



PARLIAMENTARY BUDGET OFFICE

NSW Parliament • Parliament House, Macquarie Street Sydney 2000

Referred by: Australian Labor Party **Proposal No:** C1653
Date Referred: 13/03/2023 **Date Published:** 20/03/2023
Proposal Title: Labor's plan for fishing
Cluster: Planning and Environment

General Government Sector Impacts

	2022-23 \$'000	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000	4 year Total \$'000
Expenses (ex. depreciation)	-	-	-	-	-
Depreciation					
Less: Offsets					
Revenue					
Net Operating Balance:	-	-	-	-	-

Capital Expenditure	-	-	-	-	-
Capital Offsets					
Net Capital Expenditure:	-	-	-	-	-

Net Lending/(Borrowing):	-	-	-	-	-
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Total State Sector Impacts

Net Lending/(Borrowing):	-	-	-	-	-
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Notes and costing assumptions:

The policy proposes to:

- establish a peak recreational fishing body and a peak industry body for the NSW commercial fishing sector
- conduct an audit of the NSW Recreational Fishing Trusts (RFT) and pass laws to create a Recreational Fishing Board which is responsible for allocating funds from the Trusts
- implement all recommendations made by the Legislative Council's 'Portfolio Committee No. 4 – Service and Natural Resources' Committee in its report *Commencement of the Fisheries Management Amendment Act 2009*
- review the NSW Trout Cod program and prepare a 10-year plan to save trout cod
- make fishing available and welcoming for women and people with disabilities by auditing public fishing facilities and amenities

Peak recreational fishing body / peak industry body

The proposal is to establish a peak recreational fishing body and a peak industry body for the NSW commercial fishing sector. This will be done after consulting what is the best way to fund and govern the peak bodies. The bodies will be managed by a board and an independent chair who will report to the Minister in charge of the *Fisheries Management Act 1994 No 38 NSW*.

Notes and costing assumptions continued:

The policy will be ongoing and will be administered by the NSW Department of Primary Industries. The total cost of the policy is \$5.4 million which will be offset by the Regional Growth Fund (see 'Total cost' at the end of this document).

Assumptions

A 2013 paper analysing the formation of a peak industry body for commercial fishers in NSW stated that it would cost about \$600,000 to \$700,000 each year.¹ Converting this to 2023 dollars would be equal to about \$800,000 to \$900,000 each year.

The PBO assumes that each peak body will cost \$900,000 per year.

Recreational Fishing Trust

The proposal is to conduct an audit of the NSW Recreational Fishing Trusts (RFT) and pass laws to create a Recreational Fishing Board which is responsible for allocating funds from the Trusts. Compliance officers will be paid by the NSW Department of Primary Industries (DPI).

The proposal assumes the costs will be met from existing resources. The PBO considers this to be feasible given that the latest annual report of NSW RFT suggests costs related to trust management and administration are funded through DPI.² The PBO also believes it feasible that the cost of the audit and any changes to legislation will come from existing resources as they are usual agency expenses.

Cultural fishing

The proposal is to implement all recommendations made by the Legislative Council's 'Portfolio Committee No. 4 – Service and Natural Resources' Committee in its report *Commencement of the Fisheries Management Amendment Act 2009*. The policy will be administered by the Department of Primary Industries on an ongoing basis.

The policy assumes that costs can be met from existing resources. The PBO considers this to be possible given that implementation of the recommendations falls within the normal business of the agency.

Recommendations in the report, *Commencement of the Fisheries Management Amendment Act 2009*³

Recommendation	
1	<p>That the NSW Department of Primary Industries immediately, and until Schedule 1 of the <i>Fisheries Management Act 2009</i> is commenced:</p> <ul style="list-style-type: none">• cease all surveillance, compliance actions and prosecution actions against Aboriginal cultural fishers• review and withdraw any penalty infringement notices issued to Aboriginal individuals on the South Coast who were practising cultural fishing.
2	<p>That the NSW Department of Primary Industries review and implement a comprehensive training program for all Fisheries compliance officers, to be delivered in partnership with key Aboriginal stakeholders, covering Aboriginal cultural fishing practices (including the trade or barter of fish for other items) and native title rights.</p>

¹ PJ Neville & Associates, [Analysis of industry responses to the options paper on the formation of a peak industry body for the commercial fishermen of NSW](#), May 2013, p 8.

² NSW Government, [NSW Recreational Fishing Trusts Annual Report 2021-22](#), pp 53-54.

³ Portfolio Committee No. 4 – Customer Service and Natural Resources New South Wales, [Commencement of the Fisheries Management Amendment Act 2009](#), report 55/57, Parliament of New South Wales, November 2022.

Notes and costing assumptions continued:

3	That the NSW Government conduct an independent review of the culture and regulatory practices of the compliance division of the Department of Primary Industries Fisheries, to identify any systemic cultural problems and implement changes which will lift the cultural capability of the organisation.
4	That the NSW Government commence Schedule 1 of the <i>Fisheries Management Amendment Act 2009</i> by 30 June 2023, and take immediate steps to develop a supporting regulation in consultation with Aboriginal communities and peak bodies, and other stakeholders.
5	That the NSW Department of Primary Industries, Department of Regional NSW and Department of Aboriginal Affairs proactively work with the Aboriginal community on the South Coast to support the community make an application to the Aboriginal Fisheries Business Development Program, or other programs, to give them greater opportunities for commercial fishing businesses, for the broader benefit of the local community.
6	That the NSW Department of Primary Industries explore other options that would enable local Aboriginal communities to have greater access to the commercial fishing industry.
7	That the NSW Department of Primary Industries implement measures to better educate the broader fishing community about Aboriginal cultural fishing practices.

Trout cod program review

The proposal is to review the NSW trout cod program and to prepare a 10-year plan to save trout cod. This will be done by NSW Department of Primary Industries. The proposal assumes these actions can be funded using existing agency resources. The PBO believes this is possible given that a program review is considered part of the agency's normal operations.

Background

Trout cod is an endangered fish in NSW. This status is reviewed every one to two years by the Fisheries Scientific Committee.⁴ Trout cod can be found in the southern Murray-Darling river system, including the Murrumbidgee and Murray Rivers, and the Macquarie River in central NSW.

The NSW Department of Primary Industries began a recovery plan for trout cod in 2006.⁵

In 2017 the program was reviewed and it was found that the trout cod population had increased. However, the review found that further work needs to be done to make sure that trout cod can be self-sustaining.⁶

DPI has released young trout cod in the upper Murrumbidgee River in 2020 and 2021 and plans to continue this program until 2025.⁷

The NSW Department of Primary Industries also did an *Audit and Review of the Trout Cod Recovery Plan* in 2022. It tracked progress since the 2017 review and found that there has been continued efforts in trout cod recovery actions where possible.⁸

⁴ NSW Department of Primary Industries, [Audit and Review of the Trout Cod Recovery Plan – 2022, August 2022](#), p 9.

⁵ NSW Department of Primary Industries, [Trout cod \(*Maccullochella macquariensis*\) recovery plan](#), April 2006.

⁶ NSW Department of Primary Industries, [Trout Cod *Maccullochella macquariensis*, Primefact 185](#), Third edition, February 2017, p 2.

⁷ NSW Department of Industry, [Current projects on Trout Cod](#), viewed 14 February 2023.

⁸ NSW Department of Primary Industries, [Audit and Review of the Trout Cod Recovery Plan – 2022, August 2022](#), p 8.

Notes and costing assumptions continued:

Upgrading fishing infrastructure

The proposal is to make fishing available and welcoming for women and people with disabilities by auditing public fishing facilities and amenities. The audit will be done by the NSW Department of Primary Industries.

The proposal assumes the audit can be conducted with existing resources. Given the current scope of the DPI's commitment and projects funded from the Recreational Fishing Trusts, the PBO believes the proposal can be carried out using existing resources.

Background

DPI states it is 'committed to ensure that rights and needs of people with a disability are met in the design or retrofitting of fishing platforms constructed.' Funding from the NSW Recreational Fishing Trusts has been used to create accessible fishing platforms throughout NSW.⁹

Current priority areas of the Recreational Fishing Trusts include providing new or upgraded facilities, and protecting and enhancing fishing access for recreational fisheries.¹⁰ Projects funded include fish cleaning facilities, fishing platforms, access upgrades, fishing safety infrastructure, and dedicated fishing access officers.¹¹

Total cost

The total cost of this policy is \$5.4 million. The proposal states the policy is to be offset from "reserved" and "unallocated" funds in the Regional Growth Fund (RGF). The PBO has been advised by the Department of Regional NSW the balance of the RGF. The PBO notes that 'reserved' and 'unallocated' funds in the RGF are adequate to cover the proposal; therefore, the policy will not impact the budget.

However, it should be noted that RGF 'reserved' funds have been earmarked for other programs like the Growing Regional Economies Fund, the Regional Job Creation Fund Round 3 and the Stronger Country Communities Fund Round 6. Using RGF funds for Labor's Plan for Fishing may affect these other programs.

⁹ NSW Department of Primary Industries, [Accessible recreational fishing](#), viewed 21 February 2023.

¹⁰ NSW Department of Primary Industries, [Recreational Fishing Trusts](#), viewed 21 February 2023.

¹¹ NSW Department of Primary Industries, [Fishing Facilities and Access](#), viewed 21 February 2023.