

**A Submission to the Productivity Commission's  
Annual Review of Regulatory Burdens on Business**

**From the Recreational Fishing Alliance of New South Wales**

**May 2007**

**By Kate Jenkins  
On behalf of the**

**Recreational Fishing Alliance of  
New South Wales**

**Contact: Malcolm Poole  
Chairman / President RFA NSW  
[president@rfansw.com.au](mailto:president@rfansw.com.au)**

## **Index**

**Summary**

**About the Recreational Fishing Alliance of New South Wales**

**Background**

**Issues:**

**One: Dealing with regulation**

**Two: Grey Nurse Sharks**

**Three: Licensing**

**Recommendations**

**References**

## **Summary**

The Recreational Fishing Alliance of New South Wales (RFA) is one of many organisations that represent the recreational fishers of the state. This is a multi-million dollar industry that appropriately incurs Government legislation. However, some of this legislation is burdensome on the business of recreational fishing. These issues include the dissemination of information regarding regulation, grey nurse sharks, and licensing.

### **About the Recreational Fishing Alliance of New South Wales**

The Recreational Fishing Alliance of New South Wales (RFA) was established in the year 2000. Our members include representatives from the Australian National Sportfishing Association (NSW Branch), NSW Spearfishing and Freediving Association, NSW Fishing Clubs Association, and NSW Council of Freshwater Anglers. Affiliates of the Recreational Fishing Alliance (RFA) include the tackle industry, the Department of Primary Industries, NSW Sport and Recreational and Local Government.

Borne out of frustration with the past and present management of fishery in NSW, the RFA aims to generate real communication and consultation between Government bodies such as the Department of Primary Industries (NSW fisheries), Government representatives, and the recreational anglers of NSW.

The RFA is an indirect member of Recfish, the national recreational fishing peak body. We are constantly in consultation with DPI Fisheries and the NSW Government on issues as diverse as safe consumption of seafood, submarine cable exclusion zones, fishing safety and accommodating all users of Marine Parks.

## **Background**

The RFA is submitting to this inquiry on behalf of the recreational fishers of New South Wales. There are many Government regulations imposed upon individual fishers and the industry as a whole.

This inquiry, in 2007, is focussing on primary industries. Fishing falls in the 041 area of the ANZSIC codes for the primary industries sector.

The recreational fishing industry is a multi-billion dollar a year industry in Australia. After wool, beef, wheat and dairy, fishing is the fifth most valuable rural industry. Recreational fishing has different governmental regulation than the commercial industry. A recent National Recreational and Indigenous Fishing Survey found that each year approximately 23.2 million fishing trips were conducted and more than 136 million aquatic animals were harvested. Over the survey year recreational fishers spent more than \$1.8 billion on fishing related expenditure. Recreational fishing is thus a major economic driver and as more than 11% of trips occurred outside the fishers' state of residence it is a vital contributor to domestic tourism and regional economies.

As such a massive industry and contributor to Australia's economy, recreational fishing is rightfully subjected to rules and regulations. These regulations do indeed help maintain and advance the recreational fishing industry.

However, these rules and regulations also impose burden on the industry and individuals. Three particular issues stand out.

### **Issue One:**

#### **Dealing with Regulations**

A significant cost within the recreational fishing sector is that of informing the public of Government rules and regulations.

In a media release by Commonwealth Fisheries Minister Senator Eric Abetz (April 30, 2007) he said:

“The Australian Government is conscious of the need for all sections of the community to be aware of the rules and regulations that relate to one of Australia's favourite pastimes – recreational fishing”.

Over several decades, the way of communicating laws to the public has changed. The print media was once the principal form of communication between government agencies and recreational fishers. Laws and any changes to regulations were publicised in brochures and booklets, freely available at most fishing tackle stores. However, with the introduction of the recreational fishing fee in 2001, a change in policy meant that such printed information was only available at those fishing tackle stores that were agents of the fee. The government is also coming to rely heavily on the Internet for publication of information. As such, it is annulling its responsibility for telling *all* involved with recreational fishing, as not everyone has access to the Internet. The law tells us that ignorance is not an excuse. However, the Government does have a community obligation and responsibility where they are failing the recreational fishing sector by not effectively disseminating appropriate information concerning rules and regulations to all recreational fishers.

RFA NSW has already undertaken various projects to better inform the recreational fishers of NSW. Following a coronial inquiry into the number of deaths of fishermen on rocky platforms, with the potential exclusion of recreational fishers from many rockfishing areas, RFA NSW, launched an extensive education campaign on rockfishing safety. This included free DVDs and extensive fact sheets.

The targeting of specific groups is important when spreading information on rules and regulation. Those who do want to know the law and its implications will go looking for it; those who are complacent with ignorance will endure a fine. These groups include people from non-English speaking backgrounds or rural communities, and children.

(Children, those under 18 years of age, it should be noted, are not required to pay a recreational fishing fee. Therefore they are not informed of safe, sustainable fishing practices encouraged in the recreational fishing sector, on paying the fee. They need information from extra sources, such as school education campaigns.)

Recreational fishing groups, such as RFA NSW, are also incremental to educating the public. We use bulletins, awareness articles, online and print updates, and project reports to inform the public of changes in rules or regulation. ‘Word of mouth’ is an effective way of communicating such changes as well.

RFA NSW believes that before rules are imposed, such as the banning of fishing from 'dangerous' areas, education campaigns should be undertaken. This will ensure that excessive regulations are avoided. We recognise that such education programs would incur a cost, which shows that Government regulations are a burden on the recreational fishing sector.

## **Issue Two:**

### **Grey Nurse Sharks**

A very current debate that exemplifies the position of recreational fishing in respect of Government legislation is the Grey Nurse Shark (GNS) debacle. GNS, once considered a 'ferocious man eater or the devil of the sea', were killed indiscriminately by spear fishers, and hunted close to extinction. Now, GNS are seen as the 'Labradors of the sea' and listed as a critically endangered species. They were the first species of shark to be protected in the world when the NSW Government declared it a protected species in 1984.

The GNS issue has been a contentious debate for some time. The species was first listed as threatened in 1984, then became endangered and is currently being considered for re listing as critically endangered on Australia's East coast. The exact number – even a legitimate estimate – is much debated. Government departments have suggested as few as 500 sharks remain off the NSW coast, whereas recreational fishers suggest anywhere between 2,000 - 4,000.

The methodology of research by government departments is potentially flawed. Considering the nature of the sharks, a legitimate estimate would be difficult to obtain. GNS travel from Fraser Island to the NSW/Victoria border. They can swim at great depths, unreachable by conservative research methods.

The issue here is the discrepancy between population claims. The Government claims there are 500; therefore they are critically endangered and need to be super-protected. To do this, they impose regulations on recreational fishers. Therefore, Government conservatism is a burden on recreational fishers as they are not allowed to fish in many areas.

It is also unknown as to how many individual sharks are needed to maintain/improve the GNS population.

Recreational fishers are often the target of blame for the apparent declining population of GNS. In reality, recreational fishers support whatever population there is. We are attempting to establish a process to manage verified GNS sightings and have assisted in several research and monitoring programs in the past.

The calls by conservation groups for increased protection of the GNS are a burden on the rights of recreational fishers. Based on such flawed research, the Government has imposed unfair restrictions on recreational fishers to date. These include the establishment of fishing-exclusion zones aimed at rehabilitating the GNS population, the most recent being a 500 hectare marine reserve off the coast of Laurieton on NSW's mid-north coast.

RFA NSW suggest that more extensive substantive research on GNS habitats be undertaken by the government, with all the research data being available to the public before there are any further measures taken to further exclude recreational fishers from fishing areas.

### **Issue Three: Licensing**

There have been numerous calls for the reform of the NSW recreational fishing fee system. Currently, a paper receipt is issued to the fisher after payment of the fee. For those that renew their one or three licence, a plastic licence will be issued in the near future when they are purchased on line or over the phone.

This has been due to the imposed 10% administration limit which has been maintained for the administration costs of the licence fee. These costs include all the running costs associated with the fee, i.e. printed material such as licence books and agent instructions, transfer of the fee from the agent to the department, agent commissions. There are also other additional Trust licence projects that fund a database of licence fee holders, a licence renewal process which includes advisory material on annual expenditure.

However, the number of licences issued (approx 500,000 each year) is not substantial enough to support the implementation of a state of the art new system.

It is evident from running several years of projects funded by the Trust that the administration and departmental overhead costs relating to the expenditure of recreational fishing fees are a burden. The 10% used to print, update and distribute licences is a good deal of money, but is small to the 68+% overheads the department charge on trust funded projects, which is money that could be reinserted into the recreational fishing industry and research.

### **Recommendations**

- To avoid excessive regulations being imposed upon the recreational fishing industry, RFA NSW recommends that various campaigns be used to raise public and recreational fisher awareness extensively before legislation and or regulations are imposed that has an affect in their chosen recreational pursuit.
- To avoid further harm to the reputation of recreational fishers, RFA NSW suggests that additional extensive research be carried out before any further changes to, or additional no fishing exclusion zones are imposed or implemented, as these are a burden to recreational fishers.
- That the NSW Government and its departments investigate further reductions of overhead costs associated with such expenditure and supports the aims of recreational fishing in NSW.

## References

“Grey Nurse Shark Sanctuary in NSW”, Sydney Morning Herald, May 12, 2007.  
From <http://www.smh.com.au/news/National/Grey-nurse-shark-sanctuary-in-NSW/2007/05/12/1178899144428.html>

Williams, Samantha “Warnings over shark numbers don’t add up”, Herald Sun, May 25, 2007. From <http://www.news.com.au/heraldsun/story/0,21985,21788149-662,00.html>

“Native fish threatens commercial catch” ABC Radio National AM Program, 15 March, 2007. From <http://www.abc.net.au/am/content/2007/s1872279.htm>

Konstantaras, Stan (RFA of NSW Secretary) Submission to the Fisheries Scientific Committee Re: Proposed determination of the grey nurse shark, February 23, 2007. From <http://www.rfansw.com.au/news.html>

“Grey Nurse Sharks Protected” from  
<http://www.finsonline.com/blog/fins/20070512/grey-nurse-sharks-protected.html>

Sanger, Andrew, Chairperson of Fisheries Scientific Committee, “Recommendation: Carcharias Tauru – Grey Nurse Shark”

NSW Fisheries Commercial Licensing Policy from  
[http://www.fisheries.nsw.gov.au/data/assets/word\\_doc/5315/licencing-policy.doc](http://www.fisheries.nsw.gov.au/data/assets/word_doc/5315/licencing-policy.doc)

National Recreational Fishing Policy from  
<http://www.daffa.gov.au/fisheries/recreational/policy>

Dixon, Patricia, Chair of Fisheries Scientific Committee. “Proposed Determination: Carcharias Taurus – Grey Nurse Shark”, November 2006

“Constitution” of Recreational Fishing Alliance of New South Wales from  
<http://www.rfansw.com.au/constitution.html>

“Policy Statements” of Recreational Fishing Alliance of New South Wales from  
<http://www.rfansw.com.au/policies.html>