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Dear Sir,

Lawrie McEnally's article *Baitfish Wars* in the Autumn edition of Saltwater Fishing Australia highlights some concerns into the operation of NSW Fisheries. Our organization has expressed many of these concerns and issues to either the Minister of Fisheries, or in our newsletter known as the AAG Rag. Issues include:

- Funding of research projects in which the main beneficiary is the commercial sector. In the case of yellowtail scad and slimey mackerel, the main beneficiary is the Commonwealth tuna fishers. The main argument given for this research is that the recreational catch is largely unknown,. But this is not the case, as from the National Survey on Recreational Fishing. From its final report of FRDC Project 99/158 the estimated annual harvest of blue mackerel taken by NSW recreational anglers is 427,062 fish, with 35,417 coming from offshore, 472,673 from coastal waters and 49,468 fish from estuaries. The catch of the state registered commercial fishers is also a known quantity as records have been kept by NSW Fisheries for about 50 years. What is not known, or what has not been reported by AFMA nor NSW Fisheries, is the commercial catch of yellowtail scad and blue mackerel in either Commonwealth or State controlled waters by Commonwealth fishers. This is despite the fact that Commonwealth commercial fishers are required to keep log records of baitfish captures, although their accuracy is in doubt as no independent authentication is required nor undertaken. What is worrying is, as the Ocean Hauling Fishery is soon to become a share managed fishery, how will shares and Total Allowable Catch be allocated to the Commonwealth fishers?
- Another example of funding from the Recreational Fishing (Saltwater) Trust benefiting the commercial sector is the research into luderick, where commercial catch is 503,600kg and the estimated recreational catch is 280,103kg. There is also an expectation that funding of many projects will be

from one of the Recreational Fishing Trust Funds. Declining commercial mulloway catches as the reason for increased “interest in the development of techniques for the production of mulloway to enhance wild stocks” and the subsequent stocking of Kappinghat Creek and Smiths and Swan Lakes. There was no mention made of stocking for recreational purposes, that is until funds were available from the Recreational Fishing Saltwater Trust. We now have a shift of emphasis from commercial reasons to recreational reasons for mulloway stocking as project funding from the Trust Fund is expected.

- The fact that the implementation of the Fisheries Management Act (1994), plus other restrictions and closures is at the whim of Fisheries Officers. This was highlighted by Lawrie McEnally’s article with Commonwealth fishers being permitted to collect bait while a fishing closure was in force in the Macleay River and Trial Bay following the floods of March 2001. But this was to be expected. The Director-General of NSW Fisheries has acknowledged that damage is being done to gns critical habitat sites: “The more significant impact is likely to be from boats anchoring in these areas. Moorings are installed at both Julian Rocks and Fish Rock for use by scuba diving operations so the potential for anchor impact from scuba diving boats is minimal”. What of the other 8 critical habitat sites? As this is in contravention of section 220ZC of the Fisheries Management Act (1994) surely all anchoring must be banned in all critical habitat sites. Another example is the publicity given to the intended prosecution of 2 anglers caught fishing in the gns critical habitat off Little Broughton Island, and the publicity this received. But Fisheries failed to admit these anglers were merely fishing for garfish. How much damage would a size 16 long shank do to a grey nurse, but then a fishing ban is a fishing ban, as is a closure in Trial Bay, as is damage to a critical habitat site.
- Appendix 1 of the Ocean Hauling Fishery FMS gives a description of the permissible gear for Ocean Hauling, plus restrictions. Some of these would be impossible to police, such as the blue mackerel, yellowtail and pilchards caught with a submersible lift net must only be used as bait for the taking of tuna. There is a requirement for keeping logs, but how are the entries verifiable? The various limits on byproducts seem unenforceable. This may be a mute point as the Ocean Hauling Fishery, as with all other fisheries, are moving away from an EIS/FMS focus to a Shared Managed Fishery/General Plan concept.
- The Auditor-General’s Report to Parliament 2002 Volume Six listed a key issue with respect to an audit of NSW Fisheries’ financial report for the year ended 30<sup>th</sup> June 2002. This key issue is in fact a repeat finding, and states: “the preparation of separate financial reports for each of the following Trust Funds: Recreational Fishing (Freshwater), Recreational Fishing (Saltwater), Commercial Fishing, Fish Conservation, Aquaculture and Charter Fishing”. We wrote to the Minister asking why these accounts are not auditable to give an independent assurance as to their accuracy. His reply was “I am advised that as the trust accounts are not separate accounts of NSW Fisheries they do not require separate financial statements or an audit in their own right”. Recreational anglers by way of a fishing license contribute to either the

Recreational Fishing (Freshwater) or the Recreational Fishing (Saltwater) Trust Funds, and therefore may be considered shareholders in the respective Trust. Shareholders of Trusts expect an annual auditable (if not audited) report of their Trust, and Recreational anglers are no different. Simply having Fisheries indicate information in their annual report is not good enough. But the Minister makes it plainly clear that recreational anglers of NSW will never be given this independent assurance. And it seems that an equipment inventory audit will be just as unlikely. What of the equipment items purchased using the Recreational Fishing Trust Fund money – what happens to these following the completion of the project for which they were purchased and why can't they be used for other projects funded from the Recreational Fishing Trusts?

Many people have various concerns regarding the management of fisheries in NSW. Some may be valid and some not justified at all. One thing that is becoming clear is the replies to letters by the Director-General of NSW Fisheries and the Minister of NSW Fisheries tend to be more spin-doctoring rather than serious attempts at answering the questions. Many points may be glossed over or totally ignored. It is only by publishing replies as done in Lawrie's article, or sending them to email lists and placing them on the web as our group does, that responsible replies will be eventually given to anglers' valid concerns.

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