

# **Seafood Directions Conference**

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## **The Challenges with 'Wild' Harvesting Fish for Food.**

### **"The NSW Example"**

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## **ABSTRACT**

### **Rural and Regional Law and Social Justice**

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#### **"The Challenges with Wild Harvesting Fish for Food"**

The Australian Government's mandate to meet its World commitments is challenging all wild harvest fisher's historic rights as they lose access to traditional fishing grounds. Individual State governments are adapting to regulate and legislate to balance a whole community access right by sharing with recreational fishing and the environment.

Socially, communities are demanding sustainable fishing practices. Commercially retailers are endeavouring to capitalise from the sustainability debate by introducing sustainable marketing labels based primarily on the sustainable practices of the wild harvest fishery. Environmentally communities are demanding expansion of protected grounds of specific biodiversity and species protection. Politically, recreational fishing communities are demanding exclusive access rights.

The impost from these the various changes adopted can be demonstrated by looking at the management of NSW Fisheries over the past decade, the resource allocation changes, assessing the productivity of the commercial fisheries over time and the changes that had been made during that time. Understanding the impacts of boundary changes, with cross over fishing when grounds are lost and technological changes are introduced and not understood by the media and community.

I argue there's a failure for government to: a) properly and fairly evaluate the whole of community impacts to Aquatic ecosystems; b) determine their rights to access, locally harvested sustainably fished product; c) evaluate the impacts to the existing industry from increasing imports; d) identify the bias standards in new legislation.

## INTRODUCTION

Australia's Fisheries management comprises Commonwealth waters that are managed under Commonwealth legislation, which are those waters to the edge of our Marine jurisdiction at the limit of the Australian Economic Zone (EEZ) some 200 nautical miles to sea outside of the State and Territory three nautical mile mark. State legislation and regulations cover those waters out to the three nautical mile mark. (Definition: *Department of Sustainability, Environment, Water, Population and Communities*). NSW is by 2012 committed to National strategies to conserve marine biodiversity via a variety of intergovernmental agreements such as: Inter government agreement on the environment (Commonwealth of Australia 1992). National Strategy for the Conservation of Australia's Biological Diversity 1996 Commitment to the NRSMPA (ANSECC TFMPA 1998) (ANZECC TRMPA, 1999) *Kearney R. Emeritus Professor of Fisheries 5/9/2011.*

Wild harvest fisheries in Australia have been and are continually and constantly reviewed, restricted, and restructured. The Australian population continues to grow and the increasing demand for seafood has resulted in an increase in imports into Australia to the extent that 70% of fish consumed in Australia is imported. (*Independent Scientific Audit of Marine Parks 2011*) Historically, the importation of Seafood into NSW has always been necessary.

The intent of this paper is to focus on the impacts and difficulties that have been and continue to be faced by NSW wild harvest commercial fishermen. Each working day fishermen can face extremes of climate that can result in high or low productivity from droughts, floods, fish kills, shark attacks, toxic algae, chemical contamination, state planning instruments and major infrastructure developments, pollution and aquatic weeds as well as possible poisonous and pain full fish species contacts. Then, there is the management restrictions that each fishery group and each fisherman must have instilled in their minds to personally survive, comply with the law, as well as, be productive and viable.

In NSW there remains a multitude of State Acts and regulations and updated versions that fishermen are required to comply with and that impact their operations such as;

Fisheries and Oyster Farmers Act 1935

The Environmental Planning and assessment Act 1979

Fisheries Management Act 1994 and Threatened Species Conservation Act 1995

Fisheries Management (General) Regulation 1995 and (Aquatic reserves) Regulation 1995

The Native Title (New South Wales) Act 1994 and Marine Parks Act. 1997

The Fisheries Management Amendment Act 1997 commenced 1<sup>st</sup> July 1998.

Fisheries Management and Environmental Assessment Legislation Act 2000.

The Environment Protection and Bio Diversity Conservation Act.

The Fisheries Management Amendment Act 2000 and Bill 2001.

For more than three decades, each working day has been challenged by pressure from fisheries management compliance requirements, since the 1980's with a freeze on new boats and new commercial fishing licences; 1995 recognised fishing operations, defining catch history and restricted fisheries; then Share Managed Fisheries in 1997, followed by the creation of Recreational fishing only havens (RFO) in 2002 resulting in a loss of 27% of estuary area access and the introduction of Marine Parks and Aquatic reserves between 2002 and 2007 resulting in a loss of 34% of area access of coastal waters, and more recently, external consumer pressure with the growth of 'sustainable' third party labelling. In 2012 the same process continues with more restructure of commercial fishing businesses and full cost recovery.

The culture of management and the politics behind the management of the NSW Fisheries resources has and continues to affect fishers and their families and targets them as the root cause for 'Sustainable Fisheries'. Which simply is not true, restrictions, so great that boat renewals and upgrades for pride in the fleet have been and still are placed on hold and fishers that have historically fished are actively steering family members away from entering the industry.

The commercial fleet of boats subsequently are aging, as well as the average age of commercial fishers in general, the decisions not only affecting fishermen and their families but boat builders, and closing some Co-Operatives across the state.

It is bias (*v. t. give bias influence - the Concise Oxford Dictionary*) and ironic that the Government terminated the Commercial Fishing Advisory Council because it was deemed to be lobbying Government and cancelled its ability to raise funds by cancelling the levee that 1300 fishers paid but that same NSW government supported the Recreational fishing lobbyist with a secure method of funding to achieve their wants of removing commercial fishers, who were providing product and a significant source of protein for the greater proportion of the community. The recreational fisher numbers considered to be in excess of two million strong at that time (according to studies quoted) and important to tourism and bait and tackle retailers. This policy undermines the government's strategy to provide security and value in commercial fishing share managed businesses. In 2012, a new review now proposes a policy to again levee the commercial fishers to reinstate a commercial fishing peak industry body and recreational fishers numbers are cited as one million or 17%.

The Government is seen as promoting and fostering the expansion of recreational fishing with the introduction of the recreational salt and freshwater fishing licence fee, income of \$12.5 million and establishment of a trust that gives the recreational fishers control on the spending of 90% of the funds. This has given the recreational fishers security of ongoing income, allowed recreational fishers to borrow \$20 million from the government to buy-out commercial fishing endorsements across NSW, in what was called a voluntary (sic) buy back, promoted in the distribution of approximately 50,000 discussion papers (*Fisheries 2000/2001 Annual report*) considered as necessary for the 'sustainability' of fish stocks and adversely focusing only on commercial fishing practices. Similarly and at the same time, the promotion and expansion of Aquaculture specifically for recreational restocking programmes of lakes, impoundments, rivers and estuaries with fingerlings intended exclusive for recreational fishing. A state government programme of funding incentives offering \$1.00 for \$1.00 investment opportunities and the fostering of Aquaculture fish farms in general also receiving funding and promotion, meanwhile the aboriginal fishers were continually frustrated by the failure of government to recognise their historic fishing rights. Fisheries progressive policies are devaluing commercial fishers to the benefit of business growth in the recreational fishing sector that subsequently gives the impression that they are government backed and commercial fishers are not.

#### **BACKGROUND:**

According to a case study that identifies the initial harvesting rights for the NSW Ocean Trap and Line commercial fisheries; 'commercial fisheries' in NSW commenced in the mid 1800's. The Fisheries Act 1865 commenced in response to concerns of overfishing gear, including controls over mesh sizes in nets, the licensing of fishers and fishing boats. A series of Acts followed such as the Fisheries and Oyster Farmers Act 1935, The Environmental Planning and Assessment Act 1979 In 1980 access to the abalone fishery became limited. (*Goulstone and A McGillgorm*) case study *initial allocation of harvesting rights in NSW Ocean Trap and Line*)

Since the 1980's legislative and regulation changes have been introduced to effectively reduce the number of commercial fishers actively fishing, adjustments often made without scientific justification or adequate 'non recreational' consumer consultation and little information provided on the subsequent disruption to the availability of local caught seafood to that sector and its markets.

In the last twenty years new Acts have resulted in a concentration of the removal of commercial fishing effort and access to fishing grounds with the supposed focus on Ecological Sustainable Development (ESD). Recreational Fishing growth however promoted and fostered without concurrence to compliance of all ESD objectives.

In the 1980's there was political recognition of the declining health and overload of Lake Macquarie with sediments and nutrients, poor water clarity, aquatic flora and fauna in decline, consequently the Lake Macquarie council requested a Premiers Task Force to evaluate the many issues of concern in Lake Macquarie, including commercial fishing issues. These issues did not go before the Commercial Estuary General Management Advisory Committee, (EGMAC), because they were considered local issues by the NSW recreational fisheries manager. Industry representation to EGMAC from Lake Macquarie was at this time fragmented. This is but one example there are many.

In 1984 there was a freeze on the issue of 'New' commercial fishing **boat** licences. By 1986 access to estuary and offshore prawning became limited. In 1987, freezes on the issue of new 'Commercial Fishing Licences' were introduced. (*Goulstone and A McGillgorm*) case study initial allocation of harvesting rights in NSW Ocean Trap and Line).

A Fish note (ISSN 1034-7704) second edition dated 1990 F.B. Prokop special fisheries officer makes the following comment to recreational fishers 'the number of licensed commercial fishermen has dropped by 37% in ten years from 4300 to 2700. There has also been a freeze on the issue of commercial licences since August 1987'. End quote.

In 1991 the Ecological Sustainable Development (ESD) working group in its final report acknowledged that any implementation of the policies and principles of ESD should incorporate information on the recreational fishing sector and management of its ecological impacts. (*Mc Phee D. review of Issues Papers for Botany Bay and Lake Macquarie.*)

In 1993 restricted access to the lobster fishery commenced. Prior to 1994, commercial fishers were required to spend a major portion of their time earning a major portion of their income from fishing. In 1994, the 'Licensing Policy' is introduced, commencing the process of catch validation. Transfers of a licence had to have catch history validation determined from the years 1986 -1993 (Recognised Fishing Operations ) The Fisheries Management Act 1994 placed all commercial fishers into a policy that defined recognised fishing operations and restricted management. Abalone and Lobster fisheries progressed to Share management, the rest of the industry failed to progress with the development of management plans and enter share management at that time. (*Fisheries Management Act 1994.*)

In 1995, elections were held in NSW. Premier, Bob Carr and a new portfolio meant that restricted fisheries were finalised capping numbers of commercial fishers for all time. To enter the fishery it was necessary to buy a Recognised Fishing Operation. The Fisheries Minister, Mr. Bob Martin sent a letter to fishers advising them of the intent to put before the Management Advisory Committees (MAC's) the further progression to Share Management.

In May 1996: An enquiry into Fisheries Management and Resources allocation was commenced by the Standing Committee on State Development (*Hansard*). A review into Fisheries Consultation was also conducted by Dr J Glaister, (*NSW Fisheries, Hansard*) this review found that the Recreational Fishing Advisory Council RFAC represented less than 10% of the states recreational fishers and it was totally preoccupied with the removal of commercial fishers. (*The Final Report: Review into Fisheries Consultation 1996*). Later that year in December an inquiry into the Fisheries Management Advisory Bodies was undertaken. The Hon Eddie Obied MP sat on both of these enquiries. This

resulted in a name change for all existing fishing representative committees. The Commercial Fishing Advisory Council (CFAC) was terminated because it was considered to be lobbying the minister and overstepping its advisory role. Licensed Commercial fishermen had been levied to fund CFAC.

It was interesting, that in evidence to the December 1996 enquiry the Recreational Fishing Advisory Council Chairman advised that he believed that there was little difference between the old body RFAC and its proposed successor the Advisory Committee on Recreational Fishing (ACoRF) other than the change in appointment process. (*Enquiry into the Fisheries Management Advisory Bodies Act. 14<sup>th</sup> February pp 26-27.*)

This same year it is noted that Mr Steve Dunn was Director of Fisheries in Victoria, and that a document was being developed and managed by Victorian Fisheries titled; 'Fisheries Structural Adjustment – Towards a National Framework', it was written by Peter Rawlinson and American Rebecca Metzner; within this document is evidence of consultation meetings held around Australia that discussed the proposed structural adjustment strategies, which included Recreational licence fees and buy-outs of commercial fishers. It was published that there were stakeholder consultation and participation at these meetings in all states except NSW. Identified in the document are the names of the attendees, most have played an integral part in the ongoing restructure adjustment of Commercial Fisheries in NSW. The termination of CFAC meant NSW wild harvest fisheries had no representative body at that time.

In 1997 Restricted Fisheries commenced on the 1<sup>st</sup> March (*A.Goulstone* ,) this granted harvesting rights in six specific fishery endorsements .The endorsements authorise the use of gear and the taking of species in the various parts of the fisheries. Fishers with history were endorsed and fishing businesses were tradeable as an entire package (*A .Goulstone and A. McGillgorm case study initial allocation of harvesting rights in NSW Ocean Trap and Line*). This same year, the NSW Recreational Fisheries Manager went to America to study how they resolved their recreational, indigenous and commercial fisheries issues (*1997 NSW Fisheries Status of the Resource*) The manager went on to oversee the recreational fishing havens process. This same year, the NSW Marine and Estuarine Recreational Charter Industry Review group was established.

With full access to all waterways across NSW, recreational fishers were demanding more and more voice in Fisheries Management. The radio station 2ky's weekend morning recreational fishing programme continually targeting the practices and management of commercial fishers. The Chair of the Recreational Fisheries Advisory Committee participated in the 2ky programmes each weekend.

1997 also saw the commencement of the deregulation of the marketing system for commercially caught species of fish. It was completed by 1999. Recognised Fish Receivers and Restricted Registered Fish Receivers were created. Before this date commercial fishers were required to apply for exemptions to sell outside of the established marketing systems.

**Lake Macquarie Efficient Catchers:** Reports in 1997 identified that the average annual value of commercial fishing in Lake Macquarie (1990-1997) was \$1,066,033. The fishery had the highest CPUE (catch per unit effort= total yield (kg) days fished (all methods) of all commercially fished estuaries in the Hawkesbury Shelf bioregion. It supports commercial fishing of finfish, crustacean and molluscs. In general the commercial effort was concentrated in the Southern portion and the recreational fishing in Northern portion. (*Virgona 1983 and Scanes 1988*) found that Lake Macquarie supported a high catch rate per fisher hour, relative to other estuaries for which there is data in the Hawkesbury Shelf Region. (*Final report, NSW Fisheries identification of candidate sites for Estuarine Aquatic reserves in the Hawkesbury Shelf and Batemans Shelf bioregions Feb 2001 project number D501.*)

During 1998 the Premier Mr Bob Carr announced the formation of the Task Force for Lake Macquarie. In 1999 he gives a commitment to a review into the Fishing Industry in NSW. In October the director of Fisheries Dr. J. Glaister was subsequently sacked and replaced by Mr Steve Dunn who was, now managing the commercial fisheries section in NSW Fisheries. This sacking was controversial and followed concerns regarding the move to Share Management for commercial fishers, issues surrounding recreational fishing and the structure and appointment of advisory committees. October/November of that year, a Morgan Gallop Poll was conducted and results were initially not available for public scrutiny (they were a confidential cabinet document).

On the 4th and 5th November 1999, a Commercial Fishing Summit was held in Sydney. The Hon Eddie Obeid OAM, MLC opened proceedings, he announced his new Advisory Committee and an intention to review the way Commercial Fisheries Management Committees (MAC's) worked. The Minister the Hon Eddie Obeid OAM, indicated in the final report of these proceedings that discussions on recreational fishing licences and buyouts of commercial fishers from specific areas were on the agenda. This was not the case; no public forum discussed or debated this issue.

Several reports were presented at the Summit relating to the restructure of the Commercial Fisheries and outcomes of the Recognised Fishing Operations restructure that had occurred under the licensing policy since 1994. It was stated that the licensing policy was delivering on its objective of maintaining a viable commercial fishing Industry. (*Commercial Fishing Summit Proceedings 1999*). The argument presented by NSW Fisheries: Those fishers removed from 1986 to 1990 were in the category of low income earners - part time fishers earning less than \$10,000. Despite the reduction strategy there was little change in the remaining fishers earning higher incomes. Fishers lost entitlements based on their reported catch history. It is around this time that fishermen start to object to the use of the Sydney Market Price for evaluating turnover as the value of all NSW fish sales. Prawn Fishermen in particular could be receiving twice as much for their product from direct sales to wholesales. The evaluations in figure 1.were considered to be flawed.

**Figure 1: Graph presented to NSW Fisheries Commercial Fishing Summit November 1999**

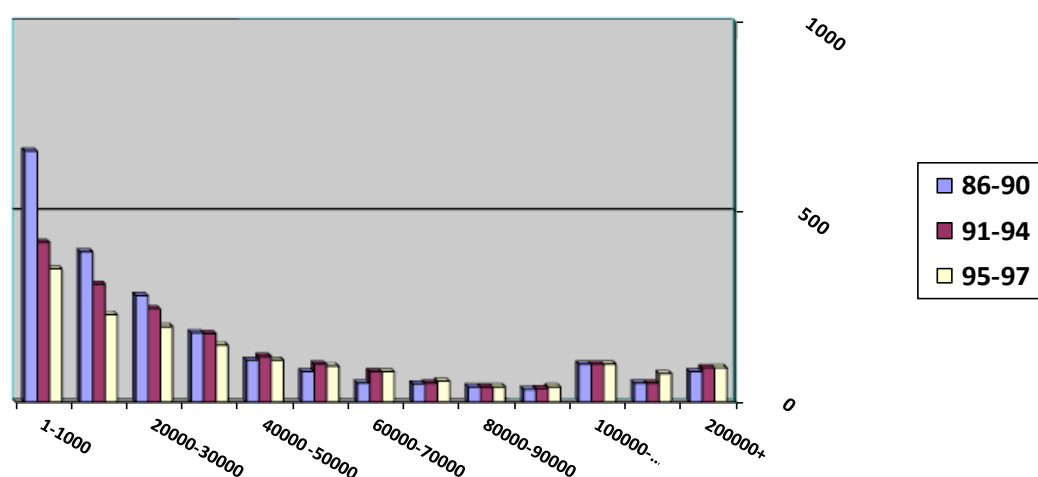


Figure 1: average annual earnings of fishers based on, Sydney Fish market prices. Along the side is the number of fishers that earn that amount of money. Following on from this the subsequent lower

harvest rate for estuarine commercial fisheries was used as a catalyst against the fishers. The reduction was primarily due to the reduced effort from the introduction of the recognised fishing operations and restricted fisheries policy.

The commercial fishery was reduced from just fewer than 2500 fishers to around 1800 fishers (*graph estimation*) between 1994 and 1998. (*Proceedings of the Commercial Fishing Summit, 4<sup>th</sup> and 5<sup>th</sup> November 1999.*)

On the 11th December 1999, the 'Recreational Fishing Summit' was held with 90 participants attending. Commercial fishers were initially excluded from this Summit however this was challenged and some fishers attended. (*Don Campbell commercial fisher now deceased.*) A presenter at this summit; Dr. Bill Rutledge, who had commenced his secondment as Director of Aquaculture based at Port Stephens, indicated at the summit that the future plan was the stocking of estuaries with fish for recreational fishers, similar to duplicating what had occurred in Texas with the fish species 'Red Drum'. It is noted that Brochures of the 'Red Drum' fish stocking programme were distributed at the Gwandalan Recreational Fishing Haven (RFO) consultation meeting for Lake Macquarie.

Organisations, such as the Anglers Action Group, indicated that there was a pre existing plan that the summit was delivering but most of the fishers attending, were not aware of the intent. (*anglers action group newsletter to members*). Distribution of a survey paper late in 1999 resulted in the Minister the Hon Eddie Obeid OAM, announcing that one of the outcomes of the recreational summit was support for a recreational fishing licence fee. It was claimed that there were 275 comments referring to the saltwater licence in responses from the survey. NSW Fisheries justified that a salt water licence was supported because of this. According to recreational fisher groups, there was no question in the discussion paper to formally request comment on this, so recreational fishers argued that the intent could have been the reverse. (*Anglers Action Group newsletter to members 2000*).

On the 19<sup>th</sup> January 2000 the Premier announced the intent to develop the general fishing licence which was reverted to the Salt Water Recreational Fishing 'fee' along the same lines as the freshwater fee to fish, create recreational fishing only (RFO)havens by the possibility of closing Botany Bay and Lake Macquarie. Concurrently, without an interpreter in attendance, Botany Bay commercial fishers (they had 24 hours notice) were in the basement of the St George Sailing club for a Management Advisory Committee (MAC) meeting with fisheries representatives who were advising them that Botany Bay would be closed, that they were finished and buyouts would occur. (*Witness Mary Howard RIC*) Assurances from the Minister, The Hon, Eddie Obeid OAM, that community consultation would be conducted seemed irrelevant. The fishery consisted of many non English speaking fishers. Advertisements appeared across NSW outlining a strategy to 'sustain' the fish resources of NSW, RFO Havens would be created and recreational fishers would buy-out commercial fisher's entitlements. This Legislation was subsequently enacted.

Petitions, form letters, protest rallies, meetings with the Director and Minister, The Hon Eddie Obeid OAM, and an alternative joint proposal signed on the 9<sup>th</sup> June 2000, were all ignored by the Minister. The Minister continued to indicate that the buy-out was a voluntary one and this was the objective of the NSW Government. The end result, the commercial fisher's choice was to take the money offered and not fish in the RFO Haven or not take the money and still not fish in the subsequently closed area.

21<sup>st</sup> January 2000, Justice Talbot of the Land and Environment Court handed down judgement on the case of Sustainable Fishing and Tourism Inc. v the NSW Fisheries Minister the other party was a professional (commercial) fisher who was licensed to fish in the Manning River. The case sought enforcement of a public duty imposed on the Fisheries Minister by the Land and Environment, Protection and Assessment Act. This public duty was that environmental activities of commercial



fishers should be assessed before issuing and renewing commercial fisher's licences. This court case had commenced in 1999 and was subsequently won by Sustainable Fishing and Tourism.

The legislation in 2000 included the requirement for recreational fishers and commercial fishers to complete an Environmental Impact assessment (EIS) under Part 5 of the Environmental Impact Assessment Act under the designated fishery category. Since this time there have been amendments to the Act excluding the term 'recreational fishing' from the designated fishery component of the Fisheries Management Act 2000. (*Hansard Thursday 2<sup>nd</sup> November 2000, page 54, 5<sup>th</sup> Paragraph.*)

The estuary commercial fishery by this time was heavily restricted before the RFO Haven process occurred with only Quote '4% of NSW Seafood needs met by Estuary General Fishers' (*The Hon Edward Obeid 2000 Media statement in support of Sustaining Fisheries and creating RFO Havens*)

In media reports February 2000, the Minister the Hon Eddie Obeid OAM, indicated that there would be no threats to the seafood industry since 60% of the seafood is imported. Taking each fishery bit by bit it was claimed that it would affect only 2% of the value of NSW total seafood catch. (*The Hon Edward Obeid 2000 media statement*) In March 2000, further Morgan Gallop Polls were conducted for proposed Commercial Fisheries Share Management Plans and Environmental Impact Assessments. (*Estuary General Fisheries Environmental Impact Assessment 2001 Volume 4*) Concurrently, the "Sustaining Our Fisheries" summary papers and the 'Blue Book' were available, the submissions closing date was the 28<sup>th</sup> March 2000. This document detailed the intent for the General recreational fishing licence and the RFO Haven area proposal with buy-outs of commercial fishing entitlements.

In November 2000 The Minister the Hon Eddie Obeid OAM, indicated that his intent was to buy-out sufficient commercial fishers from each RFO Haven area so that there was no overlap into other commercial fishing areas (*Hansard, Thursday 2<sup>nd</sup> November 2000 2nd reading speech p54*) This was not the case and subsequently effort shift has occurred and will continue to occur because of the ongoing policy of restructure, remove and restriction to the industry and reduced access to fishing grounds. The Legislation for a General Recreational fishing licence was subsequently approved lumped in with new legislative requirements for Environmental Impact Assessments.

In January 2001 NSW Fisheries provided the commercial fishers with an information paper identified as 'Implementing the Fisheries Management and Environmental Assessment Legislation Amendment Act 2000 (following a year of extensive consultation!) (sic) The items to be discussed at proposed commercial fishing port meetings in February were:

1. Fisheries management strategies and environmental assessments,
2. Restructuring commercial fisheries,
3. Management Charges.

The agenda was Share Management identified in the 'Sustaining Our Fisheries' discussion paper in January and the recreational fee and subsequent RFO Havens and buyout of commercial fishers endorsements from Botany Bay and Lake Macquarie.

The document advocated that the government was working towards a 'sustainable' and 'viable' commercial fishery, improvement of the state of fish stocks, and better recreational fishing. Fishers would be required to contribute to the costs of preparing their environmental assessments that were completed under a whole of fishery strategy. Further the document included the following comment:

Quote 'Although the decision of the land and Environment Court only applied directly to commercial fishing licences, the Government has extended the environmental assessment process to all major fishing activities, including fishing recreational and fish stocking and the beach safety shark meshing program'.

End Quote

### **Restructuring Commercial Fisheries and Share Management:**

Discussion in the paper identified the reasons that restructuring is considered a good idea.

- It helps us make sure our fisheries resources are harvested in a 'sustainable' way.
- It can make each licence holder more profitable.
- It can help change access or sharing arrangements between competing groups.

It went on to say that Quote:

**'Structural adjustment is not new; Industry and Government have been progressively restructuring the commercial Fisheries for nearly twenty years'.**

The plan was to progress on three fronts,

1. Share management: The share management objectives were to accomplish an efficient trading scheme. Removing inactive effort was identified as being the start to progressing. The plan proposed that setting share allocations and trading shares would result in commercial fishers actually buying other commercial fishers out to boost their shares.
2. The Recreational Fishing strategies.
3. Creation of Marine Parks.

These three strategies were all about removal of commercial fishing effort and reduction of access to commercial fishing grounds.

In developing the plan to introduce the recreational Fishing saltwater licence (fee) 63,000 copies of the Saltwater Review discussion paper were distributed. 5200 responses or 8.25% responded. The target audience were recreational fishers via bait and tackle outlets and Fishing Clubs.

The recreational fishing salt water licence/fee commenced. The fishery was now a designated fishery with no management strategy and no Environmental Impact Assessment prior to implementing the legislation. The legislation was 'quietly' changed to remove this requirement. The community were then asked to nominate what areas they thought needed closed to commercial fishing, to create RFO Haven areas. 2500 respondents are identified in media releases dated the 7<sup>th</sup> May 2001 as supporting various proposals. A trust was required for the separate management of the Recreational Fishing fee this resulted in the creation of trusts for other NSW fisheries groups including Commercial Fisheries. Commencing on the 27<sup>th</sup> April 2001 consultation meetings were held in the respective nominated RFO Haven areas. Meetings and consultation extended over a 9 month period with 50,000 discussion papers being distributed. Most were specifically targeting recreational fishers and were distributed through 1000 recreational fishing outlets.

The Fisheries Resource and Conservation Advisory committee had been placed in the position of endorsing the issues papers and the subsequent independent chairman's reports. The state was divided into eight regions with the proposal to develop issues papers for each region, the issues papers for Botany Bay and Lake Macquarie were prepared and released first.

Concurrently on the 30th April 2001, Environmental Assessments were being prepared under division 5 of the Environmental Planning and Assessment Act 1979 identifying the level of pressure and impacts from estuary general fishing with the implementation of the draft Fishing Management Strategies. It included a description of the Fishery,

Quote: 'the estuary general fishery involves approximately 20 different fishing methods, 944 participants in 2001 and occurs in approximately 80 estuaries involving 100 species. It was impossible to evaluate activities and the estuaries separately.' End Quote.

The study identified consideration of land use and the combination of the two factors. (It failed to evaluate climate, water use, dams in catchments, and overall catchment size in comparisons.) The peak season, spring summer and autumn; winter was identified as the quietest with few complaints received in relation to this fishery for noise, light air quality, energy and greenhouse gases.

The EIA explained that to understand NSW fisheries management it is essential to understand how the fisheries of NSW are divided into specific harvesting processes. Estuary General is but one of these processes.

In Reference to the Act the EIA indicated that it covered:

Quote 'estuaries that are waters other than ocean waters that are ordinarily subjected to tidal influences. In NSW 690 water bodies are identified along the coastline, many remain unnamed. Estuaries are characterised by brackish water caused by mixing of ocean and freshwater, they generally comprise complex ecosystems and sustain high levels of biodiversity, supporting a wide variety of fish and invertebrates. They provide a diverse range of habitats including mangroves seagrasses, mudflats, salt marshes, and sheltered rocky reefs. Estuaries also support a wide range of terrestrial biodiversity. Many of the estuaries in NSW have significant anthropogenic influences on land use and social activities. Agriculture, cities, forests, urban centres industrial developments, power stations, effluent treatment plants, sugar cane, cattle growing,' end quote

(failing to identify that water demand is significant in supporting these activities and effluent disposal treatment often unsatisfactory). *Community consultation document: April 30<sup>th</sup> 2001 prepared for NSW Fisheries Estuary General Environmental Impact Assessment community public consultation document prepared by SMEC Aust Pty Ltd project no 31229001.*

On the 31<sup>st</sup> August 2001, the Minister the Hon Eddie Obeid OAM, announced the closures and gazettes the closures of Botany Bay and Lake Macquarie based on the responses from the issues papers and ignoring Pro forma letters and counting commercial fishers petitions as one vote.

Commercial fishers subsequently received voluntary (sic) expressions of interest options papers. By this stage 6 regions have had their community consultation and 2 regions haven't.

The Minister the Hon Eddie Obeid OAM, then announces a further 10 Recreational only areas between Sydney and the Victorian Border. On the 26<sup>th</sup> September 2001 the Minister clearly indicates to Parliament that he has no plans to compensate the Co-Operatives that will be forced to close. (*Hansard 26<sup>th</sup> September 2001*). Commercial Fishers were forced to decide to take the money and not work or not to take the money and still not work in those areas declared RFO Havens.

At this time the NSW Master Fish Merchants Association and Sydney Fish Markets Pty Ltd employed Dr. Daryl McPhee from the Marine and Estuarine Ecology Group Department of Zoology and Entomology University of Queensland, to review the issues papers for the declaration of Botany Bay and Lake Macquarie, his conclusions were that the objectives of the issues papers:

Quote: 'present three proposals for the future management of Lake Macquarie and Botany Bay; however there are no stated objectives for the future management of either of these two areas. There is realisation throughout Australia and internationally that clear and explicit objectives for fisheries and environmental management are essential for ESD (*Sainsbury et al 1999*) A lack of management objectives is considered to intensify conflict over fisheries resources (*e.g. Attwood et al 1997*) without clear and explicit objectives, there can be no relevant performance reporting or monitoring. The asymmetrical distribution of catch among recreational anglers is well

documented - a small minority (usually about 10%) of anglers catch the majority of fish (usually about 80%) (e.g. Hilborn, 1985; McGlennon, 1992; Ferrell & Sumpton, 1998)

Further: The link between recreational fishing expenditure and job creation is assumed and not supported by any data. In the Pumicestone Passage, closures in Queensland, it is thought that jobs decreased because of declining water quality and toxic algae blooms caused by coastal developments. (McIlgorm and Pepperell 1999). A wide range of impacts on aquatic health and fish stocks are mentioned but they fail to identify any impacts from recreational angling. The issues papers present no information on the marginal net value of a fish captured by a recreational fisher or commercial fisher and this is the information necessary to optimally allocate fisheries resources on economic grounds'. End quote (Mchee D.)

The RFO Haven implementation was not on the agenda of Commercial Fisheries MAC meetings, resulting in meeting walkouts by estuary general fishers. (Witness Mary Howard Regional Industry Convenor (RIC)) Concurrently what was on the agenda of the MAC's was the implementation of Environmental Impacts Assessments and Management Plans. The preparation and finalisation of these documents to meet with the guidelines were an intensive pre occupation for the representatives of commercial fishing sitting at the table. On the one hand commercial fishing businesses were being placed under threat of removal or closure, but on the other hand environmental assessments were being created based on the existing fisher numbers and fishing practices. In December 2001 commercial fisher's received letters, reminding them of the closing date for the request to express an interest in a Voluntary buy-out (sic) of commercial fisher's endorsements. Non active fishers were offered \$10,000 and \$2,000 was available for depreciation and reallocation and retraining.

In February 2002 the treasurer approved \$4.1million to NSW Fisheries for the buy-out of Commercial Fishers in the Solitary Marine Island Marine Park. (Fisheries annual report 2001/2002)

### **Report to Expenditure Committee on Recreational Fishing Only Havens 2002**

In May 2002 a *Report to the Expenditure Committee recreational Fishing trust Quote:*

'30 areas along the NSW coast became Recreational Fishing Havens. In these areas commercial fishing was either completely closed, or significantly restricted. This initiative lead to the closure of 24% of the State's estuarine waters to commercial fishing, including several major Lakes and Rivers.

In order to implement these closures a number of commercial fishing entitlements were bought out using funds from the NSW general angling licence. A \$20 million loan was taken out from NSW Treasury in order to undertake all purchases of commercial fishing entitlements at one time.

A '**voluntary buy out**' process was used to purchase a number of commercial fishing entitlements in the areas affected by the entitlement of recreational fishing businesses.

In Botany Bay 38 fishing businesses with estuary prawn trawl entitlements were '**voluntarily**' acquired, and the entitlements held by another 10 prawn trawl businesses were **compulsorily acquired**, as this **fishery ceased to exist** with the creation of the Botany Bay Haven. In all cases, fishers were offered ex-gratia payment to voluntarily leave the industry. In general this was calculated from the history of the fishing business or in some cases the estimated market value. All entitlements owned by fishers were purchased including boat and net registrations (except where the businesses have lobster shares)'end quote.

In 2002 the 2001/2002 Annual Report for NSW Fisheries identified the area of RFO Havens as 27% of NSW estuaries. It also highlighted that the government had delivered on its commitment to provide anglers with a fairer share of the catch from NSW Estuaries through the creation of the 30 recreational havens.

*Report to Expenditure Committee for Recreational Fishing Havens.  
June 2004. NSW Recreational Fishing Only Havens*

**Total of 458 fishing licences**

**surrendered.**

**Ocean Prawn**

Inshore	4
Offshore	1
Deepwater	-

**Ocean Fish**

Northern Zone	1
Southern Zone	-

**Ocean Trap N Line**

Demersal Fish Trap	17
Line Fishing Western Zone	32
Line Fishing Eastern Zone	1
Scholl and Gummy Shark	1
Spanner crab North	2
Spanner crab South	-

**Ocean Hauling**

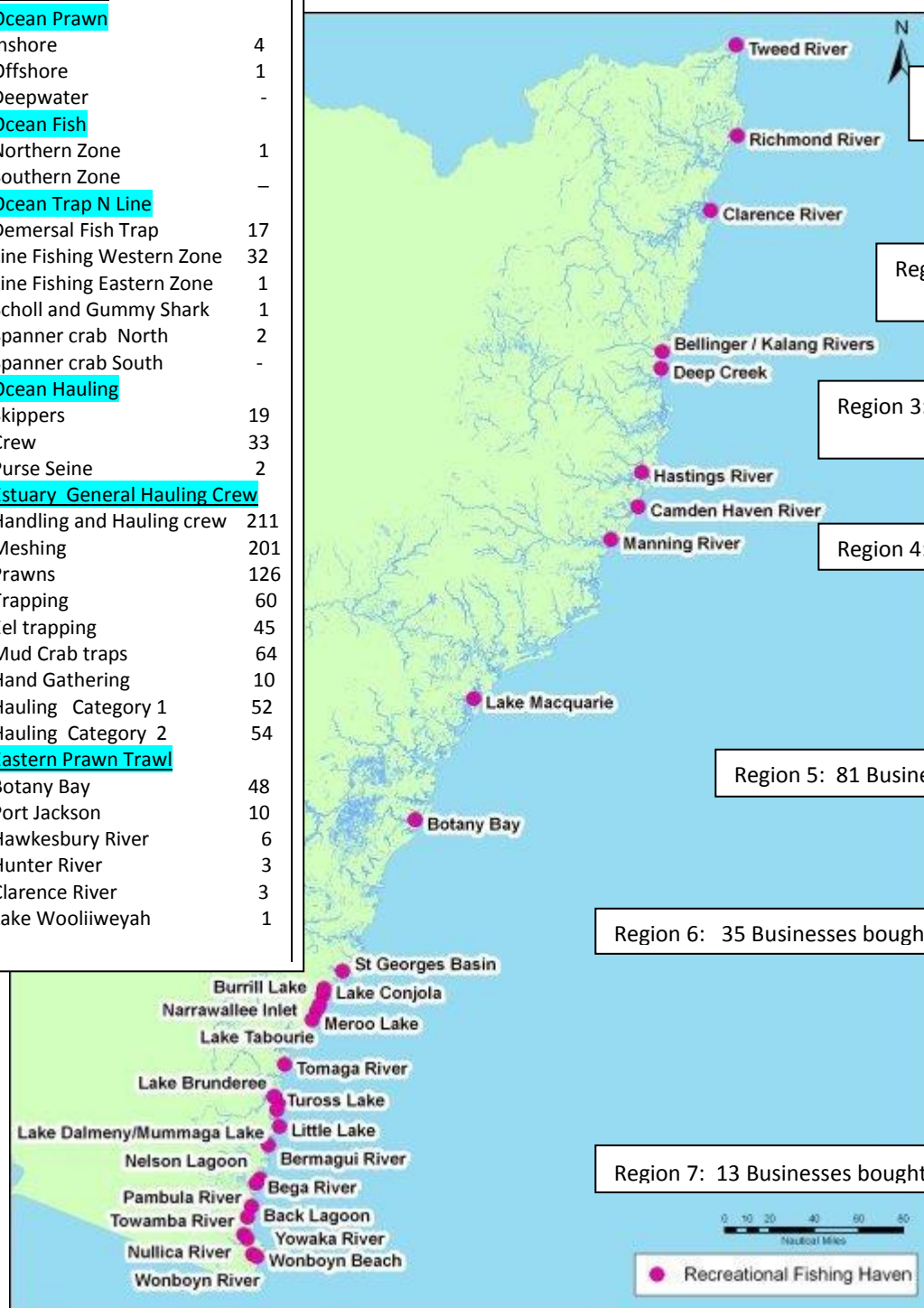
Skippers	19
Crew	33
Purse Seine	2

**Estuary General Hauling Crew**

Handling and Hauling crew	211
Meshing	201
Prawns	126
Trapping	60
Eel trapping	45
Mud Crab traps	64
Hand Gathering	10
Hauling Category 1	52
Hauling Category 2	54

**Eastern Prawn Trawl**

Botany Bay	48
Port Jackson	10
Hawkesbury River	6
Hunter River	3
Clarence River	3
Lake Woolliweyah	1



The above locations are for 'recreational fishing only'.

**Notes:** The areas established for recreational fishing only include all bays, tributaries, creeks, canals and artificial lakes within that area. This is a guide only, for information on the precise boundaries of these closures.

**The Lake Macquarie RFO Haven example:**

The Community Consultation reports for Lake Macquarie identified that a total of 356 submissions were received by the closing date. The majority on the reply paid forms. 197 submissions made other comments. A total of 675 form letters were received. 654 were addressed to Premier Bob Carr c/- Save Our Seafood Locked Bag 247, Pyrmont. These Pro forma letters said that they enjoyed local seafood and did not want the Premier to cut off or reduce the supply unless for genuine sustainability reasons. They also suggested that fish stocks be managed for everyone not just a small group who fish for themselves. They were the majority of responses and were the commercial fisher's response for opposing the closure to commercial fishers; they were produced and distributed intentionally to Commercial fisher supporters. These 675 Pro Forma industry responses were ignored, in the eyes of the fishers the decision was pre determined and only they were being targeted to secure 'Sustainability' of fish stocks. The information provided did not inform persons that only the specific government recommendations (Pro Forma) format would be counted as legitimate responses. Commercial fishers had received poor guidance on professionally responding to this process, they were trying to work, as well as respond, the result extremely frustrating and disrespectful. The same applied to Botany Bay and other areas where the same Pro Forma 'Save Our Seafood' documents or petitions, some with thousands of signatures were ignored.

**Table 2: A sample of Historic Commercial Catch now declared Recreational Fishing Only Havens.**

I argue that NSW Fisheries Catch records highlight the **sustainable** estuary catch of commercial fishers. The following tables include catches of 34 species of fish and 8 species of Molluscs and octopus. This is only 9 of the estuaries in question in a 38 year period of commercial fishing records. This historic fishery access is now annually and exclusively available to the recreational fishers of NSW who are identified as **17% of the population and 1 million fishers, (not two million).**

River or Lake	Years	Total t	Yearly average . t
Bega River	1954/55 to 72/73	253,654	13,350.21
	1773/74 to 91/92	252,471	13,287.94
Tuross Lake	1954/55 to 72/73	535,612	28,190.10
	1973/74 to 91/92	833,001	43,842.15
Burrill Lake	1954/55 to 72/73	262,361	13,808.47
	1973/74 to 91/92	221,189	11,641.52
St Georges Basin	1954/55 to 72/73	2,147,536	113,028.22
	1773/74 to 91/92	2,127,971	111,998.47
Botany Bay	1954/55 to 72/73	2,468,043	129,897
	1973/74 to 91/92	6,484,091	341,268
Port Jackson	1954/55 to 72/73	1,425,049	75,002.57
	1973/74 to 91/92	2,217,033	116,686
Lake Macquarie	1954/55 to 72/73	5,285,238	278,170
	1773/74 to 91/92	8,626,540	454,028
Camden Haven River	1954/55 to 72/73	2,973,441	156,497
	1973/74 to 91/92	2,940,258	154,750
Bellinger River	1954/55 to 72/73	70,123	3,690
	1973/74 to 91/92	171,444	9,023

Only the commercial catch consistently caught is listed in the 38 year period. Fish shared historically with whole communities. The recreational catch at the same time is unknown.

*Ref: NSW Fisheries Catch Statistics. These statistics are extrapolated from NSW Fisheries records. There are discrepancies in NSW Fisheries record during the period and often records are not included to protect the identity of some fishers.*

Following government reforms to commercial fishing and the creation of RFO Havens during the reporting period (2001-02) unsuccessful challenges were brought by a small commercial fishing lobby group in the land and environment court and high court. (*NSW fisheries annual report 2001/2002 Pro Fish versus the Government on the recreational licence*) Pro Fish was formed to represent the industry as a direct result of the removal of CFAC.

On the 17<sup>th</sup> January 2003, the Minister, the Hon Eddie Obeid OAM, introduced a prohibition of all trawling on weekends and public holidays in estuaries. This closure is a significant impact to fishers who fish in Broken Bay for example and are confined by weather conditions in their overall fishing activities. This closure also impacts the availability of school prawns on Mondays in Sydney Markets, and the local central coast market impacting fishers' viability. There were already weekend closures in the Hawkesbury River (not Broken Bay) introduced by commercial fishers, specifically to share the waterway with recreational fishers. Other coastal fishers are also severely impacted by weekend closures.

It's now November/December 2003 (NSW F1225) and a change of Minister, Mr Ian MacDonald BA MLC released his governments 'Vision for the NSW Seafood Industry', he indicated:

Quote 'The Seafood industry in NSW generates half a billion dollars of economic activity each year employing more than 4000 people. It contributes substantially to the state's economy, particularly in regional NSW. Commercial fishing in NSW is now subject to the highest environmental standards.

The industry underpins the economy of many coastal towns providing wealth and employment in places, and at times of the year, where there is little other economic activity. The health benefits of seafood are well known and the industry is rising to the challenge of ensuring that fresh seafood is available not just along the coast, but through-out western NSW.

The NSW commercial fishery is now carefully managed. The resource is shared amongst 1,300 commercial fishers who catch fish for the whole community to enjoy. The industry has recognised the challenges it faces in making its fisheries sustainable. It has led many of the changes introduced to continually improve the industry's environmental performance. The NSW fishing fleet is primarily made up of small family businesses that rely on high levels of local knowledge and skills learnt over many generations. These businesses use some of the most environmentally sound technology available, such as world leading by-catch reduction devices and operate under stringent controls regarding their fishing times, seasons and equipment. The industry is constantly striving to improve its environmental performance and contributes millions of dollars each year to research and compliance programs.

The NSW Oyster industry, based on our legendary Sydney Rock Oyster is Australia's oldest Sustainable Aquaculture industry there are 3,269 hectares of oyster leases, in 33 estuaries along our coast, with 404 businesses farming oysters. The broader aquaculture industry is incredibly diverse with 249 fish farms across the state.

Mussels are grown in Twofold Bay – Silver Perch from Jerilderie to Barrington Tops and Grafton- Barramundi in tanks near Port Stephan's – Snapper in cages in Botany Bay – Trout in Tumut – Tiger Prawns in Yamba – Murray cod, eels, yabbies, golden Perch, are all grown in NSW for us to enjoy. The Future: The NSW Government's Objective

is to build a strong confident viable seafood industry. We want an industry in **which young people know they have a good future**, the finance sector is confident to provide funds for investment and consumers in regional NSW have some access to fresh quality seafood in coastal areas'. End quote

The vision defined strategies and actions to develop the vision. Having said all of the above, that vision included yet more restrictions, restructure and buy-outs for the Commercial fleet!!!!

In June 2004 a RFO Havens Report to the Recreational Fishing Trust Expenditure Committee contained the following information: Quote:

'Due to possible court action resulting from the **compulsory** acquisition of entitlements from Botany Bay, and the granting of extensions to a few fishers to claim relocation costs, expenditure figures should only be considered to be representation as at June 2004.' End Quote

Then in April 2004 The Minister, Mr Bob Martin MP makes the following statements: Quote

' The NSW commercial fishing industry has typically been a small –scale industry composed of small family businesses, fishers only earn a modest income, imports compose the largest portion of fish eaten in NSW. Local catch only accounts for a small percentage of fish consumed in the state, a Share managed approach to fisheries operation has been adopted by recent state governments. Recreational fishing has been currently elevated in government policy partly because of its capacity to stimulate tourism and retailing sectors of the economy' end quote.

#### Report on the RFO Havens Expenditure 2004:

The purchase of fishing entitlements, accelerated depreciation and relocations and retraining (RRD) claims, and the signage for the havens had a budget of \$20 million. Table 3 provides a breakdown of the expenditure for the buy outs and RRD claims by estuary general region. It was to be noted that although the process was mostly complete, the incomplete resolution of the compulsory acquisition of fishing entitlements and the completion of some final RRD claims, means that the final expenditure was not available at that time.

**Table 3 Buy Out expenditure by EGMAC region.**

1	\$ 1,841,000	\$ 91,000	\$1,932,000
2	\$ 441,000	\$ 58,000	\$ 499,000
3	\$ 2,084,000	\$169,000	\$2,253,000
4	\$ 5,293,000	\$ 375,000	\$5,668,000
5	\$ 3,861,000	\$ 266,000	\$4,127,000
6	\$ 2,984,000	\$ 214,000	\$3,198,000
7	\$ 816,000	\$ 53,000	\$ 869,000
<b>Total</b>	<b>\$17,320,000</b>	<b>\$12,261,000</b>	<b>\$18,546,000</b>



**Licensed Fishing Boats (LFBs) Removed:**

A total of 468 fishing boat licences were surrendered in association with the buy out. Of these, 399 (85%) were for general purpose<sup>1</sup> boats. This high percentage was expected as the majority of vessels that operate in the estuary general fishery were classified as general purpose boats. Boat lengths ranged from 2.5 to 11m, with an average of 5.5metres. The majority of the boats were 4 to 6m in length.

**Net Registrations Surrendered:**

A total of 1,670 net registrations were surrendered through the buy out process.

These consisted of:

- 1,201 meshing nets • 481 hauling nets • 93 set pocket nets • 69 trawling nets; and
- 6 unknown nets (illegible – usually due to water damage).

**Mesh Nets Removed:**

A total length of the 1,201 mesh net registrations surrendered was over 535km. The largest proportion of these registrations were for nets 700m or greater in length.

**Haul Nets Removed:**

Of the 481 hauling net registrations, 277 were prawn haul and 199 were fish haul nets. Due to inconsistent completion of net registration, it was unknown the exact nature of the remaining haul nets registrations. The largest proportion of the surrendered registrations were for nets under 300m in length the net registrations surrendered included 19 haul nets 1km or greater in length.' End quote of report.

**Commercial Fishers are in a crisis:**

In October 2004 the Research and Development News reported on the social issues confronting Crowdy Head Fishers, 16 fishers had joined to discuss their frustrations and helplessness. On February the 11<sup>th</sup> 2005; Barraclough Jones & Associates, Solicitors and Attorneys, wrote to Kathy Keppie having read a report written by Consulting Psychologist, Geoffrey A Fox and Associates identifying that the fishers interviewed were experiencing a level of stress that cannot be ignored with implications for the on-going health of fishermen and their families. Mr Jones indicated that the level of harm to members of the commercial fishing industry should not be tolerated or withstood and that the government was effectively changing a highly motivated and productive group of industry people to a group of unemployed and un well community members. (*Copy of letter dated 11<sup>th</sup> Feb 2005*)

**Climatic Influences and 'labelling' fisheries status:**

The Status of the Fisheries Report 2006/07 stated that the School Prawn *metapenaeus macleayi* was considered 'growth overfished'. This identification was subsequently challenged at the Estuary Prawn Trawl Management Advisory Committee meetings by Hawkesbury River Fishers. The following three years the prawn trawl fishery production was significantly higher than previous years due to increased rainfall events in the catchments. The identification was subsequently removed and was acknowledged as not relevant as descriptive of effort for this fishery. Clarence River fishers resolved to put catch limits on their fishers to try and maintain a respectable price for their product.

**Industry Reviews are ongoing:** Commissioned by the Government and the Seafood Industry Advisory Committee, (SIAC) a review into Commercial Fisheries report written by Richard Stevens, Government Advisor is completed in 2007. It is considered controversial and does not get released immediately. It does however set the scene for the changes in management for commercial fishers and decisions made by (SIAC) and the development of the 'Pyrmont Pact' following a meeting held in Sydney. Commercial fishers in general were not privy to the contents of the report for some time.

**Marine Parks and Environmental Influences:** In 2007 Professor Bob Kearny expressed concerns and problems with the arrangements for the Batemans Bay Marine Park, he had to resort to freedom of information to clarify that leading Fisheries scientists had agreed with him (*Science and Marine Parks in NSW: the Hoodwinking continues*) In March 2008 Bob Kearney refers to the issues such as a major fish kill in the Richmond River, March 2008. Identifying that similar kills have been occurring since the 1960's the cause and the continuing threat is well known pollution, including acid run-off and lowered dissolved oxygen, resulting in wetland modification, primarily for agriculture. Bob Kearny 2008 stated Quote:

'I would argue that many of the rivers and estuaries across the coast contain **massive amounts of *Egeria densa* and or *elodia*, this breaks off in times of increased flows and also adds to the de oxygenating processes.**

Current Marine Parks in this state are nothing more than unjustified fisheries allocation mechanisms. Marine Park Zoning arrangements currently are not designed to address all the threats to the oceans, such as pollution, disease, invasive species and climate change. Marine Parks Authority release thus, they are acknowledged as to not address the real threats in fact based on a separate statement from Minister MacDonald people can generally do what they've always done with sanctuary zones except commercial fishing and recreational fishing'. (*Kearney B. Marine Parks Authority evidence 14/7/2006*) end Quote.

Mr Kearney went on to identify that demonising fishing, even trawling, as a threat to biodiversity and ecosystems in estuaries, is unjustified. Real threats and scientific evidence needs to be provided. Prawn Trawl fishers in the Clarence River have studies identifying and disputing negative claims of their environmental practices from trawling activities (T. Underwood).

#### **The environment and just some of the many fish kills:**

In 1996 The State was found liable for oyster contamination that occurred in Wallis Lake. Costs associated with the claim were to be met by the government treasury Managed Fund. On the 4<sup>th</sup> March 2002 Womboyn Lake located south of Eden experienced an oyster kill, all but one of the 45 leases were affected. The cause identified as dinolagellate bloom due to a large freshwater event and a blocked entrance to the lake. (*Fisheries Annual Report 2001/2002*). In 2006 the Strategic Plan for the Oyster Industry identifies that Oyster production declined in the Tweed to the Clarence in the early 1980's, the Georges River in 1994 and the Hawkesbury River 2004. This was attributed to the spread of QX in all cases. The plan identified that one of the issues being faced by Oyster farmers is the degradation of water quality in many of NSW coastal rivers, estuaries and lakes. (*white*).

The Oyster industry has moved onto influencing the environmental standards and outcomes of local government development applications by changes to legislation. This is not picked up or seen as a priority in the outcomes of the 2012 review for overall recognised fishing grounds and all fisheries.

#### **Historic NSW Fisheries Fish Kills report:**

The Department of Primary Industries (Fisheries) (DPI) now Industry and Investment (I&I) maintains a state wide database of reported fish kills in NSW. It contains almost 1400 records dating back to the early 1970s. A review of the data shows that since 1980 an average of 40 fish kills are reported to DPI each year, since many smaller kills go unnoticed and others remain unreported, the real number of kills is considered to be larger. However, increasing community awareness and improved reporting arrangements are likely to result in less fish kills going unreported and will also assist DPI to gather more information on the extent and causes of fish kills in NSW. Between 2002 and 2004 there were more than 70 reported fish kills each year.

**The National Parks Association push for Increases to Marine Parks:** In December 2008 commercial fishers are once more put on notice by the release of the NSW National Parks Association document titled "The Torn Blue Fringe" funded by the Australian Government through its Enviro Trust Fund

Its Key issues covered:

- Many human activities are degrading the NSW marine environment but fishing and its associated impacts remains a key issue.
- Climate change may be greatest on NSW managed waters than on any other Australian Marine Jurisdiction.
- Australia and NSW have committed to protect marine ecosystems in no-take, perpetual marine sanctuaries.
- We have little understanding of Marine biodiversity and the impact of fishing on it.
- Improvements in the regulatory framework
- Conservation effort has concentrated on the large multiple-use Marine Parks, neglecting other marine protected area options.
- Absolute fishing bans must be imposed at grey nurse aggregation sites.
- Estuary ecosystems and estuarine vegetation communities are very poorly represented in NSW marine sanctuaries.
- Reef Systems are under considerable stress and will be hardest hit by climate change.
- Marine parks are required to be established within the Hawkesbury and Twofold Shelf marine Bioregions.

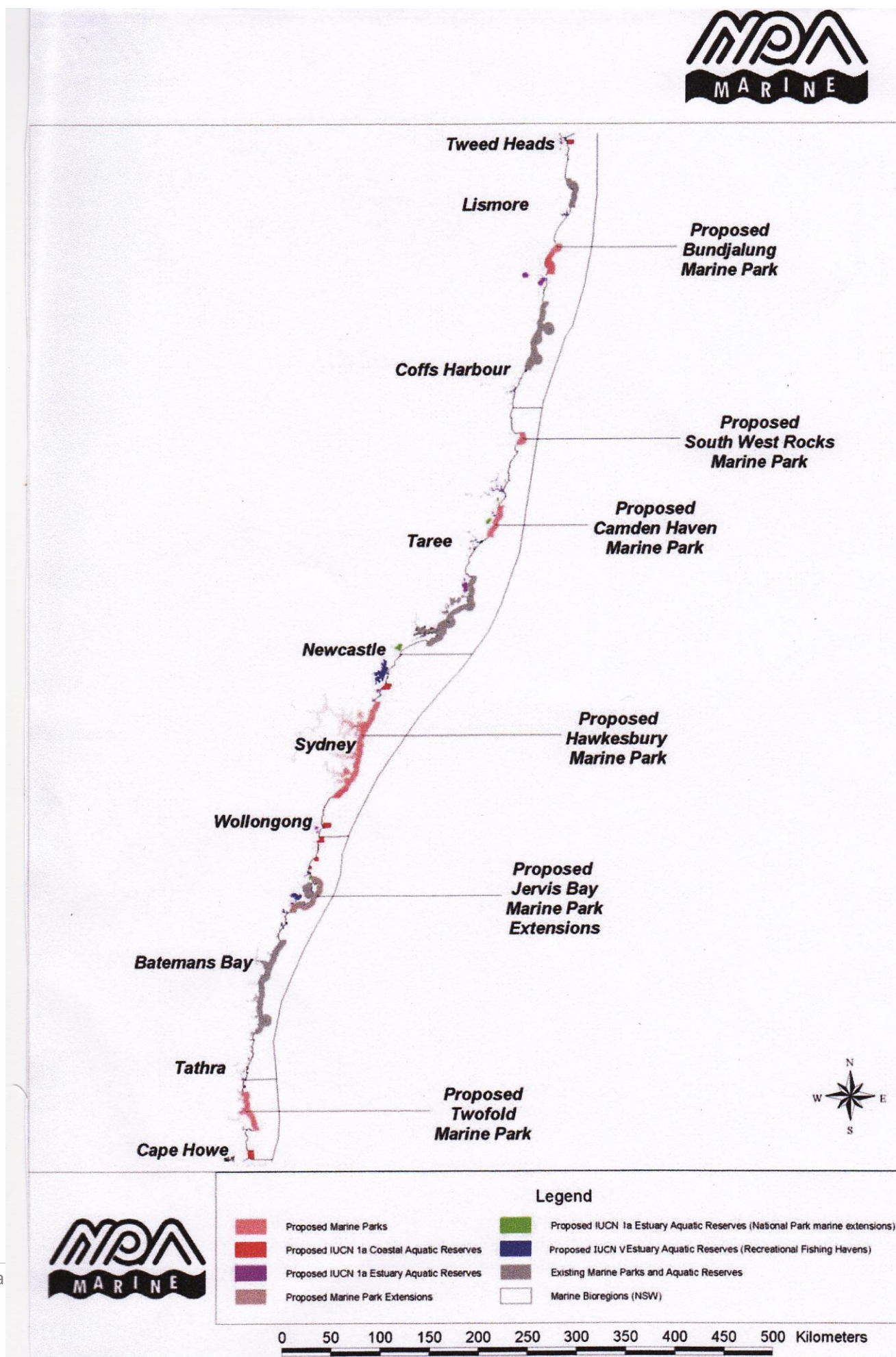
The recommendations in the document were divided into two parts, there are 19 recommendations in part 1 of the document of particular interest to commercial fishers is:

- That all commercial fishing be removed from habitat protection zones. That there be a prohibition of all bottom trawling within all general use zones and thus all Marine Parks by 2011
- That all marine and estuary boundaries of national parks and Wildlife Act reserves be established as IUCN Category Aquatic reserves by 2011
- That all 30 recreational havens be established as Aquatic Reserves that allow recreational fishing but prohibit commercial fishing.

Within the NSW Marine jurisdiction a further five Marine Parks were recommended as well as an extension to the existing Jervis Bay Marine Park adding a further 215,880 ha to the existing 302,860 ha of NSW marine protected areas. A further 12 IUCN Category Ia coastal Aquatic reserves 20,777 ha or about 2.1% of the NSW Marine jurisdiction. Part 2 then went on to have 34 recommendations, while all increases to closures of commercial fishing access are of concern, in particular is the proposal ; recommendation 11: That a Large Marine Park ( 94,000 ha) from The Entrance (at the south head of the entrance to Tuggerah Lakes) in the north to the southern end of the Royal National Park in the south incorporating all estuarine waters and coastal waters out to the 3 nm limit of the NSW marine jurisdiction be established and appropriately zoned.

### **Marine Parks:**

NSW has 6 Marine Parks encompassing 34% of the states' coastal waters and 12 Aquatic reserves conserving near shore areas mainly in the Sydney Region. Marine parks are managed under the Marine Parks Act 1997. Primarily to conserve marine biodiversity and ecological processes while supporting ecological sustainable use including fishing and providing opportunities for public enjoyment appreciation and understanding. Aquatic reserves are managed under the Fisheries management Act 1994 Aquatic Reserves Regulation to Conserve Fish and Marine Vegetation (*Australian Fisheries Statistics 2010 / 2011*).



**The Lake Macquarie Example cont:**

A Report in 2009 to Parliament advised that between 2000 and 2009 more than \$22 million had been invested in improvements to infrastructure and foreshore management around Lake Macquarie.

Lake Macquarie is 110 square kilometres and has a catchment of 640 square kilometres and in 2009, 190,000 people lived in the region. (*Hansard 25<sup>th</sup> June 2009 p16898*)

**Stress and no work security continue:** There are 26,352 ha of NSW estuaries already declared Recreational Fishing Only Havens. There is considerable anxiety once more for commercial fishers. Its numbers are continuing to be lowered with each piece of legislation and each piece by piece of 1% or 2% or 4% ongoing bit by bit removal, 27% of the estuaries previously fished are closed and 34% of coastal waters are now in Marine Parks.

In July 2009, the Department of Industry and Investment was formed, trading as Industry and Investment NSW, NSW Fisheries Portfolio was now under this department. In September Commercial fishers were advised of the final issue of shares under the Fisheries Management Act (1994).

**Increased costs are reality:** Full cost recovery is planned. The IPART review into cost recovery for Commercial fishers advised on the 14<sup>th</sup> October 2009, that efficiency savings could be made of 10% and 30% in future years and that recreational fishers receive some benefit from commercial fishing management. The 2012 review now proposes a set base fee with increased costs to discourage ongoing latent effort.

**Commercial Fishing Restructure and reforms are never ending:** On the 28<sup>th</sup> October 2009, the industry reform program of NSW commercial Fisheries known as the Pyrmont Pact is detailed. On the 26<sup>th</sup> November 2009 INT09/57292 a further discussion paper facilitating structural adjustment of NSW Commercial Fisheries was presented to the MAC meetings.

**Recreational Fishers are lobbying government again** On the 24<sup>th</sup> November 2009, a Select Committee was formed by the Legislative Council to report on the benefits and opportunities that improved recreational fisheries may represent for recreational fishing licence holders in NSW. (This resulted from political lobbying from recreational fishers due to the production and release of the "Torn Blue Fringe" and the threat of increase in Marine Parks).

March 2010 (OUT1-2919) Industry and Investment distributed the consultation paper 'Commercial Fishing Reforms – The Pyrmont Pact & Fish Online'. The paper was looking for feedback on reforms proposed. The reform proposal was identified as being initiated by the Seafood Industry Council (SIAC) and Industry and Investment NSW. It included the following eight elements:

1. Create a suite of tools to provide for tradeable input and output controls.
- 2 Provide for initial restructuring and minimum shareholdings and exit grants
3. Comprehensive review of industry regulatory requirements and streamlining Industry and Investments (I&I) NSW administrative systems.
4. Review Cost recovery.
5. Comprehensive review of fishing closures.
6. Move focus towards risk-based resource management.
7. Initiate an industry development program.
8. Enhance industry voice to government.

On the 18<sup>th</sup> June 2010 (out 10/8962) Commercial fishers received a letter advising them that SIAC and its structural adjustment group have been working closely with Industry and Investment NSW in

options to improve the viability of the fishing industry NSW. It is the joint view of SIAC and the department that industry 'restructuring' is the best way to improve 'viability'. What restructuring occurs and when it occurs will be up to industry. The letter advised Quote,

'members first and foremost need to make a decision or whether or not they want to remain involved in this industry in the long term. If they do, then they will need to invest in their futures; if they don't they will be given an opportunity to leave the industry with 'dignity'. For those fishers who choose to remain in the industry, charges will increase. A new charge will be introduced from January 2011 to facilitate ongoing restructuring (\$500 per fishing business). A fee used to fund an Industry Representative body to provide industry with a stronger voice is being considered' end quote.

The information indicated the necessity for linking shares with a tradeable right and advised that 'Fishers who choose not to be involved in the industry will be given the opportunity to exit the industry with dignity through an exit grant of up to \$15,000 if they sell their shares and surrender the empty fishing business. The exit grant will allow fishers to receive money as well as sell their shares.

This process expected share trading to occur.' End quote.

Fishers did not appreciate the terminology used in this information, many insulted with the offer of \$15,000 and the words 'with dignity'. The information included a new \$500 annual fee to be applied to each fishing business (excluding lobster and abalone) from the 1st January 2011; it was proposed that funds from the fee would be set aside to facilitate future industry restructure measures, such as buy-outs. Fisher responses from the March consultation paper were being considered and would be posted on the web.

The industry development program proposed to develop options for increasing consumer awareness and promoting wild harvest NSW Seafood. The main objective was to increase returns for fishers, highlighting the sustainable credentials of the industry, with so much focus over and over again on commercial fisheries 'sustainability' it was noted Quote 'Yet this fact is not used in any marketing advantage in what is a very competitive market place'. End quote.

In July 2010 (UT 10/99727) the Exit programme was circulated to industry outlining the process of applying for the \$15,000 to exit the industry. Fishers were advised that this was the opportunity to buy –up shares from fishers leaving the fishery. Port meetings were proposed to discuss the options. Fishers had to respond by the 30<sup>th</sup> August 2010 the completion date 17<sup>th</sup> December 2010. The information identified:

- Offer a cash incentive of up to \$15,000 for business owners looking to exit the industry.
- Provide adjustment by reducing the overall number of fishing businesses, while keeping shares within the fishery.
- Stimulate share trading with a view towards business owners (not interested in exiting), increasing their share holding.

To successfully receive an exit grant payment, business owners will:

- Request an exit grant amount (up to \$15000).
- Have this request accepted by Industry and Investment NSW.
- Sell and/or transfer all shares out of their fishing business, to other businesses within the required period.
- Surrender the empty fishing business to the Department.

Fishers were advised that \$1.5 million set aside from the Commercial Fishing trust to fund exit grants program. There was a potential to remove 100 fishing businesses. The grants were primarily aimed

at improving fisher's viability. Port meetings proposed July 2010. Only Twenty fishers took up this offer (*ref: review of NSW Commercial Fisheries Policy, Management and Administration*).

In December 2010 the final report from the Select Committee on Recreational Fishing was ordered to be printed on the 10<sup>th</sup> December and released on the 24<sup>th</sup> December 2010. There was wide interest in the enquiry with 1036 submissions, 744 submissions were Pro-forma responses created by organisations to assist like minded citizens to make submissions. (note: that these were accepted) It was estimated that there were approximately one million recreational fishers in NSW. Recreational licence fees raise approximately \$13 million dollars for the purposes of improving Recreational fishing.

The report identified that quote:

'there are a number of threats to the sustainability and security of marine biodiversity including fish stocks. These threats are climate change, resource use (including commercial and recreational fishing), land based impacts are significant and a continuing threat. There was a debate on the significance of the threat posed by recreational fishing, it was agreed that the actual threat, in terms of the volume of fish taken by recreational sector, was not accurately known. Current wide-ranging estimates of the recreational catch are based on out-of-date data. Informed debate on the threat posed by the recreational fishing catch cannot occur until there is an accurate assessment of that catch. The Committee recommends that the NSW Government design a statistically robust survey that will provide as accurate as possible assessment of the recreational catch and effort throughout NSW. This survey should be repeated every 5 years.' End Quote.

The Committee also recommends that the NSW Government consider funding and commission an Environmental Impact Statement to review and evaluate the recreational catch and effort in NSW waters. Marine Parks were the primary issue for the overwhelming majority of inquiry participants. *Ref: select Committee on recreational Fishing December 2010 NSW Government report legislative Council.*

**Table 4 NSW State Wild Harvest Fisheries 'Diminishing' Value 2000 to 2010**

Year	Value	Year	Value
2000 /2001	\$104,395,000	2005/2006	\$81,017,000
2001/2002	\$95,101,000	2006/2007	\$87,401,000
2002/2003	\$104,433,000	2007/2008	\$89,044,000
2003/2004	\$89,711,000	2008/2009	\$79,111,000
2004/2005	\$79,614,00	2009/2010	\$80,502,000

*Australian Bureau of Agriculture and Resource Economics and Sciences.*

There is a distinct drop in the value of commercial fisheries in NSW over this ten year period. A further 10 year period of remove, reduce, and restriction for commercial fishing industry participants and subsequent increasing imports and competition.

In 2011 there was a change in government with the Coalition coming to power. On the 2<sup>nd</sup> June 2011 the new Minister Katrina Hodgkinson affirmed to a further review into Commercial



Fisheries. This Review was to be conducted by Richard Stevens, Chair, assisted by Peter Neville and Ian Cartwright.

Its Terms of Reference was to

- Look at current and alternative Fisheries Management Models.
- Review the consultation framework.
- Review of the legislation to ensure effective resource management.
- Assess fisheries sharing arrangements relating to commercial fisheries access.
- Review alternative fisheries management opportunities.
- Review the structural adjustment program.

**Political RFO Haven lobbying is now out of control: just one example.**

In 2011, recreational fishing representatives, including the Anglers Action Group commenced lobbying Mr Rob Stokes MP, member for Pittwater, to establish an RFO Haven in Pittwater (Hawkesbury River). Petitions are distributed to businesses in and around Pittwater including fishing bait and tackle distributors, this is, but one example of the ongoing push for more RFO Havens. The Pittwater Mayor openly supports this proposal at his council meetings, and secures council support; there is no respite for the commercial fishermen On the 22<sup>nd</sup> June 2011:

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [6.34 p.m.]: Quote:

'From Bayview to McCarrs Creek, to Careel Bay, Currawong, the Basin and the entire western foreshore, Pittwater and its estuaries are a special place. The waterway has hundreds of species of fish and aquatic life. It supports a diverse ecosystem made up of numerous estuarine habitats, seagrass beds around Currawong, Great Mackerel Beach and Towlers Bay, and mangroves in the intertidal mud flats at Careel Bay, McCarrs Creek and Church Point. It supports many types of bird species. Indeed, Careel Bay wetland is recognised as an internationally important wetland in terms of supporting bird life. It has salt marsh communities at Winnererremy Bay, Refuge Cove and Winji Jimmi, rocky shores and sandy beaches. It covers the gambit of many different types of coastal environment. However, Pittwater is coming under increased pressures and threats. There is huge community concern surrounding dwindling fish stocks, the impacts of commercial fishing operators and the introduction and spread of noxious aquatic weed. There is increasing dissatisfaction among recreational fishers. I thank the President of the Anglers Action Group, Sydney north side, Phil Ingram, for being such a strong advocate for recreational fishers in this wonderful waterway. There has been an increase in licensed commercial operators, which has resulted from their relocation from other areas in Sydney as a result of the commercial fishing licence buyback scheme. These commercial fishers and operators are engaging in hauling, netting and trapping. Hauling and netting in particular can do untold damage to breeding and juvenile fish stocks in an enclosed waterway like Pittwater. There is also the spread of the aquatic *caulerpa toxifolia*, which was first discovered in New South Wales waterways in 2000. It has been the menace of the Mediterranean for many decades, and it is to the absolute horror of many New South Wales fishers that it was identified in New South Wales more than a decade ago. Pittwater is one of the first places where it was identified. The former Labor Government did not provide resources to get rid of it before it got a foothold. It is now plaguing Pittwater; it is evident in numerous locations throughout the waterway. It is spread via nets, trawlers, tidal movements, seabed disruption, et cetera, and it produces large amounts of toxins that destroy natural seabeds and seagrasses. Sadly, as a result of these things, Pittwater is no longer the haven for recreational fishers it once was. This is hurting families and recreational fishers, fishing tackle businesses, fishing charter businesses, hire boat businesses and local accommodation



providers; the list goes on. It is no secret that fishing stocks have declined dramatically in recent years, and we now find ourselves in an alarming and disappointing scenario. There is real concern that fish stocks are in a downward spiral. We need rejuvenation and preservation. We need to ensure that future generations can enjoy our local waterways and that the simple pleasure of catching a decent legal size fish does not become a rarity or a thing of the past for recreational fishers. Along with many in our community, I believe that measures such as tighter commercial restrictions or a commercial fishing closure must now be explored. It must involve thorough consultation and must respect the interests of commercial operators. But there is enormous potential existing to better protect Pittwater to deliver long-term benefits. I look forward to working with the community to explore options that could help ensure the long-term sustainability of this precious community asset. I encourage feedback from all interested parties on these issues. Pittwater is a unique and iconic waterway, and we must ensure that it is preserved'. End Quote

**Pittwater Discussion:** Pittwater has in excess of 5000 boat moorings, there are constant recreational boat movements daily and seaplane excursions with the plane repeatedly taking off and landing on the waterway. There is no trawling in Pittwater and the commercial fishers claim that they access less than 10% of this fishery and in fact fisher numbers have reduced to three teams. The fish that commercial fishers catch are primarily travelling seasonal fish such as Salmon and Trevally. Commercial fishers are now waiting for the outcome of the 'review into Commercial Fisheries' a promise of the new NSW Government with \$16 million allocated for yet more restructure of the industry!

**Marine Parks legislation Revoked:** On the 27<sup>th</sup> September 2011 changes made to the management of Marine Parks in 2011 leading up to the NSW Parliamentary elections were reverted back to Pre March 2011. The Government advising that improved consultation would be a mandate on Marine Parks. The proposed changes would have meant more closures to grounds and subsequent removal for Ocean fishers.

**Commonwealth Marine Parks Expansion Proposed:** The Federal Minister, Mr Tony Bourke announced on the 15<sup>th</sup> November 2011 the Commonwealth Marine Park Plans for Australia's Temperate East marine region. The plans are including parks off Port Stephan's, Jervis Bay, Lord Howe Island and Norfolk Island, 1.47 million square kilometres from the Southern boundary of the Great Barrier Reef Marine Park to Bermagui in the South of NSW.

The Independent Review into Fisheries Policy, Management and Administration was finalised and presented to the Minister on the 2<sup>nd</sup> March 2012.

In May 2012 Submissions to the Federal Governments Temperate East Marine region are closed.

#### **The 'Sustainability' debate focuses on Commercial fishing practices and fish sales:**

There is a new issue burdening the fishermen as they try to sell their product, progressively with the management of fisheries both here and overseas, years of adjustments to the industry have been made under the guise of 'Sustainability' and 'viability' of the fishing Industry. The primary focus has always been their management practices and their impacts on the overall resources. If there is a problem with fish stocks it is the focus on commercial fishers and their practices that is primarily reported. This has created new certification requirements by third party organisations (more than ten) around the world giving a 'Sustainability' tick to those fishers who pay to go through the approved certification process and focuses the overall outcome of fisheries management on the backs of commercial fishermen. Woolworths and Coles have entered the 'fresh' fish marketing

debate in the past few years. Once again the small fishing business is finding that they are being inadvertently discriminated against. If they haven't a third party tick of 'Sustainability' then it is presumed that they are not fishing sustainably.

### **The Future for Commercial Fisheries:**

NSW Commercial Fishers are still waiting for the Ministers and cabinet decisions on the review of commercial fisheries policy, management and administration. The Minister the Hon Katrina Hodgkinson released the review report on the 25<sup>th</sup> May 2012. The recommendations in the report are consistent with the strategy of attaching some form of effort to share allocations, a reduction in overall fishing businesses (defined as excess capacity) along with a voluntary offer by tender for businesses to be bought out with the government funding package. It does appear to have some relaxation of fisheries regulations in the offering, but this is not explicit in the report. Pittwater however still has no definite answer to their issue. Prior to the release of the review recommendations, meetings had been held with Mr Rob Stokes MP, Industry and Investment delegates and fisher representatives from recreational and commercial fishers, but this hasn't alleviated the concerns that commercial fishers have for their future in Pittwater. Plans include, improved governance and re forming consultation strategies to improve industry confidence! What is not publically known is how many fishers are holding onto two or more fishing businesses because of the ongoing threat of having to buy-out another fishing business and its shares to continue to fish.

### **DISCUSSION:**

I could enlarge this debate by volumes of so much more information, but I have endeavoured to give an overview with some specific examples. For example: Sydney Harbour is closed to commercial fishers because of the findings that fish being harvested in that waterway were contaminated and toxic to eat, yet Sydney Harbour is still open to recreational fishers to fish. The irony of this is that if a recreational fisher has a favourite fishing spot, that fisher is likely to frequent the same spot and eat the fish caught and go consistently to that same spot. The commercial fisher's fish on the other hand would most likely be sold at the Sydney Fish Market, purchased by any retailer, and the chances of a consumer constantly eating the fish from Sydney Harbour are significantly less than the recreational fisher. Why are the fish unfit to eat in Sydney Harbour? This is another costly and lengthy environmental story.

Also

Numerous container ships moored off Newcastle and Woollongong drag anchor chains destroying the seabed, yet there is a continued focus on the impacts of trawlers that in fact could be in serious trouble if they dig their boards in. There is so much more right across the coast and in Estuaries.

In my abstract I argued that there's a failure for government to:

#### **a) Properly and fairly evaluate the whole of community impacts to Aquatic ecosystems;**

I based this on each restructure policy, over time, that was and still is determined by the impacts by the commercial fishers and their sustainability and viability, over and over again commercial fishers have been removed, reduced, restricted and have lost access to grounds.

One Ministers' initial policy was to buy-back sufficient fishers from each recreational fishing area so that there was no effort shift into other fishing areas. This was not the case and subsequently effort shift has occurred and will continue to occur unless policy change occurs. The penalty is more buy-out of commercial fishers. There is no public consultation document that is fully assessing the area that commercial fishers actually utilise in their operations. Buy-outs included efficient, profitable fishers, who no longer have the access to productive, efficient and accessible grounds.

Local communities, who do not go recreational fishing, should not be expecting to eat local caught fish, the minister, actually using the argument, that there were no threats to the seafood industry

since 60% of the seafood is imported. The same minister indicating that only 4% of NSW Seafood needs were being caught in estuaries.

Over and over minister after minister the focus on the 'Sustainability of fish stocks is related to the activities of Commercial fishers. Ten years since the RFO Havens consultation commenced and the focus of recreational fishers continues for more access closures and removal of commercial fishers. With the capabilities of raising in excess of \$12 million, nothing has changed; recreational fishers are not capped and have come to expect to be able to remove commercial fishers as they wish. At the same time millions of dollars are being spent on fish attraction devices for recreational fishing enhancement and no environmental impact assessments or management strategies put up for public scrutiny. Recreational fishers are working for legislation governing them similar to that of the Shooters and Hunters party.

The Fisheries Management Act continues to be biased and financially influences political decisions. This is not an acceptable methodology to fairly and sustainably manage a community resource. Continuing to enhance and expand recreational opportunities with a corresponding reduction to commercial fishing grounds for the objective of sustainability and RFO Havens, will subsequently continue to reduce the resilience, economic and social capacity of commercial fishers. This process contravenes the intent of the Fisheries Management Act requiring it to adequately share the community resource amongst its communities and I believe contravenes the intent of the Australian constitution that similarly does not support bias legislation.

Commercial fisher's records can demonstrate for example in Lake Macquarie they caught annually tonnes of a variety of fin fish and that from 1955 through to 2002 they were consistently harvesting fish from the Lake each year pending variable climatic conditions.

There was no evident scientific evaluation or adequate local justification for the establishment of all the existing RFO Havens. Recreational fishers already had access to these areas and all estuaries that commercial fisher's access. The 'conflict' needed to be addressed and it was; by ignoring the Commercial fishers' responses and put simply, by continuing to denigrate commercial fishers. What remains unanswered is how commercial fishers could historically and consistently catch their fish, but recreational fishers couldn't. If the practices of the commercial fishers significantly depleted fish stocks, why do their records indicate historic and consistent catch records for over fifty years? If the fish were to be shared, with the community with some equity why was there no public evaluation of the efforts of both groups and the needs of both groups within that waterway?

In the consultation paper for South of Woolgoolga to Port Macquarie a typical comment from a commercial fisher who stated that commercial fishers access 30% of Bellinger River – *Geoff Blackburn Bellinger Courier wed 3/10/2001*. many only work 5 days a week.

Estuary Prawn trawl fishers in the Hawkesbury River calculated that they access less than 5% of the area open to them to trawl. Science has determined that they do not destroy benthonic communities nor do they plough up the floor of the seabed. Why is this not reiterated by government publically to recreational and environmental lobbyist and the consumer who has been previously publically influenced by adverse community information.

I argue politics is being utilised to manage the fisheries of NSW, not sound scientific evidence of fisheries resource capabilities and adequate assessments of the impacts from the growth of coastal areas and subsequent climatic and environmental impacts to the resources including the activities of recreational fishers. This is evident from decisions being made over and over again with little regard for the fish kills and the evidence of Red Spot virus in fish and frequency of *lordosis* a condition that can be attributed to chemicals and or climatic influences. Our rivers and estuaries are being choked

with exotic aquatic weeds and silting up as a result all these impacts and reduced flows. All these changes affect commercial fisher's incomes.

The present recreational fishing legislation, allowed the RFO Haven closures to be implemented via a flawed consultation process; it closed areas, called for expressions of interest for voluntary buy-outs, restricted buy-outs to closed areas and declared this process was a fully transparent and voluntary process! The only thing voluntary was; will you take money and not fish or will you refuse money and still not fish in the intended closed area. It also denied commercial fishers at their NSW Fisheries MAC meetings to be adequately included in the management level process. 24 estuaries at that time produced 95% of the total estuary general catch. A majority from coastal lagoons in the central region with one exception, the Clarence River which is the highest producing estuary in NSW.

The Marine Park and Aquatic reserves allocations are similar, suggestions of voluntary buy - outs are Insulting to the fishermen, they are not voluntary, the closure is compulsory; the fisher either leaves with no money or applies for the compensation as a direct result of the closure. There is no correlation to the job retained and the paltry amount of money paid to fishers who are active.

NSW fisheries annual reports claim they ensured unprecedented level of community consultation on draft plans and strategies implementing government fisheries policy. They acknowledged that they delivered on the Government's commitment to provide anglers with a fairer share of the catch in estuaries through the creation of 30 recreational fishing havens. NSW Fisheries developed a data base in 2001-02 to assist stakeholder consultation 600 recreational fishing clubs. 9500 issues papers and 45,500 summary papers were distributed during 9 months of consultation 62 public forums. Inland conservation (20 public workshops) *NSW Fisheries Annual Report 2001/2002*. More than 10 thousand responses received from the 50,000 distributed and 550 fishers registered for "voluntary" (sic) buyouts. Publications; all written to adversely impact commercial fishers.

I can find no corresponding level of consultation targeting retail outlets of seafood and consumers of seafood, detailing to them, the overall loss of local caught seafood and a fairer share of local caught seafood. The NSW Population stands at 7,312,000 consumers who are entitled to expect equity in distribution and availability of local seafood across the state.

**b) Determine their rights (consumer's rights) to access, locally harvested sustainably fished product:**

I do not know of any NSW Fisheries report that has overall, evaluated each rural, regional and coastal area in conjunction with its population and determined that the consumers across NSW have a comparable and historical right to purchase commercially caught, local fish.

**c) Evaluate the impacts to the existing industry from increasing imports;**

There are government reports that demonstrate the rise and fall of imports (ABARE) and make comment on the rise and fall of the Australian dollar. I do not believe that there has been a comprehensive report on NSW Fishermen and the impacts to their marketing share as a direct result of the restructure processes and the alternative pressure that has been placed on seafood outlets to procure fish across NSW each time an active business is removed from the industry.

**CONCLUSION:**

**d) Identify the bias standards in new legislation.** I rest my case, for more than fifty years, ministers and fisheries managers have focussed the 'sustainability' of NSW Fisheries on the practices of commercial fishers and continued to restructure that sector of that fishery. Recreational fishing bag limits have been introduced but without a corresponding cap on numbers of recreational fishers and environmental Impact Assessment and Management Plans. There are no restrictions to boat size. Recreational fishers are investing thousands of dollars in installing Fish Attraction devices(FADs),

commercial fishing devices (FADs) used overtime by commercial fishers to attract fish have been continually opposed by recreational fishers and subsequently restricted or completely banned.

Scientific evaluation covering all impacts and evaluations were not a part of the recreational fishing only haven closure process. Scientists are still debating the worth of the Marine Parks strategies as they currently stand. 61% of coastal commercial fishing area has been transferred to RFO havens or Marine Parks.

What makes a sustainable Fishery? I would argue that fishing consistently by taking a few and not the lot. This is what primarily the small fisheries businesses do. The ongoing removal of active small fishing businesses and efficient commercial fishers has subsequently reduced the availability of local fish to local communities not "No fish" The request to remove latent effort in the first instance constantly ignored. There needs to be a study to determine the capacity of opening up RFO Havens to commercial fishers to equitably share the fish with local communities. The anticipated growth in recreational fishing has not occurred.

The management of NSW Fisheries took away the requirement to earn the major portion of your income from Commercial Fishing and since that time, the restructuring of the industry has in fact focussed on securing 'value' for the fisher businesses with a major portion of their income from the catch and sale of fish and narrowing down the options in fishing variability and area access required to maintain viability and sustainability. There is no adequate recognition of the value of part time fishers who supplement an alternate income, or the requirement to have more than one endorsement to have an ongoing multi endorsed option which could mean a low return in one or the other pending seasons and or prices.

The policy for full cost recovery falls short in equating an adequate area to fish in. The community expectation that is continually argued by government has lost the understanding that fishers have to have fishing grounds that actually are where fish are for a fisher to be viable. To expect a fisher to pay full cost recovery without this is nonsense. There is no regard for topography impediments or climatic variables in productivity and the needs of aquatic ecosystems to have adequate healthy flows of water for productivity. The National Water Commissions management objectives are still not clear on environmental water for rivers and what this actually equates too. (*National Water Commissions web site 2012*).

The government has adversely, over and over again, advertised and 'branded' the 'sustainability' of fish stocks as the sole responsibility of the commercial fishing industry.

Consultation for the RFO Havens identified as extensive, but to whom? The focus totally on the recreational fishing clubs and bait and tackle outlets while at the same time adversely selling to the community that this is a commercial fishing 'sustainability' issue.

Climate, pollution, development of coastal regions and recreational fishing, all continue at a rapid rate – commercial fishers continue to be removed, restricted and access reduced.

The world protein requirements are growing, Australia continues to increase its importation of fish from third world countries. Fish imports are recognised as coming from countries where environmental evaluations are not as stringent as in Australia and their actual area of water to access is relatively small in comparison.

There is an urgent need to publically state and properly and fairly evaluate the whole of community impacts to aquatic ecosystems. Sustainability and productivity of fish needs to be fairly evaluated. There needs to be a stop to primarily focussing on commercial fishers for the 'sustainability' of fish stocks in NSW and all states of Australia.

It is bewildering that a NSW Minister can on the one hand acclaim that:

Quote; *NSW Fisheries "Vision for the NSW Seafood Industry"*.

'The NSW seafood Industry is a dynamic network of skilled businesses. Commercial fishers, fish and oyster farmers, wholesalers, processors, retailers, and the restaurant and catering industry working together to supply fresh seafood to communities across the State, as well as to interstate and overseas markets.' End quote.

Yet, the strategy continues to remove, reduce and restrict this group of workers.

It is time to recognise and give some justice to the equity intent of the 'Commonwealth Fisheries Structural Adjustment' report, which indicated a program that should be equitable and a non bias process for Fisheries Management, the recommendations indicated equity as a requisite and identified that equity draws on historical and cultural patterns. Botany Bay as an example was one of the first waterways in NSW to be commercially feeding its communities yet today it is a RFO Haven, closed to all commercial fishers except the lobster fishery. At least 80,000 people live in its proximity. Sydney Harbour is yet another example.

Existing rights allocation policies should have regard for existing rights; this was to include indigenous and non indigenous rights (Fisheries Structural Adjustment R.Metsner and P. Rawlinson. Most of the areas closed in the recreational fishing process and Marine Parks for that matter have little regard for existing rights of historic non indigenous fishers. The only sure security that commercial fishers have is that they will be eventually bought out for some exchange of money. They have absolutely no job security at this time. Values to businesses will continue to fluctuate while ever recreational fishing policy includes the buy-out of commercial fishing businesses in exchange for exclusive area access.

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Holder of an Advanced Certificate in Aquaculture (Tafe) 1998.

Member of the Hawkesbury Nepean Catchment management Board 2004/ 2010.

Secretary of Hawkesbury River Commercial Fishing Association Inc.

Winner: of the Sydney Fish Market Award 2010 'excellence in Environmental Practice' award

Finalist: in the National Seafood Awards 2010.

Runner Up: 2006 RIRDC NSW Rural Women's Award.

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## Sundry Information

New South Wales fishery species method	number 2008–09 a	number 2009–10 b
Abalone Black lip abalone (only) Diving	45 shareholdings	45 shareholdings
Rock Lobster Eastern rock lobster Trapping	108 shareholdings	107 shareholdings
Ocean Trawl Prawns, flathead and whiting Otter board trawling	245 shareholdings	238 shareholding
Ocean Trap and Line Snapper, leatherjackets, bonito and spanner crabs Fish and Spanner Crab traps, handline and dropline	374 shareholdings	365 shareholdings
Ocean Hauling Mullet, Australian sardines and Australian salmon Hauling (seine) nets and purse seine net	284 shareholdings	286 shareholdings
Southern FishTrawl Flathead, whiting and squid Otter board trawling	23 entitlements	23 entitlements
Estuary PrawnTrawl School prawns, squid and eastern king prawns Otter board trawling	180 shareholdings	178 shareholdings
Estuary General Mullet, bream, prawns and crabs Mesh and hauling (seine) nets, crab and fish traps and hand gathering	623 shareholdings	616 shareholdings
Inland Yabbies and carp (only) Yabbie traps and Gillnets	26 entitlements	26 entitlements
Sea Urchin and Turban Shell Sea Urchin and Turban Snails Diving	37 entitlements	37 entitlements
Aquaculture		
Prawns Pond culture	12 licence holders	11 licence holders
Yabbies Ponds and farm dams	87 licence holders	86 licence holders
Oysters Rack tray and stick	333 licence holders	336 licence holders
Silver perch Pond	96 licence holders	90 licence holders
Trout Ponds and raceway	27 licence holders	23 licence holders
Snapper	13 licence holders	11 licence holders
Barramundi Pond culture	7 licence holders	6 licence holders
Murray cod Pond culture	44 licence holders	40 licence holders

a As of 16 October 2009. b As of 20 October 2010. c Aquaculture licence holders may culture more than one species on their licence.

Note: All New South Wales shares/entitlements are held in Fishing Businesses which may have shares and/or entitlements in one or more fisheries.

The Abalone, Lobster, Ocean Trawl (Prawn and Northern Fish Trawl), Ocean Trap and Line, Ocean Hauling, Estuary General and Estuary Prawn Trawl

Fisheries are share management fisheries. The Sea Urchin and Turban Shell, Southern Fish Trawl and Inland Fisheries are restricted fisheries.

*Source:* Industry & Investment New South Wales 2010.