at around 10,000 last time but that is part of what came, when the licence came in, was how many are there. There is obviously a bigger pool of people to tap into who are involved in the sport. They are harvesting fish. They might want to have a say on the management of it, and we have been trying slowly to tap into that and to find those other people and the department throw back at us, too, with bag limits. We do not know how many there is so we cannot make an informed decision. The opportunity is there for them; they just need to take it.

The Hon. RICK COLLESS: How many of your members would also enjoy line fishing, do you think?

Mr SAUNDERS: Everyone does. Spearfishing depends on whether you can see in the water, all those things that can go against you for that day. You might not be able to swim in current or whatever, so nine times out of 10 when you are socially doing spearfishing everybody has a rod and a boat or a line or something like that and you are always throwing it over to have a fish.

The Hon. RICK COLLESS: You also raised the issue of the restrictions on spearfishing and you mentioned the fact that we are not allowed to walk off the beach with spear fishing gear. What other restrictions are there that prevent you going into certain areas besides the beach access?

Mr SAUNDERS: We have certain restrictions in certain parts of national parks.

The Hon. RICK COLLESS: Relating to access onto the beach.

Mr WADY: Regarding access into the water.

Mr SAUNDERS: Into the water. There are certain national parks, if you talk to the managers of that park you can get it through because we have a thing with national parks saying that spearfishing is allowed in

national parks but it is up to the management of that national park whether you spearfish out of that national park. If you go down the national park of Sydney on any weekend you will see a lot of spear fishermen down there diving in the national park but then you go probably down to the one at Jervis Bay you just cannot go through the national park there and take spear guns and all that sort of thing because you will get knocked off and fined for it.

Mr WAYNE: We cannot spear in rivers, lakes, estuaries. Most break walls are closed to us. The beaches, as we mentioned. These artificial reefs that are being put in are of no use to us, either put in the middle of Botany Bay or somewhere where the water is filthy and you cannot spearfish. The FADs are a massive conflict. As soon as a line fisherman sees a spear fisherman out there it is on the radio and all over the place, you know, these people are in the water, they are dangerous. So the FADs are of no benefit to us. So the money that is being used for artificial reefs and FADs are of no value to us. Even the new artificial reefs, as good as they are going to be for line fishing, going in 35 metres of water, that is not going to do us much good. We cannot dive 35 metres or anything like it, although people attempt to at times and we do not like that either. Another problem we have with losing territory is that there are reefs 120 feet deep that blokes will attempt to dive because they cannot dive on the reefs that are 60 feet deep because they are closed. There is a safety issue involved in that. We cannot spear in Sydney Harbour north at all and have not been able to for years and years, and I have no idea why. But the whole of Sydney Harbour north is closed to spear fishing.

The Hon. RICK COLLESS: When you say "Sydney Harbour north" what do you mean by that?

Mr WAYNE: A line between Dobroyd Point and North Head north we cannot go in there at all, whereas all other methods of fishing are allowed in there. That was brought in many, many years ago, and it is still in now. There is a ban. But we cannot anchor our boats to spear in some locations. The marine parks have brought in these non-anchoring rules. You cannot dive anyway. It is very dangerous to dive on your own for a number of reasons. Unless you have more than two guys you cannot go out diving because you cannot anchor the boat. You have to drift dive, and if you want to drift dive you have to find a driver for the day. So it is just a matter of it being rolled into one ball. It is all fishing so bang, and we fall under the rules of drop-line fishing, as against looking at spear fishing or talking to them and saying, "How much will this anchoring affect you?" It may not affect line fishermen because they drift fish, whereas we like to be able to get out of the boat and swim around. If there are only two of us it is too dangerous to drive a boat with just one person in the water.

The Hon. RICK COLLESS: In relation to the Broken Head issue and the access to that which Mr Ian Cohen raised, that area can still be accessed by the water, though, if you come in by boat?

Mr WADY: Yes.

The Hon. RICK COLLESS: But you are just simply not allowed to walk off the beach.

Mr WADY: That is right.

Mr IAN COHEN: They do it.

Mr WADY: I know they do it.

The Hon. RICK COLLESS: Whether they do it or not—

Mr WADY: You get done for it though.

Mr IAN COHEN: Even though it is not a sanctuary zone there is a sign there. I will check that out.

The Hon. RICK COLLESS: In your submission you make mention of the fact that the minimum size is 450 grams of only one species of each eligible fish for competition.

Mr SAUNDERS: That is ours.

The Hon. RICK COLLESS: That is yours, and you were the first organisation to implement bag limits, score sheets and so on. Do most spear fishermen abide by those guidelines when they are fishing on a normal day-to-day basis?

Mr SAUNDERS: Those guidelines, the 450-gram minimum, we have a score sheet that is set up and it has different levels of fish on each score sheet and the minimum that you can do on certain species is 450 grams in certain areas. We have different zones for different parts of the State for different fish. At Sport Secretary meetings we might change those limits as we are going. I went to a competition this weekend and for the sake of the competition we increased the size limits of certain fish so that a big lot of those fish would not be brought in. So we set our own bag limits as we are running. We have done that since the 1940s and the 1950s. We have been doing that for over 60 years. There is something I should tell you about the way that we score. Every time we score a fish and all that sort of thing it is put on a score sheet, tells you what the conditions on the day are like—it just gives us a whole lot of information. We were the first ones probably in Australia to do it. We have been doing it all the time, and that is where we get our science from to fight the fight that we have got to fight.

Mr WAYNE: Obviously the people we cannot get to are not on that but it is everything that the organisation promotes, and through our handbook—there are many thousands of those handbooks gone out; over 10,000 of our handbook—we promote the taking of only one species. We are pushing for an accreditation system that basically you need to be an accredited spear fisher so if you wanted to go spearfishing you would have to sign on as a learner and be accredited. We would have your details then and we would know that you were one of these 10,000, 5,000, a bit like grey nurse spear fishermen. It is very hard to find out how many of them there are. Yet through the licensing we should be able to know. But licensing, of course, we cannot get that information. If we could we could then get to those people and promote this single species thing. Nobody gets any pleasure out of going out and just going bream, bream, bream, bream. Spearfishing is about hunting. It is about spreading your effort and improving your skills and taking the better edible fish and not all of one type, and that is what we promote. We cannot guarantee the other side of our organisation.

The Hon. RICK COLLESS: Would it be fair to say, from the people who you regularly fish with—and certainly this was the case with the people who I have been fishing with over the years—that if you go out with a group of people, and there might be a couple of groups of three or four, whatever in wherever you might be on the day, when you come back to shore there is always a comparison about who got the biggest fish and who got the smallest fish, and the bloke who shot the smallest fish was ridiculed for bringing in the smallest fish of the day? There is a philosophy that you only take what you need to eat that night and you try to make it a nice one.

Mr SAUNDERS: Yes, and that is all it is about. You are doing what your own limits are capable of doing. Most people who are recreational divers would not be able to dive 10 metres, so whatever they get, they are more than welcome to get. As competition divers we can do a lot better and we get a lot better fish, and that is shown by magazines of what we get and all that sort of thing. It is a very hard sport. There is just so much on you that you have to try and do. So we all abide by our bag limits from fisheries but we do not even go to bag limits on our things. We just get what we want to get. And that is it.

The Hon. TONY CATANZARITI: On a point of clarification, you state that you cannot get representation on these bodies which obviously you want. What efforts do you make to get representation?

Mr WAYNE: We meet with the Minister, we write to the Minister, and we write to the organisations—all those sorts of representations.

Mr SAUNDERS: We make appointments with the organisations that do not bother to turn up to us, or letters come to those meetings.

The Hon. TONY CATANZARITI: You have definitely tried—?

Mr WADY: The onus is generally on us to get in there. With the Jervis Bay committee, a gentleman sitting behind us in the public gallery was a former member when it first started. He was put in the role of a scuba diver, to get him on the committee. That is Mr Mal Brown. After his term expired, they have never put a spearfishing member on there since. I have been informally invited to attend a few meetings. But it is normally every two years. They might ask us to come and have a say, and then I have to chase them to go down. Two years ago we met about a report about spearfishing competitions and how bad they were—or allegedly. We have not heard back about that report—which was apparently going to be a scientific document that got put out after we went through the analysis of data. We still have not heard a word since. We have not heard a word about where the review is up to, and we continue to ask every few months, "Where is it up to; what is happening?" But we have not had a word back. That goes across the other committees as well.

The Hon. CHRISTINE ROBERTSON: There is a plethora of fishing organisations in the State of New South Wales, and in Australia. Do the spearfishing men and women have a competitive organisation?

Mr SAUNDERS: We are the competitive organisation.

The Hon. CHRISTINE ROBERTSON: I am sorry, an organisation that competes against you, to be the voice?

Mr WAYNE: No.

The Hon. CHRISTINE ROBERTSON: You are the only spearfishing organisation in New South Wales, is that right?

Mr SAUNDERS: Yes.

The Hon. CHRISTINE ROBERTSON: What happens if there is a recommendation to say that spearfishermen have to have a say on all these organisations, equal voting rights, and that sort of thing, and someone who was not a member of your organisation was chosen, although they fit the criteria and they are not part of your organisation? How would you cope with that?

Mr SAUNDERS: We would not.

Mr WAYNE: We do not want to.

The Hon. CHRISTINE ROBERTSON: You wish to be the authority?

Mr SAUNDERS: Yes.

The Hon. CHRISTINE ROBERTSON: All of us on this Committee have in one way or another dealt with authorities of some sort where we are representing somebody. But when you become a part of that authority, you are representing the organisation that has been structured. Are you planning that if you have a representative on this committee you, as an organisation, would be able to control them?

Mr WADY: I would not use the word "control"; I would use the word—

The Hon. CHRISTINE ROBERTSON: I am not being a smart Alec—

Mr WADY: I understand what you are saying. It is not trying to control them, but at least we could have an open discussion with whoever that person is. Currently on ADMAP, the gentleman who sits on that is a line fisherman. He has no knowledge of underwater harvesting. I do not think he would know what a mask, snorkel and flippers are. So how can he know about harvesting something that is in the water and you have to dive for? At least if someone from the Underwater Skindivers and Fishermen's Association [USFA] is on a committee, we can then liaise with them. I have been sitting on two committees for fisheries, LobMAC lobster fishery and the Ocean Trap and Line Advisory Committee. With the lobster one it is fine, because I can talk to the divers within the organisation. But when you go across to talking about other areas, how could a gentleman who does not have that knowledge be there? At least now I have the inroad to go to this group and say—

The Hon. CHRISTINE ROBERTSON: I can see your issue about representation.

Mr WADY: We would not be there to control them, but at least we can give them some informed opinion about what is happening with the fishery. We have done that with any other number of items in the past—blue devil fish, king wrasse, and blue fish themselves. We have provided that input through our members, saying, "Hey, those numbers are going down; put some protections in place."

The Hon. CHRISTINE ROBERTSON: You are definitely the only spearfishing organisation? So you represent the whole State?

Mr WAYNE: Yes.

The Hon. TONY CATANZARITI: Basically all you are wanting is your nomination on that committee?

Mr WAYNE: Yes.

The Hon. CHRISTINE ROBERTSON: My next question relates to discussions that have been had about grey nurse sharks. Do you still hunt grey nurse sharks?

Mr SAUNDERS: No.

The Hon. CHRISTINE ROBERTSON: Because that is a protected species?

Mr SAUNDERS: Funnily enough, with protected species, we were the ones that put the protection on the protected species before fisheries even—

The Hon. CHRISTINE ROBERTSON: You made the recommendation—?

Mr SAUNDERS: No, we did it.

The Hon. CHRISTINE ROBERTSON: Self-regulated, because you saw our populations—

Mr WADY: Self-regulated on grey nurse sharks at the very end of the sixties, and then we were pushing strongly for protection from that time onwards.

Mr SAUNDERS: I will give you an example of a fishery that we protect at the moment that no other fishery does: We protect blue fish. We have done it ourselves; it is not done anywhere else at the moment. In New South Wales—besides Lord Howe Island, but just on the mainland—we have our own self-protection on blue fish.

The Hon. CHRISTINE ROBERTSON: What is its proper name?

Mr SAUNDERS: We do not know its scientific name.

Mr IAN COHEN: Perhaps you could take that on notice.

Mr SAUNDERS: Yes.

CHAIR: It is not blue cod, though, is it?

Mr SAUNDERS: It looks like a nigger, but it is bright blue.

The Hon. CHRISTINE ROBERTSON: On page 5 of your submission you list a variety of methods to accommodate all marine park users, which includes rotation of and access to sanctuary zones. How could access to sanctuary zones not be in conflict with the genuine need for the protection of marine biological diversity and marine habitats?

Mr WAYNE: Pelagic species.

The Hon. CHRISTINE ROBERTSON: You would target pelagic species?

Mr WAYNE: It has happened. It is happening now at Fish Rock. The deal was made 10 years ago, with the Tweed fisheries, ourselves and the scuba fraternity. We can still dive at Fish Rock, near South West Rocks, in conjunction with scuba divers and with grey nurse. That has been happening for 10 years. That is a scientific study in itself, if you like, that spearfishing has been allowed there at the exclusion of line fishing, which is further out, for over 10 years—on pelagic species only.

CHAIR: Thank you for attending 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 today?

Mr SAUNDERS: Yes.

CHAIR: If those questions are forwarded to you, would you return the answers within 21 days of your receiving them?

Mr SAUNDERS: Yes.

(The witnesses withdrew)

STAN KONSTANTARAS, President, New South Wales Branch of the Australian National Sportfishing Association, , on former oath:

CHAIR: As you would have heard on the last occasion you appeared, should you consider that any evidence you wish to give should be heard or seen only by the Committee, please indicate that fact. If you take questions on notice today, the Committee would appreciate it if the responses to those questions could be sent to the Committee Secretariat within 21 days of the date on which the questions are forwarded to you. Before we commence, would you like to make a brief opening statement?

Mr KONSTANTARAS: Yes. The Australian National Sportfishing Association, specifically the New South Wales branch, has been very active in the last 20 years in promoting fishing safety, specifically rock fishing safety. Since 1994 we have been managing a project that we call the Angel ring project, on behalf of the New South Wales Government. It requires us to install life rings, or ship-style lifebuoys, on dangerous rock fishing spots, or black spots as some people like to call them. To date we have installed 105 Angel rings on the rocks in New South Wales, and we have 33 documented lives that we have saved of anglers going in where other anglers have thrown these buoys to them.

We take rock fishing and fishing safety very seriously. We also participate in many other safety projects, particularly rock fishing safety projects, with other organisations in New South Wales, such as the Recreational Fish Alliance. We have a free rock fishing safety DVD that is translated into Chinese, Korean and Vietnamese. These ethnic groups are overrepresented in statistics: 52 per cent of drownings happen within this ethnic group. We have probably about 200,000 of these floating around in the community.

We participate in rock fishing safety workshops where, through the trust fund, we are able to hire some coaches and target a specific ethnic group on a day—whether it is Chinese Vietnamese or Korean—bring them out to the rocks and go through some safety issues with them on how to fish safely. Again, it also gives us an opportunity to go over the fishing regulations. We have a barbecue and send them home, hoping that they take that message and spread it within their community. We buy advertising space on ethnic radio. We are trying to buy some on TV. We buy a huge amount of advertising space in ethnic newspapers, where we get the translated message out to these high-risk groups about rock fishing safety. There are a couple of key things, or a couple of rules, if everyone should follow we would definitely reduce the incidence of angles drowning off the rocks. Currently there are about eight or nine a year and we can see that reduction coming down if we continue our education.

We work with the New South Wales Coroner. We give evidence in inquests and we act on coronial recommendations. Only last year, in December, there was another incident down at Hill 60 at Port Kembla. The coroner asked us to install some translated signs around the area. We went further. We installed some glow-in-the-dark angel rings. We also installed some solar lights over our angel rings—again, at our own cost—primarily to target the anglers who fish there at night. We have had a couple of anglers who have been washed in and drown at night. So we are always on the move.

For two years we worked with the marine area command to install angel rings in police cars. When a triple-0 call goes out for an angler in the water, the police are first to respond, and historically they have turned up and twiddle their thumbs—they could not do anything. We have sourced funding at a Federal level and we have put angel rings in police cars. All our coastal local area commands have a standard operating procedure, which it took us two years to get together. We also made a training DVD for the police on how to approach a person in the water and what they should do. So the issue of fishing safety for us is something we take very seriously and we devote a lot of our time and we do it all as volunteers. Again, it is something that we take quite seriously and, again, it is one of the things that we hang our hat on. We do not just go out and take fish for the table. We are actually out there in the community every day, every weekend, every night we are e-mailing on computers and coming up with a strategy to get the message out about fishing safely, and how to enjoy going out to catch a feed and go home safely.

The rocks are seen as a cheap source of supplementing the family diet. Anyone can go to a big supermarket chain and by a \$30-rod, jump in a car and fish the rocks in New South Wales, and there is a good chance, depending on the seasons and the migration of the fish, to catch a fish to take home to eat. We have a real problem there; the accessibility is there, and I guess we are just looking after the education side of things.

CHAIR: For clarity, is the Australian Land Based Anglers Association a subset of the Australian National Sportfishing Association [ANSA]?

Mr KONSTANTARAS: Yes, a member of ANSA NSW; so they are one of my member clubs that we work closely with.

The Hon. RICK COLLESS: What would be the advantages of your proposal for a New South Wales Recreational Fishing Authority, as you have described it, over and above the Australian Council of Recreational Fishing [ACoRF]?

Mr KONSTANTARAS: For a very long time organisations like ANSA NSW and the Recreational Fishing Alliance of New South Wales [RFA] have done the hard yards at a state level. We have worked closely with government departments. We still see a sticking point that our advisory council is ministerially appointed. We manage projects up to \$500,000 and we are delivering on behalf of the Government. I really think that recreational anglers can definitely stand up by ourselves without ministerial "interference"—that is a very strong word—or having an advisory council that is handpicked by the Minister that is really under no obligation to communicate or deliver to the recreational anglers of New South Wales, is something that is dear to a lot of us. There is a lot of dissent out there in the recreational angling community that this system is not working—the ACoRF model—that we have had it for a long time and it is really time to move it on. Recreational anglers have shown that they are responsible and we have a vital role to play in core issues, again, like safety and research, things like that. Definitely there is a role for us to play.

Having a paid executive—I know we asked for a paid executive, an assistant for five years—would take a lot of pressure off guys like me. I spend—well, in May we are actually going to quantify the hours we spend as volunteers on these projects and I would be surprised if I did not spend less than 30 hours a week as a volunteer doing this work. Having someone as a paid executive would take a lot of stress off, the financial burdens, family social life and things like that. Things like that would be brilliant for us.

The Hon. RICK COLLESS: You go on to say that it would work through a team of selected and elected members.

Mr KONSTANTARAS: Yes.

The Hon. RICK COLLESS: Do you see that the selected members would essentially be selected on the same basis as the ACoRF members are now, or—

Mr KONSTANTARAS: Possibly not. I do not think the selection process is that clear either. Again, it comes down to the Minister's decision. The members should come from the major associations out there. Again, the guys who are in the trenches do all this work on behalf of the Government: associations like ANSA, the Council of Freshwater Anglers, the spearos, these guys do a lot of work—

The Hon. RICK COLLESS: You would like to see a selection of people from the peak bodies plus a number of elected members in addition to those?

Mr KONSTANTARAS: Yes, elected members definitely to come from around the State and pick up some of those regional areas that we need to focus on as well, and again get that message out—put the onus back on us to get that message out to the recreational fishing anglers out there. There are supposedly a million of us that fish at least once a year in New South Wales.

The Hon. RICK COLLESS: How do you see that that election process would work? It would be quite a difficult thing to engineer?

Mr KONSTANTARAS: Again, we all know about the Game Council model so it would not be too hard to sit down and work out something that would work very closely along those lines that most of the major recreational fishing organisations would be happy with. Again, it is these organisations and associations that are out there day in and day out doing all the legwork. Joe Blow on the street does not really care what goes on. He goes and buys his licence and walks away and screams when we get a bag limit review or we get a closure of a marine park. Again, we have proven our stewardship of recreational fishing in this State over the years and it is something that most of us hang our hat on—the amount of work that we do behind the scenes, again as volunteers.

Mr IAN COHEN: Pages 15 and 16 of your submission contain a number of recommendations aimed at promoting an increasing participation in fishing. Why do you think that is necessary, given the high participation rate in recreational fishing? Other fishers are not going to particularly feel good about that unless perhaps there is support for the industry from a sales point of view, but otherwise why?

Mr KONSTANTARAS: Again, from a tackle sales point of view they would love to have us all fishing out there—

Mr IAN COHEN: But that is a particular industry?

Mr KONSTANTARAS: A different one altogether. I will give you a couple of examples. Only recently in the Sydney papers children were targeted for attending a fishing clinic. We had 79 kids during the school holidays attend a fishing clinic and, again, there were some comment there, some reader feedback asking why are we teaching our kids this cruel sport, this that and the other. I had one of my young fishing club members, 10 years old, who came home and complained that his local school newsletter carried an article that fishing was cruel, and the little kid could not understand it. It is disheartening when you read that little kids who are out there, again, catching a fresh fish maybe for the table, are in the open and are outdoors are all of a sudden being told, "You should not fish. You should do this. You should not do that."

As consumers of food we are constantly asked about the province of our food and where it comes from. I know where my seafood comes from. Most guys who fish out there maybe once a year, or anything like that, are not aware of the factors surrounding where their fish comes from—seasonal migrations. We all understand the need for habitat and clean waters. I guess by getting more and more people involved it will definitely benefit the sport. Again it brings more and more eyes on board to look out for the environment. I will give you a personal example.

I have fished Botany Bay for 35 years. Probably contrary to what the commercial guys said to you last week, Botany Bay has been the best fishery it has been since they took out commercial fishing. We fought long and hard for that. My members received threats. I know that friends of mine were actually beaten up down at Pambula for speaking out about these commercial buyouts. For the last 10 years we have fought to retain habitat inside Botany Bay as recreational anglers. For the last seven years we have fought Sydney Ports Corporation on the port expansion, the degradation of the seagrass and the dredging they are doing, and we have not given up the fight. For the last four years we have fought Sydney Water on what they have done trenching across the bay and the dumping of contaminated soils off the runway. We are going to have a major headache with the salination outlet and the brine. You are talking about recreational anglers now who are the eyes and ears of the environment that we fish in. We all know that no habitat equals no fish. The more people who are out there watching and monitoring these things, the more healthy our fisheries will be.

Mr IAN COHEN: It is hard to control. The problem with a great deal of recreational fishing is the vast number of people all innocently taking what might be within the bag limit, but it is a mass practice.

Mr KONSTANTARAS: It is, but also some of the responsibility has to be shouldered by Fisheries and our advisory council. They are not getting out there talking to the anglers. Communication is a big problem. A lot of guys out there just do not know what is going on. Apart from getting a letter possibly once a year to say that your licence is up, or if you are a three-year licence holder you might get it once every three years, you do not hear anything from the department, which is crazy. Again, we need to be getting all this information out directly to the anglers and letting them know that some of these changes are on the agenda and they need to look out for them or there are habitat forums over here. It should not be an issue with the Internet these days. Get a licence, give your email address and communicate with us. The more people we have out there looking at what is going on, it is definitely beneficial to the fisheries. At the same time you pick out the guys out there who are ignorant, who might think they have to take their bag limit every day. They are well within the law but they do not have to take their bag limit every day. They can go and catch four or five fish for the table and go home and come back and do it next week. Definitely the more people we bring in and educate the better.

Mr IAN COHEN: I do not quite agree with you but I appreciate it. On page 23 of your submission you recommend value adding to fishing licences be investigated as a priority by recreational fishing management. What type of value adding are you considering there?

Mr KONSTANTARAS: One of the selling points of our association is the New South Wales sporting injuries insurance. Every one of my members carries an insurance policy when they fish. It is built into our fees. It is nothing, it costs \$4 for us to run this insurance program and we insure every angler out there who is a member for fishing every day of the year. I would like to see something like that considered for the licence. You buy a licence and you are automatically brought under this sort of policy. I have 1,200 members and it costs me \$4. By sheer weight of numbers, if I have 450,000 people sign up to a policy like that it would bring it out to \$1. Most people pay their \$30 and do not hear anything from the department or get any value from it. It is just an access fee and zero communication between the department and anglers. Value adding, things like that, would be something that we could definitely incorporate into the licence fee for a minimal cost and as a selling point: "Guys, you are not only getting an access fee, we are giving you insurance cover as well." We are not talking multimillion-dollar payouts here. We are talking up to a maximum of \$70,000 for death. For a grieving family it is a little bit of a bonus that helps with funeral costs. Again, it is on a sliding scale, depending on the injuries. Cover like that would be great.

Mr IAN COHEN: You argue on page 6 that zoning in some marine parks severely restricted or potentially endangered the safety of land-based anglers. Could you elaborate on this and suggest what needs to be done to address these safety concerns?

Mr KONSTANTARAS: That is probably most evident in Jervis Bay Marine Park. At Jervis Bay Marine Park our land-based anglers are funnelled into a very small area that is leading to overcrowding and conflict. Also, it is an area that is not fishable safely in a southerly swell. This little platform is called the Tubes. The Outer Tubes has been historically a world-class fishing location inside Jervis Bay for the last 50 to 60 years.

The Hon. CHRISTINE ROBERTSON: It is lovely to hear the name "Jervis Bay" spoken properly.

Mr KONSTANTARAS: It is beautiful. I spend a lot of time in Jervis Bay; I enjoy it. The problem is the Outer Tubes is the only place where land-based anglers can target the pelagic fish. It is the only place inside Botany Bay, the only place pretty much on our eastern seaboard where you can target the pelagic fish—the marlin, the tuna—for about three or four months of the year. In the whole of Jervis Bay this is where these guys go, this is where they are forced to go. That ledge is 46 metres long and that is the only place these guys can fish in. Out of the 35-odd kilometres of coastline of Jervis Bay 33 per cent is in a sanctuary zone, 47 per cent is restricted by the Department of Defence, which leaves about 20 per cent available for angling. When you take out cliffs and things like that we are down to 10 per cent of the entire coastline of the Jervis Bay Marine Park that is available for angling. Throw in prevailing weather conditions you could be down to 1 or 2 per cent of the park.

Mr IAN COHEN: But you still get your fish?

Mr KONSTANTARAS: It is very hard and it is unsafe. I will answer your safety one as well. I will give you a very good example.

Mr IAN COHEN: In that area you say that 46 metres in a southerly swell is unsafe?

Mr KONSTANTARAS: It is unsafe, for sure. I will give you a quick example of something you might be able to relate to—the South Head of Sydney Harbour. From the South Head to the northern headland of Bondi is 6.8 kilometres long. We have only got accessible as land-based anglers—and when I say land-based I do not just mean game fishing, I am talking about bream, luderick, snapper, things like that—in that whole 6.8 kilometres 700 metres of accessible rock platform in that whole headland.

Mr IAN COHEN: That is the natural landform.

Mr KONSTANTARAS: The natural landform. We are pretty much funnelled into those areas either by geography or sanctuary zones. The Royal National Park coastline is 22.7 kilometres long and 85 per cent of the rocks are inaccessible for rock fishing. Then the Marine Parks Authority comes along and takes quite a few of our headlands in marine parks and sanctuary zones. That really gets up my goat, specifically when I focus on fishing safety in all the work I do in the community. The Marine Parks Authority will come along and just take half a headland. They will draw a line on the map and they will say, "This side of the headland you can fish and the other side you cannot". They are essentially forcing everyone to fish a southerly facing headland in all weather conditions, whether it is a nor'easter or a southerly, when on a southerly facing headland in a southerly

swell or a southerly wind we are telling everyone to find a sheltered or safer spot to fish and go round the corner a little bit.

Mr IAN COHEN: In that mix of marine parks are you saying to the Committee there are only southerly facing headlands and that is it, there is no way of going to another area?

Mr KONSTANTARAS: When you take the topography of the park and we have got only 80 or 85 per cent of an area or marine park that is fishable, you start losing half of that again and it all starts adding up.

Mr IAN COHEN: Is there representative access, although maybe not as much as you want, in the different conditions or are you saying once a southerly blows there is absolutely nothing in that overall vicinity?

Mr KONSTANTARAS: It could involve a lot of travel; it could involve a long hike in.

Mr IAN COHEN: Sometimes that is an advantage. Plenty of fishers are saying that is not so bad.

Mr KONSTANTARAS: Not if you fall in or get a broken ankle. It is not an advantage that way. Definitely I see us being disadvantaged by taking half a headland. Essentially a headland is a good landmark to start a sanctuary zone—take a line out to sea, use that headland. We are quite happy to have the headland there. Really all we are recommending is a buffer zone along all the rocks of New South Wales or anything in a marine park as a habitat zone.

CHAIR: How wide a buffer zone?

Mr KONSTANTARAS: One hundred metres. All current sanctuary zones that are adjacent to rocks have a 100 metres buffer zone for rock fishing. The point I made last time was that we are not there every day of the year fishing. We are targeting the pelagic or migratory fish.

Mr IAN COHEN: That is where at least 90 per cent of the fishing effort is undertaken by recreational fishing, is it not?

Mr KONSTANTARAS: Yes, but I still cannot fathom how a sanctuary zone can benefit those types of fish. That is the science I am questioning as well.

Mr IAN COHEN: Would you agree that you are fishing the spillover?

Mr KONSTANTARAS: I cannot see any spillover but from pelagic fish or migratory fish. They are there depending on bait, current and seasonal access. I can understand that in relation to the fish that live there all the time and some of the other fish that really are not recreational anglers' targets or for which there are some pretty good bag limits in place. Byron Bay has a whole bunch of habitat protection zones that again have certain conditions attached to them—no collecting in one, pelagic fishing only in the other one, and seasonal closures in other habitat protection zones.

Mr IAN COHEN: They also have areas where the coast is excised from the sanctuary zone so that fishers can still go through the nature reserve onto the rocks and fish.

Mr KONSTANTARAS: I understand that is so. Cape Byron is a good example.

Mr IAN COHEN: And also Broken Head.

Mr KONSTANTARAS: Only a little part of Broken Head. We can only come in a little bit.

Mr IAN COHEN: A little bit is a lot from my point of view. Both ends.

Mr KONSTANTARAS: That is fair enough. From my point of view, Cape Byron—

The Hon. CHRISTINE ROBERTSON: He would say all and you would say none.

Mr IAN COHEN: I understand you are feeling locked out. On the other hand these are high-level reserves. A nature reserve is a higher level than a national park in terms of terrestrial importance and quite

specifically, because we just went through the debate in the Parliament, the indigenous people of the area recommended the fishers have that access, particularly in the northern part of the reserve, and to the south as well. I have been through those zoning areas and you have significant access if you look at the totality of that reserve.

Mr KONSTANTARAS: From a safety perspective, and this is where I spend all my time, I do not agree. I think we can do more, especially at Cape Byron. As you said, we are allowed to fish it and we have a buffer zone but again in a big southerly swell we get no protection as rock anglers. If we could come around the headland a little bit more and fish a couple of other spots and open it up to the beach we would definitely have some better protection for anglers. Forcing anglers to fish in that little area in all weather conditions is something we do not agree with. You have to realise, Mr Cohen, that we are not talking about opening the floodgates and having another 400,000 rock anglers fish these spots. We are talking about spreading the anglers that are already in this marine park into safer areas when the weather dictates it. Again, from a safety perspective it is something we would like to see. It will also overcome crowd funnelling and conflict. Having 50 guys on a 46-metre rock in Jervis Bay is not doing what is front of the rock any good.

CHAIR: Thank you. We will move on.

The Hon. LYNDA VOLTZ: I want to clarify one point. You said 43 per cent of Jervis Bay was shifted by the Department of Defence.

Mr KONSTANTARAS: Forty-seven per cent.

The Hon. LYNDA VOLTZ: I have been to that marine park often through Honeymoon Bay and through the Defence site and it was always open when I have gone through. My understanding is it is only restricted when there is firing.

Mr KONSTANTARAS: No, the bombing range on the eastern seaboard of Jervis Bay is closed full-time. It essentially goes from Crocodile Head to Diamond Head, which is a very big area of land that rock fishers have fished historically over the years.

The Hon. LYNDA VOLTZ: But you can get in through Honeymoon Bay and the boat ramp there.

Mr KONSTANTARAS: Yes, but again no-one really wants to go. You have been to Honeymoon and I go to Honeymoon as well three or four times a year every year. As a land-based angler you are not going to fish on the seagrass.

The Hon. LYNDA VOLTZ: So there is access to that?

Mr KONSTANTARAS: And we are not going to fish in the desert either.

The Hon. LYNDA VOLTZ: Going back to your point about the angel rings, you said your organisation funds the angel rings being put in. How does that funding work?

Mr KONSTANTARAS: We chase money through the New South Wales Recreational Fishing Trust, so recreational anglers are paying for the project. Capital expenditure is recovered by the trust. We fund it as an in-kind contribution, which roughly works out at about \$30,000 to \$40,000 a year. Over the life of the project we have worked out our in-kind contribution is getting up to close to \$300,000 or \$400,000. We also access funds whenever the Federal Government puts up a project to take some of the burden away from the New South Wales trust. We managed to fund the police angel ring project through a Federal grant and two years of funding for the angel ring project through a Federal grant. We look for funding opportunities wherever we can get them.

The Hon. LYNDA VOLTZ: So essentially these programs are funded through the trust and Federal Government grants?

Mr KONSTANTARAS: Yes.

The Hon. LYNDA VOLTZ: And likewise the information packages in Vietnamese that are going out?

Mr KONSTANTARAS: Yes, everything essentially is funded through the trust fund.

The Hon. LYNDA VOLTZ: Would it be true to say that rock fishing is the most dangerous sport in Australia?

Mr KONSTANTARAS: According to Sport and Recreation I do not think rock fishing is a sport. It does not have any legal standing as a sport. It is quite a dangerous pastime, with seven to nine deaths a year. It is over-represented in the number of deaths. Again, there is no reason why it cannot be done safely. We are definitely promoting doing it safely.

The Hon. LYNDA VOLTZ: So you do not qualify these as sports, you qualify them as recreational activities?

Mr KONSTANTARAS: Yes. We had this debate at the Federal level as well with Recfish, I think.

CHAIR: On a point of clarification, is that pertinent so far as funding is concerned?

Mr KONSTANTARAS: Not really. Just recognition, I guess. If it was a sport we could access more funding streams.

The Hon. LYNDA VOLTZ: So you would put it with things like camping and—

Mr KONSTANTARAS: I do not know.

The Hon. CHRISTINE ROBERTSON: You might need to change your name.

Mr KONSTANTARAS: Possibly.

The Hon. CHRISTINE ROBERTSON: I think we asked you some questions the other day about the advisory council process that you are pushing for. How would you as an organisation, if you suddenly got some control, break the communication issues that arise because people are not really interested in getting information until something goes wrong? What are your ideas to mend the so-called communication block?

Mr KONSTANTARAS: There are things like newsletters and forums that we could tap into to get the message out. Again, collecting email addresses through our licence holders would be a very good way to communicate.

The Hon. CHRISTINE ROBERTSON: Would you be controlling the licence process?

Mr KONSTANTARAS: No, I do not think we would want to take over that sort of core business. We do not want to take over compliance. There are management issues.

The Hon. CHRISTINE ROBERTSON: How are you going to get the email addresses?

Mr KONSTANTARAS: It is quite easy. Currently we do not have them anyway so we would start collecting them and start using that avenue to get it out.

The Hon. CHRISTINE ROBERTSON: They had better not be giving mine out.

Mr KONSTANTARAS: Perhaps a privacy tick box is something we could consider but there are a lot of people out there that I know would like to get, whether once a month or every two months, some information on what is happening with our fishery. The department puts out a great tagging newsletter but it has very limited circulation. There would be a huge number of people out there who tag. New South Wales has the biggest game fish tagging program but the information is not getting out there. It seems there are no funds available to push communication with the man in the street. My members get it, my association's members get it and the people we work with get all the information and they are pretty up to date, but there are a lot of people out there who are not getting information. It is not a matter of controlling the trust fund, it is having some say on the projects and I imagine there would be scope for a project—maybe it would cost \$1 million—to further communicate with anglers in New South Wales. If that is what it is going to take for us to keep everyone informed, that is what we need to do.

The Hon. CHRISTINE ROBERTSON: We also asked previously about representation on organisations and it certainly comes forward each time we read a new submission or hear from new organisations. There are lots of organisations in the fishing world that perceive they should be a representational body. They do not want an advisory body; they want a controlling board. How would you demarcate who should be represented by you people and is there a possibility that you might end up with demarcation disputes in the future in relation to these sorts of issues? Do you have any ideas about how you are going to say, "This is the block I am representing; that is the block—"?

Mr KONSTANTARAS: There are not a great number of organised fishing representative bodies out there like ANSA. You could probably count them on two hands. You would go to those guys, who have been long-established and have the runs on the board and have shown that they can work with government, whoever it is, and have a genuine interest in recreational fishing—again whether you are treating it as sustainable or communication—and ask them for a representative. You could take a straw poll and call for nominations. You might get 100 people putting their hands up but you could narrow that down quite easily to eight or 10 and take it from there.

The Hon. CHRISTINE ROBERTSON: Should the organisation include environmental persons and commercial fishers so that you get a full input of the whole picture?

Mr KONSTANTARAS: Definitely. I think the commercial fishers have definitely got a seat at the table. I also think that most recreational fishing groups have already got an environmental slant there and a focus. I know the Council of Freshwater Anglers are very concerned about what happens on our freshwater streams. I know my club, the Australian Land Based Anglers, go in and clean up the rocks; they run a ledge care project around Australia specifically getting the rock anglers to go out there and clean up the rocks. Again, on Botany Bay, even down to a club level, we have got some great environmental concerns about what is happening in Botany Bay. Do we need someone else to come in and sit on that board? I do not think so, from that perspective. I think that fishing organisations and associations have already got a big—we have had an environmental awakening; we have seen what has happened in the last 10 years to our environment. Again, we know: no habit, no fish.

We are concerned. This is why we put our hands up and sit on these committees as volunteers. I do it from a safety perspective. There are other guys in my association who do it from a conservation or environmental perspective. Each organisation has got its own expert that sits and brings something to the table. The Australian National Sportfishing Association has not got 10 people that know about rock fishing safety; that is my department. You saw John Burgess last week—again, the financial side of things. We could quite easily nominate an environmental spokesman in each organisation and be confident that they could do the job.

The Hon. TONY CATANZARITI: The issue of safety seems very, very big in your mind, and it is commendable. It is a major thing and what you are saying you are doing seems to be pretty good, but I have a question on it. Do you see with the licensing that there could be a safety requirement in the licence part of that licensing?

Mr KONSTANTARAS: I think I would like to try, and my association would like to try, education before regulation. I think with regulation, if we just put regulation in, we have really got no way of enforcing it. I do not want to see Fisheries officers or the water police or police going down on rock platforms in two-metre seas to ping a guy without a lifejacket on. The compliance side of things is something that I have real doubts with. So I think we should really focus on education. As part of our strategy on rock fishing safety we go out and do post-evaluation reports on some of the messages we get out, and the one we did in the ethnic community in November we had a 44 per cent unaided recall rate of our safety messages. Industry standard is about 10 per cent we think. So that is a huge input we are having into the community. We just need to keep reinforcing and getting those messages out. If I throw my hands up and say I cannot do any more from an education perspective, let us go to regulation.

The Hon. TONY CATANZARITI: Let us go back one step further. When you first get your licence do you feel that there is enough information that goes out with that licence touching on those points of safety?

Mr KONSTANTARAS: There is a little bit of information in there where the pamphlet sometimes speaks about our Angel Ring Project. I am sure that for one of the last licence renewals a DVD was included as well; it included our 10-minute free safety DVD. So the information definitely gets out there. But, again, you just cannot send it out once, you need to back-up and reinforce that message. We are just about to run another

ethnic media campaign, because we have analysed some of the drownings along our coast and we have a real big problem with the anglers that come from the inner-city to Chatswood and from Rockdale to Parramatta. There is a distinct line on our maps that show the people that are going to Port Kembla and Gosford and rock fishing. Even on our coast at Randwick they are coming from these areas. Again, this is where we are focusing all our efforts next month, to get the message out in those local papers as well.

Sending it out once a year with a licence renewal I do not think is good enough. It is a good start, it is happening, but we need to do it every three months, every quarter, and then just keep it up. When we see a trend appearing we will go out and tackle it that way.

CHAIR: Just to follow on from Mr Catanzariti's question, whilst it is probably feasible to be able to make sure that you, at small cost, include information with licence renewals, it may well be that the biggest risk group are first-time licensees, in other words, those people who buy their fishing licences from the point of sale. The last time I bought a fishing licence it was at a newsagent. Whilst the newsagent did have some of the brochures that Ms Voltz has in front of her, the recreational fishing guide, they were at the back of the store. It was an interested vendor—he was a little Vietnamese gentleman—so he did say, "You had better take one of these, mate, so you don't kill yourself". Do you feel as part of the licensing regime and the infrastructure that is set up around the licensing regime that there is enough attention given to educating first-time licence holders?

Mr KONSTANTARAS: No, definitely not.

CHAIR: How could that be resolved without too much cost?

Mr KONSTANTARAS: Again, going back to capturing that email address would be a great way to go. You get a licence; perhaps it will pick up the spear fishers as well with a question: Where do you fish? Rocks, beach, estuary, spear fish? And we will get an idea of what this person does and we can send that information to them. One of the projects we are working on with recreational fishing rights, apart from our rock fishing safety pack, which I handed out last time, we almost have completed a freshwater fishing safety DVD; we are working on a boating safety DVD and we are working with the underwater guys on a spear fishing safety DVD. So we are pretty much ready in 12 months—

The Hon. CHRISTINE ROBERTSON: Who is paying for that?

Mr KONSTANTARAS: Trust fund, again. We will have a whole suite of safety material translated, subtitled, that if we know where to send it we will send it out. It might be a financial burden to the trust, but the trust, in two or three years, if we get an increase in licence fees, we could be sitting on \$15 million and we can definitely afford to do it under that, quite easily.

CHAIR: You mentioned boating safety as well as land-based and other things. Does the waterways participate in any of these programs either financially or with expert advice when you are trying to do the boating side?

Mr KONSTANTARAS: Yes. I can hold my hand on my heart and say the support we have gotten from the New South Wales Government has been great. I do not think it would matter who was in government, no government really shirks their responsibility on safety when a group comes up and says, "We will do this on your behalf". To answer your question, yes, we have met with the director of Maritime and all his head staff and we are just about to present a draft to him on boating safety, and I have offered some dollars to that project as well for distribution and things like that. So perhaps with your boating licence renewal you might get a boating safety DVD from us.

CHAIR: We have time for one more question.

Mr IAN COHEN: Just listening to your safety issues, what is your take on compulsory safety jackets for rock fishermen?

Mr KONSTANTARAS: Again, as I answered that last question, I definitely think that we have not focused enough on education rather than compliance. No-one has shown me an effective way we can enforce these regulations down on the rocks. Again, there are incidences when it is flat calm. Saturday, for instance, was dead calm off Sydney. Why would you put a lifejacket on? Only if you could not swim perhaps you would put it on, but for a seasoned rock angler—

Mr IAN COHEN: I suggest why wouldn't you?

Mr KONSTANTARAS: If you grew up around surfing and swimming—I grew up on the beach as well; I fish according to the conditions. If it is too rough the message I would like to see is go home or go somewhere else. If I said to someone, "You can fish anywhere you want if you have a lifejacket on", that's cool.

Mr IAN COHEN: Don't professionals, as in experts like yourself, have a responsibility to set an example so that those who are really most skilled are wearing a safety jacket—

The Hon. CHRISTINE ROBERTSON: Holier than thou.

Mr IAN COHEN: I think it is a really important point. I am wondering why there is resistance. I see the same in the surfing industry, safety helmets and bad examples make bad habits, and you have got a huge number of people, as you said, who do not necessarily speak very good English; they come out from various areas of Sydney; they are extremely inexperienced, and yet we do not have a culture of acceptance of something like a safety jacket. Even on the calmest of days it can change and these people who are not skilled with the ocean can get pulled out.

Mr KONSTANTARAS: Again I come back to the fact: how are we going to regulate and enforce it? Again, we could put regulation in. Effectively, I could shut up shop and there is no need for us to do any more rock fishing safety because we have got regulation now. I do not see that as working. I think that we still need to push the education side of things. To answer your question as to being responsible, my guys are out on the rocks every weekend giving out DVDs, brochures. They are wearing wetsuits for flotation; when it is rough they are wearing life jackets; they are wearing the correct footwear. We have broken down the culture of saying, "Joe Blow over there, don't talk to him. Let him go over there and get knocked over and drown." All our guys who are out there are taking a leadership role and they are tapping them on the shoulder.

I have had knives pulled on me for telling guys to leave a platform. I have never had a fight but there have been a couple of incidents where things got pretty hairy when I said, "Mate, you should not be fishing here." But we still do it; it does not stop us.

The Hon. TONY CATANZARITI: Do not forget the regional areas.

Mr KONSTANTARAS: Definitely not. The farmers in the regional areas around Ballina are a big problem. The cockies come down to fish the break walls. I was in Ballina in January installing angel rings and I asked the locals, "What is your problem up there?" They said, "It is the farmers who come and fish the break walls on their day off that get into trouble." Definitely our regional anglers are in our sights.

CHAIR: I did not know that farmers had a day off. Mr Konstantaras, thank you for your evidence today. Along with any questions that you took on notice during your evidence. would you agree to receive additional written questions that members of the committee might not have had the opportunity to ask you today?

Mr KONSTANTARAS: Yes.

CHAIR: Could you also help us out by returning any answers within 21 days from the date of receipt?

Mr KONSTANTARAS: Yes.

(The witness withdrew)

(Luncheon adjournment)

ALISTAIR DAVID McGLASHAN, Fishing Journalist, McGlashan Media,
, affirmed and examined:

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

Mr McGLASHAN: Yes. Firstly, thank you for giving me this opportunity. Basically, I am a fishing journalist and presenter. I have been lucky enough to turn my passion for the outdoors into a career. I now spend more than 200 days a year on the water—up and down the coast and also on freshwater. I get to speak with anglers on a daily basis, from the family fishing in the estuary, through to the guys with a serious offshore rig, as well as to people in the commercial sector. That gives me a really good balance of what the estimated 900,000 anglers in New South Wales—which is a good cross-section—really think.

Many of the people who have come before this inquiry have probably had well-polished speeches and manipulated figures to suit their causes, but few of them have spent a lot of time in the field, apart from those in the commercial sector. While the Marine Parks Authority has given you glowing reports about how much people love marine parks, such as the famous survey at Coffs Harbour, I am here to tell you that the average angler is not happy, and that it is all about access. Over the past decade recreational fishing has undergone massive change and a new style of angler has evolved. It has gone from Joe Blow going out to fish to where we are becoming more professional. We are becoming much more conscious of the environment, how to minimise our impact on it, and how to enhance the environment as best we can.

Best of all, anglers in New South Wales are at the forefront of that change. That is evidenced with the game fish tagging program, which is now the biggest in the world. Thousands upon thousands of anglers are volunteering time and money to help science learn about fish. The key issue is that, if we learn about them, we can manage them. That is the biggest problem we have with the whole underwater side of things. Then there was the introduction of circle hooks, the better catch and release studies, and so on. At the end of the day anglers are passionate about fishing and about conserving fish stocks. Since they spend time on the water they have an affinity with it that you do not get in an office. You have to be out on the water to understand what is happening.

Anglers supported the introduction of fishing licences so long as the money went back into fishing. Initially, they supported marine parks on the same proviso and they were kept slapped in the face. At the end of the day, anglers support marine parks as they are conservationists, but they do not support lockouts. The Marine Parks Authority promotes how it has locked up only 12 per cent to 20 per cent of marine parks, depending on the park, but at the end of the day that is 100 per cent of the fishing spots. A bit of sand out in the middle of nowhere should not even be counted. The Marine Parks Authority does not employ any management tools for catch and release zones, lure and fly only, pelagic trolling in sanctuaries, and seasonal closures to match spawning aggregations, which goes back to what I was saying earlier.

The Marine Parks Authority's stringent no-excuse, hard-line approach seems to be about tallying up fines and not education, which is not what we want. Instead, we need to educate people so that they enjoy the marine environment with minimal impact. It is particularly important to pass that on to the next generation. I know that NSW Fisheries has implemented a program to teach kids, which I believe to be a vital tool, but I have not seen the Marine Parks Authority doing anything. At a time when the New South Wales Government is strapped for cash why is the Marine Parks Authority doing the job that the NSW Fisheries was doing beforehand? With a bit more funding NSW Fisheries could do it really well. It has a track record for working with anglers and in my book it has a much better understanding of what needs to be done. We need education, not lockouts. With education comes understanding, and with understanding come appreciation and a need to protect and enhance.

CHAIR: Thank you, Mr McGlashan. Committee members will now ask you some questions.

The Hon. TONY CATANZARITI: Mr McGlashan, you state in your submission that New South Wales has the highest number of anglers but the worst representation. What representation models from the States or Territories should New South Wales be seeking to emulate?

Mr McGLASHAN: Victoria has VRFish. The biggest problem we have in New South Wales is a lack of representation. We are very fragmented with a bit here and a bit there. We need a single council that works with all these areas. We have a Game Fishing Association, the Recreational Fishing Alliance and the Fly Fishing Association. We need a single body. We are receiving mixed messages as opposed to only one message. The Northern Territory does it really well; it goes to the government with one voice. I think what we need is one voice that speaks collectively for everyone.

The Hon. TONY CATANZARITI: Do you think we can get them all together?

Mr McGLASHAN: There would be a bit of kicking and screaming, but I reckon we could get them all together. However, we might need a bit of barbed wire around the fences. On that note, I want the commercial people, the conservationists and those sorts of people involved. I sat down with Ben Birt from the Nature Conservation Council. At the end of the day many of these guys have the same mentality. However, a few hardliners in all areas seem to be disrupting things. At the end of the day we all want the marine environment to be the best that it can be.

CHAIR: As a clarification, do you not think that the Advisory Council on Recreational Fishing [ACoRF] is an adequate representative body? It is the current advisory committee, is it not?

Mr McGLASHAN: Yes, but they do not go back to the fishermen much. A few do, but some do not represent the fishermen as a whole. There are some serial committee members. It represents only a small group. It is a hard one to implement. We need people from all areas. I am not familiar with how to put that together. ACoRF is a starting point, but we do not hear much from it. It should branch out to the clubs and tackle shops and the average angler. That is what we miss. I get a lot of opinions at the boat ramps or at the wharfs. They are the best spots. I talk to people fishing in an estuary. They are the grassroots. Half of them would not know what ACoRF is.

The Hon. CHRISTINE ROBERTSON: Do they care?

Mr McGLASHAN: The single biggest issue is access. It is hard to understand where you can and cannot fish in marine parks. Professionals like myself, who are out all the time, work around it. I am most concerned about the families who want to go fishing and camping during the Easter holidays. They see all the signs and it is very confusing. We have to simplify it. They are not doing any harm; they have minimal impact. If we educate them properly they will be a benefit to the environment. It is especially important to get kids out fishing. That is a priority for me. We were all getting busier and busier these days.

The Hon. TONY CATANZARITI: You still have a large area to cover.

Mr McGLASHAN: Absolutely.

The Hon. TONY CATANZARITI: How will you get them together and get fair and reasonable representation?

Mr McGLASHAN: It will be hard to make it fair across the board. The aim is to represent the vast majority. As a whole, we all want the same thing, whether we fish in freshwater or saltwater. We want a pristine environment and a healthy system with good fishing. At the end of the day, we want to catch fish. It is not in the fishermen's best interests to take all the fish. Many of us remember the old days when we used to fill the esky. That no longer happens. Very few people I know fish to bag limits these days. Bag limits are higher than what most of us fish to. That demonstrates that to a certain degree anglers are self-relating. I think we can pass that on. Anglers are now much better educated about the fishery.

The Hon. TONY CATANZARITI: You argue that since the inception of fishing licences anglers have steadily had their access rights eroded. Other people would argue that the creation of recreational fishing havens has significantly increased angler access. Do you think that the creation of recreational fishing havens has offset the loss of access to sanctuary zones in the marine parks?

Mr McGLASHAN: Not at all. We got Botany Bay as a recreational fishing haven and they are now filling it in for another airport. It is a small trade off and it has not worked. I thought there would be many more recreational fishing havens. We got a few initially, but then it came to a grinding halt. I used to fish at Port

Stephens a lot. When the marine park was established they locked out every fishing area. It was almost as though they looked at our submission map showing our fishing spots and took them all. To my knowledge there are no recreational fishing havens in that area.

CHAIR: A marine scientist who appeared before the Committee said that habitat protection zones are de facto recreational fishing havens because there is no commercial fishing in them. What is your response to that?

Mr McGLASHAN: I think commercial fishermen get a very hard time. Some practices are unsustainable, but as a whole they have been forced to come into line as well. There needs to be a balance. It depends on the style of commercial fishing. With rock lobster fishing there is no bycatch, apart from the odd octopus that jumps in to steal the lobsters. They should not be restricted. They are trying to improve it with prawn trawlers. Obviously some styles of fishing do have a high bycatch, but they are doing their bit. We need to be more balanced.

Commercial long liners are down to 16 boats in New South Wales. They take mature fish that have spawned and the catch is one per 100 hooks. It has a minimal impact compared to purse seine fishing, where they take millions of fish that are not at sexual maturity. It is three pounds for the striped tuna and small yellow fin. They are our fish, but they are in the central Pacific and we cannot manage the fishery because it is nothing to do with us and it is thousands of kilometres away. It is a bigger picture. We tagged two small black marlin with satellite tags to ensure that the fish we were releasing were surviving. We do not want to let them go and then discover that they died. One of them swam to the Solomon Islands and the other one to Fiji in three months. How do we manage that? The big issue is that we need everybody working together. That goes back to what you said about the association getting the commercial fishermen working with the recreational fishermen and the conservationists. We all need to work together. If we understand the fish and what they are doing we can manage them better.

We are not against marine parks and never were. The lockout system is the problem. Seal Rocks is a classic example. It is 30 miles north of Port Stephens. It is locked out to three nautical miles. That is based on the grey nurse population. However, if they had looked at the fishery they would have seen that, for example, snapper spawn in August and September so it should be closed for two months and then allow catch and release or lure and fly only. These systems can be put in place. However, because no-one is there anymore we do not know what is going on. The Marine Parks Authority does not have the money to send officers to the area every day to check. The fishermen are the biggest user group, so they are the natural lookouts. They feel as though they have been screwed so they do not go there anymore. There is no-one there. I have not visited since it became a marine park.

The Hon. LYNDA VOLTZ: Did you say that recreational fishers support marine parks?

Mr McGLASHAN: Yes, but not lockouts. We need to manage it so that we understand what we are locking up. That is the important point. It has turned around now: Most will say that they do not support them because they have been ostracised and shoved to the side. In essence, a marine park is not a bad thing.

The Hon. LYNDA VOLTZ: The department did a Jervis Bay Marine Park survey of people fishing in the area. Of them, 76 per cent were in favour of the marine park and supported the sanctuary zones and 10 per cent were against it. In fact, those who do not fish were strongly supportive.

Mr McGLASHAN: I would have to see how they did the survey. We have fished down there a few times and they are always grumbling about it. I have not seen how they did the survey, so it would be hard to comment.

The Hon. LYNDA VOLTZ: The Committee has received a submission from a recreational fisher who has been fishing in Jervis Bay for more than 20 years—long before the marine park was established. He states:

I have witnessed the decline of fishing over many of those years. I was concerned at the loss of solid fishing grounds when JPMP was first declared. I fish mainly for snapper and kingfish, but also for flathead and bream. I dive for lobsters and am a spear fisher as well.

I must say that I am surprised to see the level of improvement that the marine park has brought about. Snapper are now being caught in more abundance and in more locations than they were back in the 90s. My mates are catching huge snapper, bigger than ever. Upwards of nine kilograms.

Do you support the theory that marine parks increase the fish stocks?

Mr McGLASHAN: Not on those fish stocks. Do we know the snapper are spawning in there?

The Hon. LYNDA VOLTZ: This guy is a fisher.

Mr McGLASHAN: Yes. For example, with the kingfish it is all to do with the commercial floating fish traps. Since that has changed we are getting the best kingfishing we have ever had in Sydney. I do not think it is the minor lockouts; I think it is more to do with the actual recreational anglers themselves. As you were saying, a decade ago no-one would let a nine kilogram Snapper go. Now, I think it would be around 50 per cent to 60 per cent of those fish are released and also in a state that they can live. Fishermen are becoming a lot more professional in their approach and they are learning that fish like a snapper at that age is 20 years old and it is important breeding stock. They are all females. The anglers have changed. I think that would play the single biggest role in it.

The Hon. LYNDA VOLTZ: What is the change in growth of recreational fishers over the last decade?

Mr McGLASHAN: Growth as in?

The Hon. LYNDA VOLTZ: As in the number of people who actually fish?

Mr McGLASHAN: All we have is the old national study that was done in 2003. That is the last major one. The only other thing you could go on is things like New South Wales licences and things like that.

The Hon. LYNDA VOLTZ: What were the figures in 2003?

Mr McGLASHAN: An estimated 1.8 million households, which they say is roughly 24 per cent; an estimated 3.36 million Australians fished in the last 12 months, so that is about 19.5 per cent; mainly male dominated, 2.3 million although there were still 1.5 million females—females actually are better fishermen than males, as a general rule; most popular people category 34 to 44 was 644,000 males; and there were half a million boats. But it is outdated because it is 2003.

The Hon. LYNDA VOLTZ: Do you know how many recreational fishing licences are issued in New South Wales?

Mr McGLASHAN: About half a million I think it is. It fluctuates a bit, but give and take I think that is what it is.

The Hon. LYNDA VOLTZ: There would be closer to half a million than a million recreational fishers in New South Wales, would there not?

Mr McGLASHAN: Licensed fishers?

The Hon. LYNDA VOLTZ: Yes?

Mr McGLASHAN: You also have kids under—

The Hon. LYNDA VOLTZ: Kids under 18?

Mr McGLASHAN: Yes, under 18.

The Hon. LYNDA VOLTZ: And pensioners?

Mr McGLASHAN: Yes, and pensioners. It would be interesting to see how many kids. I know I put probably 100 days in on the harbour and there are kids fishing all the time. Obviously on weekends there are more, but there seem to be a few during the week as well. I am not sure about pensioners.

CHAIR: The little buggers must be wagging it?

Mr McGLASHAN: That is what I was thinking. I have seen them down there fishing.

The Hon. LYNDA VOLTZ: Banning the kingfish traps has made a significant difference to the number of kingfish, has it?

Mr McGLASHAN: Absolutely. It changed it. Every year the kingfishing is getting better.

The Hon. LYNDA VOLTZ: We have received submissions also from recreational fishers, particularly regarding trawling of prawns in estuaries. Do you think that has an impact?

Mr McGLASHAN: Based on Sydney Harbour I think it does to a certain degree. The problem with that style of commercial fishing is that it is non-selective to a certain degree and it is also taking a major food source.

The Hon. LYNDA VOLTZ: Numerous recreational fishers have asked that trawling be banned in the Macleay River estuary.

Mr McGLASHAN: Yes, to a degree. It is a Catch-22 because if you eat prawns it is not very fair to say, "Oh, I don't like that." On the same note, I think our estuaries are very vital. We have learned that they are nurturing areas and the smaller fish go in there. If you go in the harbour you catch heaps of little snapper; you never catch a big snapper. They all go in there to survive and once they get to maturity they all race out into the big world.

The Hon. LYNDA VOLTZ: Would it be fair to say that New South Wales actually has the poorest fishing grounds in the country due to the tables off the coast, whereas Western Australia and New Zealand are getting much larger fish stocks?

Mr McGLASHAN: No, I would compete with that very heavily. I do not think that at all. I have fished all over the world and for our marlin and tuna we have arguably the best bluewater fish in the world. There is nowhere else in the world you can go and catch black, blue and striped marlin in a day. Only the other day we caught a 65-kilogram yellowfin off Sydney. But that is a very seasonal thing. We have caught kingfish under the Sydney Harbour Bridge.

The Hon. LYNDA VOLTZ: Yes, but comparing our stock numbers and breeding grounds to Western Australia and New Zealand?

Mr McGLASHAN: I do not know how they ever assess it. How could they ever assess something like that? From my experience in the water, the fishing is improving.

Mr IAN COHEN: Maybe you are just becoming a better fisher with more fancy equipment with all the electronics and stuff like that?

Mr McGLASHAN: There is no doubt.

Mr IAN COHEN: The fish do not have a chance.

Mr McGLASHAN: There is absolutely no doubt that that is playing a role. Going back to the earlier figures, because we are getting smarter we are getting better. There is no doubt at all that electronics are playing a major role.

Mr IAN COHEN: You mentioned that anglers should be self-regulating. Would you give me an example of where that works with perhaps reference to the issue of shamateurs? I was on a fishing inquiry previously where major catches were by people who were supposedly recreational fishers but they were selling the product.

Mr McGLASHAN: I think shamateurs has dropped off considerably in recent times.

Mr IAN COHEN: Why?

Mr McGLASHAN: The anglers are evolving. It used to be cash in hand and easier to do. Fisheries now are going through the markets.

Mr IAN COHEN: Is that not regulation?

Mr McGLASHAN: Absolutely.

Mr IAN COHEN: You made the statement to this inquiry that anglers should be self-regulating?

Mr McGLASHAN: Yes.

Mr IAN COHEN: That is a dangerous statement, would you not agree?

Mr McGLASHAN: No. I think they should be involved in it. To a certain degree they are. They were promoting the catch and release before anyone else, trying to learn how to do it. With anything you are going to get a certain amount who are not doing the right thing, but they need to be involved in the process a lot more. We can self-regulate a lot of stuff. A classic example is with the snapper fish we were talking about. With the new style of using soft plastics, that is, using little artificial lures as opposed to bait, the big thing is that you are hooking them in the mouth as opposed to in the throat or anywhere else. We are finding the survival rate is unreal. We are letting them all go.

Mr IAN COHEN: Who is "we"? You are saying across the board you are getting that level of responsible fishing without regulation.

Mr McGLASHAN: A percentage thereof. I would be looking now—

Mr IAN COHEN: From where do you get that information? I am interested because you said that there are a lot of complaints about marine parks, but you are talking to the fishers on the ground, which is fair enough, but they are one particular demographic.

Mr McGLASHAN: Absolutely.

Mr IAN COHEN: Of course they are going to complain about what they perceive to be a lockout and things like that because that is often what is presented in the fishing media, perhaps by you as well. Is that not a bit of a vicious cycle?

Mr McGLASHAN: No. Remember, your top magazines circulate only 20,000. So they are only hitting a niche market. Your average person who would not even know us at the boat ramp are the ones who say it as well. It is not just the guys spending on boats; it is the guys sitting off the pier and things like that who are a bit like, "I've gone and done all this and I don't know where I can and can't fish."

Mr IAN COHEN: I understand that, but I find the signage pretty clear. The borders of the different zones have signage, there are signs on the beaches and also explanations signs. Is that so inefficient and so ineffective?

Mr McGLASHAN: They should have buoys on all corners of them. A GPS mark is a very hard one to go by, particularly with some that are circular and things like that. I know they are trying to change those now. I could not, spending all that time at sea, be able to tell you a distance on a circular one. A square line you can because it is easier. Solitary Islands is not too bad because they have yellow buoys that you can mark. You would be amazed at how little people can use electronics in their boats, despite what they can do.

Mr IAN COHEN: Fair enough. I guess I am just looking at the contradictions. For example, in your submission you state that anglers are prevented from having access to the best areas while there are no restrictions on divers?

Mr McGLASHAN: Yes.

Mr IAN COHEN: In direct contradiction to this, we have a submission from the Underwater Skindivers and Fishermen's Association who claim they are especially targeted for restricted access.

Mr McGLASHAN: That is skindivers. I am talking about scuba divers. Are you talking about scuba divers?

Mr IAN COHEN: No, skindivers.

Mr McGLASHAN: Spearfishermen are—

Mr IAN COHEN: Spearfishermen.

Mr McGLASHAN: They are licensed fishers. They are on our side.

CHAIR: They are not scuba divers.

Mr McGLASHAN: They are not divers.

Mr IAN COHEN: Did I say scuba divers? I do not think so. I just said divers. I said we had received a submission from the Underwater Skindivers and Fishermen's Association that claimed it is especially targeted.

Mr McGLASHAN: They get a hard time, absolutely.

Mr IAN COHEN: Spearfishers were here earlier complaining, yet you say that divers do not have those restrictions?

Mr McGLASHAN: Put "scuba" in front of it.

Mr IAN COHEN: You are saying one thing and they are saying another.

Mr McGLASHAN: Well, I call them spearfishermen.

Mr IAN COHEN: Scuba divers do not actually hunt. The only hunting that occurs is with air tanks in free diving, is that not correct?

Mr McGLASHAN: Correct, absolutely.

Mr IAN COHEN: That is the association that represents those people. It is claiming that they have been specifically targeted for restricted access and they do not have any representation. How does that stack up with what you are suggesting?

Mr McGLASHAN: Absolutely. I am talking scuba divers. The free divers and the spearfishers all have to go for recreational fishing licences. They are exactly what I have been talking about.

Mr IAN COHEN: You are making the comparison with divers who do not actually finish?

Mr McGLASHAN: Absolutely, yes. Scuba diving.

Mr IAN COHEN: Is that not an unfair comparison, because one is hunting and the other is observing? They are totally different.

Mr McGLASHAN: Absolutely. It is just catch and release in those areas. Then you are not harming.

Mr IAN COHEN: You make that statement. You have one that is observing and one that is hunting. You have two completely different regimes. I just find it is a bit rough to be saying anglers are targeted and you are making out another group has no restriction. One is a hunter, which is fair enough—

Mr McGLASHAN: But they are classed under us. They do the same things we do. They have to buy a recreational fishing licence.

Mr IAN COHEN: That is the skindivers?

Mr McGLASHAN: Yes.

The Hon. LYNDA VOLTZ: Spear fishers?

Mr McGLASHAN: Spear fishers, they probably get the hardest time, the poor guys, who are extremely selective in their hunting and their impact is minimal at the end of the day. There was the blue groper issue but they were the first to step back.

Mr IAN COHEN: I just wanted to clarify what seemed to be a contradiction you had before.

Mr McGLASHAN: They are still using the resource at the end of the day.

Mr IAN COHEN: Not the scuba divers?

Mr McGLASHAN: The scuba divers, yes. They are still in the resource. They are still there. They are making an impact.

Mr IAN COHEN: It is a passive activity on the resource. It is not quite the same.

Mr McGLASHAN: I know if I were a grey nurse shark I would be sick of people taking photos and blinding me in my face all the time.

Mr IAN COHEN: Thank you for your comments. It is great that it is on the record. I appreciate that. In the proposals contained in your submission you say the marine parks need to be multi-used. How does this differ from the current situation that allows a range of activities within marine parks, including recreational fishing?

Mr McGLASHAN: It still has the lockouts.

Mr IAN COHEN: So you are saying no lockouts at all anywhere? No sanctuary zones, basically, is what you believe is the most responsible use of marine parks?

Mr McGLASHAN: The sanctuary zones as they are, what are they protecting?

Mr IAN COHEN: I am asking you.

Mr McGLASHAN: I do not know what they are trying to protect at the moment. As fishermen, the fish we target are migratory, they move through, they do not stay in one little isolated area.

Mr IAN COHEN: They aggregate at different times?

Mr McGLASHAN: Absolutely, all fish do. Whether it be for spawning, whether it be for—

Mr IAN COHEN: So you are saying that sanctuary zones are of no purpose for conservation at all?

Mr McGLASHAN: In their present form.

Mr IAN COHEN: What is their present form, and what form would you prefer to see?

Mr McGLASHAN: Use Seal Rocks, for example. They have just drawn a line around it. I have asked—I sent an email that bounced back from the Marine Parks Authority asking what we were protecting. I understand they have centred on the grey nurse shark. I think we need seasonal closures, seasonal sanctuary zones that match in with those fish when they are spawning.

Mr IAN COHEN: You cannot have it both ways. You say how difficult it is. You see it being extremely difficult with the lack of signage, people do not understand, and you want to go to another level now of seasonal control and different types of effort in those areas. Do you think that will work?

Mr McGLASHAN: Yes, absolutely, not a problem at all.

Mr IAN COHEN: You think people will understand—the general, average Joe fisher will be able to appreciate it?

Mr McGLASHAN: I think so. I do not think you give them enough credit for how smart they are.

Mr IAN COHEN: I am only going on what you are saying about confusion that people have with the information which, I might suggest, is pretty readily available and out there and accessible for people at this point in time.

Mr McGLASHAN: No, what I am saying, a lot of hardship is with your GPS marks and things like that. Where they have put yellow buoys in and stuff like that it is easier to mark. It is where it is unmarked and it is just an invisible line and you are expected to know where it is.

Mr IAN COHEN: I put it to you that you are supporting a populist line. A lot of people fish out there and there is a lot of pressure on the resource, and you have taken a convenient line that segues in with the complaints fishermen have who do not have a proper understanding of the signs and yet this is a convenient way to have a good complaint about the situation when, in fact, there is quite a bit of evidence that fishing stocks are improving and marine parks are the only aspect of that but they are a part of that.

Mr McGLASHAN: I totally disagree with that. I think I am representing the average angler, and what I have come here to tell you is what the average angler says. I can give you a cross-section of what they are doing. I cannot tell you what every single angler and what every single conservationist says. I think marine parks in their present form are difficult to understand. Use Port Stephens. They put a sanctuary zone in front of the launching ramp. That is absurd. I checked on the legislation. It is near impossible for me to understand but I think I am meant to take my hooks and swivels and sinkers off my rod and stow it under the floor. I do not have it under the floor. They sit upright. They are sitting upright at home with snap swivels on them, yet friends were getting booked for doing that. This is the balance. This is where it goes back. In its present form, to me that is just targeting fishermen. They should say the guys have to get through. It is unrealistic to say you cannot launch your boat with anything on the end of your rod.

That goes back to what I was saying about the average bloke who does not understand. He has got his boat, he is taking the family fishing, they drive out the front and get booked straight away. They are not deliberately doing anything wrong. I do not see fishermen are doing anywhere near the damage that you are implying so they need the sanctuary areas. Fisheries were doing a very good job beforehand on bag limits and things like that and management, and I do not think we need another group in charge now to be running the same waters. It does not make sense to me.

CHAIR: We will leave that line of questioning. I would like to move on so the Hon. Rick Colless has a chance to ask a question.

The Hon. RICK COLLESS: You comment in your submission about sanctuaries encompassing the best fishing spots. The marine parks people tell us that 20 per cent of the marine parks are no takes zones, which they say is 6.5 per cent or 6.7 per cent of the total coastline, but within the marine park areas do you think that that 20 per cent they talk about takes in the best of the reef and the structure in those park areas?

Mr McGLASHAN: Absolutely. Obviously there is the grey nurse issue. A lot of our best fish are in the same area as the grey nurse is. I do not know an angler that has ever caught one, yet I live bait for kingfish, which lives side by side with them, which should theoretically catch grey nurse sharks, and I have never caught one. Use Port Stephens, because that is the area I am most familiar with. You have Seal Rocks, which is one of the best fishing areas ever. That is completely gone now. You have the outside edge of Broughton Island, which is sensational. You cannot fish there any more. So, yes, they have taken some of the best spots without doubt.

The Hon. RICK COLLESS: What are the remaining reef and structure facilities like in that park area? Are there still areas you can fish in that have a reasonable reef in it?

Mr McGLASHAN: I do not know, I do not fish it any more. All the best spots that I fished have gone. I have not fished inside there pretty much since the park has been there. All the main sports we did there have been locked out so we did not go back for it at all. So, it is hard to comment.

The Hon. RICK COLLESS: There are a couple of things I would like your comments on. One is the marking of the parks out to sea. The further off shore you get the more difficult it becomes to mark them, either with buoys or by landmarks. In my experience, the further out to sea you get the more difficult it becomes to recognise landmarks.

Mr McGLASHAN: Absolutely, and on a foggy day or something like that.

The Hon. RICK COLLESS: Yes, you cannot see them at all.

Mr McGLASHAN: Yes.

The Hon. RICK COLLESS: What do you see as the solution to that, how they could be better marked so fishermen could know where they are? Most fishermen are responsible.

Mr McGLASHAN: Yes.

The Hon. RICK COLLESS: If they go into the park area they will soon get out of it again if they know they should not be there.

Mr McGLASHAN: I think that is what mostly happens. The problem with the buoy system and why they have been avoiding it is that it is expensive. The buoys do not last long. Look at the ones in the harbour that are protected, they do not last. Out there it is very hard, and this is where their hardline approach of anyone who even sniffs near the border fence, they jump on them. Maybe we put a buffer zone. It is a hard one to do, because putting yellow buoys in is very hard. I know some of the officers at Solitary Island and management there. Those buoys are breaking off all time. It is a hard thing to do. That is why I am so much more in favour of education as opposed to the lockout. As they go further and further offshore it will only be GPS marks. There is no logic in putting the buoys out two miles off shore. The first big swell that comes through, they are gone. To be honest, it is a waste of a resource once you get out there to a certain degree. How much are you going to put into one yellow marker buoy that keeps coming back in that we could be using on the environment and enhancing that area instead? That is a difficult one, I think.

The Hon. RICK COLLESS: As a journalist, no doubt you speak regularly to providers of fishing equipment and electronic equipment, and so on. Are you aware of any software manufacturers who are looking at a way or the ability to mark your GPS coordinates so you can tell where you are? Is anything like that being looked at?

Mr McGLASHAN: Not to my knowledge. I do a bit with Navionics and stuff like that—they do those charts. They basically put it back on marine parks saying: You guys did it, you come to us with it. They do not want to invest the money at all. To me, it is a bit of a question too. We have to make it as best we can fair to everyone, but they are looking at going, "Well, it's my bottom line I'm looking at. Is this going to make more people buy my product?" I do not think they see it that way at the moment, but I am not expert on that area, either.

The Hon. RICK COLLESS: Can I ask you about your comments about having the lines rigged at the boat ramp? I have not heard any of those stories, although I have heard plenty of other anecdotal evidence about the other issues you raise. In terms of fishermen being required to completely de-rig their lines before they go through a no-take zone, they could be just travelling from point A to point B, but they have to de-rig their lines otherwise they have to go right around the whole thing.

Mr McGLASHAN: Yes.

The Hon. RICK COLLESS: What do you see the answer to that is? Should that just be completely abolished altogether?

Mr McGLASHAN: Absolutely. They are making out that fishermen are deliberately sneaking in there and doing the wrong thing. This is what I am so annoyed about. They are not the ones. The fishermen are probably one of the best custodians. We have learned over the years. Do not get me wrong: we used to be a bit average. My old man used to keep everything, but that is the way things have changed now. It is that sort of attitude that you go, "Hang on, I'm not deliberately doing wrong."

If you have a boat that is full of fish, then it is a question mark back in the sanctuary zone, but there is no issue with that at all. But if you are travelling through, no. Port Stephens was a huge thing: people at the ramp were getting booked. They are not deliberately doing anything. They are not even fishing. They are driving through it. I think they are trying to change that, but they have not sent me a press release on anything to

that effect, as such. But, to me, that should all be abolished. You are making out that they are doing something wrong. Fishermen seem to be a soft target to a certain degree. They are making out that they are wrong and they are slapping a \$500 fine on them. I just do not think that is fair in any shape or form.

The Hon. RICK COLLESS: Once you get out in the ocean and you have all your lines de-rigged, how long does it take and how difficult is it to properly rig a line when you are out bouncing around on the water?

Mr McGLASHAN: On a rough day, way too long.

The Hon. RICK COLLESS: It is almost impossible.

Mr McGLASHAN: Yes, it is ridiculous. This is contrary to what I promote on the television and all the fishing magazines, which is: get your gear ready before you go because you maximise your time on the water. Does that mean I am breaking the law, by telling them to do that before they go? With some of the marine parks, you have to go through it to get there—obviously, like Port Stephens. Sometimes fuel is a big issue. They are saying, in effect, that they want you to burn more fuel. The last thing we need to do is burn more fossil fuels. That is where it is going back to, "Let's look at a more logical approach."

CHAIR: Mr McGlashan, in your submission you recommend that New South Wales Fisheries should be given control of marine parks. Can you elaborate on why you believe this is necessary, or good policy?

Mr McGLASHAN: Well, I just do not understand why we have two different groups doing the same job. I do not understand why we have marine parks officers and Fisheries officers. To me, would it not be better that it is under one banner, as opposed to two totally separate groups that now have to talk to manage the same fishery? To me, that is madness. It is double expenditure. We are doubling up, whereas if we put that together, we would be able to better utilise the money to enhance the fishery. To me it seems like: why have we got three people doing one person's job?

CHAIR: You earlier stated that you thought this spatial definition or drawing lines on a map was not the best way to manage, for example, biodiversity. I am talking about sanctuary zones here. Could you provide the Committee with a list of suggestions as to what other ways and what other means there are to control the take, or to protect certain species, or to protect an area?

Mr McGLASHAN: Definitely. It depends on what we are trying to protect. For example, what we were saying before about sanctuary zones, they just block off one certain area. Most fish are transients through that. There are certain things, even the rock lobster, that are moving out. There are very few fish that do not leave that area. So are they just trying to protect them when they move through that area, or are we looking at a bigger picture? I think the better thing is that there are certain bottom structures we should be protecting, which are not moving.

CHAIR: How would we protect those?

Mr McGLASHAN: No anchoring and no bottom fishing. Trolling is still allowed and so is drifting, but no bottom fishing. For argument's sake, where there are ferns or something like that down there—sea corals or ferns or something like that—that we need to protect, we put a "no anchoring zone" or something like that. We need to understand what we are protecting, though. The problem here is that the sea is not a spot where you just lock off one spot and go, "Oh, that'll make us feel better. It's all protected now." Those fish are moving around. We need to protect specifics of that area, as opposed to just locking out chunks.

CHAIR: What other methods are there? For example, say you wanted to protect areas where fish breed.

Mr McGLASHAN: Seasonal closures. That is the big one, I think. Western Australia have done it quite effectively in Cockburn Sound for the snapper. I use snapper because that is just an easy one. Learn when they are spawning, and I can guarantee there will be barely a fisherman that will not support a month's closure. South Australia is doing it really well. They lock down part of the area for, I think, three weeks in November and then you can fish again. Give the fish a chance to breed. To me, that is a proper sanctuary zone as opposed to locking up a chunk and going, "Yes, that's it—fixed."

CHAIR: We are out of time. Mr McGlashan, thank you for attending and giving evidence today. Along with any questions that you took on notice during your evidence, would you agree to receiving additional written questions that members of the Committee may not have had the opportunity to ask you today?

Mr McGLASHAN: Absolutely—no problem at all.

CHAIR: If so, could you perhaps have answers to those back within 21 days?

Mr McGLASHAN: Not a problem at all.

CHAIR: Thank you. I declare this part of the hearing closed. Thank you very much for attending.

Mr McGLASHAN: Thank you.

(The witness withdrew)

The Committee continued to deliberate.
