

REPORT OF PROCEEDINGS BEFORE

SELECT COMMITTEE ON RECREATIONAL FISHING

UNCORRECTED TRANSCRIPT

INQUIRY INTO RECREATIONAL FISHING

At Sydney on Monday 30 August 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. J. S. Lynn

The Hon. C. M. Robertson

The Hon. L. J. Voltz

BENJAMIN CAMERON ST. JOHN BIRT, Marine Conservation Officer, Nature Conservation Council of New South Wales, affirmed and examined:

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

Mr BIRT: Yes. I would like to take this opportunity to make a short statement focusing on the section in the terms of reference that focuses on ecologically sustainable development related to recreational fisheries. Given the popularity of recreational fishing and the level of capture method as a whole, this is clearly something that needs careful management if it is to be sustainable and not to have a significant negative impact on the environment. The most recent catch data on the New South Wales recreational fishery across the whole State, while probably already outdated from 2003, showed that in the case of a number of species the recreational take is likely to be higher than the commercial take. Many of these species are assessed as fully fished by the New South Wales Government, with a handful of them overfished to varying degrees.

What this demonstrates is that we need a clear understanding of how much has been caught recreationally, now and into the future, if we are to have effective management and ecologically sustainable development. In the view of the Nature Conservation Council, the recreational fishery urgently needs to undergo an environmental impact statement [EIS], which then informs the strategy to manage the fishery based on the findings of that environmental impact statement. All the commercial fisheries have been obliged to do this, and it seems illogical that a major sector of the overall New South Wales fishing effort in the recreational sector has not yet followed suit.

While an environmental impact statement is in itself no guarantee of sustainability, it is a very important first step and one that would provide vital information to managers, and ultimately should benefit the marine environment and both commercial and recreational fisheries.

CHAIR: Your submission notes that there is a call from among marine scientists for at least 30 per cent of each marine habitat type to be zoned as no-take. Can you tell us why it is believed such a large percentage of no-take zone is required?

Mr BIRT: In our submission we have put forward four footnotes with reference to that 30 per cent figure. Each of them is based on different sets of criteria, and probably they tend to feed off each other. But it is generally understood now that the Great Barrier Reef Marine Park is considered best practice, and that has a figure of around about 30 per cent of each habitat type.

CHAIR: If 30 per cent of waters were to be zoned as no-take sanctuary zones within the marine parks, do you think there would still be a need for other fishery management techniques in the remaining 70 per cent of waters?

Mr BIRT: Absolutely, yes. Fisheries management outside of the no-take areas is fundamental for the no-take areas to work, initially as biodiversity conservation tools and then potentially as fisheries management tools.

Mr IAN COHEN: In terms of the sanctuary zones there has been quite a bit of criticism from various sectors, mainly fisheries user groups, both recreational and commercial, that the sanctuary zones in themselves are an artifice or not an effective way of managing major conservation issues, because the fish move. Then there is the additional concern that they feel they are losing their main fishing sites, because the sanctuary zones are often in areas where the habitat is very prolific for breeding. How do you see the role of sanctuary zones in themselves? What degree of fisheries and fish do they effectively protect, given the massive movement of various pelagic fish, in particular.

Mr BIRT: The way I see sanctuary zones is that it is an attempt to allow an area of sea, including the habitat there, to revert back to something like its natural state. By removing the impact of extractive use, the key one being fishing in all its forms, what has been documented and well noted in sanctuary zones around the

world, including in Australia and New South Wales, is that changes start to occur, and that is generally accepted to be as a result of the removal of one particular predator, and in this case humans.

Mr IAN COHEN: In terms of these protected areas, you mentioned that the Great Barrier Reef Marine Park—headed up by a former member of this Parliament, I might add, Virginia Chadwick—is the benchmark that is acknowledged. Could you give an indication of what specific issues come up with the Great Barrier Reef Marine Park and how successful it has been, and what is the level of sanctuary zones and suchlike in that park?

Mr BIRT: The level of sanctuary zoning there is around about 30 per cent of the park. In terms of the success of the park, there have certainly been changes documented within the no-take zones. Those zones have been compared with other zones. While I do not have figures on me, there are a number of papers. In fact, a very interesting one came out recently by McCook. I do not have a copy of that with me, but I would be happy to forward it to the Committee if you would like to see it.

CHAIR: Could you provide that to us please?

Mr BIRT: Yes. That demonstrates several changes across various sanctuary zones and indicates that they have worked very well as biodiversity conservation tools, and that they could work into the future as fisheries management tools as well, although that is not what they were designed for.

Mr IAN COHEN: Are there any species that would not respond well to the sanctuary zone concept?

Mr BIRT: Clearly, if you have a relatively small sanctuary zone it is less likely to directly impact upon pelagic species, or species that move in and out of that area. Having said that, it stands to reason that if you have a larger sanctuary area—and this has happened in a number of places recently; in the Hawaiian islands they have recently zoned a large area as sanctuary protection, and the same in the Chagos Islands in the Indian Ocean—what you would expect to see there is an effect also on those protected species, simply because of the large area being covered.

Mr IAN COHEN: How does Australia stand internationally in terms of the number of marine protected areas that have been established?

Mr BIRT: Internationally it is relatively good in terms of the marine protected areas, the MPA network. In terms of no-take protection, I would not be able to tell you; I do not know off the top of my head. But the majority of the no-take areas in Australia are in the Great Barrier Reef Marine Park and in the offshore Sub-Antarctic islands, and then there are some in the south-east as well, in Commonwealth waters.

Mr IAN COHEN: There has been a fair bit of criticism that looking at marine park sanctuary zones, specifically borders, protected areas and so on, is taking away from what is perhaps the most pressing issue, which is land use impacts on fisheries, agriculture, development, and suchlike. Do you have an opinion on that?

Mr BIRT: I certainly have an opinion that inappropriate land use, pollution, inappropriate coastal development, and so on, are important factors. There is absolutely no doubt about that. But to focus only on that, and then to say that somehow the sanctuary zones do not address any sort of biodiversity conservation outcome issues, I think is incorrect. Plenty of evidence and research has gone on in the water to show that there are changes within sanctuary zones when they are zoned, and that the longer you leave them the more changes you see. So, while they may not directly address pollution and other threats to the marine environment, they certainly have their role—and I think it is a key role—in protecting biodiversity.

Mr IAN COHEN: On page 4 of your submission you suggest that recreational fishing havens and critical habitat sites should be managed under the Marine Parks Act and the Fisheries Management Act. Can you elaborate on what the benefit of this would be?

Mr BIRT: That point was made basically to try to simplify the whole process. You could say that recreational fishing havens in their current form are very similar to the habitat protection zones within marine parks. Aquatic reserves is another one, where there are so many different types of aquatic reserve with many different management regimes associated with them that it can get incredibly complicated for people using the areas to know what they are allowed to do there and what they are not. So I think a general simplification of the regulations would be of benefit to everyone.

The Hon. LYNDA VOLTZ: With regard to no-take zones in sanctuaries, in the Jervis Bay model there are some zones where you can take bait fish only and there is a different mix being looked at in sanctuary zones that limits the idea of a no-take zone, to protect the species that really need to be protected, as opposed to restricting recreational fishers completely. Do you have a problem with that kind of model?

Mr BIRT: I am not sure that in Jervis Bay there are sanctuary zones where that is being proposed.

The Hon. LYNDA VOLTZ: Perhaps it is the Solitary Islands. On the back of one of the islands there is a zone where you can trawl at certain times of the year.

CHAIR: I think it is in the Port Stephens Marine Park.

Mr BIRT: Yes, there are various areas where there are temporary closures, or seasonal closures, largely around the grey nurse shark issue. I think that that sort of management has its place, but I would say that that is more of a fisheries management issue. Whereas the idea of a sanctuary zone is to try to remove as much direct human impacts as possible in order for the whole system to try to revert back to something like what it was before any sort of human extraction took place. I think we probably do not understand enough about the marine environment yet to start supposing that if you have a partial sanctuary it might be as effective as a sanctuary zone. Also, I think it creates a compliance issue. If you have an area where you allow fishing only on the surface, for example, it is very difficult then, from a distance at any rate, to be able to tell what sort of fishing someone is doing and whether they are complying with the regulations.

The Hon. LYNDA VOLTZ: You do not feel that in those areas where they have those kinds of regulations—for example, the bait only area, which is off the back of one of the islands—they are difficult to police? Do you have no concerns about those areas at present?

Mr BIRT: If they are seasonal I do not, because that is relatively easy to police. If it is in one month of the year, people are allowed to do that. I think that in terms of the rather complicated rules around critical habitat zoning for grey nurse sharks, for example, there is still an issue, and quite a significant one. First, I think they are overly complicated, and second, they do still allow certain relatively high-risk methods of fishing right on top of the sharks.

Mr IAN COHEN: What do you see as the most effective way of dealing with the grey nurse aggregation site? Do you have a clear position on that?

Mr BIRT: I do, as does the Nature Conservation Council. We go along with the Stevens review commissioned by the New South Wales Government and written in 2003. That review suggested no-take zones with a 1,500-metre radius from the critical habitat area.

The Hon. CHRISTINE ROBERTSON: Your submission is interesting. Much of the evidence the Committee has received has been in answer to some of the work of the Nature Conservation Council. You would know that from reading the submissions. Was "The Torn Blue Fringe" produced as a wish list or a discussion paper in the mind of the council?

Mr BIRT: It was written by the National Parks Association.

The Hon. CHRISTINE ROBERTSON: I am confused.

Mr BIRT: It was not ours.

The Hon. CHRISTINE ROBERTSON: But you mentioned it in your submission.

Mr BIRT: I forget why.

The Hon. CHRISTINE ROBERTSON: You mention it in the discussion about reaction.

Mr BIRT: Would you like me to elaborate?

The Hon. CHRISTINE ROBERTSON: Yes.

Mr BIRT: On "The Torn Blue Fringe"?

The Hon. CHRISTINE ROBERTSON: Much of the information the Committee has received, both at hearings and in submissions, has been a reaction to the process. Your submission refers to that reactionary process. Can you talk about that? There has even been reaction in Parliament to "The Torn Blue Fringe".

Mr BIRT: "The Torn Blue Fringe" clearly alarmed some people. I think it was written in good faith and it represented the National Parks Association's vision of how the marine parks network should look in this State. It is inevitable when something puts that much out in one go that there will be considerable debate. We mentioned in our submission that the Nature Conservation Council believes that the Advisory Council on Recreational Fishing's [ACORF] decision to pay a consultant to review "The Torn Blue Fringe" was flawed. It is the Government's place to respond. I understand it was prepared and given to the Government. The process that ACORF went through was not necessarily entirely transparent and it assumed a certain response from the consultant engaged.

The Hon. CHRISTINE ROBERTSON: The consultant chosen to deliver?

Mr BIRT: Yes.

The Hon. CHRISTINE ROBERTSON: You suggest that for simplicity's sake there should be a standardised zoning process throughout all marine parks. How would that address the issue of consultation and working with local communities, fishing communities and conservation communities? What would happen? We had a good example on the North Coast involving a canoe fisherman who had missed the process and who would be picked up in the review process. Would that standardised zoning negate the consultation processes?

Mr BIRT: I would not want the process to exclude people from consultation. That is fundamentally important in ensuring that the community has a voice and an opportunity to comment on any proposed marine park or any changes to a park. Clearly there are differences up and down the State in terms of use of an area and the methods used. Those need to be fully captured in any consultation. I did not mean to suggest that that should not be the case.

The Hon. CHRISTINE ROBERTSON: That would be a danger because, whether it is right or wrong and regardless of which party is in government, governments are perpetually told that they do not consult. From the evidence the Committee has received, the marine parks process has involved extensive consultation, and it is important that that continue. Standardised zoning may well negate that.

Mr BIRT: It is probably not absolutely clear what we meant by that. We certainly did not mean that consultation should be exactly the same or that maps should be fixed. The whole idea of consultation is interesting. We regularly hear from consultation that some recreational fishers feel that their favourite spot has been taken away. Inevitably when you exclude people from a fishing area some people will feel more hard done by than others. It is hard not to take anyone's favourite spot. I have a recently written paper suggesting that in Australia, including in New South Wales, the consultation process, and particularly on the fishing side, has lead to potentially weaker conservation outcomes because the socioeconomic impacts have been taken into account.

CHAIR: Can you give the Committee the reference for the paper?

Mr BIRT: It is by Edgar, Barrett and Stewart-Smith and it is dated 2009. It states:

Our results are consistent with the hypothesis that the recently declared MPAs across Australia have been sympathetically located in areas with few fishery resources.

That is the opinion of one paper, and I do not mean to suggest that people have not lost important fishing areas. However, there are two sides to the argument.

The Hon. CHRISTINE ROBERTSON: You have put a lot of work into your submission in relation to getting information on the take from recreational fishing. Of course, I am talking about rural recreational fishers. We hear primarily from the professionals. How do we get reliable information? We get anecdotal evidence, but how do you propose that that happen?

Mr BIRT: That is probably a question best put to the scientists in Industry and Investment who work on recreational fisheries and people in universities and research institutes who could design suitable

methodology. I am sure that it does exist. We have had surveys, but it is a complicated process. It is also time consuming and potentially expensive. However, it needs to be given a go and we need to try to get a handle on the catch and the effort and to see where we can go from there.

The Hon. CHRISTINE ROBERTSON: I am envisaging the Clarence River with its 6,000-odd entries. How could you possibly get even a concept of what is happening on the Clarence on any one day?

Mr BIRT: Clearly you cannot cover everybody. It is about taking a representative sample and there are statistical models that would be able to—

The Hon. CHRISTINE ROBERTSON: I understand statistics. However, there is strong demand for accurate numbers and it is difficult to perceive how one could get an accurate picture. During this inquiry we have seen very few recreational fishers—or what I would call a recreational fisher. We have heard from professionals, club fishers and so on. They have been the main contributors to this inquiry. It has been difficult to get a handle on the views of the enormous number of people involved in recreational fishing in New South Wales. Is there any representative on the council who simply goes fishing, or do all the members represent clubs, those involved in charter and so on? I am trying to get a handle on this.

Mr BIRT: Hopefully someone from ACORF can provide the exact makeup of the committee. I know there is one conservation representative from the Nature Conservation Council. There are also representatives from the charter industry and so on.

The Hon. CHRISTINE ROBERTSON: So specific commercial organisations have representatives?

Mr BIRT: I cannot say. It would be best to ask ACORF.

CHAIR: The Committee has a copy of that paper from a previous witness.

The Hon. TONY CATANZARITI: In your opening statement you advocated that an environment impact statement be produced with regard to recreational fishers. Has your organisation done any investigation into how recreational fishers are going about their business or how they may be causing problems?

Mr BIRT: We have done no direct research on recreational fishing.

The Hon. TONY CATANZARITI: Has anyone in your organisation done any investigation along those lines?

Mr BIRT: As far as I am aware, no, and not in the time that I have been with the organisation.

The Hon. TONY CATANZARITI: In your view, how could the representational system for recreational fishing trusts and advisory councils be improved?

Mr BIRT: Some of the feedback that we had from our representative in ACORF indicates that it can be quite difficult to make our voice heard. The council is about recreational fishing, so those representatives need to make up the bulk of the committee. However, it would be beneficial if the committee were to have an independent scientific representative—someone not attached to the Government, industry or conservation. It could be an independent scientist, perhaps from one of the universities, who would be able to answer those sometimes tricky questions that come up, particularly relating to marine protected areas, which tend to generate a lot of emotion.

The Hon. TONY CATANZARITI: You argued that more needs to be done to communicate to the fishing public the purpose and benefit of marine parks and sanctuary zones. What particular information do you think needs to be conveyed to the fishing public to address misunderstanding of opposition, for example, to sanctuary zones?

Mr BIRT: One of the key misconceptions is that marine parks mean you cannot fish in a particular area. Obviously the local people understand that that is not the case. Some of the misinformation that has been bandied about tends to imply that marine parks mean no fishing. That is not the case. It needs to be made very clear that marine parks are designed to be multiple use. Fishing is prohibited in some areas and they are zoned in that way to give biodiversity the best chance to persist and to recover as unmolested as possible.

The Hon. TONY CATANZARITI: Who do you think should produce environment impact statements with regard to recreational fishers?

Mr BIRT: The environmental impact statement process for the commercial fisheries is a good model; it works pretty well. It is not absolutely perfect and it does not necessarily guarantee sustainability, but it is a very good start. It provides a clear set of things at which you need to aim. New South Wales Industries and Investment would be the obvious body to carry that out for the recreational fishery.

CHAIR: On page 7 of your submission it states that spearfishing can have considerable impacts on aquatic ecosystems. During this inquiry spearfishing representatives have argued against that point of view. They say that their activity has the most sustainable impact due to the physical constraints on their pursuit and the fact that they cite the fish that they take. Firstly, can you provide the Committee with any evidence that supports the assertion in your submission and, secondly, can you comment on the statement from the spearfishing representatives?

Mr BIRT: Firstly, spearfishing clearly is more selective than most other forms of fishing, and I do not disagree or argue with that but it does select generally larger fish. Initially at least it selects fish that are perhaps easier to capture. In terms of the evidence, footnote number 26 is a document put together by a scientist who I believe is based in Tasmania on the impacts of spearfishing—you can find the reference on there.

CHAIR: Earlier in your evidence you referred to the paper that we already have. You said you felt that paper pointed to a potential problem with the determination of conservation effort because socio-economic considerations had been made. Are you aware that in the Government's independent scientific review the research that has been done is criticised because of a lack of efficacy and effort into the socio-economic side of the research?

Mr BIRT: I have read through the findings from that review.

CHAIR: What is your view on that?

Mr BIRT: My view is that I do not come down either way in terms of whether I believe there has been enough socio-economic research or socio-economic consultation or considerations. I think it is very important that those things are taken into account and that they play a key role. But by putting that paper to you I was just saying that there is one version of events and there is another. It is interesting to have all the information to hand.

CHAIR: We have had a bit of discussion on the requirement for an EIS. Of course an EIS requires information and Ms Robertson pointed out that could be a bit difficult given the size of the recreational fishery in terms of geographic spread. Are you aware of the two surveys that were carried out in 2005 on the recreational fishing havens—I think only two were done—Tuross and Lake Macquarie?

Mr BIRT: I am aware of them.

CHAIR: They did apply what appears to be at least an attempt to obtain that information. Mind you, they were very specific areas so I guess that is not quite such a difficult thing to do. In fact both those reports point to huge increases in the biodiversity in those areas, both of which are subject to extraction. What would be your comment on the value of recreational fishing havens therefore as a conservation tool similar to a sanctuary zone?

Mr BIRT: Firstly, I would not dismiss them as being unimportant for biodiversity conservation. I would not compare them directly to sanctuary zones; I would compare them more to habitat protection zones within marine parks. There are a number of scientists that have looked at differences between recreational take only areas and no-take areas, and there is a clear difference in between them.

CHAIR: Will you repeat that please?

Mr BIRT: There are clear differences between the two—recreational only areas and no-take areas.

CHAIR: In research?

Mr BIRT: In research, yes. Again I can forward to the Committee a paper on that.

CHAIR: Will you provide the Committee with at least a reference to that?

Mr BIRT: No problem. So while I would say there may be biodiversity conservation outcomes from habitat protection zones or recreational fishing havens they are not as important as the sanctuary protection areas.

CHAIR: I would like to see the research, thank you. On page 9 of your submission you state:

The management of recreational fisheries needs to move towards an ecosystem-based approach.

Page 4 of the Government's submission states:

Fish stocks that support recreational fishing are components of a complex ecosystem. An ecosystem-based fisheries management approach is used in New South Wales, which incorporates all aspects and impacts of fishing activities in the ecosystem and the decision-making.

Can you comment on that difference of view between your organisation and the statement by the Government as to how it carries out management of that?

Mr BIRT: I think the concept of ecosystem-based management is relatively new and although several fisheries management organisations do claim to use it I would not say it has been implemented anywhere yet 100 per cent. I think in Australia, for example, and fisheries management in New South Wales there is still quite a heavy focus on single stock management. That in itself is not necessarily a negative thing; it is an important part of the whole package but I would not say yet that an ecosystem-based management process has been fully achieved in New South Wales.

Mr IAN COHEN: There has been a lot of discussion with fishery groups about the responsibility of recreational fishers; that they capture and return and suchlike. Can you give the Committee your opinion on how that is slowing, either by enforcement or education? Also other people have given evidence about illegal catch, shamateurs, and unofficial trade from the so-called recreational fishers selling product to market, restaurants et cetera. Do you have any opinion on how to deal with those two perspectives?

Mr BIRT: I will deal with the shamateurs one first. I think that is clearly a situation that nobody wants, apart from the shamateurs themselves perhaps. The recreational fishers do not want it. It does not do anyone any good. Commercial fishers clearly have a big problem with it. As to how you would deal with that, I think there is probably a relatively good consensus across the board that more Fisheries compliance officers would be a good thing up and down the coast, particularly in regional areas. Obviously it is a very difficult thing to get a handle on and it is very hard for the compliance officers to collect enough evidence to get a prosecution. But more compliance is probably the way to go in terms of numbers of officers. The second part was about capture and release?

Mr IAN COHEN: Yes.

Mr BIRT: I think capture and release education is a positive thing certainly. I think it varies from species to species as to how useful it is. Some species are more prone to significant injury or death from being hooked. It depends on the depth you have caught them at as well. I think capture and release certainly has its place, particularly for some of the more heavily pressured species like mullocky. I think if there can be a bit more of an effort to create a culture of releasing the fish rather than keeping it then that will benefit the natural environment certainly.

Mr IAN COHEN: People are always looking at ways of legitimising and making safe the catch, which is obviously very difficult by the very nature of fishing in the ocean and the many participants. It has been suggested to me that recreational fishers could be instructed to clip the fin of the catch so they are easily identifiable and therefore cannot end up in a commercial sale situation. Do you see that as a valid practice perhaps, if it were publicised and enforced in some way? Is that something that could work?

Mr BIRT: Recreational fishers would clip every fish they caught and kept?

Mr IAN COHEN: Yes and it was therefore clearly identifiable. Have you come across that at all and is that a way forward out of what is a very confusing situation?

Mr BIRT: I have not personally come across it; I have heard of the concept certainly. I do not know whether it has been put into practice anywhere but I certainly would not have an argument with that. Fin clipping can certainly be a way of managing a resource even if you put the animal back. I know that in several lobster fisheries they clip the tail if it is a female. If it is a berried female and you catch another female that is not berried but it has a clip in its tail then you put it back in an effort to preserve the stock. I am sure it could work the other way in terms of catch that is kept as well.

Mr IAN COHEN: You have concerns with practices of fish aggregating devices and fish stocking, both native and non-native. Can you present that to the Committee?

Mr BIRT: Both of those points are really indicators that things are not quite 100 per cent in the natural environment. For those that arrived here 200 years ago, 100 years ago or even 50 years ago the concept of needing to stock an estuary with fish or to put an artificial device in the water to attract the fish so that you could catch them I think would not have been one that would have been at the forefront of their minds because there were enough fish to catch naturally, shall we say. I think that any time you feel you need to enhance the fishery, whether it is through stocking or through artificial reefs or fish aggregating devices, you are sort of acknowledging that nature is not producing enough. I think there are better management processes that can try and recover the natural stock up to levels where you can catch fish more easily than putting in artificial methods.

Mr IAN COHEN: Does a fish aggregating device, for example, have any benefit to the species or is it purely just another place for fishers to congregate where there is a reliable resource?

Mr BIRT: Fish aggregating devices are designed because it has been recognised that there are naturally occurring fish aggregating devices, big rafts of weed, for example, that float in the ocean that attract various types of fish to them. So you are essentially replicating something that exists anyway. As to whether they are of benefit to a species I would suggest that if they are being regularly fished then, no, they are not.

CHAIR: Does the Nature Conservation Council of New South Wales have a negative view on artificial reefs or could you see them as being useful, for example, in habitat protection zones?

Mr BIRT: We would not want to rule them out completely. Our position is not that artificial reefs should not exist. Our position is that if you feel like you need to put in an artificial reef then look more closely at the reasons for having to do that in the first place.

CHAIR: Earlier in your evidence Mr Cohen asked you about the view of the Nature Conservation Council of New South Wales on issues such as coastal development and urban run-off and agricultural run-off. How would you see that the New South Wales Government could better address those issues if, indeed, the Nature Conservation Council sees them as issues at all?

Mr BIRT: Firstly, they clearly are issues and the Nature Conservation Council does see them as issues. Unfortunately our capacity is limited; we would like to work on everything but we cannot—nor can anyone. Potentially one of the positive things to have come out of marine parks and the marine parks debate that has occurred is that there has been more of a focus paid, or by necessity people are pointing more to these other issues. So perhaps that in itself will lead to further work either from conservation organisations, non-government organisations, or from government to address some. Clearly the Government is not doing nothing on it; there has been a lot of work over the years to address these issues but it is a very complicated process and you are talking about huge catchment areas.

CHAIR: You are obviously aware that the New South Wales Government puts a considerable amount of money into the environment trust every year.

Mr BIRT: Yes.

CHAIR: Your organisation comprises, as I understand it, lots of smaller organisations.

Mr BIRT: Yes.

CHAIR: Does the Nature Conservation Council have any program as to how they would encourage those different organisations to put grant applications forward? What I am leading to is this: Do you think it could be time for more money to be spent through grant systems on coastal rehabilitation specifically—I will call it marine conservation, but you know what I mean?

Mr BIRT: Yes. I think if you look at the Environmental Trust grants that have been given over the last few years there are some that focus on estuarine health in particular—

CHAIR: Not many.

Mr BIRT: OceanWatch got one I think, for example. I think that the Environmental Trust decides what it feels are its priorities, but clearly it would be good to see at least one grant going into that every year, of the nature ones that are put forward. The Nature Conservation Council of New South Wales has put one forward this year to look at marine debris and we are awaiting a response.

CHAIR: Do you think that the catchment management authorities could play a bigger role in this area?

Mr BIRT: I feel that I cannot comment on that. I think that the catchment management authorities play a very important role and the stronger their voices the better, in my view.

(The witness withdrew)

MARTIN JOHN SALTER affirmed and examined:

CHAIR: Could you state the capacity in which you are appearing before the Committee today?

Mr SALTER: I am a temporary resident in Sydney and I am appearing as a private citizen, but for 25 years I was in public life in England as a councillor and for the last 13 years as a member of Parliament, and during that time I was the parliamentary spokesman for angling.

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate the fact to the Committee and we will consider your request. If you take any questions on notice today the Committee would appreciate a response to those questions being sent to the Committee Secretariat within 21 days of the date upon which the questions are forwarded to you. We have received your submission and the Committee has agreed to publish it. Before we commence our questions, would you like to make a brief opening statement?

Mr SALTER: I certainly will. Can I first of all say that this is the first time that I have sat as a witness to an inquiry—I am normally where you guys are—so it is an interesting process for me. I do not have any more, sadly, the resources of a member of parliament's office or research staff, although I have been assisted in my submission through my knowledge of angling, my experience in the United Kingdom and in dialogue with fishery scientists and other people in the environmental and fisheries field, so whilst what you have in front of you is a combination of my views and my experience, some of it is informed by professional analysis as well.

My opening statement will be brief because I am sure you probably want to devote most of this time to questions. I am on sabbatical in Sydney. I am supposed to be having a break from public life, but I could not help noticing, in my reading of various press articles and in talking to people I have become friends with, fishing in Sydney and New South Wales in areas where they can still fish, there is considerable controversy over the issue of marine parks—not so much the establishment of marine parks, but how they are managed, the science behind them and the process of public consultation.

This is in marked contrast to my experience in the United Kingdom, which I have set out in some detail in the submission, where anglers and the angling community, by and large, were very much in favour of the establishment of what we chose to call marine conservation zones. Not wishing to end your political career, but it does seem strange to me that people in Australia and New South Wales have felt the need to form a separate political party for the views of what is Australia's most popular participative sport, I would suggest, given that around \$3 million practise angling at least once or twice a year. That does suggest to me that there is a political issue here in terms of how recreational anglers feel represented. Sorry, is there a problem?

The Hon. CHRISTINE ROBERTSON: I was just talking about persons who change their name for numbers for the tickets.

Mr SALTER: Okay. It did seem to me there was a bit of a problem here, so I thought to myself: Why is it that the main advocates—potentially the main beneficiaries of marine parks or marine conservation measures, particularly recreational anglers—are not more on side in this debate? I think there are some important questions that politicians in Australia really need to answer, particularly as the legislative basis for recreational angling is enshrined in legislation.

You do have the Fisheries Management Act 1994, which places a clear duty on the New South Wales Government to provide quality recreational angling opportunities, and at the same time we have this controversy over the subsequent piece of legislation, the marine parks legislation, which of course is locking anglers out of a number of areas and certainly in the view of many anglers and many fishery scientists on the basis of very limited scientific evidence. So what I have done towards the end of the paper is put forward a series of suggestions which might help to get the angling community back on side and give the Marine Parks Authority, the political establishment and the New South Wales Government a million advocates for sensible science-based conservation measures.

I took a look recently at a paper out of Weipa in northern Queensland from where I have just returned. There are areas there that are closed to commercial fishing but where recreational fishing has been allowed for 20 years. The data will show quite clearly that recreational fishing on its own has minimal—almost negligible—impact on fish stocks. It is very difficult to measure the impact of recreational fishing where we are talking

about large areas of the ocean where either both are allowed or only one is allowed, so it is not a question sometimes of comparing apples with apples.

What worries me in the debate about marine parks and the designation of marine parks is that on the one side of the argument you have people who seem to think—and there is a communication issue here—that they cannot fish at all in any marine park area. That is clearly not the case, but there is a communication problem there. I say in my paper that I think New South Wales Fisheries has some questions to answer here. As a licence holder for some five months, I still have not had a single piece of communication from New South Wales Fisheries. There is a huge database of anglers who could be communicated with and who could provide valuable feedback to New South Wales Fisheries.

On the other side of the argument you have people—I have described them as extremists in my paper—who just want to lock out the human race from large sections of both the ocean and the planet, to lock it up in aspic, and that itself is absurd. You cannot just take figures from the international council of conservation of nature and say, "We have to shut down 30 per cent of the world's oceans because of the state of the world's fish stocks", because oceans vary. There are cases for 100 per cent closure. When the striped bass fishery collapsed off the coast of Boston and New York we had 100 per cent closure because the area was chronically overfished, not by recreational anglers but by the commercial sector. Likewise different formulae need to be applied to different local situations. That is my problem with this kind of one-size-fits-all approach that seems to be put forward here.

Why on earth do you not consider allowing responsible conservation-based angling in some of the sanctuary zones? Why not have a special permit, for example, that allows people for an additional cost to go in, practise catch and release, perhaps use circle hooks rather than the ordinary J-hooks, provide advance information that they are going into those zones, and provide valuable scientific data and catch returns back to the Marine Parks Authority, because at the moment you have the worst of the world. No government in the world will ever have sufficient officials to go out and police these areas. The people that can police them for you—and this was recognised in the debate that we had in the United Kingdom Parliament over the Marine Bill—are the anglers themselves. In the United Kingdom Parliament the Minister said, "We would welcome anglers in the bulk of our sanctuary zones or in buffer zones around the sanctuary zones", because they are the eyes and ears of our authority, they are stakeholders with a vested interest in ensuring that there are not commercial abuses of those particular zones.

I am very happy to take questions. I hope my thoughts and the paper that I put forward are of some use in the deliberations. I sometimes think it is nice to take evidence from other jurisdictions to look at how some of these problems have been looked at elsewhere. Certainly in the context of United Kingdom Fisheries, we have far more stressed environment, we have far more fisheries in danger and we have far more need for marine conservation zones and sanctuary zones as a result of the pressure from the European fleet on British coastal waters than you will ever have in Australia. It has been a difficult path to tread, but we seem to have got most of the stakeholders on side. I am sure politicians of all parties would like that outcome for your marine parks. I am a fan of marine parks, but marine parks based on proper sites and properly managed.

CHAIR: We appreciate a view from someone who has done it before, and thank you very much for your detailed submission. Can you tell us a bit about the establishment of the angling trust in the United Kingdom and why such a body was needed? Can you tell us how the fishing sector's individual bodies were engaged in its establishment, if indeed they were?

Mr SALTER: I do not know if anyone has seen the film *Life Of Brian* where you have the popular front of Judea and the Judean popular front. That might sum up politics on the left; it probably sums up politics of fishing and many other special interest groups.

The Hon. LYNDIA VOLTZ: That is the first time the Chair has been described as left.

CHAIR: Accurate.

Mr SALTER: I didn't say you—pardon me. It certainly sums up the politics from many special interest groups.

CHAIR: He thinks I am a commie.

Mr SALTER: It is very difficult for Ministers and for Governments to get a coherent voice from any special interest group—angling, football, cricket, whatever—if the governing bodies themselves are not coherent, they are falling out, there is not a common program. I was very keen to see Britain's three million anglers start punching their weight, because they were not and clearly are not in Australia, and they were not punching their weight because they did not have a unified voice. I spent a lot of time knocking heads together, pointing out artificial distinctions between fly fishermen, which in some aspects of Britain can come from different socioeconomic classes, the coarse angler and the sea angler are actually the same—they all require a healthy sustainable environment to practise their sport. There was a worry that they were going to be dragged into the debate, and I have mentioned this, over fox hunting. Traditional hunting in Britain is very different from the sustainable hunting that is practised here in Australia and elsewhere. I wanted them to have a single voice.

It took about three years. We set up a shadow organisation called the Fisheries Angling and Conservation Trust, but eventually all organisations agreed to submit their sovereignty to a greater collective good and we now have a single voice, we are now punching our weight to the extent that the parties did not have to get involved in having a war over who could have the most comprehensive charter for angling, the first of which I wrote. We actually just wrote a straightforward manifest and put it in front of the mainstream political parties and they all signed it, which gave comfort to Britain's anglers that, whoever won the 2010 election, recreational angling would have the full and enthusiastic support of all political parties. In many ways we depoliticised the issue which, as an angler, is what I wanted to see in the long run. As much as I would like the Labour Government to carry on forever and ever, that is clearly not going to be the case.

CHAIR: The two essential elements there are that someone had to take charge and that it took three years to do it?

Mr SALTER: At least. There had been failed attempts previously. Part of the driver for it, Chairman, was initially an argument I had with the head of the National Federation of Anglers, which is the competition wing, who were moaning about not having lottery funding. I had to point out to them that in order to get lottery funding you have to fill out the form and you also have to qualify for the criteria the lottery funds establish. They were so far away from that. If you like, we used the fact that a lot more minority sports were better organised, had a coherent voice and were able to apply for funding in a sensible way and be successful to drag angling to the point where it could recognise the need simply for professionalism.

CHAIR: Mr Salter, there has been a call from amongst our recreational fishing sector for the establishment of an independent peak advocacy recreational body. Inherent in this call is a desire that such a body would wield power or influence. If such a body were established—I am talking about outside government—do you think it would be possible for it to make decisions or take positions that truly considered the wider community interest? You would have heard comments when you were in the gallery that most of the submissions made to this inquiry have been made by representative organisations rather than by individual anglers. Do you think a peak advocacy group would be a good start for the process that you ended up with in the United Kingdom?

Mr SALTER: You do have Recfish Australia, of course, and Recfish based on a number of States. I do not pretend to be an expert on this. Of course individual organisations, individual special interests are going to be arguing their corner. So they should. That is part of the whole dynamic of policy-making. The problem is how you fund it. It is made doubly difficult in the context of a State and Federal system. For example, you could not necessarily put 50¢ on the licence fee because, quite clearly, some States, like Queensland, do not have a licence. I have suggested in the paper here something that I think happens in America, or some States in America, which would be a tax break for the fishing tackle industry, only a small one, which could then be passed on to provide some funding for peak advocacy organisations and also perhaps boost the profits of some of the recreational trusts. It is just an idea. It is not easy. We still grapple with this in England.

The Hon. TONY CATANZARITI: How did you work to try to get the recreational fishers and commercial fishers on side or working together?

Mr SALTER: I did not. This is the fundamental difference with the debate in Australia and the debate in the UK. I think you have a problem in terms of the definition of "angling" here. Angling is seen or often treated as almost the same as commercial fishing—people that just fish for food, not necessarily fish for sport. In my view there is not enough emphasis placed on catch and release angling and conservation angling techniques. I think the whole thing gets muddied in the public's mind. There is clearly no comparison between the commercial quotas and a few fish that a recreational angler might take, notwithstanding that some

recreational anglers—the shamateurs, I heard them described as earlier—would abuse the situation and seek to sell a catch. We are talking about huge differences of scale. We are talking about kilograms versus tonnes. Our problem in the UK was that the commercial sector still remains quite short-sighted. They wanted to oppose sanctuary zones in future. They were happy with the situation—which was not in their interests—which was they would fish out a specific species and a specific area and then move on to another species and another area.

Recreational anglers do not have that option. We are a small crowded island and people want to fish their local fisheries. They want healthy fisheries all the way round the coast and the rivers and the lakes. There was a conflict between the recreational anglers and the commercial sector. I do not want to mislead you. It is undoubtedly true to say that the commercial sector are far less happy about the marine conservation zones, even though it is actually in their long-term interests to have healthy spawning grounds, than the recreational sector are. That perhaps tells you how far the recreational sector has moved. The recreational sector sees itself much more aligned with the environmental movement than it ever does with the commercial sector.

The Hon. TONY CATANZARITI: In the United Kingdom what were the major threats to the sustainability of fish stocks?

Mr SALTER: The same as you have here in Australia but writ much larger. You have a country 32 times the size of Britain with a population one-third the size. You have three times as many anglers as we do per head of population. Diffuse pollution, sedimentation, eutrophication, basically habitat destruction. What a marine park does not do is address, by and large, the issue of the loss of mangroves, fry survival, the destruction of eggs, agricultural run-off, run-off from urban areas. I heard an earlier question to the previous witness. Perhaps there is some scope in pushing more resources into looking at the root causes of habitat destruction, which is not even commercial fishing and certainly very rarely recreational fishing.

Habitat destruction is one of the biggest issues facing us. We also have problems with predation. Because of the overfishing of the seas the cormorant, which is essentially a seabird, was coming inland and has decimated many inland fisheries. A cormorant is very capable of hunting in choppy, stormy seas. Imagine what it can do in the confines of a quiet local club's angling pond. It can wipe out the stocks in no time at all. That is mankind's grief: the overfishing of one resource and a wild creature moving inland purely to survive. It has put some angling clubs out of business.

The Hon. TONY CATANZARITI: You have advised that last year you helped take through Parliament the marine bill, which covers many of the issues relevant to this inquiry. Can you comment on some of the common issues?

Mr SALTER: The marine bill in Britain brought in for the first time a legislative framework to establish marine conservation, very much as your marine parks Act did. But it was a much more holistic look at the issue than the marine parks Act. It looked at issues like spatial planning. It looked at representation in the various sectors on the old discredited sea fisheries committees. We were able to ensure that we got much greater representation from environmental bodies and recreational anglers on our Inshore Fisheries and Conservation Authorities [IFCAs]. We also got guarantees on the floor of the House of Commons.

As I said earlier in my opening statement, the angling fraternity are going to be welcomed in a lot of the sanctuary zones and have a crucial role to provide feedback and information to the authorities and also to ensure community support and enforcement. I would say that the main thrust of the marine bill or the controversy came from two fronts. It came from the commercial sector, who were very worried about any form of closure at all. To be honest, their arguments did not really stand up to scrutiny given the state of marine stocks. It also came from environmental groups who wanted to push us further down the road. I think, given there was not a vote in the House of Commons on the issue—all political parties agreed to pass it through after an extensive legislative scrutiny process—it was a pretty successful piece of legislation in the British context.

The Hon. CHRISTINE ROBERTSON: I have two questions. My first question relates to your submission. Throughout this inquiry we have been subject to a great deal of misinformation, acute misinformation that has been difficult to decipher. Sometimes it has been very difficult to find where it has come from. Some of that misinformation has popped up in your submission. Can you tell us where you got your information about lockouts in marine parks? You did address it in your opening statement, but this is the type of information or wording that has been expressed in this inquiry which is not necessarily true. In relation to words such as "lockout", where did that information come from?

Mr SALTER: First of all, I agree with you, there is massive confusion out there.

The Hon. CHRISTINE ROBERTSON: I would not call it confusion, but it is a good word.

Mr SALTER: People out there are labouring under misapprehensions, which I would define as confusion. Quite clearly, angling is allowed in significant sections of marine parks. But in the sanctuary zones and some of the highly protected areas there is a lockout of angling but an admission that other activities such as diving, which also can be disruptive to sensitive areas, are still allowed. That obviously causes resentment. What I have argued for is that you have to put marine parks, sanctuary zones, prohibitions and lockouts in place for clear scientific reasons. The first question that should be asked is: What is it that we are seeking to protect these areas from? If it is overfishing, quite clearly commercial overfishing has a far greater impact than recreational fishing. If it is the lack of habitat and habitat destruction, then shutting an area out to sea over a reef is going to do very little about the inshore spawning grounds, which are suffering pollution, sedimentation, eutrophication, agricultural run-off and the rest. It is a question of getting science back into the debate and some clear understanding as to what these exclusion areas are for.

For example, what is the point of banning someone trolling a lure across a sanctuary zone for a pelagic species, which does not live in the sanctuary zone but may visit it for a couple of hours and be gone tomorrow? That is a totally different form of fishing to reef fishing where you are putting a bait down to catch resident fish that are in that area which may or may not be able to sustain angling pressure. Those issues are not addressed in the current regime. I think they should be.

The Hon. LYNDA VOLTZ: I am not sure that is true. In some marine parks we have zones where trolling only is allowed.

Mr SALTER: If that is the case that is fantastic. I have not heard that. No one has drawn that to my attention. Where are these allowed?

The Hon. LYNDA VOLTZ: Have you looked at the maps of the marine parks?

Mr SALTER: I am not aware. I am a visitor to your country. If that is the case that is good news because there is no logic in locking out recreational angling from migratory species.

The Hon. CHRISTINE ROBERTSON: That is specifically seasonal for a specific purpose, a pelagic species, in a marine park. In fact, a couple of the marine parks have trolling areas. My second question is in relation to information we have received during the inquiry, which the Chair touched on. The peak organisations and peak bodies of the fishing processes—and commercial fishing is an important industry to New South Wales—have worked very hard to put together a representative group. However, the diversity of the fishing world has made it very difficult. We have constantly heard from inquiry participants that they are not being represented on the group. How do you perceive that you would get "real" representation on the peak group without disaffecting 80 per cent of the membership of the fraternity?

Mr SALTER: It is very difficult.

The Hon. CHRISTINE ROBERTSON: I should not say "fraternity". I mean membership.

Mr SALTER: I understand what you mean. In Britain we have a conflict between the under-10 metre boat fleet, the inshore netters, the pot men, the lobster men, the British trawlers and the European trawling fleet. The idea that you can put all these people in one room and get a common view is not going to happen.

The Hon. CHRISTINE ROBERTSON: We will have diversity in the room. That is why things are set up. I am talking about the persons who are supposed to be representing the anglers, the recreational fishers or whatever. The perception of those anglers and recreational fishers is that they are not represented by those persons. We will get a diverse group; that is what we should have.

Mr SALTER: I understand what you mean. In terms of recreational angling I think the situation is further complicated in Australia because quite rightly you have open access to the vast majority of waters. It is not the same as in Britain and Europe where people have to join angling clubs as well as buy a licence in order to access waters that are rented off farmers or public bodies, or whatever. It is easier to get a federated club structure where you have got clubs of several thousand who send delegates to a national body than it is where

you have got people organised in a much more disparate way. I may be wrong but it seems to me that club membership is comparatively small and the bulk of people in Australia, certainly in New South Wales, go fishing because they can go fishing. They buy a licence and they go fishing. They do not need to join a club or a special interest group.

Where people do come together—and I do not think this will necessarily help you in a search for a coherent peak representative body—is on some of the Internet forums where there is a really quite dynamic online communities of recreational fishermen and in the New South Wales and Sydney area, and I am a member of one, sharing information about what is happening in the patch, and having political discourse, and engaging with this inquiry actually. Fish raiders, you probably noticed them.

The Hon. CHRISTINE ROBERTSON: Yes, we have noticed.

Mr SALTER: There, perhaps, you have people from different disciplines but with common objectives starting to come together. It is never ever going to be easy. Any angling representative body is, by its nature, likely to be small, not enjoy a large membership base and in some ways you will hear from the willing and those who are prepared to give up their time because, to be honest, most anglers go fishing to get away from real life and for relaxation, they do not necessarily want to spend their time giving evidence to inquiries or going to committee meetings.

CHAIR: What is the length of time your fishing licence extends? Was it a three-day licence?

Mr SALTER: No. I fish more than that. I think I bought a one-year licence.

CHAIR: On the form that you filled out was there a place to put your email address?

Mr SALTER: Yes. What was good was that you were given a document from NSW Fisheries which, I understand, sits with the Department of Primary Industries, which is another issue, and that was not a bad document but then that was it. There was no kind of follow-up, no email newsletter contact, just a scrappy little bit of paper. It did not make me feel as though I was joining something significant like I have done when I have bought licences in France, the United Kingdom and Canada.

The Hon. LYNDA VOLTZ: Did the paper refer you to a website?

Mr SALTER: Yes, the document did, to be fair.

The Hon. LYNDA VOLTZ: You referred to the Marine Bill in Britain which I have not looked at, and perhaps I should have read it before your appearance today, does urban development in Britain have an impact on your waterways? What was included in the bill in regards to urban development?

Mr SALTER: It was a reappraisal of the management of the estuarine environment which is crucial, and I refer to that in my paper. It is absolutely crucial that we look in terms of regenerating the marine life by trying to enhance and protect and improve the environment where fish, in particular, spawn. And a lot of that is in shore, it is not on off shore reefs.

The Hon. LYNDA VOLTZ: How much of the budget was allocated in that regard?

Mr SALTER: It is a long time since I was there. Some substantial financial provision has been made. The Marine Bill does not have a budget; the departments that are responsible for enacting the Marine Bill have.

The Hon. LYNDA VOLTZ: Is it like our waterways that has a spend on river safety and has significant outlays?

Mr SALTER: We have quite a healthy budget for inland waterways because there is a freshwater licence which generates something like £21 million sterling to which is added another £15 million sterling from the grant in aid from the Treasury which is administered by our environment agency. We do not have a sea licence, and the budgets flow down from central government departments but there is not a consequential input from anglers. I argued unsuccessfully that anglers should consider a sea licence. What the sea anglers were saying to us is that the experience of sea fishing in Britain has been so awful, and the stocks have been so degraded because we have not looked after the environment and it has chronic over-fishing, how can we be

asked to pay for a resource that has got worse and worse over the years? Hopefully with the Marine Bill and conservation measures we will see a rise and an improvement in the resource and the sea angling experience and then sea anglers will be willing to contribute themselves in the same way that fresh water anglers do.

The Hon. LYNDA VOLTZ: How much is a fresh water angling licence in Britain?

Mr SALTER: It is a lot more than Australia actually. It is £26 sterling for coarse angling and for trout and salmon it is nearer £70 sterling for a year.

The Hon. LYNDA VOLTZ: What is the difference between a pound and a sterling?

Mr SALTER: Times it by two.

The Hon. LYNDA VOLTZ: So is a pound sterling just a pound?

Mr SALTER: Yes.

The Hon. LYNDA VOLTZ: It would be about \$140 or \$145 for a salmon and trout licence and about \$A70 or \$A80—

Mr SALTER: Yes, something like that in terms of Australian dollars.

The Hon. LYNDA VOLTZ: Where did commercial fishermen in Britain go once the Marine Bill was enacted? Were they excluded from some areas?

Mr SALTER: We have a marine management organisation which has got experts and stakeholders from across the board from nature conservation, recreational angling and the commercial sector as well. And that is charged with the job of designating the marine conservation areas and taking forward a full public consultation exercise. One of the last things I did before I came to Australia was to encourage the angling community to get involved in that consultation and ensure that their specific local knowledge was put into that process. From what I can remember there was a reasonably active response to it. It was not "We don't want 73 marine conservation areas." It was, "Where should they be? How can they be most effective?"

The Hon. LYNDA VOLTZ: Has there been an impact on commercial fishing areas?

Mr SALTER: Not yet, but the bill only went through last year and the conservation area is not up and running. There are actually only two lock-out areas in Britain. They are highly protected marine habitats, I think one in Dorset and one off the north coast of Devon, so a tiny proportion.

The Hon. LYNDA VOLTZ: Is there any commercial fishing in inland rivers and estuaries in Britain?

Mr SALTER: We tried to buy out a lot of the salmon nets from the estuaries which were causing untold damage to the migratory species. The Committee might be interested to know in economic terms—I referred to this in my paper and I see it is in your terms of reference—salmon sold in a fish market is worth £25 to £35 sterling, or \$A60. A salmon caught recreationally with the multiplier effect and benefit to local economy in terms of what the angler would spend, the hotel bills, the tourism revenue, is worth something like \$A10,000 to the local economy. There is a huge recognition of the value of recreational angling over and above just a shear value of selling a fish carcass.

The Hon. LYNDA VOLTZ: Is there currently any fishing within rivers and estuaries in Britain?

CHAIR: Commercial fishing.

Mr SALTER: Oh yes. Commercial fishing?

The Hon. LYNDA VOLTZ: Yes.

Mr SALTER: Very little.

The Hon. LYNDIA VOLTZ: You referred to Weipa and the fishing licences out there and the moving on of commercial fishing. Having worked in that area my understanding is that the fishing licences were actually licences that were given to the traditional owners because of commercial fishing coming in, and they had managed to get management of some of their areas, particularly around Kowanyama and Pormpuraaw. But in terms of the impact of recreational fishing in the Weipa area you would have to say it is probably not one of our most populated areas of the country?

Mr SALTER: It is for recreational fishing. There are only two things to do in Weipa, is there not? One is to mine and the other is to go fishing, as far as I understand—and drink!

The Hon. LYNDIA VOLTZ: It is a very large area with a very small population. In fact, once you get out of Weipa, with the exception of Kowanyama and Pormpuraaw, there are really no communities.

Mr SALTER: I suppose the point I was trying to make there is that an area that is very popular with recreational fishermen, the studies have shown that recreational angling has very limited impact on fish stocks. By and large recreational anglers, operating, of course, as they do, in a controlled way—you have size limits and bag limits—are managed properly and can deliver a sustainable activity and it is wrong just to lump them in with the commercial sector.

The Hon. LYNDIA VOLTZ: The New South Wales Marine Bill has not done that. In fact, the commercial sector is locked out of a significant proportion of marine parks where recreational fishermen are allowed to fish, and have no restrictions upon them. Is that correct?

Mr SALTER: There are more restrictions on the commercial sector, yes. I am arguing in my paper that you could lift some of your restrictions for certain types of conservation based angling in the sanctuary zones.

The Hon. LYNDIA VOLTZ: Yes, I have ascertained that from your submission. Do you consider fishing a sport?

Mr SALTER: I think it is both.

The Hon. LYNDIA VOLTZ: What do you mean by "both"?

Mr SALTER: I will occasionally take home a fish for food but it is not the primary reason why I go fishing. I go fishing because it is an activity which I love.

The Hon. LYNDIA VOLTZ: Should it sit within Primary Industries or Fisheries or within the Department of Sport and Recreation?

Mr SALTER: We have had this debate in England because the fishing licences run through the Department of Food and Rural Affairs yet the Minister of Sport will be involved in competition angling in which Britain does very well. It is difficult where it sits. I suppose what I am pointing to here is that it seems to be strange to have your marine parks, which have a very strong fishery focus, in a different department from Fisheries. It might be something the Committee might want to look at. There is no easy answer.

The Hon. LYNDIA VOLTZ: Normally is the application to the lottery system in Britain under Sport? That is normally for Sports, is it not?

Mr SALTER: No, it can apply across the peace—

The Hon. LYNDIA VOLTZ: Community organisations, as well?

Mr SALTER: A lot of lottery funding has flowed into angling projects because actually, of all the diversionary activities that have taken kids away from drugs and crime and anti-social behaviour and the rest of it, a lot of angling projects have been phenomenally successful. It may be because it takes such a long time to catch a damn fish in Britain and you are teaching them patience, I do not know, but it certainly works. So angling projects will be able to apply to a range of lottery funds administered by different departments, depending on the criteria.

Mr IAN COHEN: In your submission you say, "It is a shame because properly managed marine parks are a good thing and an important management tool. However, they can only work by consent and, in particular, the consent and cooperation of those who regularly use, value and know about the areas covered by the marine park boundaries". Is that your general philosophical position or is it specifically looking at the circumstances of the fisheries and fishing industry when you talk about working with consent of, I take it, they are recreational fishers mainly?

Mr SALTER: It is impossible to deny that there has been a bit of a bum fight about this issue. In Queensland I could not move for protests and posters up and about. It was a big issue. The Prime Minister was forced to produce a statement on the eve of poll, for goodness sake, trying to clarify of the position of the Australian Labor Party federally on marine parks. Clearly it was an issue and there was clearly controversy. I see cited on the other side of the argument people saying "Opinion polls have showed" you know, "great community support". Of course there will be good community support for the concept of a marine park. It depends how you ask the question.

If you pose the question, "Do you think it is right that such and such a community and young people in that community cannot access that particular beach that they have fished for 30 years?" you will probably get a different answer to "Are marine parks a good thing?" And, "Should we be producing sustainable fish populations?" It depends how the question is posed. But I tend to take, on medical matters, more notice of doctors and nurses than I would of the general public view, and on matters to do with the marine park I would tend to give considerable weight to those who live, have their livelihood, or understand and spend a lot of time in that particular environment, that is all.

Mr IAN COHEN: Interestingly, we have a different political system in Australia to Britain and there is a greater opportunity for wedge politics to occur around an issue like this in the Australian context. Do you concede that a lot of the information that has come out with posters and the campaigning during the election and at other times is misinformation deliberately put out by vested political interests to gain ground?

Mr SALTER: I think there is massive misinformation put out on both sides of the debate. I took some trouble to look at some of the peer reviewed science analysis on the justification for the Bateman's Bay Marine Park and some of the other marine parks. It is quite extraordinary that we are in a situation where two publicly funded bodies are effectively commissioning reports to attack the other. I could go through them, but if you look at Ben Diggles' report of 2010 into the false assumptions under the Coral Sea report that was funded tangentially by Pugh; if you look at Kearney's report on "Who's Been Hoodwinked", where he described the science paper used by the Parks Authority as fraudulent in the extreme; if you look at Forrest and Pitcher's analysis on the misguided claims of overfishing in New South Wales; these are pretty damning documents right the way across the piece. On the other hand, there are people who are putting forward—and this is where I agree with you, Mr Cohen—arguments suggesting that having a marine park in the area means that all forms of fishing are going to be banned.

So, on both sides of the argument you have got misinformation, you have got dodgy science. Instead of science being used objectively it appears to be used, as Professor Kearney described it, as faith-based advocacy for marine parks. I think you have got to get away from all that. I think you have got to start from the position of what are we seeking to protect? What are the major problems? How can we best address them? What activities are consistent with highly protected sanctuary zones, what are not? Not this blanket we must have 20 per cent, 30 per cent marine parks; we must have an X percentage of sanctuary zones or no fishing or no take within that area. I think we can be clever and more subtle than that and work on the science rather than just this dogma on one side and, if you like, a faith-based enthusiasm on the other side.

Mr IAN COHEN: I appreciate what you are saying but—

Mr SALTER: I have tried to give you a full answer.

Mr IAN COHEN: I appreciate that. It is difficult, I agree, and there are many other factors but surely there are certain guidelines in terms of percentages that are tending to work, precautionary principles and looking at the situation in Australia. Maybe it is different to Britain; maybe there is more of a culture of catch and release, but there has been evidence given here and also in general that with recreational fishers in certain circumstances the effort can be as great if not greater than certain commercial fisheries' activities.

Mr SALTER: Could you name me one Australian species that is endangered by recreational fishing? Just name me one. Put it on the record, Mr Cohen.

The Hon. LYNDA VOLTZ: You will let them go for gropers.

Mr SALTER: You are not allowed to go for those. Name me one, Mr Cohen?

Mr IAN COHEN: I am supposed to be asking you the questions.

Mr SALTER: I am struggling to find out whether it is a question or whether you are asking me to agree with your statements.

Mr IAN COHEN: I am just putting something to you. Off the bat like this right now I do not want to make a mistake; it goes down on the record. So I will not be verbalised on that. I am just asking questions to try to understand the balance, and the balance in New South Wales often we have seen commercial fishers—and I am not arguing that the fisheries need to be closed but there have been circumstances of kingfish, for example, down the South Coast where they have simply been replaced by recreational fishing effort with very little gain in terms of conservation value.

Mr SALTER: I have argued in my paper that there needs to be an increased emphasis on conservation angling. But the 2011 review of bag limits and size limits gives you an opportunity to certainly raise the size limit for, say, jewfish or mulloway, which at the moment I think is ridiculous: 45 centimetres when the fish reaches maturity at around 60 to 65 centimetres.

Mr IAN COHEN: We have had evidence about that.

Mr SALTER: The kingfish, which was not decimated by rod and line fishing, in fact kingfish stocks in Sydney Harbour in particular have never been so healthy—or not for a long, long time.

Mr IAN COHEN: That is the removal of all effort.

Mr SALTER: No, it is not. It is the removal of the traps; it is the mirrored traps, the floating traps, that were absolutely taking out all the classes of kingfish. Recreational angling extensively pursues kingfish and the kingfish stocks get better and better. What the recreational anglers need to do is to support a rise in the size of the kingfish from 65 centimetres to 70 centimetres to ensure a basic environmental principle that every fish species should have an opportunity to breed at least once in order to sustain a healthy fish stock and provide a harvestable resource.

CHAIR: Thank you, Mr Cohen. I will call a halt to proceedings because we are over our time. Mr Salter, thank you very much for agreeing to give evidence today. Along with any questions that you took on notice during your evidence would you agree to receive additional written questions that members of the Committee may not have had the opportunity to ask you today?

Mr SALTER: Within limits. I do not have a resource or staff to work for me anymore but I will do what I can.

CHAIR: If so, would you be able to get the answers to those questions back to us within 21 days?

Mr SALTER: I am sure I will be able to do that, Chairman.

(The witness withdrew)

(Short adjournment)

ROYSTON CLIVE PRIVETT, General Manager, Boating Industry Association of New South Wales, affirmed and examined:

DOUGLAS LEIGH JOYNER, Executive Officer, Australian Fishing Trade Association, sworn and examined:

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

Mr PRIVETT: I believe we would both like to take the opportunity to make an opening statement. The Boating Industry Association of New South Wales [BIA] and the Australian Fishing Trade Association [AFTA] welcome this opportunity to address the Committee and thank you for your invitation to do so. This obviously provides our industry groups with an opportunity for comment on policy used to improve and promote recreational fishing in this most popular State. Recreational fishing has virtually been ignored during the previous two terms of the current State Labor Government and this inquiry provides a long overdue opportunity to address some of those important issues.

Our joint submission is drawn from industry operators' fisheries expertise with many years of insight into the processes of this State and research commissioned by our two associations. It highlights where change is needed and focuses on opportunities for improving recreational fisheries and their management to enhance the benefits of recreational fishing licence holders and other fishers in this State. We have submitted 85 recommendations for change under various principal headings and also highlighted benefits and opportunities that have all been addressed separately.

Some people might ask why the BIA has involved itself for many years in fisheries matters. The BIA members embody over 90 per cent of commercial activity in the recreational and allied commercial boating industry in New South Wales. A recent national boat usage survey, which was only released last week by the National Marine Safety Committee, finds that fishing was the primary activity of 54 per cent of boating trips at the Sydney International Boat Show that we operate. Our exit surveys indicate that 58 per cent of attendees had a fishing intention.

It is interesting to note from this survey that 50 per cent of boating occurs in our bays and estuaries, that 30 per cent of boating is undertaken in open waters, and that 50 per cent of this activity is within five nautical miles of the shore. Inland waters account for 20 per cent of recreational boating activity. So boating is right in the target zone of our State jurisdiction, and 92 per cent of all registered recreational craft in New South Wales are less than six metres, which means the majority of recreational boats are highly mobile and go to different locations.

The BIA and AFTA regard as important the sound management of a healthy recreational fishery and maintaining improved accessibility, to provide every opportunity for all citizens to access and enjoy boating and fishing. A strong recreational fishing sector is essential to maintaining our important industry sectors and a strong contribution to the economic and social wellbeing of our communities and regional economies. I must stress the importance of recreational fishing on our regional economies. These outcomes should be encouraged and not curtailed. At the same time, we recognise the importance of conserving and enhancing biodiversity, and that effective protection may at times be required, utilising a range of management tools.

The BIA and AFTA make no apologies for wanting to see measures taken to enhance recreational fishing and to increase participation in this popular activity. We see recreational fishers as a management sector who are environmentally aware and who are largely supportive of measures needed to protect the environment and improve fishing. The boating industry has some substantial credentials in this regard, by being awarded a State Government prize in the industry partnership programs for environmental and operational plans and management, clean marine programs and carbon-free marine programs. We have led initiatives in new emission standards for outboard motors, and we have been very involved in educational programs on the spread of marine pests.

In our view, the policies and processes pertaining to the management of recreational fishing should be reviewed and greatly streamlined. The way fishing licence revenue is expended must be revised and the process of cost-shifting from core government responsibilities onto the trust must be reversed. Cost-shifting is rapidly undermining the hard-gain support for the fishing licence accrued over many decades. I must stress that there is severe criticism of the cost-shifting that has occurred in this State and the original undertakings for the introduction of the licence have not been met. It concerns me even more, because we are just about to have a levy on recreational boat registration and licences, to support marine rescue. The Government has given us a clear undertaking that every cent collected from those levies will be available to marine rescue. The rights and freedom of fishers and boaters are constantly being eroded, with access to quality opportunities being reduced. The concept of accessibility encompasses the concept of social equity.

We submit that the current suite of consultation arrangements are outdated and that more responsive and representative bodies are needed, for the boating and fishing sectors have become bogged down in a bureaucracy and have not been afforded sufficient or effective ministerial access or representation. In this environment, junior bureaucrats and policy advisers seem to have determined policy outcomes well before meetings. I can refer to years of personal experience of having all our boating dealings done with past Ministers Eddie Obeid and Ian Macdonald, and facing a situation where outcomes were predetermined before the meetings had even commenced.

It is also for Government to address resource sharing. These are difficult questions, but a framework for allocation that recognises the social and economic benefits of recreational fishing must be developed. Our submission highlights where change is needed, and focuses on opportunities for improving recreational fishing in their management to enhance the benefits of fishing licence holders and the community as a whole.

We need to look at policies that do not simply lock up marine environments for short-term political gain but, rather, implement policies to promote effective management of our fisheries. Well-managed fish stocks, marine environments and habitats produce strong, long-term outcomes that far outweigh any arguments surrounding marine closures and no-take zones. We are not anti-marine parks. You will see in our submission on pages 34 to 38 we announce our position on marine parks. This is based on a 173-page report commissioned by our organisation, and I would commend the Ernst and Young report to you. The 2006 report is entitled "Australia's Marine Protected Areas: Challenging Times Ahead". I would like to table that report for your consideration.

Document tabled.

We support marine parks that are scientifically justified and well managed and that can achieve their conservation and biodiversity objectives, and at the same time provide a full range of fisheries management tools that allow for the continuance of recreational fishing. That is not what we have in New South Wales today. We have sanctuary zones imposed as a fisheries management tool, where more effective, proven alternatives exist. Yes, we will support science, practical management with monitoring, and regular reviews that allow reasonable use and proper partnerships with regional communities. No, we will not support no-take, no-go zones unless there is sound science. And we certainly think it is inappropriate for marine parks legislation to be used to enter into the area of vessel navigation, as is currently happening in the Jervis Bay Marine Park review. We believe that is an inappropriate use of marine parks legislation and that it should remain in the domain of New South Wales Maritime.

We submit that our submissions are constructive, and that if adopted the recommendations would lead to better management, better consultation and better environmental outcomes. I will now pass the baton to Doug Joyner for his introductory comments.

Mr JOYNER: The Australian Fishing Trade Association [AFTA] dedicates itself to the promotion of public angling and of its members. AFTA members are often the first point of contact for anglers wanting information on fishing, and the local rules and regulations that are produced by Industry and Investment. AFTA also promotes sustainable angling and public education. We have been proactive in addressing the environmental impacts of recreational fishing, and AFTA is at the forefront of promoting environmentally friendly fishing gear.

I would like to table to the Committee, to be held privately by the members of this inquiry, an unpublished report titled "Environmentally Sustainable Recreational Fishing". I would like to table the report privately; it is not for public release.

Document tabled.

Unfortunately, New South Wales has fallen behind in the management of its fisheries over recent years. Other States, in particular Victoria, are leading the way in policy development and innovative practices. The New South Wales Government really needs to get on the front foot in recognising the value of recreational fishing and committing to actively supporting it. Unfortunately I have left a further document back at the office, and I would like to put on notice to provide you with the Victorian policy on recreational fishing, if you would like to have that.

CHAIR: Yes. Would you take it that you have agreed to supply that document to us?

Mr JOYNER: Yes, I will. It provides an excellent example of what is needed in this State. It is a clear statement from the Government of the importance of recreational fishing and an unequivocal commitment of support. That is what we need here, particularly from the Marine Parks Authority and the National Parks and Wildlife Service. At this point I would like to correct some misinformation that has been provided in the submissions and evidence given so far. It is disappointing to see the rather desperate attempts made by some groups to paint recreational fishing in a bad light and to provide factually incorrect statements. Reference is made to the effectiveness of no-take zones.

On 19 April several experts were asked for evidence of the effectiveness of no-take zones. The only example given referred to the Fly Point marine protected area at Port Stephens. Fly Point was used to justify no-fishing sanctuary zones in marine parks. It is no surprise that there are more fish at Fly Point than in nearby fish zones. But that says nothing about the effectiveness of that marine protected area. Anyone who fished there before the park was established would say that Fly Point always had more fish than anywhere else in the port, even when fishing was permitted. This kind of evidence does nothing to win the confidence of recreational fishers.

I refer the Committee to the misleading table trotted out in numerous submissions. For example, submissions 827, 854 and 806 purport to quote the "Status of Fisheries Resource in New South Wales 2006/07". They try to paint recreational fishing as destructive and responsible for the state of these stocks. The table is nowhere to be found in the cited report. The data was cherry-picked from 92 species of groups of species contained in the publication. That is 22 out of 92, or just 24 per cent per cent of species in the report where the recreational catch might exceed the commercial catch. Of those, two, or 2.2 per cent, are classified as over-fished and two, or 2.2 per cent, as only growth over-fished. The majority of the species where the commercial catch exceeds the recreational are undefined or uncertain. This table says nothing about the 5.4 per cent of species that are over-fished where the commercial catch exceeds the recreational catch. Over-fishing is occurring in twice as many of the predominantly commercially fished species, but that is conveniently omitted from the table. Reference has also been made to recreational fishing havens. Submission 786 states:

Recreational fishing havens (RFHs) result in the reallocation of a community resource from 90% of the population to a fortunate 1%.

This is clearly nonsense given that nearly one million people go recreational fishing in New South Wales each year and RFHs are available to one and all. Submission 987 suggests in reference to RFHs that is there practically no evidence of their effectiveness. Submission 803 quite incorrectly states:

Anecdotal evidence indicates that of the 30 RFHs only two—

Lake Macquarie and St Georges Basin—

have shown any real increase in catch per unit of effort for the recreational fishing sector...

Firstly, the evidence is anecdotal and, secondly, the evidence does not relate to St Georges Basin but to Tuross Lake. Both submissions ignore the excellent scientific work done by Dr Aldo Steffi and others in Industry and Investment that compared extensive creel surveys before and after the RFHs were declared in these locations and showed clear improvements in recreational catches of a number of species. Dr Steffi's work is referenced in our submission.

Submission 784 is deliberately misleading about recreational shark catches. It states that 1.2 million sharks are caught annually across Australia. The only genuine survey of recreational fishers available—the

National Recreational and Indigenous Fishing Survey 2003—estimated the national harvest to be less than a quarter of that at 228,320, including rays. That is on page 175. It is also noted that 81.8 per cent of sharks and rays were released. The New South Wales catch of sharks and rays combined is estimated to be only about 30,000. That is on page 171. Given the high release rate, that is scarcely cause for panic.

Submission 784 also calls for 1,500-metre no-take zones around grey nurse shark aggregation zones. It is little wonder that recreational fishers are sceptical about conservation science. Original estimates of grey nurse shark numbers showing they were heading for oblivion were demonstrated in court to be patently false. The estimates were wrong, but it took a court of law to drag out the truth. The scientific community that had pointed the finger of blame at recreational fishers had, perhaps, fiddled the books. We have it on good authority that the latest census of grey nurse sharks will confirm that all previous estimates were seriously in error. The New South Wales Department of Industry and Investment will not release the report. There is now an opportunity for this Committee to call for the release of that secret shark report and to get the truth. Bad science engenders distrust.

Given submission 978's statistics, roughly 32 per cent of the New South Wales coastline is part of a marine park and about 20 per cent of that is a sanctuary zone, leading to the reduction and recreational fishers are excluded from only 6.5 per cent of the area. Recreational fishers clearly understand is that fish are not spread uniformly across the sea floor. They are aggregated and some places hold more fish than others. Unfortunately, too many of these areas have been locked up in meaningless sanctuary zones. If the lockouts did not particularly target the best fishing spots, we would be happy to point out other places that could be closed in return for reinstatement of the hot spots.

I could go on, but I will make one final point about marine parks. There are certainly differences of opinion about the science behind marine parks. Submission 972 states:

Despite the clear and unambiguous scientific case for MPAs, there continues to be a tendency for some recreational fishing interests to dismiss or misrepresent science that shows that benefits of MPAs...

This is not true. What we want is scientific proof that our marine parks are really doing what they were intended to do. I think we are entitled to know where all these scientists were when these marine parks were first floated. Why were they not saying, "Hold on! Before we start, let's survey these areas properly so we can see whether they achieve their objectives." Where were the demands for scientific rigour? All we heard was a deafening silence. That says more than enough about the science behind these marine parks. In other words, if you want to close an area for fishing forever, it is as simple as a nod and a wink—"Trust us, we are scientists." We do not. There has been no before and after study. We believe we should be going back to the drawing board on the development of marine parks. I welcome your questions.

CHAIR: During Mr Privett's opening comments and in your very comprehensive submission to the inquiry you have called for the roles of boating safety officers—that is, officers from the NSW Maritime—and fisheries compliance officers to be amalgamated. Should such an amalgamation also include marine parks compliance officers? If you were to combine the efforts of those bodies, at least the operational aspects—I assume you are arguing efficiency and cost savings—which organisation would be would be best qualified to take the lead?

Mr PRIVETT: The closer relationship between fisheries officers, NSW Maritime and boating officers has been a longstanding policy of our organisation with regard to efficiencies and economies. There has been a certain degree of that happening in recent times with the amalgamation of back-of-house officers, sharing of boats et cetera. However, the most important issue is that these people are also in an educational role. They are not simply compliance officers, they are also educationalists. We believe that when NSW Maritime officers are on the water they should know the fishing regulations and take the opportunity to educate. That is where we primarily see that happening. The suggestion of including marine parks personnel is good because they simply do not have the resources to administer the areas under their control on a day-to-day basis. It would be of benefit to the community if these activities were spread across the three agencies. As to which would be the lead agency, that would need further consideration.

Mr IAN COHEN: I mentioned earlier methods of identifying fish in keeping with the legality. I raised the issue of chipping the fins of fish. Do you have any comment on that? Would it be of assistance in proper policing?

Mr JOYNER: Your question relates to what you call "shamateurs". We prefer to call them criminals. Fin clipping does take place in some competitions where fish is weighed and kept for food. Obviously they are not clipped if they are released in good condition and swim away. I do not have the specifics, but I believe that some fin clipping is done in Western Australia with the recreational take. The big problem is that criminals will not fin clip. They will take them and sell them through the backdoor of a restaurant. Of course, 99 per cent of fishers will clip them, and that is great. Are you asking whether we will stop the criminals?

Mr IAN COHEN: Yes. In asking that question I am looking for ways to be more effective. I have also seen massive takes, the frames being dumped and so on. If everybody were to take their fish home clipped that would mean that people would be more vulnerable if they did not have clipped fish and that commercial fish sellers at whatever level would be less inclined to take something that could expose them. Is that a problem?

Mr JOYNER: No. You may assist the person who has bagged out that day and who may be tempted to sell or to give fish to the old people's home or whatever. I do not know. You may prevent them being tempted to break the law. However, you will not stop the real criminals, and they are obviously out there. Similarly, you will not stop bycatch swapping out at sea by commercial fishers to ensure they are within their quota. I do not have an answer to that either.

Mr PRIVETT: Any measure such as that is worthy of examination. We believe in bag and size limits as an effective management tool. We support that strategy 1,000 per cent. We would support anything that prevents a seepage of recreational fish to the commercial activities.

Mr IAN COHEN: You call for bag and size limits to be reviewed every five years and more frequently when necessary. If a bag or size limit is changed, fishers have to be advised and relevant documentation such as the regulation books need to be updated. Do you foresee any problems with regular fishers complying if reviews are undertaken more frequently than every five years?

Mr PRIVETT: We are saying that because they are such an effective management tool if it is obvious that fisheries are under stress they should be reviewed more regularly. They have not been. It has dragged out from five to seven years and perhaps longer. Surely in this day and age of immediate communication through the web, the media and fishing magazines changes to bag and size limits can be quickly disseminated. That would not be a problem. The majority of recreational fishers seek to comply with those requirements.

Mr JOYNER: Can I add to that as well, if I may? The recreational fishing trusts support a database within Industry and Investment, and have done for many years. Basically I believe the database is one-year and three-year licences. If they are getting email addresses and the correct detail for licences purchased through their own web sales, or through tackle shops or whatever, surely there is a mechanism to use that database to send out revised factsheets or whatever in relation to size and slot limits that may come into being. We are in a more immediate society with the Internet and I think many people have now embraced that so it is probably time to move on it.

Mr IAN COHEN: Can you mention any popular recreational fishing species at this point in time where you think the bag limit is completely inappropriate?

Mr JOYNER: Possibly snapper.

Mr IAN COHEN: Can you describe your position on that one?

Mr JOYNER: I think they do get hammered within the seasonal period of time, whether it is Victoria, New South Wales or wherever. It may mean that a size limit or a slot limit be applied to that particular species, which means that also commercial will have to adhere to it as well. Same with the mullock as well, that may be another species that needs to look at a size limit change. I cannot give you the specific science on that but I am sure there are others that could. They are two that come to mind as a popular species off the coast of New South Wales. Flathead, I do not think there is any problem with. Whiting, I do not think there is any problem with. Leatherjackets, I do not think there is any problem with.

Mr IAN COHEN: Are they not in plague proportions in certain circumstances?

Mr JOYNER: Leatherjackets are from time to time in plague proportions.

Mr IAN COHEN: Is that in part due to the removal of another species that was competing with leatherjackets?

Mr JOYNER: I do not know. I do not think so. I think it happens everywhere. I think it is seasonal. If you go fishing for something they can be there like blowflies all over you or flies in the bush but then again at another time of the year they are not there so it could be transient—who knows? I do not really know.

Mr PRIVETT: There is reference to that on pages 13 and 14 of our submission, that there has been some research done on snapper and there have been recommendations and reports to increase the length of the catch but that has not been implemented.

Mr IAN COHEN: On page 14 you call for all spawning aggregations of fish to be protected from harvesting. Do you believe it is impossible to target or harvest any spawning aggregation in a sustainable manner?

Mr JOYNER: I think that comes from both commercial and recreational fishing. If fish are on the run for spawning then they possibly should be left alone and let them spawn and not have trawlers out the front of the estuary or whatever. Nor should you have banks and banks of fishers out there fishing the hell out of them either. Perhaps there is some room for that to be implemented as a stock preservation and, as the gentleman said before, at least one breed per lifetime. It may be a way of assisting with the management, however, there are other issues that Mr Cohen I think you would be aware of that have been discussed here today and in previous inquiry sessions in relation to the run-off pollution and water quality issues and insecticide issues around the State.

The Hon. RICK COLLESS: Mr Joyner, can you tell us why the professional legal limit on snapper is in fact smaller than the recreational limit? I think it is 26 or 27 centimetres?

Mr JOYNER: No, I cannot. I have not been involved with those deliberations as to why it would be smaller. Perhaps it is because they have negotiated something to allow their members or the commercial fishers to be able to provide sufficient stock to the consumer that does not recreationally fish or fish at all, I am not sure. It would be nice to think in the ideal world that if we have got a size limit on a fish that we all have to abide by that and if there is an accidental bycatch, yes, the commercial can keep a certain amount of that bycatch and utilise it for food or whatever.

I think that is a fair enough assumption with nets and so forth that they use. I think you will find that recreational fishers, when we talk about management of fisheries, are willing to reduce their take, they are willing to do the right thing. There will always be some that will do the wrong thing, and they are the ones that none of us want in the system whatsoever. I think there are those restrictions that they accept and, as I said, you could do it on a five-yearly basis or on a yearly basis—I do not care—on size and species limits and any endangerment. Based on science and based on research I do not think recreational fishing minds having to take a step back when it comes to those issues.

The Hon. RICK COLLESS: Does the professional snapper fishing industry use traps or are they caught by line?

Mr JOYNER: Snapper—line?

The Hon. RICK COLLESS: Yes.

Mr JOYNER: Traps? I am not sure. I am not from the professional fishers. I do not know how they catch their fish. I would suggest that perhaps a lot of it is from nets from trawlers.

The Hon. RICK COLLESS: From prawn nets basically?

Mr JOYNER: Well, I did not say that. You are saying that.

The Hon. RICK COLLESS: No, I am just asking you—

Mr JOYNER: They are always going to get bycatch from prawn trawling.

The Hon. RICK COLLESS: The point I am getting to is that if there is logic for increasing the size of snapper to 32 centimetres as you suggest, and I support that, then it should be for both professional and recreational fishermen as you suggested moment ago?

Mr JOYNER: I would agree.

The Hon. RICK COLLESS: I am under the impression, and I may be wrong, that snapper are principally caught by line fishing by the professional line fishermen rather than by net?

Mr JOYNER: I have never actually asked them. I know that recreational fishers will catch them on a single hook. Whether they are netted or lined or long lined or whatever way I am not sure. I am not exactly sure of the methodology of commercial fishers. I mean I saw the nets out there from Curl Curl yesterday and they were going for something out there, and that is fine. I am not sure what method they use specifically for snapper, however, I would say that if the species is becoming hit by both parties or by all then restrictions perhaps should be put upon the size of them. Although I would say in Victoria, in Port Phillip Bay you do see from time to time where the size limit has been increased you will get a discard rate of the fish, or the bag limit has been changed or the size limit, throw back into the water and go for the big one, which I do not agree with either. I believe that extremely strong policing during that seasonal activity should take place there. However, New South Wales are a little different.

The Hon. RICK COLLESS: When you talk about the bag limit being reduced for snapper what do you suggest it should be reduced to?

Mr JOYNER: I think we need to get a bit more research in front of us to determine what it should be reduced to or what would be fair and acceptable. But I think if we are going to do that we also need to look at the size as well, both in tandem—not just one.

The Hon. RICK COLLESS: Do you think that would be a preferred management tool rather than simply putting a fence around certain areas of the coast?

Mr JOYNER: I think you will find that recreational fishers, from what I hear indirectly and from the industry—our shops and whatnot around Australia—would say they will accept, given the truthful information as to why a species should be restricted, if they have good science and good reasoning for that. If they can be at all engaged in gathering even science on these pieces you will find these people will save the Government a lot of money because they will volunteer their time and assist with the research, as they do now. They will because they care about the subject, they care about their recreational fishing, and anything they can generally do to assist they will do in the most honest manner.

The Hon. CHRISTINE ROBERTSON: Can you tell us a little about AFTA? I can see what the letters stand for but can you tell us exactly who the membership is and what it is about?

Mr JOYNER: The Australian Fishing Trade Association [AFTA] is an incorporated association in New South Wales, formed in 1980. It was initially formed by four members, manufacturers, distributors and importers of fishing tackle—that is, rods, reels, hooks, sinkers, hand nets, waders and all those sorts of things. The association grew up until 1998, I think it was, and then incorporated the retail membership—that is, the mum and dad shops around Australia, the little tackle shops that you find in the coastal towns. Its income is derived by membership of both the retailer—the little mum and dad shops—and the corporate wholesale distributor, manufacturer. It conducts an annual trade show each year, from which it derives most of its funding. That is basically what I can tell you about it. It acts as a trade association.

The Hon. CHRISTINE ROBERTSON: One of your recommendations—recommendation 26—is about recreational fishing havens being made dedicated Crown reserve. Would you like to elaborate on that?

Mr JOYNER: There is a bit of concern out there. You have to remember that \$20-odd million from recreational fishing licences was spent to reduce the commercial effort, both actual and non-actual effort, up and down the coast. We find now in the Batemans Bay Marine Park that one of those havens has just been incorporated into the marine park process. That admittedly is a habitat protection zone but it could have been taken as anything I guess. So we would like some protection on these to give these communities that do have access to them, plus people for tourism purposes, feel as if they have some ownership. It really is the words "recreational fishing haven" is like a communal ownership or a feeling of care and commitment to a body of

water that has been designated recreational fishing only. A habitat protection zone within a marine park area means nothing to them. So we want them protected for the purpose of the communities where they exist.

The Hon. CHRISTINE ROBERTSON: Means nothing to whom?

Mr JOYNER: The habitat protection zone?

The Hon. CHRISTINE ROBERTSON: Yes.

Mr JOYNER: To the local communities that have them in there. Sorry, I beg your pardon, to recreational fishers that can identify with the words recreational fishing haven over habitat protection zone.

The Hon. CHRISTINE ROBERTSON: You want a name change?

Mr JOYNER: Yes, but we want some ownership too. We want to maintain the ownership.

Mr PRIVETT: We also believe, and we have presented a case and policies to both Government and Opposition at a Federal level. We believe that the name "marine park" presents a wrong connotation in people's minds. We believe that they should be redesignated as habitat protection areas, obviously based upon research and science. The name "marine park" gives the impression of a lockout zone or a no-go zone. If it is habitat protection and those objectives are built into it that would certainly be an advantage. We were recently made aware of legislation in the United States—I have not got a copy of that here—but they have an Act of Parliament over there that enshrines the principles of habitat protection zones. If you wish we can present that to you at a later date.

CHAIR: Point of clarification. Is that the Dingell-Johnson Act of 1937?

Mr PRIVETT: No. This is a recent Act and it also enshrines in the Act the rights of recreational fishers. If you would like a copy of that Act we can certainly provide that.

CHAIR: Thank you.

The Hon. CHRISTINE ROBERTSON: You mentioned "compensatable" fishing rights. Submission 25 reads:

The Fisheries Management Act 1994 must be amended to explicitly provide for compensatable fishing rights for recreational fishers.

Can you elaborate on that for us?

Mr JOYNER: It is a hard one, particularly as the recent information that came out of displaced activities in Canberra have given recreational fishers no doubt that they have no rights. It is sovereign rights that are held over water, it is not like land rights where you have a house and you own the land, you do not own anything under it or over it. They have no rights. Perhaps if they had property rights, if recreational fishing went down to the area of property rights, there would be a compensatable right.

CHAIR: To whom would this be given?

Mr JOYNER: It would be to people who pay for a licence to fish, I guess.

Mr PRIVETT: There is a recent example of this in southeast Queensland on Moreton Bay where they went through an exercise of declaring a marine park and in compensation to the recreational fishers they then created some artificial reefs and some improvement in the habitat to improve the fishing experience.

The Hon. CHRISTINE ROBERTSON: So it is the language.

Mr PRIVETT: That was a right coming back to the recreational fishing community.

The Hon. CHRISTINE ROBERTSON: Other organisations are using these terms at the moment for other reasons, so it makes it difficult. We might need to look at your terms.

Mr JOYNER: Probably after we did this the information came out of the displaced activities workshop in Canberra, which was quite enlightening.

The Hon. CHRISTINE ROBERTSON: I would like to put one question on notice because I have run out of time. It relates to your discussions on a peak body process. You are looking to put forward a recreational fishing peak body and I am wondering how your organisation is thinking of working through the total picture of the fishing community. That is a question on notice, which I will articulate to go back to you.

The Hon. LYNDA VOLTZ: Mr Privett, when we were in Jervis Bay a lot of locals said that there has been an explosion of people from outside the area coming with boats and, in the summer months, they do not use the boat ramps because of overcrowding. Given that you are from the boating industry, have you noticed an increase in ownership and use of boats or travel by boat?

Mr PRIVETT: I think there has been a bit of a local campaign going on there against the use of boats, and in particular personal watercraft. You must appreciate that a lot of the people going to Jervis Bay are from the ACT. They are the people who are accessing that—it is their waterway. There has been an increase in tourism, marine tourism and boating activity, and that is why I mentioned before that the Marine Parks Act is a misuse of trying to enter into navigation and boating issues. There is a situation in Jervis Bay at Hyams Beach where the national parks authority, the National Parks and Wildlife Service, admits that the pressure is coming from wealthy residents close to the beach about boating activity in the vicinity of the beach.

The Hon. LYNDA VOLTZ: These were locals with boats who would take their boats to the water.

Mr PRIVETT: I think there are numerous surveys out of the Department of Lands previously and New South Wales Maritime that indicate that, because of the high percentage of trailer boats in the marketplace, they do travel quite large distances to enjoy the recreation or to fish.

The Hon. LYNDA VOLTZ: So it is probably right that there is an increase?

Mr PRIVETT: Yes, I would think so, plus the fact that there has been a 25 per cent increase in boat registrations in this State in the last 10 years, I believe.

The Hon. LYNDA VOLTZ: I understand what you say about habitat protection zones, but there is also an argument put forward that the term "marine park" actually implied to people that it was a space they could use and that it increased tourism in some way. Perhaps you could respond to that on notice. Also could you elaborate a bit more on Jervis Bay? You said that marine parks under the review were moving into navigation of vessels. Perhaps you could elaborate on that on notice?

Mr PRIVETT: I will take that on notice, but I would just say that Jervis Bay-Solitary Islands Marine Park is now under review and that is one issue that is of concern.

CHAIR: We will call a close to this session of the hearing. I thank Mr Privett and Mr Joyner for giving us their 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 of you today?

Mr PRIVETT: Yes, indeed.

CHAIR: Would you be able to reply to those questions within 21 days of the date upon which the questions are forwarded to you?

Mr PRIVETT: Yes, indeed.

(The witnesses withdrew)

MALCOLM POOLE, Chairman, Recreational Fishing Alliance of New South Wales, affirmed 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 do take any questions on notice today, the Committee would appreciate a response to those questions being sent to the Committee Secretariat within 21 days of the date upon which the questions are forwarded to you. Before the Committee commences with its questions, would you like to make a brief opening statement?

Mr POOLE: Yes, thank you. I would like to thank the Committee and the Government, in essence, for instigating the inquiry. Recreational fishing is one of Australia's favourite pastimes and enjoyed by potentially about 3.5 million fishers around Australia. In New South Wales we have about one million recreational anglers and it has been a long time since recreational fishing has had a thorough review carried out. I currently sit on a number of recreational fishing committees as well as commercial fishing committees in New South Wales and the Commonwealth and certainly it has been my part to want to know more about fishing, a pastime that I engage in, be it for sport or recreation, or food for the table.

To date the recreational fishers of New South Wales have invested about \$80 million. We have invested \$20 million in recreational fishing havens. I am yet to see a business that would be treated in terms of how we have been treated in the past eight-odd years through Minister Macdonald. Things are changing, and I thoroughly agree that there are some issues that we are dealing with at present, but certainly we hope to see further change regardless of who is in Government. Fishing was put on the agenda under the previous Government and Mr Obeid and certainly recreational fishers enjoyed some areas.

We had an interesting time—I would not say enjoyable—when recreational fishing havens were declared and a licence was brought in and there were newish reasons why a licence was implemented. We have since seen the rights of recreational fishers eroded with marine parks. The legislation we currently have under the Fisheries Act indicates very clearly that the department and the Government are to try to provide an enjoyable experience for recreational fishing. The Marine Parks Act erodes that right. We have heard today and on previous occasions that our recreational fishing rights are not there—they are in common law, but they are not there to be engaged in terms of providing recreational fishermen with good rights.

I have heard comments in the past about environmental assessments and fisheries management strategies. The Recreational Fishing Trust set aside several million dollars several years ago and on the good advice of the department and the Minister we were told it was not necessary that the recreational fishing sector had to go through a fisheries management strategy, so we put that money that was put aside back into our revenue funding and redirected it to other projects. In essence, recreational fishers have been at the forefront of trying to do the right thing in terms of being environmentally responsible even though they are as fishers are. Our aquatic environments are very important to us. No fish habitat: no fish. It is a simple equation.

Certainly the Recreational Fishing Trust has put our money into the restoration and rehabilitation of fish habitat in our coastal streams and in our inland waterways. Core funding is a classic example. As I indicated, \$80 million-plus has been invested in recreational fishing in New South Wales from fishers. We are yet to really see a thorough and clearly defined budget that has come out of Industry and Investment Fisheries to identify their input at a core funding or consolidated revenue funding level. That is very questionable to some extent. The provision of super entities has changed things greatly. Our access to a Minister who has a number of portfolios has reduced greatly too. There are numerous things and 45 minutes is a very short period of time to discuss a lot of things around recreational fishing, so I will leave it to the Committee to ask questions and we will go from there.

CHAIR: On page 1 of your submission you state that many fishers are not even aware of the existence of the current advisory committees and the trusts, are confused by the overlap and duplication of activities and suspicious of the same individuals as chairs and members of bodies. The majority of fishers are not members of fishing clubs or associations. If an alternative structure for recreational fishing representation was established how should its existence be communicated to the general fishing public?

Mr POOLE: Engaging the fishing community in New South Wales, regardless of whether it is the commercial fishing sector or the recreational fishing sector, is one thing that I do not think anyone has grasped very clearly and concisely in Australia. It has and does work well in other places, such as the United States and

the United Kingdom, so we need to get up and attempt to engage. The Government needs to have its process where it can engage people with experience and knowledge. Unfortunately, we also need to have people who are there to do things and who wish to participate in supporting their recreation or their pastime in the form of a committee or a council. I know we use both in our submission, but it needs to be something that is set up and organised by recreational fishers who provide advocacy and advice to the Government at the time.

The Hon. TONY CATANZARITI: Your submission, which was provided in March this year, proposes a number of improvements to the current advisory and trust structure to be implemented in the immediate term. Have any of the issues you have identified been addressed or do they still need to be addressed?

Mr POOLE: Some items have been addressed. We are looking at requirements. The Recreational Fishing Saltwater Trust has just advertised for vacancies that are occurring over the next period of terms. The appointment process is sometimes delayed. We had some delays caused by political changes that occurred last year, which delayed incumbent meetings coming on board. The trust actually has a number of meeting dates set and we set them 12 months in advance, so there was some delay there. Timely response is a question mark in terms of paperwork going to members so that they can study it, particularly when you need to review the number of applications that the recreational fishing salt and freshwater trusts have to review annually at their major budget meeting. It is about timing I suppose and it is about trying to improve processes. It is about making sure that people are aware of what their duties and responsibilities are. I believe the role of committee members can be extended to their local region so that there is more dissemination of information.

There are potentially issues in terms of the Secrecy Act, where you are unable to discuss issues openly with people, to seek information and input, which hampers the ability of a person to make sound judgement on opinions. It is about canvassing thoughts because you are representing recreational fishers of New South Wales, you are not representing yourself or your organisation. You are placed in a position on a government committee to put the views of those people who you consult and who you represent.

The Hon. TONY CATANZARITI: How ideal are the committees that you have? How can you engage the whole State, given its vastness, and obtain people's views all around the State?

Mr POOLE: There are moves afoot where people who wish to engage do engage. Certainly I am one of those people who have been learning about recreational fisheries management and fisheries management in total for about 20-odd years, and I continue to learn because I want to learn. There are people who will engage in terms of knowing about rules and regulations. Then there are those people out there who, in essence, do not wish to know and who potentially flout the laws in terms of criminal behaviour. It is how to improve the process. I do not have the answers.

You can go to a number of people involved in media campaigns and things like that to try to impress on people. Some of the suggestions we have made to the Recreational Fishing Trust and the Advisory Council on Recreational Fishing [ACORF] is that we host workshops or information nights up and down our coastlines, do port meetings, go to local areas and do two or three presentations on our research to date. Some of those ideas have been canvassed. It is very similar to the pattern that is working currently in Victoria where they are having those types of port meetings or regional area meetings. It is something that New South Wales Industry and Investment should consider.

The Hon. TONY CATANZARITI: Should the government committees be appointed or members elected from various committees around the State?

Mr POOLE: It depends how you wish to look at it. The ideal situation would be, in essence, to have a representative organisation as well as the government committees. The Government can do as they choose, and that is obviously to appoint or select people from a panel. I would hope, in essence, that one day there would be one committee that would be utilised by the Government to consult with recreational fishers, be it part of the representative group and part of the Government's group.

At present we have a situation where a number of groups over here do that and over this side here we end up having the Government's position of appointments. It is an expression of interest you apply for based on your knowledge, your experience, where you fish, what you do. That goes through the papers and it is up to you whether you wish to apply or not. It comes back to the need or want. As I said, I am very much a keen recreational fisher as well as wanting to know about our marine environment, our aquatic environment.

The Hon. TONY CATANZARITI: I realise it is difficult but it needs to be sorted out. How are the inland fishers incorporated? Do they have fair representation on these committees?

Mr POOLE: Yes. The freshwater guys have their own trust committee and they have fair representation on ACORF, which is the advisory council. All in all, the Government has a reasonable set up in terms of that. You have to appreciate that people in fishing clubs and organisations in New South Wales are a very small percentage of those who actually go fishing. Again, it comes back to this issue of the need and want. It is trying to work out the balance. I can reminisce, several years ago or several decades ago if recreational fishers wanted a marine radio licence they had to be part of a fishing club. The minute they removed that, fishing club membership dropped off considerably.

That is a classic example of how impacts occur. Whilst there was an organisation that was set up for a reason and it was doing well in terms of consulting with people and as a good mechanism, one change dropped that right out of the window frame. Recreational fishing is trying to consult with the majority of us, the one million people, be that the half million registered fishers in terms of having a licence in New South Wales versus the half million that do not have or are not required to have a licence. It is interesting to try to consult the whole ambit of fishers.

The Hon. CHRISTINE ROBERTSON: Thank you for coming today, Mr Poole. I do remember meeting you and I am pleased that you are here. In your submission you refer to the timely communication of issues from committee and council business. Throughout this inquiry a massive amount of sometimes doubtful information has been collected and is consistently put forward. If the minutes of meetings were immediately transferred before being confirmed and ratified, which has been suggested in your submission, how would you deal with the potential for issues to take off before the committee or council could sit down and deal with them in a constructive way without political interference, and I do not mean party political? How would you moderate that process so that your council committee is still functional?

Mr POOLE: I believe in due process. I believe that needs to remain. We have made suggestions that a chairman's report would be a potential help, which summarises the issues and the situations that have occurred.

The Hon. CHRISTINE ROBERTSON: That is a consensus report from the whole committee?

Mr POOLE: Yes, that is correct. That tends to work quite well for industry as well as the recreational fishers, I would think. Again, the question is how do we relay that to the grassroots person. The comment was raised earlier about email addresses being provided on your licence. It is one of those things that, I think, the department is trying to grapple with in terms of the privacy Act and what should be sent out and what should not be sent out. At present if you have a 12 months' licence you will get a renewal once a year and you will see some information passed on to you, such as, rock fishing safety or where the licence fees have been going. Those things are fairly good. It is a bit like the registration on your car. How are we communicated with in terms of rule changes for roads or registration details? That communication method needs to change. We need to be able to deliver the information to the people in an effective format. I do not think that format is there at present and is effective.

The Hon. CHRISTINE ROBERTSON: You have put forward constructive points. On page 14 of your submission you talk about local government restrictions. Can you give us one example?

Mr POOLE: Local government restrictions in terms of fishing, we have a number of issues at present.

The Hon. CHRISTINE ROBERTSON: In Sydney they have been stopped from fishing at night because they make a noise.

Mr POOLE: You beat me to it. On Sydney Harbour we have had major concerns over commuter wharves in terms of fishermen leaving a mess and making a noise. We have had some discussions with Lane Cove City Council, as well as Canada Bay. We have been involved with New South Wales Maritime in terms of trying to come up with strategies to deal with that. We do have strategies on the plate at present and they are being implemented as we speak. The demographics have changed so much. Canada Bay used to be an industrial area at the waterfront. The industrial areas have been dissipated out and we now have high-rise buildings. Using an outboard at night-time or flushing an outboard when you come home at the boat ramp, which has been there for years, is a no-no because it is locked up at six o'clock at night or at dusk. These are some of the problems we

have as we have changing demographics. We have to try to meld in and retain some of the activities in those areas.

The Hon. CHRISTINE ROBERTSON: I asked this question earlier of previous witnesses in relation to the separate recreational fishing body not being able to deal with the total fishing environment. Is your proposal to have a recreational fishing body feeding into a council process?

Mr POOLE: That is one thing.

The Hon. CHRISTINE ROBERTSON: A potential proposal?

Mr POOLE: A potential one, yes. Certainly in the long term it would be hoped that the Government went to a single committee in an advisory capacity and information gathering as well as being representational.

The Hon. CHRISTINE ROBERTSON: But recognising they could not sit on their own on the outside in the total fishing environment? They are a component?

Mr POOLE: The mechanism is how to do it. It is one committee. We try to reduce costs, we try to be effective in our communications and we try to make sure that people understand what is being discussed. Talk to one group here, but there may be misinformation talking to another group there. The information is to try to relay the one message at the same time.

The Hon. LYNDA VOLTZ: In your submission you talk about the promotion of fishing, Tourism New South Wales and Communities New South Wales. Tourism New South Wales has regional tourism boards that garner the promotional market of their region. Do you think it would be best to work with the regional tourism boards to promote recreational fishing or with Sport and Recreation for the promotion of fishing up and down the coast? A regional tourism board may make the decision that fishing is not a driver of tourism in its region. What would be better for the promotion of fishing?

Mr POOLE: With fishing, it depends on where it is. Promotion is something that can be taken on board by nearly any department. In simple terms, we looked at promoting fishing. Certainly other States have family fishing days, for example, in Tasmania, Western Australia and Queensland. That is something we try to encourage New South Wales Tourism to take on board. We have changes, in essence, in the utilisation of our national parks through policies where we try to encourage people to go and enjoy our national parks. The Government should instigate the same thing through tourism—fishing events, family fishing days or no licence days where people go out and enjoy and experience fishing.

The Hon. LYNDA VOLTZ: Do you have any contact at all with regional tourism boards?

Mr POOLE: Yes, we do. I have some fairly extensive contacts in tourism.

The Hon. LYNDA VOLTZ: In the regional tourism boards as opposed to Tourism New South Wales?

Mr POOLE: Yes.

The Hon. LYNDA VOLTZ: The National Parks and Wildlife Service has its own tourism budget separate from Tourism New South Wales. The service promotes national parks independently of Tourism New South Wales.

Mr POOLE: Fishing encompasses a lot of things when you go on a holiday. You just do not go there for the fishing. That is why fishers go there but families, in simple terms, do enjoy other activities. Tourism potentially has a lot of avenues that they can utilise to try to encompass that and encourage tourism in their local regions.

The Hon. LYNDA VOLTZ: Have any of the regional tourism boards explained to you their strategy about promotion in their regions?

Mr POOLE: Yes, and it is fairly low on the agenda in a lot of areas apart from regional towns like Port Macquarie and Ballina.

The Hon. LYNDIA VOLTZ: Places like Coffs Harbour where they have the big clubs?

Mr POOLE: Yes.

Mr IAN COHEN: You were critical of previous Ministers. Can you see directions where that could be resolved in terms of your organisation's relationship with the Minister's office?

Mr POOLE: I think it was said by Martin Salter earlier, fishers need to take a leaf out of the United Kingdom's book and the United States in putting their requirements to Government, regardless of which party it is. One of the things I welcome about this Committee and inquiry is that the information they have received, apart from misinformation, would provide a healthy platform to attempt to understand recreational fishing. Recreational fishing is understood not very clearly in New South Wales at all, and also nationally. Certainly discussions we have had at a Federal level, it is fair to say it is very unknown as to what the capacity of recreational fishing is from the point of view of what fishermen do, how they engage, what they do in a volunteer capacity in fisheries management.

Mr IAN COHEN: You list a number of methods that could be used to protect marine biodiversity and habitats in marine parks. Can you elaborate on these methods, in particular, the suggestion to rotate sanctuary zones once regeneration is complete? I say that in light of a lot of confusion where people say when they go to a coastal area they are not sure where the sanctuary zones are even though there are signs and maps available. Would rotating sanctuary zones or having seasonal changes to areas add to the problem of identification and perhaps even get more people into trouble with the authorities?

Mr POOLE: Potentially you are right or potentially you could be wrong. Marine protected areas need to be put in place in scientific terms. As I said before, having poor fish habitat relates to poor fish production. That is a pretty easy equation to take on board. Having poor water quality in a marine protected area does not indicate that it is going to be a great natural biodiversity to protect. The fact is it is water that drives our aquatic environment. When you start considering rotational changes, yes, there are opportunities there and that is something that has been flagged. It works elsewhere in the world. In the United States, Florida, for example, has rotational sanctuary zones.

Some of the things that are done here include having clearly defined areas where there is continuity between access, such as a national park. We have one on the Central Coast. Booti is a classic example where you have a 2½ kilometre walk to get down to it and it is a fairly arduous walk back up again. It is a lovely place to go and snorkel. I have got to say it is a nice area to look at, a little bit like other locations at Port Stephens, for example. It is a great place to go and visit and check it out but you also want to do other things and same time when you visit such areas. Yes, I agree marine parks are there at present and we need to be cognisant of how we manage them. Having sanctuary zones in estuarine environments is a question mark to the terms of how much degradation we actually apply it from a human footprint?

Mr IAN COHEN: Is it more to protect the fish stocks in those sanctuaries?

Mr SALTER: The fish stocks are there. A class example is on the Great Barrier Reef we have a number of sedentary species that are very small: they are not very big fish. What we talk about here in New South Wales our fish species tend to be a lot more highly manoeuvrable and certainly move up and down the coastline. Yes, we have other species such as groper and drummer and fish like that that will stay there. But we do not have the diversity of fish species as the Great Barrier Reef. Again, it is not one rule fits all. We have issues that need to be dealt with in New South Wales. I think we start with the land and we start to work down, in essence, to the water channels.

Mr IAN COHEN: On page 14 of your submission you say, "The banning of access without reasonable consultation to many marine parks and national parks is unacceptable." Will you give examples of where access to recreational fishers has been denied? Will you explain what you mean by "reasonable consultation"?

Mr POOLE: Consultation is a great word. To try to find the correct activity as to how it should be carried out, and to obtain the correct results is something. In some terms it has been said that consultation is just a box on a form, that a government department has, to fill out and tick and other terms is that you actually go out and seek reasonable consultation from those people involved. I think it has been said before that recreational fishers are out there, they understand their environment because they engage in it all the time, the same as

commercial fishers. They are there, in essence, to ensure that they have fish for the future. They are not there to get up and rape and pillage and take away anything that is not going to stop them doing it from tomorrow.

I think as custodians of an environment they need to be consulted a little bit more and their opinions taken on board in those terms. You seek advice, you should listen to it and hopefully take on board the anecdotal evidence that those people can provide, as well as comparing the scientific evidence as provided to provide, I suppose, the two levels of win or lose.

Mr IAN COHEN: On page 12 of your submission you list a number of issues that have suffered from Fisheries no longer being a stand-alone department with no fisheries Minister at the Cabinet table. If we return to having a Minister for Fisheries for which issues that you have listed would you expect to see different outcomes? Would you answer that in terms of the issue of marine parks and boundaries and protected zones compared to the issues of often what is agriculture produced degradation of fisheries, particularly nursery environments?

Mr POOLE: The latter one first. The scenario is that agricultural run-off certainly is one of those question marks. It is not so much agriculture, it is land management practices, is a good term regardless of whether it is agriculture or not. We have seen a lot of changes in recent times from agriculture to local councils' maintaining areas around our waterways and the utilisation of glyphosates, for example. Is that having an impact on our waterways? Is it destroying fish habitat, for example? There are a number of things that flow onto that. Obviously, as I said before, good habitat produces good fish populations. Where we go to from having good government, I think, is that there is potential, I suppose, for the Government to consider having junior Ministers. I think this is trying to have a Minister to understand all his portfolios fully, and be fully aware and cognisant of the decision-making process that are involved, and where they seek their advice from—and that is what we are hopefully trying to build here through a representational process so that the Minister can go to a group and seek some solid information.

Yes, the Minister in the past has listened fairly clearly to recreational fishers. We have seen some decisions that were certainly, I believe, potentially questionable because of core government activities and non-core government activities. I break those down into things such as compliance and some forms of educational awareness and management as core activities, and non-core activities I believe are education awareness, and volunteer type processes and sort of fishing workshops and information sessions et cetera, some of those other items. I think we could improve some areas in those portfolios by having those patterns set up, and certainly having some advisers that sort the information that they desire.

Mr IAN COHEN: Has your organisation taken on any of those other fish-related environmental issues?

Mr POOLE: Fish habitat restoration?

Mr IAN COHEN: Yes, wetland restoration and working with government agencies on that matter. There is a lot of talk about the fact that it is the loss of estuarine habitat that is as much a problem for the loss of fish stocks. Would you comment on that?

Mr POOLE: New South Wales Fishing Clubs Association used to go down the process of acquiring matching funds dollar for dollar for fish stock when they fished empowerments and actually replenished through fingerling funds fish that they sort of, in essence, removed, we shall say, a larger fish. So there was an ongoing process there.

Mr IAN COHEN: Was that in freshwater areas?

Mr POOLE: Yes. And certainly that relays opportunities to other fishing events occurring and similar activities happening once we have a marine stocking policy in place in New South Wales which is underway at present. The alliance at present is fairly heavily involved in fishing safety because we believe that is a major core activity that needs to be dealt with. Again it is something that sits at the forefront of a number of our members. We are now into freshwater areas, trying to make sure that we reduce the number of fishing mortalities in the freshwater area, and we are moving into other saltwater areas such as spear fishing and boating. That is a fairly heavy thing but, again, it takes a lot of people and resources and time and effort. Recreational fishers these days are volunteers. We do not get paid. We seek to do things that we believe are high priority items such as fishing safety.

There are a number of other groups and I would like to encompass those groups in the future such as Landcare groups or dune care groups or coastal care groups that look after our bush regeneration and our riparian vegetation belts. They are some of those people who I think are our future partners in working to improve fish habitat.

Mr IAN COHEN: Is there room for fish care?

Mr POOLE: Fish care volunteers. The trust fund funds several hundred fish care volunteers around New South Wales and they pass on the messages of, be it in conservation or environmental issues, what the fishing trust is doing. They are our voices that we currently have getting out there in the community but, as I said before, more can be done.

Mr IAN COHEN: Is there any role for those sorts of people in your organisation to take on—I am not saying policing like actual officials—an observation role in terms of fishing activities on the coast?

Mr POOLE: I think fish care volunteers, we have two issues on hand: number one is compliance, and compliance is a core government activity. We try to segregate those two issues of education awareness versus compliance. I would be really loathe to see fish care volunteers who are the educators and the people who make people aware of things become compliance enforcement type people or advisory type people under those rules. I think that would be a no-no. The issue is education awareness followed by compliance which is the strategy we have adopted for the cleaner safe waters in New South Wales.

The Hon. RICK COLLESS: I refer to your discussion and comments about the condition of catchment areas in coastal areas, and the impact that has on fish stocks and fisheries generally. Do you believe that we can still have a viable primary industry in coastal catchments and also have healthy fish stocks and fisheries and waterways in those areas?

Mr POOLE: I think we can. It has been very much "This is your nominated block of land" and farmers in essence have farmed right down to the water's edge. We have taken away the riparian vegetation belt. We have allowed stock to get up and destroy mangroves and salt marshes because we have not indicated what this little area of vegetation actually does. I think that has been a little bit understood in terms, even our Fisheries Act does not really deal with it very clearly so we legislative problems. I think that overall that, yes, we can have a productive primary industry as well as a recreational fishing industry.

The other thing about it is you also need to consider the water flows and the environmental flows when you talk about inland waterways. So there is a culmination of things. There needs to be a balance struck. At present when times are flush and we have a lot of water we tend to get up and I suppose stockpile it. In other times when it is very poor we need to conserve it but certainly there needs to be a number of initiatives put in place to conserve and utilise our water we currently have in better terms. The classic example, I suppose, was the Brooklyn Sewage Treatment Plant that was put in in recent years in the Hawkesbury. Sydney Water looked at the issue of reticulation systems for used water. We found that it was just too costly to put in. Well, what is cost when you consider the cost at a point in time, such as five years ago versus 10 years' time when you are in the middle of a drought? Some of those decisions need to be made there and then to actually do things and I think it needs to be government policy that water re-use is put high on the agenda.

We have the desalination plant sitting at Botany. Its outflows have basically, I would not say decimated, but certainly changed the aquatic environment where the high-saline solution is deposited back into our waterways. It sits outside a recreational fishing haven that recreational fishers paid \$10 million to acquire. What protection do we have? We have sought in the past compensatory habitat such as artificial reefs to be installed in other areas. It is not a no-go zone at present but what it has carried out is that the high-saline plume has basically destroyed the rocky seabed and very little growth occurs there now. It was a fairly productive commercial and recreational fishing area. That is a classic example of some of the issues that we need to deal with. Yes, we do need water but we can certainly use water in more improved terms.

The Hon. RICK COLLESS: You referred to a council type process from your organisation. In your submission you propose the establishment of a new independent authority which you tentatively call "Recreational Fishing NSW". Will you explain how that body would operate? What would its responsibilities be? How would people be appointed to it? How would it be funded?

Mr POOLE: I will take that question on notice. In essence the scenario is that we would attempt to adopt a regionalisation of smaller committees reporting up to a larger authority or council. I will not put a name to it at present but I certainly think there is room for movement. That would be the advocacy representational type block of people. The Government, as I said before, would be welcome to have its committee and hopefully one day those two committees would join and you have cross-representational issues occurring.

The election process, again it is about how do you go about that? Do you go down the cost of an election procedure such as we have with the State, Federal and local elections? Do we go down a process of expression of interest or inviting people to attend and then go through a selection criteria to meet those things? There are a lot of things around the committee but overall there are a number of recreational fishers from whom you have heard that would form a fairly good committee, council, whatever and represent recreational fishers across the board from freshwater to saltwater, including industry as well as conservation, and potentially Landcare people.

The Hon. RICK COLLESS: If that body were to come into existence do you believe the Government would need to have a separate advisory board or council on recreational fishing or would the body to which you refer essentially replace that body?

Mr POOLE: I think that change will certainly show that you will initiate with two committees. I think the Government needs to be able to consult their people. Whether those people actually sit on the newly formed committee would be entirely up to the Government whether they chose that to be an exclusion or an acceptance of their process. I think that would be good partnering in terms of having that sort of relationship. I think that the Government will certainly gain benefit from having such a committee. I think that it will allow a lot more broad-based experience, certainly coming from a regional scenario, up to the main committee. Time can only tell. I think it needs to be tested and tried. Sunfish Queensland run a fairly good representational organisation and they have regional groups that meet very regularly. Unfortunately, what it needs to power this along is funding and resourcing and that is one of those big question marks that we have at present, that at present the organisations in Australia are very much volunteer-type operations.

The Hon. RICK COLLESS: In regard to your comments about trustee rights and the establishment of Crown reserves for recreational fishing havens and so on, how would that operate? Is there any parallel to a land-based system that you are modelling that on?

Mr POOLE: Yes. The Recreational Fishing Alliance has just been successful in terms of receiving around \$180,000 from the Recreational Fishing Trust to look at establishing Crown reserve trusts as well as engaging fishing clubs who wish to take on board iconic fishing areas; for example, some of the surfing zones, I suppose, up at Lennox Head and other places here in Sydney that we are looking at doing. Having those public fishing reserves I think would be one of those assets that we have. Recreational fishing havens, in essence, under that sort of terminology need to have more security over what we have acquired, so that would be part of it.

The other scenarios around that we would be looking at is we have a lot of public land in New South Wales that is currently being considered to be sold off and disposed of. Whether that is under various lease arrangements that farmers have or unnamed roads or unmade roads in New South Wales, some of these areas lead to waterways and fishing access is very paramount to making sure that we can gain access. Again, it is no different to having buffer zones in place, as I said before. We have the issue of private land down to the water's edge in a lot of areas, particularly our inland areas, and gaining access up a river system is considerably difficult when you consider you have to traverse the middle of the waterway or across the waterway. Yes, there are fishers who will do the right thing and there are fishers who will do the wrong thing. It is a matter of courtesy. Accessing private land, it is always a courtesy to go and ask the landowner for access first. You do not have a right to get there just yet.

CHAIR: Thank you, Mr Poole, I will conclude this session of the hearing. Thank you for your evidence today. Along with any questions that you took on notice during your evidence would you agree to receive additional written questions that members of the Committee may not have had the opportunity to ask of you today? If so, could you return the answers to those questions within 21 days of receiving them? Before you go, one of the Committee members asked if we could have some information on the Fish Care Volunteer Program. Is the RFA able to provide that or should we ask the Government?

Mr POOLE: Industry and Investment are the lead agency that looks after our fish care volunteers. I suppose in my eyes it is deemed to be a non-core activity. But certainly they would be the prime people to

provide that information. The trust pays for all fish care volunteers and the supervision of those fish care volunteers through our education office in New South Wales. So, again, Recreational Fishing is doing something in terms of education awareness.

The Hon. CHRISTINE ROBERTSON: It would be good to have your perspective as well as the Government's.

CHAIR: The Committee may write to you and ask you to provide the RFA's position on fish care volunteers.

Mr POOLE: Certainly, and we can also relate to that other activities in Western Australia, Queensland, et cetera, too.

(The witness withdrew)

STEVEN JAMES SAMUELS, Vice President, NSW Council of Freshwater Anglers, affirmed and examined:

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

Mr SAMUELS: Yes, I would, Mr Chairman. I would like to thank the Committee members for allowing me this opportunity to appear before you. The NSW Council of Freshwater Anglers is hopeful that this inquiry will improve recreational fishing and if this happens it will be the first improvement to our sport that has occurred since the introduction of the recreational fishing fee. Having talked to many of my members and others I think it is true to say that fishers in New South Wales have never been more disillusioned with government, its departments and Green groups. Over the last 30 years no other group has championed the aquatic environment more than recreational fishers. But because we hold a conservation approach and have remained apolitical we have been compromised through wedge politics. Somehow we have come to be seen as the enemy of the aquatic environment rather than its champions.

We had to battle for years to get a fishing fee introduced—a fee that we saw as something we could contribute back to the environment. We finally achieved this despite hostile governments that fought us at every turn. Now the same government holds out its hand each year to the tune of \$3 million for us to pay the wages of government employees. But still government ignores us and preferences groups that contribute nothing. The list of achievements by anglers for the environment is great—more than any other group. We were ahead of the pack in identifying the need for the removal of commercial effort in estuaries, but we got no support for this from government, the department or environmental groups. Anglers went it alone, forced to borrow money and repay the Government with interest, and today we still pay \$2 million per annum to service this commercial debt arrangement to protect the environment. No other group would do this.

We fought for the closure of the New South Wales Grouper Fishery until it recovered. We championed the closed seasons on bass, estuary perch and Murray cod, and we did this alone. We supported the no-take legislation for silver perch and catfish in our rivers and the total ban on taking of Macquarie perch, trout cod and eastern cod. Catch and release for bass is common practice and today more and more anglers are adopting this practice for large Murray cod and golden perch, but none of this is required by law. We have supported the consistent lowering of bag limits and the increase in take size for most fish. We fund nearly \$1 million each year for direct aquatic environmental works. We invest more than \$1.8 million each year into fisheries research.

We have supported the introduction of conservation zones to protect species at risk, notably turban snails and other intertidal invertebrates, and have supported ad hoc closures of fisheries from time to time where science was used to demonstrate the need for the closure. We supported the no take of grey nurse sharks. We fought for the removal of freshwater commercial fishing, with no assistance from other environmental groups. We are currently demanding that the Government set a minimum water standard for wastewater introduced into our rivers. The support from other groups is non-existent and government resists this notion. So anglers remain hostile to the politics of fishing. While we contribute more than any other group we are the least influential. Since the introduction of the recreational fishing fee anglers have not had one gain in terms of recreational fishing. We have lost and we continue to lose each year.

It is time that anglers were acknowledged as having a significant interest in the aquatic environment and it is about time government and its departments met us at the table and offered us the same assistance it offers other interest groups. Our record indicates that we are after outcomes that provide a win, win, win: a win for the fish, a win for the environment and a win for us fishers. This wish is not incompatible with having us at the table. I hope my answers to your questions today can assist you in your deliberations. Thank you.

CHAIR: Thank you, Mr Samuels. You have been here and heard the previous witness talk about the organisation of recreational fishing funds and licence monies and advice to government, et cetera. In your view how could the current representational system of trusts and advisory committees be improved?

Mr SAMUELS: I met with Mr Whan in April this year over this very issue and offered him some suggestions. I am still waiting for a reply, I might add, which is most disappointing.

CHAIR: We would be happy to hear the same suggestions.

Mr SAMUELS: What we have suggested is that at the moment the advisory panel to the Minister is hand-picked by the Minister, and that has some fundamental flaws because we notice that the representative that comes from the Nature Conservation Council is not hand-picked by the Minister; the Nature Conservation Council is allowed to nominate that representative. We also note that the Minister has the indigenous advisory panel and he does not pick any members for that; they are all selected from the community and go and represent. Yet, when it comes to recreational anglers it seems that we are not competent or we are not smart enough to be able to select our own to go and represent us on an advisory panel by him. That is a bit of a problem.

The issue we put to the Minister was "Okay, you want to hand-pick—we can understand that to a degree—but why not consider opening the door to fishing groups?" My suggestion to him was that he might wish to downscale—I think there are eight regions at the moment on his advisory panel—that he might wish to scale down and make the region a little bit broader; maybe scale that down to five or four and invite four groups to nominate a nominee from those groups to come and sit on the panel, and that, if you really wanted, it could be a round-robin type, because the Minister raised the question what fishing groups would be in and what would be out. We said if there are more than four and it was getting too big you could have rotationals; you could do as the Senate does in Federal politics, that is, you might sit for three years and you have a half rotation every two years to bring new blood in. He did not say no to that. He said, "That is something I will consider". Since April that is about as far as we have got.

But I would see that as being a good model. It is not inconsistent with the RFA's approach. It is a little bit different. This is new territory to us, of course. The forming of this inquiry has asked us to think about these things in bigger terms, but something like that might be quite workable. It would give a mix of people—the Minister could pick a mix of us; it would also open the doors to communications, because those people representing fishing groups have to then go back and report to their constituents, which is something that the current situation does not demand, that the people on the advisory committee are under no obligation to report back to anyone.

CHAIR: Are you aware of the structure and the charter, et cetera, of New Zealand Fish and Game?

Mr SAMUELS: Only from a lay perspective, not in depth. I have some understanding that it is based on election—people are elected and they control the finances as well at arm's length from government. So yes, I understand that model. I have to be realistic here: I would love it if we had that here; I think that would be great. But I have got to live in a real world. I do not think that the Australian Parliament has the capacity to enter into that headspace at the moment.

CHAIR: On page 9 of your submission you cite the example of the banning of trout stocking due to the concern of their impact on certain frog species. You say that two scientific investigations commissioned by NSW Fisheries indicated that the trout had little or no impact on frog species. Can you provide some more detail on this issue please?

Mr SAMUELS: Yes. We were all concerned about the frog issue; none of us wants to see native frog species decimated, particularly by a species that I have a great affinity for, trout. I quite like fishing for trout, but nobody wants to see a native species go under. So we were quite supportive. When the ban was put in place, we knew there was no science. A very small study had been done at, I think it was, Newcastle University with trout and tadpole interactions in aquaria. We approached Fisheries at the time and said, "Look, we need some research."

To their credit, they have employed some scientists. They ran the first study up in the Sticks River. The report was released. It basically said that from the studies of all the sites and the interactions they had observed and what they would have to do—quite a comprehensive report—they did not think there was any significant interaction between trout and tadpoles, but they needed more. So they were given more funding, and a second follow-up study was done. That study has been released; it is on the Fisheries website and it should be available from NSW Fisheries.

CHAIR: The same water body?

Mr SAMUELS: The same water body, and the same scientists, to go back and confirm their original report and to see what was happening. We now have the two reports out, and they basically say there is no evidence to indicate that trout have any significant impact on tadpoles at all.

The Hon. RICK COLLESS: We received a submission from a Murray River angler who proposed that the size limit on Murray cod should be reduced and that the bag limit should be reduced to one. That was on the premise that most fishermen who fish in certain sections of the Murray River are catching a lot of smaller cod. I think the size limit is 60 centimetres, and he suggested it be reduced to 50 centimetres. Most of the fishermen who fish there catch a fish of between 50 and 60 centimetres but they have to put it back, and they very rarely catch one over 60 centimetres. His justification for that was that they would all get to take a fish home, but only one. What is your council's view on that?

Mr SAMUELS: I do not think we would support a reduction in the size limit for cod. I think what we would support, though, is more use of what is termed the slot size in relation to fishing for all species of fish. Quite often, when you say you have a minimum size, that is theoretically based on giving the fish the chance to spawn once, and then it can be removed from the system by harvesting. The only trouble is that if it is just over the legal size if it has spawned once, particularly in the case of cod, you remove 70 years of spawning when you take that fish out.

A lot of work has been done in the United States in relation to saying it is probably better if you take fish in between size, maybe between 60 and 80. So, if you do catch that big fish, instead of it hanging on the wall it is put back as an apex predator and as a primary breeder; and on the smaller side, fish deserve the chance to spawn once. I think the Murray cod limit has been set by Fisheries. I think it should even be increased, to be quite honest, because some of the work coming out of Fisheries at the moment indicates that, as with mulloway, the size is below the first spawning size of those particular species.

The Hon. RICK COLLESS: Because of the change in anglers' attitude as well as the regulations with regard to catch and release, it is fair to say, though, that the size of Murray cod has increased dramatically in most of the waterways over the last few years, particularly in the Murray River. Is that your view?

Mr SAMUELS: I do not think you can say that, because we do not have the baseline data to indicate that. Certainly fishing magazines have photos of lots of big fish being caught and released, but anglers have come a long way since the days of cord lines, aeroplane spinners and bardi grubs set on set lines. People are now actually forced to go out and hunt for their fish and work hard for their fish to get those things. So I would not say there are more bigger fish now; I do not think the signs indicate that. It depends how far you go back. If you go back to pre-European times, I would say certainly no.

The Hon. RICK COLLESS: Would you agree that the average size of Murray cod is increasing? The impression I got from this gentleman who spoke to us from his experiences in the Murray River was that there were a lot of fish there around the 50-plus centimetres but not many over 60 centimetres.

Mr SAMUELS: That could be because of the stocking. There is the dollar-for-dollar stocking policy, and suddenly you have put some fish in and they are growing. There has definitely been an increase in Murray cod because of that. Anecdotal evidence from the south-west region from my members is that eight years ago you would catch 10 carp to one native fish, whereas now you are catching seven or eight native fish to one carp. There has been a swing around, and it has coincided with the dollar-for-dollar stocking program that anglers had entered into. So we just need to have a few more years to get those 55-centimetre fish to 60 or 65 centimetres, and then this angler will be happy. If we just go back and start harvesting at 55 centimetres, we will not get over that. So the idea might be to say, "Just hang on, mate, wait a few more years." If you are putting those fish back and they grow to 55 in three years, there is a good chance that in two years time they will be at 65 centimetres and he will be right.

The Hon. RICK COLLESS: On page 5 of your submission you touch on a proposal for a user-pays system for sanctuary zones. Can you describe to us how that should be structured?

Mr SAMUELS: I think it would and could be structured in exactly the same manner as the way we have the fishing fee structured at the moment: people can go into a tackle store or store, and it could even be handled through the same database. I have had some preliminary talks with people from Fisheries. Their eyes cloud over when I talk to them. But the database would certainly handle it, and you would just go in and say, "I

would like to buy a sanctuary zone ticket, please." They would buy the ticket and carry it on them, the same as a recreational fisher carries their licence.

The Hon. RICK COLLESS: That would apply to people who want to go diving in those areas?

Mr SAMUELS: Yes, or canoeing through a sanctuary zone.

The Hon. RICK COLLESS: Rather than, say, a recreational fisherman who travels through a sanctuary zone to go out to sea or something?

Mr SAMUELS: There is devil in the detail. I have not thought that far ahead. But certainly, to make it easier for compliance levels, I would say that if you are travelling through a sanctuary zone you buy yourself a sanctuary pass and that allows you to go through it. I do not really know how the salt water side would feel about that, because these are some of the issues that have been raised by my members, who fish occasionally in salt and occasionally in fresh waters. You have to be mindful of the compliance. You would have every paddler or kayaker saying, "I am only going through here; I don't need it."

The idea would be, just as you pay to transit through a national park—for instance, in Kosciuszko National Park, even if you want to drive along the road to go to Khancoban, and you are not going to stay, you still have to pay a fee to go through the national park. We have seen an exorbitant amount of money spent on the establishment of these marine parks, yet the vested interests there contribute nothing to them. Anglers contribute heaps to our side of it. So I think it would only be fair, to alleviate some of the pressures, that that be considered at least. It would be for everybody.

The Hon. RICK COLLESS: Do you think it would be appropriate, from a simplicity point of view, that that could be incorporated into the fishing licence?

Mr SAMUELS: A lot of people that would want to use a sanctuary zone might have some philosophical angst towards fishing and might not want to be regarded as an angler—

The Hon. RICK COLLESS: I am suggesting that if you do have a fishing licence, that also gives you authority to travel through those sanctuary zones.

Mr SAMUELS: In the ideal world, yes. The West Australian Government has just introduced a very similar thing, where it says that if you are accessing a national park for the purposes of fishing, you have already paid the fee so you basically have an annual pass to go in there. If you camp, or stay overnight, it is a different matter: you pay. I think that is a great system. A lot of our anglers fish in the national parks, so they have to buy their licence, and then they have to pay the entry fee. So they get hit twice to do the same activity, which I think is a bit rich.

We are having a real stink with National Parks at Jindabyne at the moment. They are charging my members \$27 a day to launch a boat, and yet they do not even go through the gates of the national park. So it is a real problem. But, yes, if a recreational fishing licence would count for entry into the national parks for the purposes of fishing, and transit through a sanctuary zone, I think that is fair, because we do contribute back to the environment. But if you just wanted to be in a sanctuary zone and you did not have a fishing licence, you would have a sanctuary zone pass.

Mr IAN COHEN: With regard to inland fishing in particular, given that a lot of these habitats have agricultural areas upstream and so on, has your organisation looked at the water condition and the way in which it relates to the fish caught, the quality of the fish for eating, and so on?

Mr SAMUELS: Yes, we have. It is something that we focus on quite regularly through our member groups. In some areas we have seen waterways which were once wonderful fisheries for native fish, and also held populations of platypus and invertebrates and were wonderful, pristine environments, now become rivers that are just sand slugs, are shallow and warm, and support hardly any biomass at all. It is simply because of bad land management practices that have occurred in the catchment area.

Mr IAN COHEN: Are we talking about chemical pollution, or is it sediment pollution and suchlike from various industries?

Mr SAMUELS: It is certainly both. Up in the north of the State, around sugar farms, we are finding a lot of problems that are chemically based. In the west of the State we are finding a lot of it, where they are ploughing right to the water's edge, removing riparian vegetation. So it is a mixture of both. It is also a mixture of urban development falling down closer and closer to rivers. We are getting that still water wash-off; we are getting the phosphates coming into the waterways.

The environmental contribution to the degradation of our rivers, and hence our marine habitat, I think is probably where we should be heading. I think that is where we need to go. Bandaid solutions—saying, "Don't fish here, and don't do this and don't do that"—I do not think work in the scheme of things. We need to take that helicopter view of the State and really invest in it. We have some wonderful people doing some great things with the Landcare groups. We work closely with Landcare, and the Southern Rivers Catchment Management Authority in my own area, and we do some wonderful work with them. But it is ad hoc; it is small; it is piecemeal.

Mr IAN COHEN: Earlier you referred to Murray cod of between 55 and 65 centimetres, et cetera. What sort of period are we talking about in terms of the growth of the fish in the general environment? Roughly how old is the fish when it is acceptable to be caught?

Mr SAMUELS: You sound like 100 people I take fishing every day. They ask, "How old is this fish, and how quickly did it get here?" Fish, unlike humans, continue to grow throughout their life period. But that rate of growth is very much dependent on the available food supply. You can have a Murray cod that is 15 years old that is 40 centimetres long, and you can have one that is 12 years old that is 1.5 metres. It is very much like putting your cattle in a paddock: if it is a good paddock they will be fatter and probably a bit bigger, whereas if you put them in a poor paddock they will be smaller. There is no hard and fast rule. However, Fisheries do some work based on averages, so you can average it out. That is not as accurate as the saltwater species, but it would be fair to say that Murray cod probably live for about 70 years and on average probably put on about 500 grams a year, as a rough rule of thumb for cod.

Mr IAN COHEN: On page 3 of your submission you state there is no rhyme or reason to the decisions on whether anglers can or cannot have access to water supply storages, noting that most of the excluded waterways are close to Sydney. What is needed to allow anglers access to these water supply storages? Would the general public accept this, and if this practice were to go ahead how do we guarantee both environmental protection and also, in particular, water quality protection for the other consumers of the water?

Mr SAMUELS: I met Minister Costa in relation to this issue. His reply to me was: "I am aware that the Legislative Council's recreational fishing committee is currently conducting an inquiry into the benefits and opportunities that improve recreational fisheries, and I am sure this inquiry will examine the issues you have raised and may provide a basis for allowing increased public access to State-owned water storages." So we have raised it with the Government and we have sat and waited, and now the Government is saying, "We will wait and see what happens here."

Mr IAN COHEN: So here is your chance to put it on the record.

Mr SAMUELS: I am really amused by the environmental issue that gets thrown at us from the water authority—

The Hon. CHRISTINE ROBERTSON: It is a public health issue, is it not?

Mr SAMUELS: No, it is not. But I get amused by the environmental one. First, it is just a drowned, pristine river valley. It was once a pristine river valley, and we put up a big concrete thing and we flooded it. Now you can look at any of those dams and you will see there is a big littoral scar of denuded shale or rock where the water was. When it is high it looks beautiful; when it is low it looks fairly average. We flooded out most of the habitat, yet we are concerned about the environment. I think that is a copout; I do not really think that is a reason.

I heard mention over here about health issues. If Sydney's water supply relies on keeping anglers out, to make sure that the health of the people stays clean, then why is not everybody in Jindabyne dead? They get their water from Lake Jindabyne.

The Hon. CHRISTINE ROBERTSON: I was not arguing that fact.

Mr SAMUELS: I understand, but I am answering the question in my way. I have a list of something like 34 town water storage facilities that all allow fishing, boating and camping to different degrees. It stems from the 1850s when Sydney Water starting making these things. The technology was not there and having people in the water may have been a risk. The last time I looked at my calendar it was 2010 and we now have technology that deals with the safety risks involved in having a few people or around the water's edge. Terrorists poisoning the water is raised as another issue. They would need to put about 5,000 tanker loads of something like arsenic into Warragamba Dam to have any effect. No-one is worried about an old coalmine that leaches toxins into the dam. It has not been fixed for 100 years because the wastewater is very diluted. Many of the reasons offered are not reasons, they are excuses.

The problem is that these water authorities do not want to deal with managing people. That is the real issue. We hope they will get over their issues, come to the table and look at the many other waterways to the west, south and north of the State where anglers work in harmony with these people. To be honest, Sydney people are a bit precious. They should go to Broken Hill and see where their water comes from. If we can tout recycled sewage as drinking water we certainly have the technology to ensure it is not a health issue to have a few people fishing.

The Hon. LYNDA VOLTZ: In your submission under the heading "recreational fishing fees" you state:

No other conservation minded organisation contributes so much in material support to the environment, a fact often missed by those who choose to denigrate anglers.

Are you talking about the payment of recreational fishing fees?

Mr SAMUELS: Yes. However, it must be remembered that that was not something that the Government foisted on us. We actively campaign for that and governments constantly said no. Yes, is it through that fee.

The Hon. LYNDA VOLTZ: That is why I am asking. I also pay my recreational fishing fee. When you are talking about those people you are talking about people like me.

Mr SAMUELS: Yes, you contribute.

The Hon. LYNDA VOLTZ: Yes, like you, I contribute. How are the fees we contribute for recreational fishing licences different from the \$350 I pay annually to play soccer and the \$60 we hand over to the referee and the linesmen at each soccer game played on Crown land that we pay to maintain and lease?

Mr SAMUELS: What are you saying?

The Hon. LYNDA VOLTZ: I am asking what is the difference.

Mr SAMUELS: You make a contribution to soccer so I believe you have a vested interest in soccer.

The Hon. LYNDA VOLTZ: Just as I make a contribution to fishing and therefore have a vested interest in fishing.

Mr SAMUELS: If the soccer authorities came to you and said they were no longer going to use a round ball but a square one, would you cop that sweet? I would say no, and because you have a vested interest you would challenge that.

The Hon. LYNDA VOLTZ: I want to get back to the subject at hand. The fees we pay are for the Crown land that we use and maintain. You are talking about fees for positions within New South Wales Fisheries. I have raised the point with other people about whether it should be considered a sport and where it should sit within government departments. People often raise the contribution that anglers make. However, I do not understand how your situation is significantly different from my soccer team, which plays on a field that is owned by the people of New South Wales. There is a process we all go through. How is this significantly different from those resources and the payments made in other areas? I also pay the fishing fee. You have referred to me being one of those like-minded individuals.

Mr SAMUELS: I still do not understand the question and where you want to go with this. I do not see it as any different. Everybody has a say.

The Hon. LYNDA VOLTZ: So there are other organisations that contribute significantly materially across the State?

Mr SAMUELS: Not that I can identify—not directly to fishing.

The Hon. LYNDA VOLTZ: I am talking about recreational facilities in this State that are owned on behalf of the people of New South Wales.

Mr SAMUELS: Most definitely, and there are many of them. But many of the anti-fishing voices I have heard tend to be those of people who do not make a contribution. They just want to complain about the activities of anglers. I ask them how much their organisation contributes or how much their members contribute. They ask me what I mean and I say, "You are a bushwalker. Do you have a licence for bushwalking so that you contribute to better paths and systems and look after the environment?" They say they would not do that.

The Hon. LYNDA VOLTZ: But significant groups do have those processes.

Mr SAMUELS: I would argue not to the extent that anglers have done through the recreational fee for a specific purpose. I pay enclosure permit fees on my land, but that ends up in general revenue.

The Hon. LYNDA VOLTZ: A new sewage treatment plant has been installed at Crowdy Head. The ratepayers of Crowdy Bay will be paying a fee to hook their property to the plant and the water quality in the area will be greatly improved. They may not be paying a recreational fishing fee, but as ratepayers they will be contributing to the provision of better water.

Mr SAMUELS: They are contributing to the building of or paying the associated debt for that infrastructure.

The Hon. LYNDA VOLTZ: Which is being constructed specifically to improve the local water quality.

Mr SAMUELS: I do not have any argument with that and that should be the case.

The Hon. LYNDA VOLTZ: But they may be bushwalkers who object to other issues.

Mr SAMUELS: They might be, but anglers may also be paying for that sewage works.

The Hon. LYNDA VOLTZ: Absolutely. It is a real mix of people.

Mr SAMUELS: Definitely. However, I concentrate on those with the loudest voice who try to do the most harm to angling, not people like that who are probably quite moderate in their views.

The Hon. LYNDA VOLTZ: But they would not be the majority.

Mr SAMUELS: I think we are seeing it.

The Hon. CHRISTINE ROBERTSON: I refer to a comment on page 8 with regard to funding for legal action. Your submission gives a fairly good case for receiving funding for legal action. Can you explain why it is appropriate?

Mr SAMUELS: We had a significant issue at Albury with a paper mill that had been using waste water on a tree plantation for 20 years. The idea was that the trees would grow and the operators would make money out of harvesting them. All the trees died and the ground is now totally saline and unusable. The operators have decided to apply to pump the wastewater back into the river. That is a problem. We approached the State Government to do something about it—stop it or to do something other than pump the stuff back into the river. It is 2010, why pump it back into the river? People say, "Don't worry about it, it is only a drop in the ocean and it will dissipate after a while." But there is always the straw that breaks the camel's back. I approached the recreational fishing licence fee people and asked, off the record, what were the chances of my

getting some money from the fees to challenge that move in the Land and Environment Court. There was no hope. It would have been really good for anglers to test whether that wastewater should be pumped into the river.

The Hon. CHRISTINE ROBERTSON: I see your point. There are other avenues to pursue if you do not have funds to lodge a case with the Land and Environment Court. That is an interesting question. Your evidence has been very useful. I refer to the term "science-based". People use that term to confirm the science that supports their case and to discredit the science that does not. You are experienced in this field. How do you deal with this problem? Everyone has a scientist up their sleeve whose research suits their purpose.

Mr SAMUELS: Absolutely. We are not talking about maths and physics; there is no totally correct answer in this area. If you are dealing with maths, one and one is two and so on. A great deal of environmental science revolves around hypotheses and trying to link cause and effect where it might be a bit dubious. It is not always clear cut. To be honest, I like to think that I remain on the side of regarding scientists as being friends of the environment. They are there to do their best, they are professional people and they want to provide the best advice possible.

I do not have a problem with the science. The interpretation is always the issue. It is the way it is trotted out and used and the way science becomes part of wedge politics. People say they believe it or they do not believe it. The climate change issue we are dealing with in this country at the moment is a good example. It is wedged down the middle and the debate goes nowhere.

The current scientific debate in fisheries is about sanctuary zones. I do not have a problem with them. They would definitely enhance our fisheries. The problem is their management. For the life of me I cannot understand why if you want to protect species A which is a reef-dwelling species that sits on the bottom that we cannot troll across the top of the sanctuary zone. I struggle with that concept. People say they want to protect the reef. What does that mean in scientific terms? Surely we want to protect things within the reef. Once anglers understand what species or formation is sought to be protected they will come to the table saying that is reasonable. We have done it here in Sydney with the turban snails. We believe they should be left alone and we were involved in the process. At the moment it is hard for anglers to reconcile the differences. It seems to be a lockout and we are not getting enough information back.

The Hon. CHRISTINE ROBERTSON: The Committee has found during visits that concessions have been made with regard to lockouts. I know that that information has not been coming forward.

Mr SAMUELS: It certainly has not. It has been the exception rather than the rule.

The Hon. CHRISTINE ROBERTSON: Sydney Water is not covered by the Committee's terms of reference. Would you suggest that the Committee ask Sydney Water to provide advice on the lockouts of dams?

Mr SAMUELS: I think it should. The Sydney Catchment Authority is the authority with which we have most issues in the Sydney region.

Mr IAN COHEN: What was the industry or paper mill at Albury?

Mr SAMUELS: Norske Skog.

The Hon. TONY CATANZARITI: How many members does your organisation have?

Mr SAMUELS: There is an error in my submission, which states that we have 3,000 members. The correct figure is between 6,000 and 8,000. It is not about member numbers. We see ours as a peak organisation. We ask organisations rather than individuals to join. For instance, one of our members is the South West Anglers Association, which has appeared before the Committee. It has about 25 clubs as members and they have about 3,000 individual members. The Monaro Acclimatisation Society has 16 clubs and 700 members. We also have individual clubs as members. We are trying to develop a club-based focus rather than an individual focus.

The Hon. TONY CATANZARITI: How do you get information out to your membership?

Mr SAMUELS: We have a website and we publish a newsletter under the council, which is emailed out to members and non-members—you can just go and link on for free. We have quite a few people who are

not members of our organisation who receive our emails. We would love to send it to all parliamentarians because it does keep people abreast of not only what we are doing but what is happening in the fisheries world. You can read it—it is totally free—and we have our regular meetings.

The Hon. TONY CATANZARITI: Is your membership able to contact you via the Internet?

Mr SAMUELS: All my members know my telephone number at home and they have my email address. Yes, they can get to me through the web.

CHAIR: Do you mean member clubs?

Mr SAMUELS: Member clubs or individual members as well. I often go—in only a couple of weeks I am going down to Wollongong—and talk to our member clubs to update them as to what is happening. I put in quite a few miles of travel, yes.

The Hon. TONY CATANZARITI: I asked you that question because during the course of this inquiry the Committee has asked about getting feedback and getting information out to members.

Mr SAMUELS: I do not say that we are perfect but we try and we keep trying.

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

Mr SAMUELS: Certainly.

CHAIR: If you do receive any questions are you able to return those questions to the Committee secretariat within 21 days of the date on which the questions are forwarded to you?

Mr SAMUELS: Yes.

(The witnesses withdrew)

(Luncheon adjournment)

DAVID THOMAS, Founder and President, Eco Divers Incorporated, and

KAIT RENEE McMANUS, Media Editor, Eco Divers Incorporated, affirmed and examined:

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

Mr THOMAS: I do have an opening statement.

CHAIR: Please proceed.

Mr THOMAS: My name is Dave Thomas and I'm a bloody greenie, apparently, who thinks that saving things like animals and habitat, both on land and in the ocean, before they are all gone or at levels where they cannot regenerate is possibly a good idea. The ever-growing list of species defined as extinct, threatened, vulnerable and protected supports this crazy notion. We can only live in denial for so long. At some point we need to act on behalf of the environment and the larger community's long-term welfare as the two are intrinsically connected.

Enough about the planet, now back to me, or more accurately us, as we are a team of people. There are plenty of other similar groups. I am a lifelong marine conservationist to which end I have set up and run a small volunteer organisation on Sydney's northern beaches, thinking globally but doing things locally, and acting on behalf of marine creatures in places like this where they cannot be here to defend themselves. I wonder what they would have to say if they were asked about fishing? We get into water two to three times a week—more in summer—and remove rubbish, survey fish, monitor seagrass, rescue animals and assist scientists, among other things.

Each year we take between one and two tonnes of waste out of the water and off the shoreline just in the Manly-Mosman area. We work very locally. Because there is so much, we specifically concentrate on fishing debris and plastic, which present the highest risk of entanglement and ingestion problems to marine life. It is also the greatest volume, so weight-wise it is quite a lot of stuff. Once in the ocean, it is there until someone removes it or does something with it. We do not get paid to pick up other people's plastic or fishing debris. We do not make money from protecting marine life. In fact Sean Barker, who has been there, is going to a job interview. He had to attend that, unfortunately.

Our businesses are not dependent on saving fish. We do not import and brand cheap conservation tackle from overseas. We do not have a conservation show on television with lots of endorsements, although I think that would be a great idea and would really like to get that going. I do not sell conservation books or get paid for what I write in magazines or newspapers. When our photos are used in the media they are used without charge. But I do have a boat—I am a boat owner—and I do have a four-wheel drive. Reading through the list of people who have already presented, the number of recreational fishers and association representatives is significant, but there are not so many of us fish-hugging—I nearly said tree-hugging—hippies. I am not aware of the selection process that was used to pick this cross-section of people from the thousand or so submissions, but I am happy that we have been given the opportunity to speak and hopefully we can give you some content.

First of all, I would like to establish a few things and see if we are in agreement. The issues surrounding recreational fishing are not exclusive to New South Wales and are of Australian and global concern. It is not that we are sort of a microcosm here. These factors are obviously of concern around the world. All marine animals are wild and fish, as defined in the Fisheries Management Act, are animals. Is there any objection to those things?

CHAIR: You have the floor.

Mr THOMAS: Okay. Next I would like to define the term "recreational", as it is used very often in relation to fishing and in this inquiry. As far as I am concerned, "recreational" is not for commercial purpose and

it is on an ad hoc basis as a recreation. Fishing itself is often referred to incorrectly as a sport. It is a form of hunting.

CHAIR: We agree on that, or I do anyway.

Mr THOMAS: Well, that is basically what it is. I am only really here to talk about marine fishing because the marine environment is where I belong. I do not have any work to do with freshwater; it is basically all coastal and marine. Probably at this point I should concede that the whole topic of recreational fishing and the environment is a very emotional topic and there is a lot of emotional stuff thrown around. I think that far too often the emotive spin and rhetoric may be used to deceive and bolster arguments that are not necessarily correct and also to gain support for a notion that might be a negative notion, which is a fairly standard marketing ploy, having people feel sorry for you or your kids or your grandparents. After spending the last 48 to 58 hours looking at fishers on You Tube and reading forums, it was good for a few laughs, but the laughs are the kind that you have when you cannot believe people can be so serious when they offer totally biased opinions as representing others.

I do not know how long you want me to go on, but I have lots. For example, Mr Fishing and Lifestyle Party during an appearance on television said, "They are locking us out. First we lost the Great Barrier Reef". As far as I am concerned, you can still fish in the Great Barrier Reef Marine Park. "I took a grandfather and his son and his grandson on a day's fishing trip. I was the guide. Afterwards he told me that it was the best day of his life and then six months later he died. That is what the Government is trying to take away from us." That sort of ploy I do not think is helping—it is probably doing more damage than good, but that is the sort of thing that is used. As Bob Katter would say, "We can't fish, we can't shoot and now we can't boil a billy." It is that unrealistic approach. No-one is locked out and there are lots of things in marine parks where fishing is still allowed. I will leave David Lockwood out of it.

Currently in New South Wales 93 per cent of the coast is fishable. There are small areas of no take. The one I deal with quite intimately is Cabbage Tree Bay aquatic reserve at Manly, 20 hectares of "no-take" reserve. Unfortunately, that is still fished on a regular basis. There is so much discussion on a dynamic topic, it is changing all the time, and what was the case 10 years ago is totally wrong today. In five years' time it will be a different situation. Different time spans—ten years history to five years in the future—that is just my way of showing the cumulative impacts on the environment are accelerating change. So it is not just what we know, but other things that are happening.

The population increase and concentration, different socio-demographics of people, technology and materials, pollution and natural disasters are all adding up to increase the pressure on the marine environment. Recreational fishing is just one of the factors in this. After all of that, one year is a long time in the ocean. I was talking to someone outside who said the slowness of getting things from the scientific research and recommendation stage to the enacted stage is one thing that we cannot afford to have go on for too long because by that time we have lost species, we have lost fisheries.

CHAIR: You obviously have quite an intimate knowledge of Cabbage Tree Bay?

Mr THOMAS: Yes.

CHAIR: What would you say is the major environmental risk for that area today?

Mr THOMAS: Right now the introduction of pest species—seaweed, *Caulerpa Taxifolia*. It is a small embayment and it has established seagrass beds, which are the nursery area for a lot of different species of fish. If they go then that area will obviously lose a lot of species as a result.

CHAIR: Is that embayment affected by built-up area runoff or those sorts of issues, stormwater or anything like that?

Mr THOMAS: They have stormwater as well, yes.

CHAIR: Is the stormwater filtered?

Mr THOMAS: They have grease pollutant traps.

CHAIR: Are they effective?

Mr THOMAS: It depends. If there is bad enough rainfall it goes around them, but for general purposes, yes, they are.

Mr IAN COHEN: In terms of the area that you have intimate knowledge of, do you have threatened or endangered species in those particular areas? Perhaps you could just mention a few.

Mr THOMAS: Yes, in Cabbage Tree Bay they have black cod, which has come back since the park was declared—it was there before.

Mr IAN COHEN: Is that a state or nationally threatened species? What is the status of that?

Mr THOMAS: It is Australian, a nationally threatened species. We get sea dragons and seahorses. There are a few other fish that come there on an irregular basis, but they do not reside there. It is a stopping point for a lot of animals—turtles and things like that, penguins and a lot of others as well.

Mr IAN COHEN: You do you a lot of clearing of marine debris, as you have mentioned. Are there any areas that suffer from that debris more than others? Is there a particular accumulation and a reason for it?

Mr THOMAS: Yes. Within Sydney Harbour it is basically prevailing southerly winds. The areas between Quarantine and Reef Beach are generally the catch point and everything in the harbour eventually washes up there onto those beaches. We do those on a rotational basis all the time.

Mr IAN COHEN: What is the main debris that you deal with?

Mr THOMAS: Floating stuff. Do you mean in quantity, in weight, in volume or in hazardous risk?

Mr IAN COHEN: In terms of impact on the marine environment.

Mr THOMAS: Plastic and fishing gear is what we specifically do. In the plastic bag department bait bags make up about a third of what we have. That is marked bait bags. Then there are other plastic bags that are used for fishing that are not marked. There are lures and floats and lines. Glow sticks are a big issue now. Ten years ago they were not used. Now they are used in the homes. We find lots of those. They are a particular hazard because birds will eat them as well as fish. They float and they glow. Other things are polystyrene foam, general waste, stormwater run-off, clear cellophane plastic from cigarette packets and anything else you can imagine that ends up in the ocean or the harbour.

Mr IAN COHEN: This Committee has received a fair bit of information generally about fishers and their responsibility to the environment. You paint a grim picture of littering by recreational fishers. Could you describe that and give your opinion as to the impact that has on your local marine environment?

Mr THOMAS: Better still I have photos. There is a practice of buying frozen bait, cutting the bag and throwing the bag in so it acts as a slow release. The bag is purposely thrown in the water with the bait in it to act as a burly trail. There is a picture here, I will pass it around. It has the bait bag and it has a diagonal cut in the bag and the bag is thrown in.

CHAIR: Are those photographs available for the inquiry?

Mr THOMAS: I have printed those for you to keep.

CHAIR: Would you like to table those photographs?

Mr THOMAS: Yes. There are two lots. One is Clifton Gardens and the other one is Manly Cove.

Mr IAN COHEN: Is it a major problem with recreational fishing and how do we resolve the problem?

Mr THOMAS: It is one of those things that is a practice that is out there, like a few other practices. There is a move over the last few years to use disposable gloves to handle the bait and the fish and then they are also discarded. The packets and packaging of all the gear is found in quite large quantities everywhere. Bins are

provided and other things; there is certainly access to waste disposal. But generally, whether it is left behind or blown off the wharf or otherwise, it ends up in the water in significant quantities.

Mr IAN COHEN: It is reasonable to say in an activity like fishing in the general environment where the wind is blowing there will be a loss of items by accident?

Mr THOMAS: Yes, it is accidental loss as well as negligence.

Mr IAN COHEN: How does accidental loss measure up with the quantities you are finding?

Mr THOMAS: You should come diving. That would be the way to see it. You do not have to take my word for it; you go and have a look. If it was all accidental that does not account for the quantity that is out there.

Mr IAN COHEN: Your submission caused the greater enforcement of fishing regulations. That is a call that has been repeated throughout the inquiry. Have you ever witnessed Fisheries compliance officers in action?

Mr THOMAS: Yes.

Mr IAN COHEN: Could you describe that? Are they on hand sufficiently to deal with situations that you see, given that you are a frequent user of these particular environments?

Mr THOMAS: Just taking Cabbage Tree Bay as an example, every time there is a boat fishing or people fishing off the shore Fisheries are called. Also, I know the local Fisheries officer. I have his mobile and the duty officer's mobile as well. They have a lag and response time, which is an issue as they have to basically catch people in the act. Unfortunately, their resources, like many other government departments, are few and they have a lot of area to cover. So we do not get the response or their being on site is an absolute rare occasion.

Mr IAN COHEN: In Cabbage Tree Bay and the general area north of the harbour round to Manly, how many compliance officers are on call?

Mr THOMAS: I believe there are four officers on duty for the northern Sydney region at any one time from Woolstonecraft. There was a request from Manly Council to have a Fisheries officer stationed in the Manly-northern beaches area over summer, which I think would be a good idea because it is a high-use area for boating, fishing and diving. Whether that happens is another thing.

Mr IAN COHEN: Does that include the Pittwater area?

Mr THOMAS: That is another whole different ball game up there. That is another high-use area which would require another officer on their own.

Mr IAN COHEN: Does it have an officer dedicated to that area?

Mr THOMAS: I am not sure. I am not aware.

CHAIR: As a point of clarification, in relation to council officers assisting, do councils have any jurisdiction below the high watermark?

Mr THOMAS: No. I think they were given a course in what they can and cannot do under the fisheries Act and were deputised as officers for certain things. They can report and take evidence.

CHAIR: They can police wharves and council structures?

Mr THOMAS: Yes.

Mr IAN COHEN: Do you have any suggestions about the bait bags and such like? Is there a more environmentally benign material that could be used that would work?

Mr THOMAS: I think one of the companies tried a degradable bag. It was not cost-effective because with the increase in cost of the product they did not sell enough to warrant continuing. I have only heard that as hearsay. I do not actually know if that was a trial.

Mr IAN COHEN: As a diver, are you a spearfisher as well?

Mr THOMAS: No.

Mr IAN COHEN: A fair bit of information has been given on the impact of spearfishers and their type of fishing. The argument for is that they can target the prey, therefore, it is more of a conservation fishing method. Do you have any comment on the impacts of spearfishing and whether it has any detrimental effect on the marine environment?

Mr THOMAS: Spearfishing has, dare I say, negligible waste. They do not leave anything behind generally. Once again, it is up to the spear fishermen themselves. I have certainly seen lots of spear fishermen, especially young kids, killing things just for the sake of having a sharp stick and being able to. I also work with not professional but experienced spear fishermen who go out and blue water hunt for pelagic fish and eat it. In that sense, the actual fishing side of it is probably the purest form and the most sustainable. I do not agree with the competition spearfishing where it is a points-gathering exercise as opposed to a dinner-producing exercise.

Mr IAN COHEN: You suggest that the public should be clearly provided with a means of easily reporting illegal fishing activities. You have mentioned that you have done so. You also have mentioned the outcome in terms of the availability or lack of availability. Can you enlarge on that? Do you have any other suggestions on effective ways of improving reporting and getting action undertaken?

Mr THOMAS: Dealing with Cabbage Tree Bay again, we have put an observation project in place with the local residents and people there to ring up and report and also fill out a one-page form on the details, which comes to me. That holds all those incidents. It is not just fishing, it is boating and any other incidents in the bay. That will be collated and given to all the stakeholders to say that this is what is happening. It does not always get reported because people do not know who to call, people do not know what to say or they certainly do not want to confront people doing the wrong thing. So a lot of stuff goes unreported. This is a way of doing it: see something happening, write it down and let people know.

Mr IAN COHEN: Your submission states that at least 50 per cent of all catch and release fish die as a result of stress or injury. Can you advise from what source you derive that figure? There have been submissions from the Government and other sources and a certain pride is shown in many sectors that catch and release is far more humane and allows the fish stocks to continue. Can you give clarity on that?

Mr THOMAS: I will get some references on that for you. We do a lot of work under wharf and around that area and see what happens to fish. Funnily enough, when you see a fishing show they hold the fish up and say, "This little beauty, we are putting him back." The camera goes off the fish because if he is like this it does not look good. No matter what you do, if you are keeping a fish out of water it is the same as keeping you underwater, and I have seen you underwater, for the same length of time. It has an effect on the fish. It might not necessarily kill the fish but it is going to injure the fish. Any injured fish becomes a target for predation. If it is injured it cannot feed, it cannot reproduce. If it has any sort of damage it basically becomes food.

Mr IAN COHEN: Would that be similar to the incidental catch of young grey nurse sharks?

Mr THOMAS: They are one animal that are highly subject to susceptible distress.

The Hon. LYNDA VOLTZ: How many members are there in your organisation?

Mr THOMAS: Forty.

The Hon. LYNDA VOLTZ: How many of them are female?

Mr THOMAS: Probably 20.

The Hon. LYNDA VOLTZ: Are you a diver, Kait?

Ms McMANUS: Yes.

The Hon. LYNDIA VOLTZ: I am just checking. I always like to have women before the Committee.

Mr THOMAS: Sean is a bit of a girl too but he is not here.

The Hon. LYNDIA VOLTZ: I warn you about making adverse comments about people who are not here.

Mr THOMAS: He will read it, so that is all right. We have a lot of women and girls in the group. From a diver's point of view, I recruit people who are passionate about the ocean and its care. I find more often than not that women are more passionate and caring about doing something than just going diving, going the deepest or holding their breath the longest.

The Hon. LYNDIA VOLTZ: One of the interesting things about this Committee is that I do not believe we have had anyone come before us who has not told us they are conservationists. Everyone has described themselves as a conservationist. Obviously conservation is a very broad church. Commercial fishermen have told us about their methods of reducing by-catch and other things they do. Recreational fishermen have told us similar things. From a Government point of view, much of life is a balancing act. How do we balance those different views that are held amongst the various communities who all think they have ownership of the conservation of the waterways?

Mr THOMAS: It gets down to what is their vested interest or agenda. You can say what you are but it is what you do, and your actions are what you do. You are still out there harvesting and you are still out there taking, digging up the bottom and doing all that sort of stuff. If you are letting a few fish go, that is hardly conservation overall. That is just a little bit for appearances.

The Hon. LYNDIA VOLTZ: It is fair to say that fishing has been part of the Australian lifestyle for a long time. Of all the activities people can do, it is probably one of the activities we would prefer to see people partake in so long as it is managed in a sustainable way.

Mr THOMAS: Therein lies the issue. Management is the thing. You cannot be on every wharf, every beach, every rock platform saying, "Hey, that fish is too small", "That is the wrong thing. Don't leave your plastic bags." Unfortunately, the regard for rules, laws et cetera is not taken as much as we would like, otherwise there would not be a problem. People, grandpa and grandson, walking along the beach and fishing and getting some bream to take home and cook is not what fishing is about any more. It is about 40 people on a wharf day and night taking everything and leaving stuff behind unfortunately but times have changed.

The Hon. LYNDIA VOLTZ: Yes, but a lot of it also is not like that. I guess that comes down to education. A lot of things we did 30 or 40 years ago people accept now that you do not do. When seat belts came in there was a great deal of who-ha but education has certainly changed the attitudes of people. Does the mix of marine parks and the way they are discussed get a better outcome for the community as a whole?

Mr THOMAS: What has happened with marine parks, unfortunately, is they should have got a marketing company to jump in and talk about marine parks because every time you say "marine parks" people jump up and down and say, "They are locking us out" when, in actual fact, marine parks do not lock out people. The percentage of no-take areas on the coast is tiny. From a global point of view, if we are to have an ocean that survives we need 20 to 30 per cent of total protected area just to have the species survive and that is a global scenario. We are probably better off here than a lot of other countries because we have a lot of coastline and very few people, but that is the general consensus worldwide.

CHAIR: Do you believe 30 per cent of the total marine environment in terms of area needs to be protected?

Mr THOMAS: I can clarify that. Documentation from scientists globally says that to survive, to have species of stock survive, 20 per cent is a minimum.

CHAIR: Of all marine environment or 20 per cent of coastal marine environments?

Mr THOMAS: We will clarify that.

The Hon. LYNDA VOLTZ: Is that a global view about the impacts of increased population on the whole eco-system of oceans?

Mr THOMAS: Yes, and generally due to commercial fishing.

The Hon. LYNDA VOLTZ: It is certainly not a local view? It is an over view.

Mr THOMAS: Yes. We have a chance to be leaders, not followers here. We are in a better off situation.

The Hon. LYNDA VOLTZ: It is an interesting view. Do you use marine parks? Do you visit them?

Mr THOMAS: I have been to Jervis Bay and up to Port Stephens.

The Hon. LYNDA VOLTZ: Are you only a watcher and not a taker?

Mr THOMAS: I take photos and film.

The Hon. LYNDA VOLTZ: You are not like some people in Jervis Bay, in particular, who dive for lobster?

Mr THOMAS: No, I do not eat any sea food or need to.

The Hon. CHRISTINE ROBERTSON: I recognise your issues and where you come from but most members of the Committee are fishers because we like to eat fish and we like the function of fishing. I recognise that your issues are very important and your work is incredibly important to the environments in which you are working. However, I am somewhat offended when you say, "No marine fishing areas are cleaned by fishermen." I have a plastic bag in my fishing bag in order to clean up the area of anything that other persons have left. I think many fisherpersons do the same thing.

Mr THOMAS: I am yet to see it happen.

The Hon. CHRISTINE ROBERTSON: You have heard about it now.

Mr THOMAS: This is part of saying we are conservationists as well. I talk to fishermen all the time and they say, "It's never me. I never know, and not my mates".

The Hon. CHRISTINE ROBERTSON: In your experience you have not seen people do that?

Mr THOMAS: No.

The Hon. CHRISTINE ROBERTSON: This Committee has received many biased submissions from many sides in this inquiry. When I see such a biased sentence I feel very uncomfortable with the rest of the submission.

Mr THOMAS: You can add in there "I have never seen a fisherman pick up anything". I go down to Clifton Gardens wharf and walk up and down it and photograph everything. I have never seen fishermen there or in any other place actually clean up after them. I have asked them to and I get the usual response. When you go fishing I will watch you. I would love to see that. Bearing in mind, as I said before, I am dealing with a city-stock community in those particular areas around Sydney Harbour. I dare say the communities in small towns feel almost obliged to behave differently because everyone knows them.

The Hon. CHRISTINE ROBERTSON: Fisherpersons leave rubbish and you just have some fisherpersons who go and clean it up.

The Hon. TONY CATANZARITI: How often do you go diving?

Mr THOMAS: At the moment two or three times a week. In summertime it is probably four to five times a week, depending on what is happening and what we are doing.

The Hon. TONY CATANZARITI: Your primary reason for diving is because you like diving or you are actually trying to clean up the messes?

Mr THOMAS: We do specific clean-up events where we get probably 10 people as a maximum in the water to clean a specific small area. We do a small area with a few people rather than try to do too much and we do it all the time on a repetitive basis. I also shoot photos and video underwater, and that is probably one of the passions. A lot of those photos are like these ones showing what is happening underwater. We talk about education so I am showing the people what is there, what is happening.

The Hon. TONY CATANZARITI: You have 40 members. Are they located in the area in which you live?

Mr THOMAS: Yes, they are all localised.

The Hon. TONY CATANZARITI: Do you have any other members?

Mr THOMAS: I have one in New Zealand at the moment and one in the States. As you can imagine, local people have more knowledge and sort of respect for their local area and are more likely to go back there, know it and look after it as opposed to if I went to some other area, which I do not know about, and start doing things there. I am not sure about things. I tend to pick local people and obviously people who can do stuff without having to drive miles or hours each day because there is a lot of gear involved and parking so we tend to work in a very localised area.

The Hon. TONY CATANZARITI: Do you have people from other areas who want to know what you are doing to carry it on in their local area?

Mr THOMAS: I have got a guy who came over from Boston especially to Sydney to meet me and take that back to his club over in Boston.

The Hon. TONY CATANZARITI: None around New South Wales or Australia?

Mr THOMAS: Yes, up and down the coast we work with a lot of other groups and government departments and agencies doing things and offer advice, but not people coming to set up franchises or anything like that.

The Hon. TONY CATANZARITI: Do you have an association with the Department of Fisheries?

Mr THOMAS: Through the local guys there we are working with them on the Cabbage Tree Management Committee and places like that. Also on the marker buoys for the penguin critical habitat and Quarantine Bay and other issues regarding seagrass as well, moorings placed in Many Cove east and the protection of seagrass beds at Manly Cove west at the moment.

The Hon. TONY CATANZARITI: What is your relationship with the department? Does the department help you?

Mr THOMAS: Of course. Generally we talk about Fisheries as an organisation. I deal specifically with operational people as a whole so I am not into the upper echelons. I deal with operational people there who then take that up the tree. I do not go to Fisheries management with ideas.

CHAIR: Do you have a website?

Mr THOMAS: Yes, our website is about to get a revamp with content and photos.

CHAIR: An organisation called ALBAA—Australian Land-based Anglers Association—has a program called shelf care which is doing exactly what you do but on the rock shelves.

Mr THOMAS: We do the shoreline too.

CHAIR: I might ask them to get in touch with you so that you can work cooperatively. I do not know how many clean-ups they have a year but they do the entire New South Wales coast.

Mr THOMAS: Okay.

CHAIR: Are most of your members free divers or scuba divers?

Mr THOMAS: All scuba divers and competent free divers. Sacha Dench, the vice-president, is one of Australia's champion free divers. We started off doing a lot of free diving just to look at areas to see what they were like and also go along the shark nets and things like that on free diving because you can do it. If there is an animal in there we put scuba on and go and cut it out or record it.

CHAIR: Do you have much experience with diving on shark aggregation sites?

Mr THOMAS: Only on scuba at Magic Point and three times up to Seal Rocks but did not get out, so I am waiting.

CHAIR: Your organisations seems to be exemplary inasmuch as it gets things done rather than have a bone through your nose and talk about it or carry placards around the city streets. What sort of recommendations would you say this Committee should make to the Government in relation to pollution? What would you ask the Government to do? Would it be to change legislation, conduct education programs or whatever?

Mr THOMAS: I will take that question on notice because our group will have to think about it and provide you with an answer. It is a huge issue.

CHAIR: Some time ago there was a push to use disposable biodegradable bags. They were testing bags made from prawn shell. It would be great to put your pilchers inside a prawn shell bag when not only would the fish eat the pilchers but also the bag.

Mr THOMAS: Yes, therein lies the problem. I do not know the cost of that but from a company making that sort of point of view, even if it costs more, the cost is less because you do not have that waste issue and fishermen and everyone else, accidentally or not, that bag is not an issue and not an ingest issue either. So that is a great idea. Things like that is more for the Government who has the power to regulate companies, "You must make bags out of prawn shells" but all steps should be taken towards that sort of thing. A lot of our bait is imported. There are also local companies.

CHAIR: A lot of it is intra-State and intra-location. I have figures on the amount imported from overseas. As I understand it most of the bait is from either Queensland or New South Wales?

Mr THOMAS: Western Australia. This summer we are doing a study on bait bags and will have that sort of information on where we come from.

CHAIR: Do you have any data on the source of the bait bags? Has your database started?

Mr THOMAS: No, that is one of this summer's projects.

Mr IAN COHEN: There has been a concern given to the inquiry that many fishers see themselves as locked out of sanctuary zones and marine parks. There is a lot of angst about that and from my understanding scuba divers are encouraged into those zones. Yet others have claimed that scuba divers actually have an impact. Even the bubbles scare the grey nurse. Would you comment on that passive impact? Is it real from your point of view? Have you witnessed reactions of animals in particular areas, especially when you get a whole group of scuba divers going down in some sort of professionally organised dive venture?

Mr THOMAS: There is an impact. You will impact on all marine animals if you go in there, unless they have been so habituated to divers that they will come to you. Areas like Magic Point and Seal Rocks and places like that where divers go all the time the sharks, especially the small ones, will come out of the cave and they will go around and come around behind you and they will go back in. Sean has done a four-year study on this. His paper is available and we can give that to you because that is exactly on that, on the impact of divers on grey nurse sharks.

CHAIR: Could you take it on notice that we would like that tabled?

Mr THOMAS: Yes. There is an impact but it is negligible because that shark is back there the next day, the next minute, once you are gone. You are an inconvenience I think is the thing, and that is where probably diving is one of those things where you will go along and you will blow bubbles and you will do things but that is all you do, and free diving is probably even less, obviously.

CHAIR: Thank you very much for your evidence. Along with any questions that you took on notice today 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 THOMAS: Absolutely.

CHAIR: The secretariat will write to you about those questions on notice. I will conclude this particular session. Thank you for your evidence.

(The witnesses withdrew)

JOHN (JACK) JOSEPH TAIT, President, Coastal Rights Association, sworn and examined:

CHAIR: If you should consider at any stage that certain evidence you wish to give or that 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 Committee Secretariat within 21 days from the date on which the questions are forwarded to you. Before the Committee commences with questions would you like to make a brief statement?

Mr TAIT: Really I would not. The only thing I would like to say is that I am not a member of any political party or any political group and since I have been the president of the Coastal Rights Association all our public meetings that we have had we have always invited all sides of politics and all sides of groups, whether they are conservation or whatever, to come to our meetings. I just want that point cleared up that every meeting we have we have got to stand up and say, "This is not a Liberal Party function or a National Party function", it is just a matter of the people you invite that turn up and the people that do not turn up.

The Hon. CHRISTINE ROBERTSON: Don't you have Labor Party functions!

Mr TAIT: Down on the South Coast we have not got a Labor Party candidate for State. Dr Mike Kelly—this will be his first term in the seat of Eden-Monaro in our area. Last Federal election it was in Gilmore.

CHAIR: I will make the point though that you have stood as an upper House candidate, have you?

Mr TAIT: Yes. In the 2007 election myself and some other people tried to stand as Independent candidates, yes.

CHAIR: Your submission says that at the time of the zoning development for Batemans Marine Park your organisation identified areas suitable for seasonal closure, which you believe would have been more effective than sanctuary zones. Can you provide the Committee with some detail on the seasonal closures that you proposed at that time?

Mr TAIT: Most definitely. Our committee went up and down the whole 110 kilometres of the boundaries of the Batemans Marine Park. We spoke to commercial fishermen, professional fishermen, recreational fishermen; we spoke to everyone that had an impact on the fishing environment. We contacted the DPI as it was then, now the I and I, and received quite a deal of information from them. We spent hundreds and hundreds of hours putting a submission together which we brought here to Parliament House where the then Minister, Minister Macdonald, looked at it. I have got to be careful what I say here. He put that in as one of the Government's submissions. He said it was brilliant. Of course, nothing was done on it.

CHAIR: In your submission you state that the economic benefits of the Batemans Marine Park have been grossly misrepresented. However, you also note that tourist numbers have increased. Would you like to comment on the dichotomy there?

Mr TAIT: I am not sure whether we said that tourist numbers had increased.

CHAIR: Perhaps I will put it another way. What do you think is either the benefit or deficit in the Batemans Bay area of the creation of the Batemans Marine Park?

Mr TAIT: It is quite simple. All you have got to do in that area is either go to Ulladulla on a Saturday or a Sunday morning and have a look at the car park there that is just chock-a-block full of recreational trailer boats. You can come to Bermagui and see exactly the same thing. The logons and log offs with coastal patrol boats in Narooma and in Batemans Bay have declined in some stages by 27 per cent, and it is not because the facilities have been downgraded or are dilapidated or anything like that, it is just the fact that with the areas that were taken as the sanctuary zones in the Batemans Marine Park it virtually took about 75 per cent of our best fishing spots out. Therefore, Ulladulla has no marine park; Bermagui exactly the same. So it has definitely had a big impact.

The Hon. TONY CATANZARITI: Just to follow on from that, we visited Jervis Bay and went and had a look at the marine park. They were very pleased with the marine park and thought that they had more tourists coming over. Would you agree with that or do you have any knowledge about that?

Mr TAIT: I do not get up there very much so therefore I would have to say I could not give you an honest answer on that. I know for a simple fact that there are some businesses in the Jervis Bay area of the marine park that have been for sale since the inception of the JB itself and they have not been able to sell them, and some of them that are supported by fishing or fuel, everything like that, have closed down in that area, yes I can guarantee you that.

The Hon. TONY CATANZARITI: It is a little bit different to what we had heard, although there were some other people who did say—

Mr TAIT: It covers a big area too. I am not specifically saying Jervis Bay itself, but if you go to Culburra or somewhere up around there like that I think you will find a slightly different—

The Hon. TONY CATANZARITI: Why do you think there is a better response from the Jervis Bay people and not so well in, say, Batemans Bay or the other areas? Do you think it was done differently? Do you think that perhaps some of the things could have been done differently and it would have made it better for areas like Batemans Bay?

Mr TAIT: No, I do not think so, and I could refer back to a question I think Mr Cohen was involved with this morning. It is the way that you present the question to the people. The JB that has just been rezoned now, the public comment that went back—I think at that stage Minister Firth referred to about 84.9 per cent of people were in favour of the Jervis Bay Marine Park, but, once again, it was the question you put. I did an article in our local paper down there and I said, "I can beat that", because I just did a survey and asked children do they like ice cream and I got 100 per cent. It is just the way that you phrase the question.

In relation to the setup of Jervis Bay compared to Batemans Bay, I think Jervis Bay took a couple of years to set up whereas Batemans Bay was raced through it in three months. But, in actual fact, the gentleman that did the zoning plans and everything for Jervis Bay, I have got some DVDs, which I could give you one each if you require it, where Tim Lynch when he was making his presentation to the CSIRO quite clearly states on that that he and his partner had no science to go on and just by simply locking up 3 per cent of the area that reduced the fishing activity by 90 per cent.

CHAIR: Would you be able to table the DVDs?

Mr TAIT: Most certainly.

DVDs tabled.

The Hon. TONY CATANZARITI: As in many other submissions, in your submission you have called for an increase in Fisheries compliance officers. Is it the case that many breaches of fishing regulations occur in their absence?

Mr TAIT: Most definitely. I work in a tackle shop in Batemans Bay directly opposite the waterway. At the moment I am waiting, and have been waiting for 6½ weeks, for a reply from Fisheries where we had some people fishing on the T-wharf; they were catching small fish, they were going directly into a bucket; when they got their bucketful they started feeding the pelicans and then when they finished feeding the pelicans they started just throwing them on the wharf and they were just decimated. This goes on a heck of a lot. The Fisheries officers down there are just totally under-resourced.

The Hon. TONY CATANZARITI: You recommend that limited commercial fishing should be allowed within the marine park area to ensure that consumers have the opportunity to purchase locally caught fish. Since the removal of the commercial effort from the marine park has the supply of locally caught fish diminished?

Mr TAIT: Totally. What a lot of people do not understand with Batemans Marine Park itself is that on the Clyde River there are still commercial fishermen there and at any one time we can have 270 fish traps either in the Clyde or in the habitat protection zones or the general use zones along the marine park, which they do

quite often. If I could briefly answer a question I think Mr Cohen asked this morning: At the moment all those guys are trapping snapper in the traps.

The Hon. CHRISTINE ROBERTSON: When did you set up the Coastal Rights Association?

Mr TAIT: 23 February 2007.

The Hon. CHRISTINE ROBERTSON: Why did you go into existence as an organisation? Does the name of the organisation mean human coastal rights—rights to the coastal strip for people who live there?

Mr TAIT: No, it means that we want all people to have rights to be able to access the coast in all areas. We were set up when the Batemans Marine Park was touted and in this House here it was stated by then Minister Debus and Minister Macdonald that there was not going to be a Batemans Marine Park. We got told there was and about two weeks later it was announced in Nowra by Minister Debus at that time and then the ball just started to roll from that point on.

The Hon. CHRISTINE ROBERTSON: So you are an organisation that sets up reactively to the proposal?

Mr TAIT: That is correct.

The Hon. CHRISTINE ROBERTSON: The Committee has looked at the Marine Parks and talked to individuals throughout the State, including in Batemans Bay. We have heard about massive misinformation campaigns about the marine park process. For example, we have heard words like "lockout". Was your organisation part of that process?

Mr TAIT: No. We have stated from day one that sustainability was the main focus of our setup. Hence, that is why with the submission we put in originally, we had seasonal closures and lockouts to protect the environment, our fish stocks, and the population and the people that come there. We have no other industry on the South Coast apart from tourism. If it is diminished, then you have more vacant shops than what we have there now. At the moment I think we have 29 vacant shops in the main street in Batemans Bay.

The Hon. CHRISTINE ROBERTSON: We were given the statistics when we were down there.

Mr TAIT: I was in Darwin at the time, so I was unable to be there that day.

The Hon. CHRISTINE ROBERTSON: You people got together and worked together, and carried out consultation and put forward your proposal for that area for the future?

Mr TAIT: Yes.

The Hon. CHRISTINE ROBERTSON: Which did not match the marine park proposal?

Mr TAIT: I do not know whether I am allowed to say it or not. At one of the meetings I had with Minister Macdonald at that time—and I am telling the whole truth, as I have sworn—he looked at the proposals we had, and he looked me in the eye and said, "Jack, I can honestly tell you that what you have there is what should be implemented, but I can't help you."

The Hon. CHRISTINE ROBERTSON: Because it was outside the process?

Mr TAIT: No, it was not outside the process. He said, "I can't help you. What you've got is right, but it is out of my hands; I can't help you." What he was telling us was that the decisions were already made.

The Hon. LYNDA VOLTZ: You raised the issue of people throwing fish on the wharves, throwing them to the pelicans, and catching too many fish. In your submission you also talk about people taking significant numbers of fish out of the stocks. They would be recreational fishers, would they?

Mr TAIT: Yes.

The Hon. LYNDA VOLTZ: So there is an issue about recreational fisher people in terms of overfishing an area or being reckless?

Mr TAIT: I think that would occur in many aspects of all sides of fishing, yes.

The Hon. LYNDA VOLTZ: You spoke about Tim—I did not catch the name—and his submission to the CSIRO.

Mr TAIT: Tim Lynch. He was the gentleman who designed Jervis Bay.

The Hon. LYNDA VOLTZ: You said that he stated there was no science in what he was presenting to the CSIRO?

Mr TAIT: 100 per cent. It is on that DVD.

The Hon. LYNDA VOLTZ: His words exactly were, "I have no science to anything I'm doing"?

Mr TAIT: I think his term was "we" had no science.

The Hon. LYNDA VOLTZ: He has walked down to the CSIRO and said, "I have no science"?

Mr TAIT: No. This was when he was doing his presentation on how he did the zoning plan for Jervis Bay. He said, "We had no science to go on."

The Hon. LYNDA VOLTZ: What do you think he meant by "no science"?

Mr TAIT: That, I presume, would be a question you would have to ask Mr Lynch. I am not a scientist.

The Hon. LYNDA VOLTZ: When you are talking about the science behind something, are you implying data? Are you implying, "I have a scientific background that can assist certain elements"? What does he mean by "science"?

Mr TAIT: Once again, I think that is a question you would have to ask Mr Lynch. The DVDs are there; you can watch them and maybe you can send something back to me and tell me what he actually means.

The Hon. LYNDA VOLTZ: I have not seen the presentation, so I can only go on what you are telling us here now. How long is the DVD, in particular?

Mr TAIT: I think it runs for about 46 minutes.

The Hon. LYNDA VOLTZ: In 46 minutes he must say more than, "We have got no science." What else does he raise in that DVD?

Mr TAIT: He raises quite a few issues: how he scared a lot of people off by just walking around and questioning people.

The Hon. LYNDA VOLTZ: This guy Tim sounds scary—no science; scaring people off.

Mr TAIT: As I say, it is a very interesting DVD. I am sure that if you people take time to look at it, you will have probably a different conception on the way Jervis Bay was set up in the first place.

The Hon. LYNDA VOLTZ: You also raise the issue of Minister Verity Firth with regard to people's approval of marine parks. You said there was an 84 per cent approval rate and that you could walk around to kids and get a 100 per cent approval rate on ice cream?

Mr TAIT: Yes.

The Hon. LYNDA VOLTZ: Is it about the general population and their view on marine parks, and specific views of recreational fisher people on access to certain fishing areas?

Mr TAIT: I think it is probably a bit of both. The questionnaire that Minister Firth put out was primarily, I think, done through the information tourist bureaus. When people walk into information tourist bureaus or when they were doing the surveys on the streets, they were asked, "Are you in favour of marine parks?" I am in favour of them. Everyone in my association is in favour of them—

The Hon. LYNDA VOLTZ: Generally you would say, therefore, that overall marine parks have a fairly favourable view within the community?

Mr TAIT: If they were implemented based on size and with the community input—

The Hon. LYNDA VOLTZ: Let us get away from that. When we are talking about the community and your own acceptance on marine parks, marine parks in themselves are not something that the community opposes?

Mr TAIT: No.

The Hon. LYNDA VOLTZ: Your concern would be how they are implemented in certain areas in which they are implemented?

Mr TAIT: Most definitely. With the Batemans Marine Park—and I know you people have access to the minutes of the advisory committee meetings—

The Hon. LYNDA VOLTZ: We have a lot of documents.

CHAIR: I think we may have them; I am not quite sure.

Mr TAIT: If you have someone to go through and read some of the stuff that is in those advisory committee meeting minutes—and you have already had two people that were on the advisory committee front this Committee, and they did not even see the final draft that went out. Another one stated that if he wanted to ask for something to be done, he got told to go and see a certain person to ask him whether that could be implemented or could not be implemented.

The Hon. LYNDA VOLTZ: But the comments by the Minister in themselves were not incorrect, were they?

Mr TAIT: I am sorry?

The Hon. LYNDA VOLTZ: The question I was asking you was about the comments from the Minister. They were not incorrect, in terms of the Minister's views and the views of the community?

Mr TAIT: Exactly, 100 per cent.

Mr IAN COHEN: With regard to your experience with the marine parks, I understand you are saying that you would encourage the re-entry of the commercial sector into the marine parks, is that correct?

Mr TAIT: Well, they are there now. What we said in that context was the fact that not every person who likes to eat fish has the opportunity to go and catch it. Rather than eat Mekong catfish and everything like that, we believe that the people of this country have the right to eat fresh fish, which we have an abundance of.

Mr IAN COHEN: And you do not think there is sufficient fishing availability for the commercial sector outside the boundaries of the current marine park in your area?

Mr TAIT: My word there is.

Mr IAN COHEN: There is, or there is not?

Mr TAIT: My word, there is.

Mr IAN COHEN: There is, or there is not? There is sufficient area?

Mr TAIT: Yes.

Mr IAN COHEN: Then, why have them go back into the marine park?

Mr TAIT: Because in our area down there we had the commercial buyout of, I think it was, the south-east trawl. A lot of them sold their licences for the south-east trawl in the Commonwealth waters—

Mr IAN COHEN: Which is offshore?

Mr TAIT: Which is offshore. Then, when the marine park came through, we were told that there would be commercial fishermen fishing in the marine park, and then just before the zoning plan came out it was announced that trawling was banned from the marine park.

Mr IAN COHEN: The whole marine park, or the sanctuary zone?

Mr TAIT: In the whole Batemans Marine Park, there is no estuary trawling.

Mr IAN COHEN: You are saying that there is not enough area to work in, without going into the marine park?

Mr TAIT: No, I am not saying that. I am just saying that they cannot work because the trawling has been completely banned from the Batemans Marine Park.

Mr IAN COHEN: You put that forward, as you say yourself, so that people can buy local fish. Is it not reasonable to say that they will be able to buy local fish, given the areas that are available currently?

Mr TAIT: No, definitely not. Any of the commercial fishermen who fish now—at the moment they are trapping snapper. They come in, go straight onto a truck, and come straight up here to the Sydney Fish Market.

Mr IAN COHEN: So they are not selling to the local market?

Mr TAIT: No.

Mr IAN COHEN: Do you have members who continue to fish within the marine park boundaries?

Mr TAIT: Yes.

Mr IAN COHEN: In terms of general purpose zones and zones other than the sanctuary zones?

Mr TAIT: That is correct.

Mr IAN COHEN: You are saying that that is not sufficient for your membership, that there are not sufficient areas for your membership to get adequate fish and have a decent day's outing?

Mr TAIT: In our opinion, you have two types of recreational fishermen: the "wisher" men and the fishermen. The fishermen probably take the majority of the catch. The way the sanctuary zones were put in place, all our kingfish spots are gone. We virtually cannot go into Batemans Marine Park now and catch a kingfish, unless we go to Montague Island. Certain areas were specifically taken, to stop recreational fishing. As I say, probably 75 per cent of our best fishing spots were taken. We have asked if we can put artificial reefs in, to bridge the gaps between the sanctuary zones and the next lot of reef that runs through there, and we have been told we cannot do that.

Mr IAN COHEN: Is either reef also in a sanctuary zone?

Mr TAIT: You have one area of sanctuary zone and a desert and then the next piece of reef.

Mr IAN COHEN: What is the zoning of that next piece of reef?

Mr TAIT: Some is habitat protection and some is for general purpose.

Mr IAN COHEN: Can you fish?

Mr TAIT: Yes.

Mr IAN COHEN: We get different streams of thought on this. However, what you saying is that one reef is out of bounds because it is sanctuary zoned and you have another reef on the other side of this desert that has fish and allows certain recreational fishing. Is that correct?

Mr TAIT: Yes, 100 per cent.

Mr IAN COHEN: It is not as though you are completely locked out of those areas.

Mr TAIT: You can fish there. People come to Batemans Bay from Canberra—without Canberra Batemans Bay would not exist; it is virtually an outer suburb of Canberra—and from the inland, the west. They might bring a 4.5 metre or 4.8 metre tinny and mum and dad and the kids might go fishing. They used to be able to go out the front of Snapper Island and fish between there and the Tollgate Islands without any problems. They could get a feed of fish and go home, but they can no longer do that. They have to go out and either turn left and head towards Durras or turn south and head towards Malua Bay. They are in totally different water.

Mr IAN COHEN: Is it less protected in those areas?

Mr TAIT: Yes. We specifically asked the MPA whether it would give us one piece of reef in front of the Tollgates—the Tollgates would still be locked up—so that people could safely get a feed of fish. That proposal was rejected.

Mr IAN COHEN: When does the zoning review process happen?

Mr TAIT: In 2012.

Mr IAN COHEN: That is the year after next.

Mr TAIT: That is correct.

Mr IAN COHEN: Will you be participating in that process?

Mr TAIT: If I am still around and still breathing, I sincerely hope to be.

Mr IAN COHEN: What is your organisation's attitude to marine parks? Do you accept the need for marine parks?

Mr TAIT: We accept the fact that marine parks are a vital part of keeping ecosystems alive. We disagree with the fact that the Batemans Bay Marine Park was a political issue, which it was.

Mr IAN COHEN: Are you saying it was designed to placate green groups and conservation groups?

Mr TAIT: I am not specifically targeting any group. You should read through the minutes of the advisory committee meeting and note the things that took place. We are having consultations now: I do not know what you are going to ask and you do not know how I am going to answer. We start with a clean slate. However, the zones were all set before the first meeting took place and without a word of consultation. We were dictated to; there was no consultation.

Mr IAN COHEN: The MPA came to that first round meeting with suggested zones. Were any changes made to those zones as a result of the consultation?

Mr TAIT: Very few.

Mr IAN COHEN: When you say "very few", were there any? Did you gain or lose any areas as a result of the consultation process?

Mr TAIT: We lost areas at the bottom end of the park. The Brush Island sanctuary zone was on the first map and it is still there now. The Clear Point zone was moved about 500 metres south, but the top boundary stayed the same. I believe that the Tollgate Islands zone stayed exactly the same. The North Head zone was changed a fraction. The Burrewarra Point and Brow Island zones were included in the first place and they still exist. Most of the changes took place at the south end near Narooma.

Mr IAN COHEN: Are you saying that they were fairly insignificant changes?

Mr TAIT: One area was not. They had an area of very sparse rock and a lot of desert that they wanted included in the sanctuary zone and the eastern side of Montague Island was changed around.

Mr IAN COHEN: Was that a win for your organisation?

Mr TAIT: I look after the top end and Narooma Port Committee looks after the bottom end.

Mr IAN COHEN: But it was a win for the fishing or user groups.

Mr TAIT: Possibly a very minor win.

CHAIR: In your submission and opening statement you made mention of the fact that your group put forward what you believed was a comprehensive plan produced after extensive consultation with people up and down the coast. What are the principal differences between what you presented and what transpired? Was the management methodology the principal difference?

Mr TAIT: Various groups put forward proposals to the Government. One was put out by Coast Watchers and they wanted to close from the ocean up to what we call Bartlett's Arm. We asked why they wanted to do that if they were trying to preserve our future fish stocks. The black bream go to the back of that lake to breed. They were going to let recreational and commercial fishermen rape and pillage the breeding stock. Our submission proposed locking up that area in June, July and August. We had the top of the Clyde River—around Shallow Crossing—locked off for three months while the bass were up there spawning. We also proposed locking up the front of the Clyde River as soon as the yellowfin bream started to school up and spawn. That would protect our future stocks. That is the basis of our submission. We are not allowed to fish at the Tollgate Islands. We had the same 1,500-metre zone around the grey nurse shark area. They are there for three months of the year, but we are not allowed to fish for 12 months. We fail to see why a lot of the area is locked up for no reason.

CHAIR: What would you suggest the Committee recommend to the Government with regard to the 2012 review of the Batemans Bay Marine Park? What would you like to see done differently?

Mr TAIT: The biggest sticking point with the Batemans Bay Marine Park is that the map appeared without any consultation. We had consultations with Cameron Westaway and I came to Sydney and met with Tony Fleming, the head of National Parks and Wildlife Service, and others. I was told that what had been presented would stay. Even though we had—

CHAIR: A counter proposal?

Mr TAIT: Proposals that would protect the South Coast fish stocks. They were not even considered. The Batemans Bay Marine Park was on the nose the day it was declared and it still is today.

CHAIR: Do you expect advocacy groups such as yours, the Narooma Port Committee and others to get back into the saddle and have input into the review processes, or do you think they will refuse?

Mr TAIT: That will depend very much on what happens on 26 March next year. That will make a massive difference.

CHAIR: Thank you very much for coming to Sydney to give evidence. It was a long trip. The Committee appreciates your attendance. Along with any questions that you took on notice during your evidence, would you agree to receive additional written questions that members may not have had the chance to ask you?

Mr TAIT: That is not a problem.

CHAIR: If so, will you agree to respond to them within 21 days.

Mr TAIT: I certainly will.

(Short adjournment)

ANDREW STANLEY NYE, Private Citizen,

DANIEL JOSEPH CHAPMAN, Community Person, and

THOMAS FRANCIS BUTLER, for Nye Brothers Fishing Company, affirmed and examined:

CHAIR: Gentlemen, if you should consider at any stage that certain evidence you wish to give or that documents that you may wish to table 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 you could answer those questions within 21 days of receiving them. Before the Committee commences with questions would any or all of you like to make a brief opening statement?

The Hon. CHRISTINE ROBERTSON: Say anything you want to say to start with.

CHAIR: Do you want to kick off with a statement?

Mr IAN COHEN: Or else just answer questions, it is your choice?

Mr CHAPMAN: Questions.

CHAIR: Fine. The Fisheries Management Act 1994 was recently amended to recognise Aboriginal cultural fishing rights. Do you think the Act goes far enough to support the rights of Aboriginal cultural fishing? Can you please tell the Committee about the changes, if any, you would make to the Act to ensure that Aboriginal cultural fishing rights are adequately protected? Any of you can take the question.

Mr CHAPMAN: I will take it. Just to give you a bit of an insight. I lobbied the Government to get this Act in place so I am pretty well familiar about it and all the steps we have taken to get it to where it is at the moment. The cultural fishing rights Act is—it goes a long way to protecting cultural fishing rights. I guess where the rubber hits the road in respect of that is how the Act has got to be regulated. The amendment to the Act creates a framework and then the amendments to the Act will outline the ways in which the cultural fishing activities will be governed. That takes into account bag limits, who can do it, where they can do it, and those sorts of issues. So in respect of whether it adequately protects cultural fishing rights and allows Aboriginal people to get fish on the basis of their family needs is really up in the air until such time as the regulations are able to demonstrate to Aboriginal people that they will be adequate to allow them to catch as much fish as will sustain their cultural practices.

CHAIR: Has the Government made any approaches to you or suggested that it would like to have you consult with it on the forming of those regulations?

Mr CHAPMAN: Part of the Act creates an Aboriginal committee that will advise the Minister on all sorts—a whole myriad of things in respect of the cultural fishing rights. But one of the things what it does do is that it allows the committee to meet and advise the Government on the regulations concerning how the fishery is to be managed.

CHAIR: Has the Government given you any indication as to when those regulations are going to be set?

Mr CHAPMAN: As late as last Friday I think, or Friday two weeks ago, the Government—well, about a month ago the Government advertised all over New South Wales through the networks of the New South Wales Native Title Services and through the New South Wales Aboriginal Land Council network, as well is in newspapers and other places where the Government advertise. They have advertised for people to nominate for committee representatives in 10 or nine zones.

The Hon. CHRISTINE ROBERTSON: Fishing zones?

Mr CHAPMAN: They have created nine fishing—not fishing zones, but nine areas within New South Wales pretty much aligned with the Land Rights Act, the boundaries that are created by the Land Rights Act, and they tried to mesh in amongst that cultural boundaries too so you can imagine some of the debate that went on there. Nevertheless those zones have been created and the Government has accepted those. The

advertisements finished last Friday and I imagine now the Government will be culling those and hopefully making an announcement fairly soon.

CHAIR: How many positions are available on that committee?

Mr CHAPMAN: There are nine positions that are to be nominated and appointed by the Minister, two—one person from the New South Wales Land Council, one person from the New South Wales Native Title Corp, and I think one person from Government who will be a non-voting member.

CHAIR: Non-voting?

Mr CHAPMAN: Will be a non-voting member, yes.

CHAIR: Are you happy that the way that has been done will give you proper representation? Do you think that should do the trick?

Mr CHAPMAN: I think as far as representation that is as good as it gets but I still go back to the point that really it goes back to the Government agreeing with regulations that is going to allow cultural fishing. I mean cultural fishing has got to mean something. It cannot mean—I will give you an example of how the Government put in two regulations just recently as an interim measure of what they say is to protect cultural fishing rights. They say that a group of 20 Aboriginal people can go down to the water, two or three of them people can dive in the water and grab abalone and lobster and bring them out—they can catch 40 lobsters and 40 abalones—they must eat them down where they catch them.

CHAIR: On the beach?

Mr CHAPMAN: On the beach. Those are the kinds of things that I mentioned in Mogo when you came down there. They have had an attempt but I am not too sure how serious that attempt was and I do not think it goes anywhere in protecting cultural fishing rights, and really it levels it to a meaningless exercise and does not extend it other than what the current bag limit is at the moment.

CHAIR: With the creation of the committee I suppose you would need to make sure that the final regulations that were formulated were formulated with input and direction from that committee—is that right?

Mr CHAPMAN: Yes.

CHAIR: Not just made up as they go?

Mr CHAPMAN: I am hoping that it seriously consults with people and makes a decision based on what they get back from there. I am hoping that—I have always said to the Government and governments, as I said before whatever persuasion comes along, I have often said to either side of politics that what they need to do in order to protect cultural fishing rights and give it some meaning is to manage the total allowable catch on different species. Have an amount of for an environmental section, have an amount for the professional section, have an amount for recreational fishing, and have an amount for cultural fishing rights but it has got to be a serious amount and something that will protect our cultural fishing rights and give it some meaning.

The Hon. TONY CATANZARITI: Mr Chapman, you were not very happy with the consultation process, I understand. How do you think it could be better implemented by the department and Government involved?

Mr CHAPMAN: I was not pleased with the consultation in respect of the marine park and I say that in two ways. One is coming out and talking to Aboriginal people about the likely effects on the marine parks as they were being implemented and what effects there were going to be after they were implemented, and I was not too pleased about the fact that they did not treat the creation of the national park as a future act as determined by the Commonwealth Native Title Act, which gives certain procedural rights to native title holders or potential native title holders, depending on how the Government of the day looks at that. That sort of thing was overlooked by a section in the Marine Park Act which says, in layman's terms, "We will deal with that later, we will create the park and deal with the future act processes later on down the track", so in regard to those two things I think the process was not to a standard which I think most people in the community would recognise as a good standard.

The Hon. TONY CATANZARITI: How do you think it should be done? What would you like to see from either the department or the Government? How do you see the consultation, or how do you expect them to do it?

Mr CHAPMAN: I think somewhere down the track the Government of the day is going to have to decide and engage Aboriginal people on the basis of their native title fishing rights. It may very well be that any fishing right that remains after legislation is not much, but I guarantee that there will be access issues that will be available—I do not think that they have been completely extinguished—and I think the Government should start negotiating with Aboriginal people on the basis that those native title rights and interests still remain and still mean something, and give access to Koori people in respect of their sites and their fishing activities—what we would call our property.

The Hon. TONY CATANZARITI: Do you believe that the representation of Aboriginal communities on trusts such as the Recreational Fishing Trust can not only improve the management of the trust but also improve the way that communities in general interact with sensitive environmental issues?

Mr CHAPMAN: Yes, I do. I am not aware of any Aboriginal person that is currently on the trust and I think that should be addressed in a broad consultative way with Aboriginal people to make sure that the people on the trust have the authority or the capacity to represent all Aboriginal people in that regard.

The Hon. CHRISTINE ROBERTSON: Do you mean the Marine Park Authority?

The Hon. LYNDA VOLTZ: No.

Mr CHAPMAN: You are talking about the Recreational Fishing Trust?

The Hon. TONY CATANZARITI: Yes. How important is oral evidence to the Aboriginal people?

Mr CHAPMAN: It is extremely important. I might use bad language here, but I mean I am generally pissed off with the legal system and other systems that have been put in place where Aboriginal oral history and sites—courts generally do not take any notice of those. A lot of people generally do not take any notice of those unless it is written down by a white anthropologist or some white researcher that gives it some sort of basis that it is correct. Generally those people talk to us and get the oral history and all they do is put it down on paper and get paid a shitload of money for it, so I am generally pissed off about oral history and the way Koori people are able to convey their thoughts and their important history.

The Hon. CHRISTINE ROBERTSON: Going back to cultural fishing amendments, they excluded commercial fishing, did they not?

Mr CHAPMAN: Yes.

The Hon. CHRISTINE ROBERTSON: Mr Butler, your family has a commercial fishing licence. Is that correct?

Mr BUTLER: I have a brother still commercial fishing. Andrew and myself are cousins and I fished for years and years with those. I am retired now. It does have a big effect.

The Hon. CHRISTINE ROBERTSON: So the new amendments have nothing to do with that. You are still competing with the commercial fishing world and their rules. Is that right?

Mr BUTLER: Just hanging in.

Mr NYE: The fisheries I think have cut it up into two, like traditional and commercial. We are sort of neither one, we are cultural. We are in the middle, so it is not traditional fishing and it is not commercial fishing, it is cultural fishing. We should be allowed to go and get whatever we need really, in a fair amount, without being prosecuted and the family should be able to help, which they are not allowed, like I told you at home, they are not allowed to touch the net, not allowed to do anything.

The Hon. CHRISTINE ROBERTSON: Can you talk about that issue where others from the family cannot help?

Mr NYE: Yes, I have the rules and regulations that come from fisheries. Tommy and Danny, my brother-in-law, we go and catch a fish. If they walk down there, they can stand there and watch me struggling, or me and my son struggling with the net and with the fish, but if he picks one fish up out of the net or he gets a bit of weed out of the net or he grabs hold of the net or he grabs the basket out of the back of the truck or he drives my truck on the beach, he can be prosecuted—and you can be fined up to \$22,000 for the first offence. To me, that is wrong.

The Hon. CHRISTINE ROBERTSON: Because he is not included on the licence?

Mr NYE: Yes, he has not got a commercial fishing licence, and you have to be endorsed to do it, but you do not have to be endorsed to work on a farm, you do not have to be endorsed to work in Woolies or Coles or anything like that, and you do not have to be endorsed to work on a tuna boat or a trawler or a long liner. Any one of you can go and get a job on that without a commercial fishing licence. To me, they are still working when they are on a LFB, which is a licensed fishing boat, and there is a skipper there and he has a block licence. They are still handling licensed fishing gear. We should be able to work off the same system or family should be allowed to help. We have brought up some photos of fish we have caught with the family, sometimes kids, all chipping in and just doing their little bit.

The Hon. CHRISTINE ROBERTSON: So it has taken away your previous family function in your business?

Mr NYE: Yes, and we cannot teach our kids and I cannot teach my grandkids how to carry it on. It is just taken away.

The Hon. CHRISTINE ROBERTSON: The way in which the Commercial Fisheries Act was changed was not deliberately to attack at you, but it has inadvertently or accidentally knocked off the way you did it before?

Mr NYE: Yes.

Mr CHAPMAN: The answer to that question is that we do not know whether it was deliberate or not.

Mr BUTLER: There are not many fishermen left.

Mr NYE: We work in regions and we are in Region 7. There are only three Aboriginal fishermen as far as I know that still work in Region 7.

The Hon. CHRISTINE ROBERTSON: Who still have licences?

Mr NYE: Yes, still got licences, and I have three other brothers and a cousin and we all had licences, but they were forced out because of costs going up and restrictions going in, and we are right on the edge of pulling out. We have been doing it for five generations.

The Hon. CHRISTINE ROBERTSON: The specific issue in relation to your family participating in your business is pretty concrete. It is very hard for us to think through a proper recommendation without separating you out, which would be unfortunate. Do you know what I am trying to say?

Mr CHAPMAN: Yes, I know exactly what you are trying to say.

The Hon. CHRISTINE ROBERTSON: A concrete solution that is not racist, that is what you want, is it not?

Mr NYE: Yes.

Mr BUTLER: I have this, which says, "Anywhere on the beach, near the beach or adjacent to the beach". What is "adjacent to the beach"?

The Hon. CHRISTINE ROBERTSON: What is to happen?

Mr BUTLER: You are not to go near any commercial fishermen.

Mr IAN COHEN: Is that in the actual surf zone or in the water itself?

Mr CHAPMAN: Possibly, I am not sure.

The Hon. CHRISTINE ROBERTSON: It would be adjacent to the shore.

Mr CHAPMAN: In some legal proceedings, "adjacent to the beach" means two or three kilometres—it means the highway.

The Hon. TONY CATANZARITI: So the tradition that you have had for those generations could be lost in one go?

Mr NYE: Yes, it could be.

The Hon. CHRISTINE ROBERTSON: Because of the change to the rules.

Mr NYE: I would not say for sure, but sometimes I do think that the fisheries target Aboriginal people more than they target the white community of people because down at Batemans Bay they used to have on the answering machine, "Aboriginal, Torres Strait Islanders or foreigners"—no, sorry, I think it was, "Australian, Aboriginal or Torres Strait Islanders", something like that. So what does that make us? We are not Australian? We were the first people here. It makes you feel really bad. That has been taken off.

The Hon. CHRISTINE ROBERTSON: The Committee is not arguing with any of those issues.

Mr NYE: I know that.

The Hon. CHRISTINE ROBERTSON: It is just trying to have a positive way forward that makes sense and does not have the sharks in the commercial fishing industry, and we have certainly heard quite a bit about that, as well as the sharks in the recreational fishing industry, moving in on some change that is made specifically for your family issue because there are other families in commercial fishing that work as teams—Italian families working in fishing work as a team, so there are other families involved. We might need advice about how to move forward on your specific issue.

Mr NYE: There was one incident down home earlier this year, in March I think. My cousin had passed away and his licence was never to be sold because it has always been handed down through the family and he had been gone for six years and in his will everything was left to me and his brother William, who was my cousin, died I think about 12 or 13 days after David. In the will everything was to come to me, but I never got to see that will and I did not know anything about it until just recently, last year, so I had to go and buy that. Even though in the will it said everything was to be left to me, like boats, nets, licences and so on—everything—because six years had lapsed, it had been over three years, I had to go and buy it.

Prior to that we were fishing south of Moruya and I rang up and that business had not been fished for two years, so that left my son fishing without a licence, so we were down there fishing and the fisheries came along, they videoed everything and sent us a letter each, more or less a caution, and it was to come to Sydney to the main office here. They sent me a fine for \$500 and they sent Kenny Jessop, which had the skipper certificate at the time, a fine for \$500. My nephew does not really look Aboriginal, but he is, and Kenny's brother Robert, even though they are married into the family sort of thing, those two got a caution each and me, being Aboriginal, got a \$500 fine. I was only working off the same system as the other two boys, as crew endorsement, so I feel I should not have got a fine for \$500 when the other two got a caution. Craig, who is my son, got a caution too, but I got a \$500 fine.

CHAIR: You mainly do beach haul?

Mr BUTLER: Yes, all beach haul.

Mr NYE: Plus prawns when the prawns are on in the lakes.

The Hon. CHRISTINE ROBERTSON: If the issue of family members being able to work off your licence was resolved—and we would need a great deal of advice to resolve this issue—then it would not trouble you to work within the guidelines of the commercial fisheries?

Mr BUTLER: That would not bother us at all. The biggest problem with the Fisheries is after the fish have been caught. Two people can go and pull a net in around a school of fish. But then it is getting those fish off the beach onto ice. We want to do that as quick as possible.

The Hon. CHRISTINE ROBERTSON: I understand that. I am talking about the rules as to what you catch and how you catch it, the general rules for a commercial fisherman doing beach hauling.

Mr CHAPMAN: Can I answer the question? Can I give an answer to what you are trying to bring out?

The Hon. CHRISTINE ROBERTSON: I was not trying to bring anything out. I want to know the answer.

Mr CHAPMAN: The way in which the fisheries are set up and the licensing regime does not go anywhere near to suiting what our fishing enterprise was and is now.

The Hon. CHRISTINE ROBERTSON: There are other regulations that would still cause a problem? Can I have an example?

Mr CHAPMAN: Let me say this: Way back when our grandfathers were fishing, they would fish without any regulations. They would beach haul, they would go out and dive for abalone, they would dive for lobsters. It was a circular approach in respect of when different sorts of species were available and plentiful. They would go away, so it was pretty much a circular way. Then in around about 1985 Fisheries started to regulate the industry fairly heavily. They are regulating an Aboriginal way how to fish and they are trying to fit that regime into a more commercial concept. As Andrew tried to explain to you, they were forced to get a licence to fish.

The Hon. CHRISTINE ROBERTSON: Commercially, if they wanted to sell?

Mr CHAPMAN: The Government come down and said, "We can't have you running around with a net and it is not regulated." They said, "We will give you a licence and under your licence you are allowed to go and fish whatever you have been doing." But over the years those things have come back to basically they are not allowed to fish for abalone, lobsters, and when the fisheries management Act come into being it cut them down just to beach haul.

The Hon. CHRISTINE ROBERTSON: Like all the other commercial fishers?

Mr CHAPMAN: Like all the others. But what Andrew is saying to you, and I might be not reading you properly but what I think I heard you say is, "How would you go about fixing that up?"

The Hon. CHRISTINE ROBERTSON: Fixing up the issues, particularly in relation to the family participating in the fish haul.

Mr CHAPMAN: How the licences are now issued, it is issued on the basis of what fish you can catch.

The Hon. CHRISTINE ROBERTSON: For a commercial fisher, that is right.

Mr CHAPMAN: How the fisheries management bill is set up and structured it is an ownership. So you have actually got a right to go and fish. That is not the concept that these guys and us knew about or wanted to be in there, but we find ourselves in there now to the point where we were forced to identify a skipper. He died and that licence is not handed down in a family way—which we were able to distribute in amongst the families. The way it is all structured now does not meet the needs of our cultural way.

The Hon. CHRISTINE ROBERTSON: Because your licence is not inherited any longer?

Mr NYE: Our licence was never to be sold. They were always to be handed down.

Mr IAN COHEN: What has happened to that licence now?

Mr NYE: I had to go and pay \$20,000 for that.

Mr BUTLER: Once upon a time if you held a fishing licence you can go fishing. There was no such thing as a skipper. You could use it. These days you have got the skipper. If the skipper is crook and cannot go fishing the rest of the crew cannot go fishing.

Mr NYE: To me, that is not fair. The licence just belonged to my dad. Everything, the boats, nets and the truck belonged to my dad. When he died then David, he was my first cousin, he was the eldest out of the family still fishing, so he run everything. Then later on down the track the Fisheries split that one business and all Dad had was a \$2 licence. They split that up into three. The reason they said they split it up into three was so each one of us, that was me, William and David, had an equal share. So if either one of us wanted to sell out we had an equal share to sell out. But that was not the case because when they split it up they gave David the skipper certificate.

If that was split up into three separate businesses we should have had three separate skipper certificates. When they split that up David finished up with 430 shares and he finished up with a garfish endorsement. Me and William finished up with I think it was 290 shares and we never had no garfish endorsement. If David was sick we were not allowed to go fishing. If David was not there we were not allowed to catch garfish. To me, the Fisheries have stuffed up big time and we get nowhere. We just keep getting cut back all the time. They have not given us one single thing. Everything we tell them what we want or what we would like to have they take it off you, and they will continue to do it.

The Hon. CHRISTINE ROBERTSON: That is very important evidence. Thank you very much.

The Hon. LYNDA VOLTZ: Once they started regulating, there became more problems?

Mr NYE: Yes.

The Hon. LYNDA VOLTZ: Once you had regulation, you had more problems and the inability to pass down the licence the way it had traditionally been passed down created big issues. The previous witness from the Coastal Rights Association stated in his submission:

One issue that urgently needs to be addressed is the fact that many ethnic migrants to Australia still carry on the cultural activities that they practised in their own countries, to the detriment of our marine environment.

I would have thought over the past couple of hundred years you blokes have seen a few practices from other countries that have been to the detriment of your environment. How have these practices impacted on your traditional ways of fishing and on overfishing?

Mr NYE: I have seen European people down on the rocks just taking everything. They walk around and they have a little bucket and they just take the lot. We have always been taught to take the in-between stuff. Like abalone, for instance, if you take the big one you are taking the breeders. You have got the small one there that is coming up. You take the in-between sized ones, so you have always got them there. They are not being wiped out.

The Hon. LYNDA VOLTZ: How much of the environment has changed in terms of what you get out of the sea now to what you got when you were youngsters.

Mr BUTLER: A hundred per cent, I would say.

Mr NYE: When I was a kid I could stand down on the rocks and I could catch a lobster without even going in the water really. You just stand there and they were plentiful. You could see horns sticking out of the weeds or the legs wrapped up around the weeds and you could catch them without going diving. You cannot do that now.

Mr BUTLER: We were brought up on all that sort of stuff, abalone, conks, lobsters, pipi. We were reared on that. I will be honest with you, we were never, ever getting crook and getting diseases like we are today. I wonder, every day on the news you hear of it. If you go to the supermarket and you buy something it

poisons you. At the supermarket their meat is contaminated. Everything is contaminated. But we are not allowed to go and get our natural food that does not harm you.

The Hon. LYNDA VOLTZ: Which was part of the healthy food you always had?

Mr BUTLER: Yes. We have got old people with diabetes. That was never heard of.

The Hon. LYNDA VOLTZ: Danny might know this better than I do. Up around Thursday Island and the Torres Strait Islands they are still allowed to fish dugong and sea turtle. They are no-take zones for everyone else but they can get their traditional foods. The no-take zones in marine parks are about repopulating the stock. Do you think those ideas will have a good impact if that let you move towards getting access to the traditional foods, which are not as plentiful as they used to be? In particular, abalone is very hard to find these days.

Mr NYE: I don't know about that. Originally the Fisheries just gave the abalone divers, I am not quite sure, either 4 or 5 ton to share out between them. To me, the Fisheries should have talked to some Aboriginal people about it before they did that. If there is enough abalone there for them to increase it by 4 or 5 ton for those abalone divers, half of that should have come to an Aboriginal community for Aboriginal people.

The Hon. LYNDA VOLTZ: That is what I am saying. If you have no-take zones you do not allow commercial fishing at all, but you allow cultural fishing.

Mr NYE: Half of that should have been allocated to the Aboriginal people. The same thing with a lobster endorsement. As far as I know, not one Aboriginal person in zone 7 has a hand-gathering licence. But there are some white guys that have got a hand-gathering licence. I think some Aboriginal people should have had it. I think if the Fisheries can allocate the abalone divers an extra 4 to 5 ton of abalone a year, they could give the Aboriginal community or Aboriginal fishermen half of that so that they can do the right thing instead of being caught by Fisheries and being fined \$10,000, \$15,000, \$20,000 for getting your traditional food. They should look at it and issue us with a lobster endorsement. We used to catch lobsters and we missed out by 17 kilo of meeting the criteria for the lobsters.

The Hon. LYNDA VOLTZ: They buy out commercial fishing when they put in marine parks. I think this is happening in the Torres Strait Islands and at Cape York. They have bought out all the commercial fishing so they cannot fish there anymore but they allow the traditional fishing and it is controlled by the community. Would that type of model help you?

Mr BUTLER: That is what it should be. I cannot understand how it is one country and every State is different.

Mr CHAPMAN: The reason why it is different up there and why they have made the allowances is because there have been a couple of Federal court cases that has ensured Koori people can get their traditional food, particularly up in—

CHAIR: Blue Mud Bay.

Mr CHAPMAN: There and in the marine park generally up at Queensland. The first case was *Murrandoo v Crown* where Murrandoo Yanner went out and shot a crocodile. He was able to defend that activity by saying that was his traditional food, and the court agreed with that. The Queensland Government was forced to make allowances and remedy that court decision for those purposes. That is why it is different.

Mr IAN COHEN: For clarification, on the one hand you are talking about your rights to continue with a commercial licence, which is beach haul, and on the other hand you are looking at fair access for your traditional community purposes. How many non-Aboriginal beach haulers are there in zone 7?

Mr NYE: In our zone, apparently there are some out of our zone. There might be some from zones 4 and 5 too but they have bought someone out from in zone 7.

Mr IAN COHEN: So they can come in and fish in zone 7?

Mr NYE: Apparently they can come in. That is where I think they have stuffed up with the zoning. Zoning is zoning to me and you should not be allowed into another zone.

Mr IAN COHEN: How many teams are we talking about that can come in?

Mr NYE: I have never, ever looked into it. I have got no idea. In zone 7 that fish there at the moment there are—

Mr BUTLER: Three.

Mr NYE: There are a couple down there.

Mr IAN COHEN: There are about three beach hauling crews that work in zone 7?

Mr BUTLER: Yes.

Mr NYE: Yes.

Mr IAN COHEN: On the other hand we have got your national Indigenous fishing principles and Government supports that. It is supposed to provide some outcomes for traditional fishing management and such like. You mentioned that on the commercial side of things you have got to have the licensee involved in the action but in traditional fishing for your community do you have to have all the people, elders and the lot, on the beach to consume the food on the beach?

Mr NYE: Yes, they cannot stay home.

Mr IAN COHEN: I have an elderly dad who is incapacitated now. It seems ridiculous to me, and I would like your comments on the record, that it means you cannot supply fish for your elders if, for example, they are bedridden or stuck in their home?

Mr NYE: Yes, my mother is 80 with 107 or 108 grandkids and great grandkids. I cannot go down the beach and get two abalone for me, two for my misses and two for my mum and bring them back home. If I bring them back home I could bring \$2,000 for six abalone.

Mr IAN COHEN: Have you had any discussions with the department or the Minister's office about remedying what I see as an unnatural circumstance that is not working for you as a community fisher? I think the Committee accepts that you have got a need and a right. Have you had discussions about changing that system to be able to have some sort of custodial or Indigenous right to collect and take off the beach?

Mr BUTLER: We had one meeting and they said that was it, it was on the beach and I said, "Can we light a fire on the beach and cook them on the beach?"

Mr IAN COHEN: And then take them home?

Mr BUTLER: No. Do you know what the response was? That all depends on the shire council. A lot of beaches you are not allowed to light a fire on.

The Hon. CHRISTINE ROBERTSON: Do you have to eat them raw?

Mr BUTLER: Yes. We are not allowed to take them above the high-tide mark so therefore the elders have to sit in the wet sand and eat a meal.

CHAIR: Lobster sashimi tastes like jelly blubber. Who would want to eat that?

Mr IAN COHEN: Have you had any discussions on that specifically with a higher level of the bureaucracy?

Mr BUTLER: No.

Mr IAN COHEN: Are you referring to fishery inspectors on the ground?

Mr NYE: A fisheries inspector is only there to do his job.

Mr IAN COHEN: I understand that. Have you had any feedback or have you made any representations to the Minister's office on that matter?

Mr NYE: Two things: one is the answer to your question is we have not. I have made a couple of phone calls to senior Fisheries bureaucrats. Their answer to that was, "Look this was a serious attempt"—

Mr IAN COHEN: A serious attempt by them to facilitate you guys?

Mr CHAPMAN: To facilitate it, but it was not done seriously and thought through. They have said to us, "Well, look. Why don't we all now wait for this committee to be set up to give proper advice to the Minister?"

Mr IAN COHEN: This Committee?

The Hon. CHRISTINE ROBERTSON: No, the new Aboriginal committee.

Mr CHAPMAN: Has anyone practised that? The answer is "no" because that is silly, who would do it?

Mr IAN COHEN: Will you explain to me the difference between Aboriginal people's involvement with terrestrial parks through the National Parks and Wildlife Service and co-ownership in marine parks? I understand there has been a lot of bipartisan support over the years but in marine parks you do not have a say. Is that right?

Mr CHAPMAN: In the Batemans Marine Park they have allowed two Aboriginal people to be on the Marine Park Board. I understand the two people who were on the board have since left and no-one has tried to fill those positions. Insofar as co-ownership and probably getting on, what I tried to explain to the Committee and leading onto what I am about to get on, is that I think that I would like the Government to start negotiating access and cultural protection and environmental issues with the marine park, with the Government at the minute. The reason why I push for that is to get it done now because, as you would be aware, fisheries stocks, particularly in the Bateman's Marine Park, have been severely depleted over the years because of over-fishing. There just was not enough fish so the marine park was sought. But as you look down the track you will see that probably in the next generation that will come after me the marine park will fill up with fish. That is all of our wishes. Hopefully the eco-system will recover and they will regenerate.

And so to the extent of why we were locked out and all of these other reasons, and why other people have been locked out of all this, will come to pass, hopefully. But as we go down the path to try to resolve native title issues that may become an issue it is better off that we start now. If we start talking now we can resolve these issues without giving lawyers millions and millions of dollars. It can be resolved in good faith.

Mr NYE: Can I just add one more thing on our beach awning? Fisheries say that if you want to give us a pull with a net, say family wants to give us a pull with the net, they are not allowed to because they reckon you are putting more effort into catching fish but you are not.

CHAIR: They are already in the net.

Mr NYE: They are in the net. Four guys can pull in that net that has 20-tonne of fish. The same four guys can pull in that net that has 50 tonne of fish. It does not get any lighter as you are pulling it in. The closer you get it to shore it does not get any lighter. To me there is no more effort going in to catching more fish because once you put that net around them, if the beach is right, you have got those fish. So there is no extra effort going into it so I do not see personally why family cannot help. That family are not going to get paid out of it, they are only going to walk away with a feed of fish, or whatever, and that is all they want. They just want to be there and help you do what they have done all their lives for generation after generation.

Mr CHAPMAN: That is why we have the suspicion that there may be another reason for that kind of regulation.

Mr NYE: Because families should be able to help.

Mr BUTLER: There is one thing I would like to say before we go. With the Fisheries and the marine parks, I would honestly like to see the Fisheries, the Government, marine parks do something about the Australian salmon. They are like European carp. They are the vacuum cleaners of the ocean. They are multiplying by the millions since there have been no canneries. They are eating absolutely everything. Something has got to be done about the Australian salmon: get a market for them somewhere or do something with them.

(The witnesses withdrew)

ANDREW PETER HESTELOW, Private Citizen, sworn and examined:

CHAIR: In what capacity do you appear before the Committee?

Mr HESTELOW: I appear in a private capacity.

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents that you may wish to tender should be heard or seen only by the Committee please indicate that fact and the Committee will consider your request. If you 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 were forwarded to you. Do you want to make a brief opening statement?

Mr HESTELOW: Yes, I would. I thank you for hearing me out at the end of what I am sure must be a very long day for you. I have been fishing on a regular basis primarily off Sydney but all around Australia for more than 40 years. I have a small on-line tackle company which is not my primary source of income and today I am here representing only myself—no organisation or fishing club. The tackle company is negligible but it does serve me to keep me in touch with a wide range of anglers on a very regular basis. I also fish very regularly, up to 120 days—that is not the full day but my log books show I have fished up to 120 days per year—and I fish out of Sydney on average once a week, assuming the weather conditions allow.

When the possibility of this inquiry was first aired I wrote to Mr Young and asked to attend to discuss two topics which were, of course, trailer ramps and fishing access to Warragamba Dam. However, in the intervening time, and having discussed concerns with so many anglers, the issue of marine parks has become far more central and far more important than minor issues such as those. I am wondering if you will extend me the forbearance—

CHAIR: You have the floor, Mr Hestelow. Please proceed.

Mr HESTELOW: Thank you so much. I will keep it as brief as I can. As well as fishing I enjoy outdoor sports generally. I have spent a lot of time in the high country in the south-east corner of the State horse riding, trout fishing, hunting where permitted, four-wheel driving and camping with my family or friends. I am sure most of the people around this table will recall that back in the 1980s during Premier Carr's term the campaign for wilderness and public lands got well underway. The public were told at that time that locking recreational people out of national parks and State forests would be beneficial to certain Australian animals that were either endangered or threatened and that should access be denied in much the same way as we are talking about marine parks, the numbers of those animals would automatically increase and they would perhaps no longer be on the threatened or even endangered list.

Accordingly, the Government gazetted huge areas of wilderness declarations down the south-east corner, particularly the area I used to spend a lot of time at on the Upper Murray River, and that meant that in a very similar way to what we are discussing with marine parks, public access for recreation was denied. Bushwalkers in Kosciuszko National Park amount to well under 1 per cent of annual visitors. So the plan was to close up wilderness areas for the primary groups who enjoyed the recreation in those areas, put boom gates across the fire trails and access trails and supposedly that was going to reward us with a great increase in the number of endangered species—very similar to some of the claims that are made about marine parks in the future.

People familiar with this issue argue that that was nonsense; the threats to endangered species were caused by uncontrolled wildfire, by feral animals like cats, foxes, pigs, and of course the rapid growth of noxious weeds down in those areas. I find it interesting that the same people that were behind the push for land wilderness and now identify with the bush—what I might call marine wilderness since the two are almost interchangeable—fishermen and other people who enjoy their sport and have traditionally enjoyed their sport for a couple of hundred years—charter fishing started off Sydney in the 1830s—will be excluded from these areas and the penalties are very heavy indeed for the average family fisher.

The environmental groups say that recreational fishing is applying too much pressure to fish stocks. I just want to briefly digress and tell you about an experience I had two or three years ago while fishing off Broken Bay. I was coming back into Pittwater and it was a very calm day. Looking out across the front of the boat I could see a band floating across the top of the water, about three metres wide and not too long. It was hard

to identify exactly what the band was composed of. As we drew closer I saw it was composed of thousands upon thousands of immature fish—they are called trawler trash or bi-catch. Those little fish had been picked up by the net and compressed with the mesh and killed and brought aboard and sorted on the sorting table and dumped back over the side. That line of fish went as far as the eye could see north to south—obviously not kilometres but there were tens of thousands of immature fish in that line.

We talk here about how we have seen since the marine parks were declared people receiving very heavy fines—over \$2,000 plus costs—for what are totally minor breaches of Fisheries regulations. In some cases no fish have even been taken from the closed areas. When you think of the damage that I saw that day, which has been replicated all up and down the coast, I would make a wild guesstimate that there were more immature fish, more juvenile fish kills in that one event than we have taken off the whole Sydney region during the course of a year.

The second point I would like to make is that last March, in 2009, Fisheries did an experiment, I guess you would call it, in Middle Harbour. Pardon me if this has already been conveyed to the Committee. They wanted to check the mortality rates, meaning the number of fish that died subsequent to being caught and released, of the yellowtail kingfish, which is arguably the most popular recreational fishing species in Sydney. They set up a mesh tank in Middle Harbour and contacted around 100 anglers and asked them to catch a kingfish, bring it over to the tank and put it in, at which point it was tagged, and those fish were monitored for about 48 hours. The mortality rate of those kingfish was very, very low—something like 2 per cent. I was not able to get the figures, but it was extremely low and certainly negligible.

The point I would like to make is that with modern fishing methods, especially with the use of circle hooks which do not damage the intestines of the fish, it is possible for fish to be caught and released with very little damage done at all. If the thought is that recreational anglers have to be banned from marine parks because of the effect on fish stocks, that issue can be countermanded without them being prevented from fishing.

The last item I would like to register with you goes to one specific fish species, which is called the gemfish. Gemfish are a deepwater species found in quite large numbers off Sydney and up and down the coast; they go from Port Macquarie around the whole southern coastline of Australia around to Geraldton in Western Australia. Back in the 1980s commercial fishermen targeted their spawning run. They tend to accumulate on seamounts and deepwater structure off the coast. In 1980, 5,000 tonnes of spawning gemfish were taken off New South Wales. By 1997 that had fallen by 90 per cent as the stock collapsed. At that point, or a little after 1998, a ban was brought in on the taking of gemfish and there were restrictions on amateurs. So for commercial fishermen they are allowed 50 kilos only as bi-catch and recreational fishermen like myself are allowed two per person, with a maximum of 10 per boat.

The main aggregation of Sydney is at a place called Browns Mountain, which is an underwater seamount about 21½ nautical miles off South Head, and through the whole of winter, steadily building up to a crescendo, gemfish aggregate there for their spawning season. I have been fishing that spot probably on average once a week through the winter months for the last three years and I made some observations which I thought might be interesting or perhaps relevant at least to the current debate. In 2006 NSW Fisheries were thinking about declaring gemfish as an endangered species. We were out there last week—one week ago today, last Monday—and I had my fishfinder on, my electronic device which shows the location and the identity—not the identity: I can interpret it to tell the identity—the volume and location of fish beneath the sea.

I saw out there last Monday week an unbroken line of gemfish, probably from the seafloor to 110 metres off the seafloor, probably extending for over a kilometre. The week before last we hooked a large mako shark out there, which if the Federal Environment Minister had his way we would not even be allowed to fish for. While we fought that shark, which eventually got off—it bit through the line—we travelled about 2 to 2½ nautical miles south steadily following this powerful shark. As we did that I kept the sounder on and I kept looking at the screen because I was wondering just how far along this unbroken school of gemfish would go. All the way we were marking heavy concentrations of gemfish.

The point I wish to make about that is that the ban on gemfishing was brought in in 1998, so we are talking about 12 years ago. Gemfish reach sexual maturity at about six years. Those stocks have spectacularly rebounded since the gemfish ban was brought in. There are not thousands of large gemfish out there; my guesstimate, and I am not a marine biologist, will be that there are hundreds of thousands of adult gemfish out there, and the biomass of gemfish, in my opinion, is under no threat whatsoever.

So the three points I would like to leave with you today are, firstly, that the people who are behind the push for marine parks—or as I will call it, marine wilderness, because it is no park for anglers—are the same people that were behind the push for land wilderness, and we all know how that turned out. That is why we do not hear anything about wilderness some 20 years later. The endangered species which they said they were going to protect have not revamped in numbers—in fact, if anything, they have plummeted in numbers. Secondly, it is not necessary, certainly in terms of species specific, to ban recreational anglers from marine parks to protect fish stocks. The kingfish test last year in Sydney Harbour showed that with correct methods used those fish stocks are not under any threat, certainly in the case of kingfish, which is arguably currently the most popular recreational target in the Sydney region.

Lastly, the major damage being done to fish stocks is caused by the sort of people who produced that huge ribbon of dead juvenile fish off Broken Bay, the sort of people who once they are stopped from taking, for instance, 5,000 tonnes of gemfish a year—the gemfish we banned in huge numbers. I am not one of those who selfishly say I want the pros banned, I want the commercials out of it, and I would never be involved in taking away the livelihood or threatening the livelihood of any hardworking Australian. What I am sure is that between the competing interests of the environmental groups, commercial industry and recreational anglers there is a middle way and I am hoping that you ladies and gentlemen will find a middle way. Thank you for listening.

CHAIR: Thank you, Mr Hestelow. I will ask you a couple of specific questions. How would you, were you the Minister for Fisheries, for example, manage the protection of the biodiversity in the marine environment, given the choices that the Government has taken to create spatial zones? Could you do it any differently?

Mr HESTELOW: If the spatial zones are to be put in place the first thing to do is to determine what species are endangered, because by their very nature the primary angling target species are not endangered. If they were they would not be fishing for them because they would be too limited in number. For instance, only a handful of popular species would make up 90 per cent of the angling target by recreational fishermen in Sydney, and in those you would include fish like blackfish, kingfish, bream, flathead, and then perhaps a separate segment for the offshore species, but they are not relevant to this Committee.

So, I do not understand why there has to be a blanket ban. I do not understand why a wonderful guy who has put so much into this country, someone like Dean Butler can be fined off Cabbage Tree Island—a very heavy fine and a humiliating fine for someone like Dean—for catching bait in a declared bait ground, because the bait he was catching is not deemed to be bait. It is that sort of absurdity and unfairness that has got so many anglers up in arms about this issue. These stories percolate around the angling fraternity. They might not be on the front page of the *Sydney Morning Herald* but they are buzzing around on the email networks and on the web forums and that is why they get so upset, because of the basic unfairness of so much of it.

Mr IAN COHEN: I am interested in your personal experience with gemfish. In my way of thinking it is potentially a result of the very protection that you are having a go at, the fact that they either banned or stopped the fishing effort and now 15 years later, and understanding the period that they gain maturity, you are saying that there are extremely robust and healthy fish stocks now. It may then be time, with a proper scientific assessment, that that ban could be called into question. That may be the case and you may well be right. But surely under those circumstances, where there was, as you have described, 5,000 tonnes of spawning gemfish taken, that particular fish stock was in serious danger of collapse. The effort was removed, and they have come back extremely strongly. How does that contradict the concept of protection zones and lowering the effort in certain areas where there are fish that are deemed to be endangered?

Mr HESTELOW: With regard to the commercial fishing sector, we just had three gentlemen here talking about beach hauling 20 or 50 tonnes of salmon. Of course the commercial fishing methods can have an enormous effect, particularly in the case of the gem fish fishery, which was targeted on spawning fish. So I just do not think that is applicable to the recreational fishery. This might sound harsh, and I am not harsh on commercial fishing. But I have always seen commercial fishing as almost like a type of mining: when a vein of ore is exhausted you move on to the next one. And that has been the case with everything from southern bluefin to orange roughy, to gem fish, and what have you.

Mr IAN COHEN: I take your point there. But does not that, in itself, justify the protection of that dwindling stock, whatever way it may have come about? For a period of time, it puts a moratorium on the effort to allow a species or a population to re-establish, which, if you are correct—and I take it that is anecdotal, or

you have seen it for yourself but that is not necessarily the full picture—it needs proper scientific investigation to prove it. But does not that in itself prove that the protection of those dwindling stocks—a sort of sanctuary zone if you like—has proven to be very successful?

Mr HESTELOW: I do not think so. That is too subjective a question, because some fish are not associated with individual sanctuary zones. I mean, fish do not respect a line drawn on a map.

Mr IAN COHEN: I agree with you there. In principle you are saying they were down, they were overfished, the fishing effort has been stopped and therefore they have bounced back immeasurably. I cannot see that that negates the need for that type of protection, be it only for a period of time.

Mr HESTELOW: You could say that a massive over-exploitation of the gem fish fishery was corrected by a blanket ban. But the recreational species which are going to be sought after by recreational anglers in these proposed marine parks—there is no relevance between that in the case of gem fish. I mean, no-one is taking 5,000 tonnes of spawning kingfish—

Mr IAN COHEN: I take your point. But we have had evidence before the inquiry that with some species of fish the recreational impact cumulatively can be as great as, if not greater than, the commercial impact. It is obvious that fishing is an extremely popular sport. I am not apportioning the blame to anybody; I am simply saying that there is that principle of overfishing also in a recreational fishery.

Mr HESTELOW: I just find that too general, Mr Cohen. All you are basically saying is that if someone fishes, fish are going to be taken. That is at the bottom line of it—

Mr IAN COHEN: No. I am saying that if you have thousands of people fishing, as are the registered recreational fishers in New South Wales, the catch can be very substantial indeed, and it can take certain fishing populations to the brink of collapse.

Mr HESTELOW: No, I would completely disagree with you. I would dispute that. The fact is that the major recreational fish targets, to the best of my knowledge, are in quite good health in many cases, certainly in Sydney. It is not a case of the fish stocks being under massive pressure and going down. I am seeing a big growth in certain types of species; it is quite spectacular.

Mr IAN COHEN: And it lowers the commercial fishing effort in places like the harbour. I do not think anyone is going to argue with the need to do that, but—

Mr HESTELOW: Trying to compare the overfishing of gem fish 30 years ago and saying that may have the same effect on putting in a \$2,000 fine for fishing off Cabbage Tree Island is a pretty long bow to draw.

Mr IAN COHEN: I do not need to argue. I can see—

Mr HESTELOW: But that is what is happening. It is important to mention that that is how these supposed marine parks are being enforced. That is what is happening. Good people are being heavily fined and are appearing in court for supposed breaches which have no effect on the fishery whatsoever. That is why it is so important. That is why so many people feel alienated and annoyed, and why it is so important to tread carefully if it is going to be extended further.

Mr IAN COHEN: Do you think the alienation and annoyance is all accurate, that there is no politics behind it or certain political advantage to be gained by one group against the other, or an opportunity to have a bash at the Government or to support other political groups? You do not think that that is part of the motivation in this whole debate?

Mr HESTELOW: I think that is what is developing. To be honest with you, fishing is a very blue-collar sport. If you look on the fishing forums, there are far more posts and threads put up about the Canterbury versus Parramatta game last Saturday than there are about "How are you going to vote in the next election?" It is a self-generating prophecy, as more pressure is put on anglers and as it is made more difficult for them to fish. It is very similar to our Chairman's experience with the firearms fraternity.

Mr IAN COHEN: To clarify that, you are saying that you do not think the politics of fishing and marine parks is a substantial motivator for the argument in dealing with equity of fishing access?

Mr HESTELOW: No, I do not. I think the argument motivates the politics. I think you have a bunch of people out there for whom politics is not a primary concern—it is not even on their radar.

Mr IAN COHEN: But they do vote?

Mr HESTELOW: They do vote.

Mr IAN COHEN: Someone wants their vote. Therefore, if someone can get their vote by putting forward a very frightening scenario in an issue that is very close to their hearts, that is political?

Mr HESTELOW: Mr Cohen, they do not need to manufacture a frightening scenario. All they have to do—

Mr IAN COHEN: I am asking a question. I am not saying whether it is right or wrong; you have your own opinion. I am just saying that quite apart from the hard issues of sustainability, access and fair access, there is a political game being played. That is all I am putting to you.

Mr HESTELOW: That is true, but not in the way you think. A political game is being played when apolitical people are energised by specific accounts—by stories of people trolling through a kilometre and a half of Point Perpendicular and ending up getting a \$2,000 fine; by stories of someone catching one of the most populous species in New South Wales waters, namely bonito, specifically for bait, and ending up with everybody on the boat getting a \$2,000 fine. That is what is politicising the issue—not a bunch of people trying to exploit the issue.

The Hon. CHRISTINE ROBERTSON: We have been conducting this inquiry for a long time, and we have had masses of misinformation. We have also had masses of non-misinformation. Information that came up on the first day was in relation to the masses of fines that have been delivered to people. We have, somewhere in the voluminous documentation we have received in this inquiry, actual information about how many people have been fined and how many people have received cautions. I would like to hear from you—and I understand you are in the Internet world of fishing, because I know that that is where a lot of this information is—why you perceive the information about the masses of fines to be real.

Mr HESTELOW: I am not sure that there have been masses of fines. The important thing to mention about the fining of these fishermen is that they genuinely did not think they were doing anything wrong. Morally they were not doing anything wrong, because some of them did not catch any fish. What happens is this, Ms Robertson. The people who are reading about the case feel that that could be them. They feel that, inadvertently, they could end up being fined for making a minor mistake, and could receive quite heavy fines.

So, if you say to me, "Mr Hestelow, there have only been 6, 10, 5, 1 or 2 fines issued in the last 12 months", that is not the point. The point is that the fines have been levelled against Joe Average, who has done what he has been doing for a long time. In many cases, there has been no capture of fish involved. If there has been capture of fish, it is a capture of fish that are extremely common. That is the real issue. That is why people are so upset about the issue, and that is why, as Mr Cohen mentioned, people are getting more politically organised about the issue.

The Hon. CHRISTINE ROBERTSON: I think the political organisation started very early in the piece, which is why misinformation—

Mr HESTELOW: I think it is comforting for you to think that. I do not mean to argue, I really do not. I think we all want to fit these issues into our own set of political beliefs. But the fact is that these fishermen, whatever they are doing, whether they are joining political parties or they are voting on that issue—and I can assure you, they are so difficult to energise in that department—are not being driven by a scare campaign. Honestly, they are really concerned.

The Hon. CHRISTINE ROBERTSON: I understand that, but I also understand about the scare campaign. Do you know that there is a system of warnings or penalty notices, whereby people who are caught doing something naughty first receive a penalty notice?

Mr HESTELOW: No, I have not heard that.

The Hon. CHRISTINE ROBERTSON: We have not heard from any officer that they have not issued a penalty notice for a first offence.

Mr IAN COHEN: I think we did have evidence before the inquiry—and we would probably have to dig it up—of the number of warning notices compared to penalty notices in a particular area, and the warning notices were very significant in number.

Mr HESTELOW: That is comforting.

Mr IAN COHEN: Thank you for your information. It will encourage the researchers to dig out that information and get the balance. That is the impression we have been getting, and that is from officials who are saying, "We have warned X number of times and we have penalised, and that has been quite small comparatively." We will ascertain that information, pertinent to your position.

The Hon. CHRISTINE ROBERTSON: I would like to know whether you have ever actually fished in a marine park.

Mr HESTELOW: No, I never have. I have passed through them in my boat, but I have not fished in them.

The Hon. CHRISTINE ROBERTSON: With regard to the inference that marine parks are lockouts, when we visited all the marine parks in New South Wales we certainly did not see that they were lockouts. But you are presenting as though a marine park is a recreational fisher persons' lockout?

Mr HESTELOW: It is effectively. But obviously, on the ocean you cannot have a physical gate and chain and lock. But, yes, it is. Some of these areas have been fished for an awfully long time.

Mr IAN COHEN: But there are areas where recreational fishing is still allowed, depending on the zoning, in the marine park?

Mr HESTELOW: Yes. It is all very well for us to sit around this table in Parliament House and, at a distance, look at the regulations and say this is fair, and hear from Fisheries officers and what have you. The fact is that some of the penalties that have been applied are unfair. I know that is an old-fashioned term—

Mr IAN COHEN: Perhaps we could ask you a question on notice, to give us a list of the penalties, the amounts, and the people you are aware of, and whether they had had warnings before.

The Hon. CHRISTINE ROBERTSON: With regard to the stories that are coming out about these persons, are they coming from the individuals who have been fined?

Mr HESTELOW: No. Some of them make the media, but usually it is like regional media. So I can only go off an account that is put on—

The Hon. CHRISTINE ROBERTSON: From the court report?

Mr HESTELOW: They are very difficult to access. Obviously, the stuff I am talking about is things that might have appeared in the Port Stephens local media, and that sort of thing. But there are a lot of accounts that never make the media which buzz around in the emails, and there are some very heavy-handed accounts. It must be very difficult for Fisheries officers. I am not here to judge or insult anybody, or to apportion blame. It must be very difficult for Fisheries officers. However, accounts circulate demonstrating, at the very least, some very heavy-handed and commonsense-free interpretations of these regulations.

Mr IAN COHEN: Perhaps you can provide that information so that we can verify it.

Mr HESTELOW: I can certainly provide that information.

CHAIR: The Committee has received evidence from a number of recreational fishers that they feel that the crossover between New South Wales Waterways, Fisheries and the Marine Parks Authority is wasteful and that there should be cross warranting between the compliance officers, and that perhaps the whole thing could be managed more efficiently from a back-office point of view by amalgamating those services. Should the Government look at that?

Mr HESTELOW: Would that involve consolidation of federal and state bodies?

CHAIR: No, just within the State—NSW Waterways, Fisheries and the Marine Parks Authority.

Mr HESTELOW: I would not like to give an opinion on that. It could end up being more efficient or a super ministry could develop, which would be a nightmare to deal with.

CHAIR: You said that the methodology applied to protect the gem fish fishery was the traditional New South Wales Fisheries method of closing off a particular area.

Mr HESTELOW: I would not call it closing off; it was heavily restricting. I probably should have qualified that. In the case of commercial fishing it is 50 kilograms of bycatch, but that is cumulative. I understand that it is possible to have 250 kilograms on board, which is a fairly sizeable amount.

CHAIR: Do you believe that that traditional method of protecting a particular species or a group of species—that is, by seasonal closures, limitations on gear or aggregation site closures—is better, the same or not as good as managing biodiversity using the spatial exclusion zones method? Which is the better method?

Mr HESTELOW: I think the method you mentioned first. I am not a big believer in the spatial closure of an area of water. I see these as public waters. They have traditionally been used in that way. Even though I am an urban Sydneysider, I know how much this means to people—perhaps even far more than I can understand. I have options given that I have a trailer boat. I know how much it must mean to someone at Eden, Batemans Bay or Jervis Bay suddenly to see a notice in the newspaper stating—without getting maudlin—that they cannot fish the waters that they used to fish and that their dad used to fish. Members of the Committee who have not been fishing might not understand, but it means a lot to people. It is the absolute centre point of some people's life.

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

Mr HESTELOW: Very much so.

CHAIR: The secretariat will provide you with the questions. Would you be able to provide a response to those questions within 21 days?

Mr HESTELOW: That is no problem at all.

CHAIR: Thank you very much for agreeing to appear. Do you wish to table or leave any documents with the Committee?

Mr HESTELOW: I simply want to thank Committee members. I know this must be very onerous day after day. I am confident that the Committee will come up with a middle-ground result. I genuinely appreciate all you do.

CHAIR: Thank you.

(The witness withdrew)

(The Committee adjourned at 5.50 p.m.)