



Public Service Association of NSW

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In reply please quote: SH:cr

31 May 2021

Dr Andrew Moriarty  
Director Fisheries Compliance  
NSW Department of Primary Industries – Fisheries NSW  
161 Kite Street  
ORANGE NSW 2800

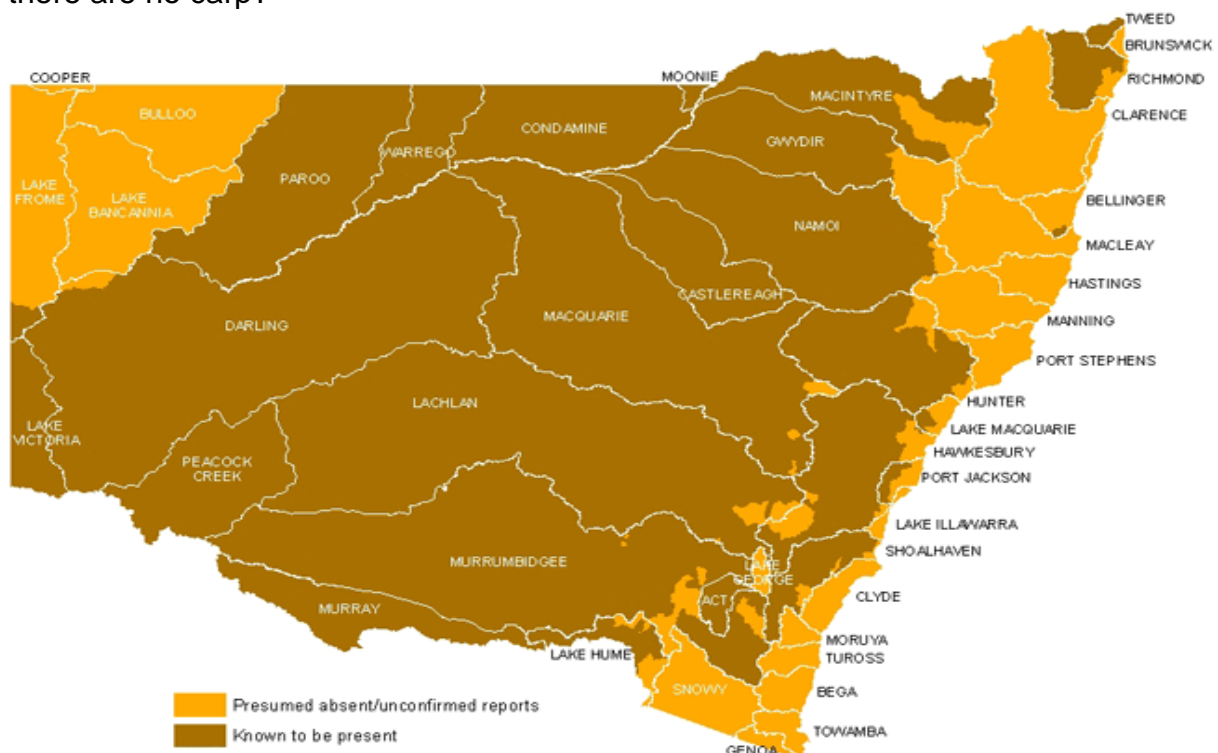
Dear Dr Moriarty,

### Re: Implementation of Recreational Bow Fishing in NSW Territorial Waters

The Public Service Association is writing in response to work instructions and policy documents surrounding the implementation of recreational bow fishing in NSW territorial waters provided by DPI Fisheries. The PSA asks that this information be considered as part of any promulgation of bow fishing in NSW.

### Waters where bow fishing is proposed

While the FOVB does not oppose the proposal to allow bow fishing in NSW *per se*, the FOVB does not support the proposal to allow bow fishing in **all** non-tidal waters, with the exception of declared trout streams and areas near holiday parks. As can be seen in the carp distribution map below (sourced from DPI website), there are large areas of NSW, particularly the eastern catchments, that do not have carp. So, the question is, why allow fishers to possess and use bow fishing equipment in non-tidal waters where there are no carp?



There are also non-tidal waters where we have endangered / protected fish species like the Eastern Freshwater Cod, but no carp. Eastern freshwater cod would be an easy target for a bow fisher in the clear waters of the upper Clarence River.

The tendency of carp to spend time at or near the water surface makes the species conducive to bow fishing, despite the turbidity of the water. In contrast, native fish do not spend much time on the water surface so, in the turbid waters of the western drainage, native fish would be relatively safe from bow fishers. In clear water, such as in our eastern drainage rivers, native fish would be an easier target.

Carp are present in a few of the eastern drainage catchments such as the Richmond, Hawkesbury-Nepean, Shoalhaven and Hunter however given the carp's preference for slow flowing waters, many of the carp in these systems are found between the brackish upper estuary and the estuaries tidal limits. The prevalence of carp in the large tidal areas of these rivers, will undoubtedly lead to high non-compliance by bow fishers, whether deliberate or not. To demonstrate great length of these tidal areas, the upper tidal limit for the Hawkesbury-Nepean is approximately 140 kilometres from the sea. Determining the upper tidal limits within estuaries can be difficult to determine, particularly when considering rivers with multiple tributaries. The complexity will undoubtedly lead to confusion and hence non-compliance.

The FOVB recommends that eastern drainage rivers be excluded from the non-tidal waters where bow fishing is proposed. Restricting bow fishing to the western drainage rivers (ie Murray Darling Basin), with the exception of trout stream and areas around holiday parks, will keep the bow fishers where the majority of the carp are actually found, and that is within the western drainage rivers and streams.

### **Bow fishing endorsement on recreational fishing licence**

The Department should have a plan to quantify the number of people participating in bow fishing including the identifying of individuals who plan to bow fish. When bow fishing to bow hunting are compared, bow hunters on public land are required to hold an R Licence but there is no such proposal for bow fishers on public water. While bow fishers cannot be compelled to hold an R licence, there needs to be a system in place so that bow fishing individuals can be identified.

Knowing who our bow fishers are would be useful for the Review of Environmental Factors (REF) and will assist Fisheries Officers to assess the risks related to bow fishing including risk assessing individuals. Further to identifying the individuals wishing to bow fish, bow fishers should be required to hold an "endorsement" on their recreational fishing licence, at no additional cost, and this endorsement would entitle them to bow fish in NSW. The creation of a bow fishing endorsement would be simple to administer as fishers are already required to hold a recreational fishing licence. Bow fishing endorsements could be applied for online when fishers are paying the recreational fishing fee.

Persons not holding the free endorsement would not be entitled to bow fish. Identifying individuals who wish to bow fish is extremely important as it will assist the Department in providing a safer workplace for Fisheries Officers and it would be remiss of the Department to not implement a system to identify individuals who wish to participate in bow fishing.

## **Work Health and Safety**

From a WHS perspective, restricting bow fishing to the western drainage rivers will reduce or eliminate the risk for most Fisheries Officers.

Fisheries Officers should have the power to instruct a bow fisher (and spear fisher) to disarm. This power needs to be complemented with an offence for not complying.

Enforcing the proposed 100m minimum distance for bow fishing from a person, vehicle and vessel that is not part of the bow fishers party would be very difficult to enforce. A bow fisher need only say that the person, vehicle or vessel moved toward them while they were bow fishing. Enforcing the proposed 100m minimum distance for bow fishing from a dwelling, boat ramp, picnic area or campsite would also be difficult to enforce as some of these things would be difficult for both bow fishers and Fisheries Officers to often determine. For example, would informal boat ramps, informal picnic areas and informal campsites, of which there are many, fall within the prohibited areas.

The areas where bow fishers need to stay clear of needs to be clearly defined in the Regulations to avoid conflict between bow fishers and the public. Clear definitions will also make Fisheries Officers work safer as there will be less conflict with bow fishers regarding the areas where they can bow fish.

## **Fisheries Officer Training Booklet**

The proposal is for the GLU to develop a "Bowfishing Fisheries Officer Training Booklet" The FOVB recommends that Fisheries Compliance and GLU would jointly develop the training booklet if Fisheries Officers are going to be performing the compliance work.

## **Deliberate release of carp to waters not currently infested**

There are many examples of pest species (pigs, deer, foxes, goats and rabbits) that are believed to have been introduced to areas by hunters. The hunters are thought to do this so that they have hunting options close to home. A very selfish act but unfortunately it's a reality.

If bow fishing was permitted in non-tidal waters where carp are not currently present, it's a real possibility that certain bow fishers will deliberately introduce carp to those waters so that they have more bow fishing options or bow fishing close to home.

Allowing bow fishing in all non-tidal waters could actually result in carp infestations where they do not currently occur. Besides the obvious environmental impacts, if carp are more widespread, Fisheries Officers will likely have more contact with bow fishers and an increased WHS risk.

## **Education programs for Non-residents (primarily Victorians)**

Education programs will need to target interstate fishers in addition to NSW fishers as water ways such as the Murray have huge numbers of interstate visitors from Victoria and South Australia.

If you have any enquiries in relation to the above or wish to arrange a time to meet and discuss I can be contacted on 0407 494 770 or via return email [showes@psa.asn.au](mailto:showes@psa.asn.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Shane Howes', with a stylized flourish at the end.

Shane Howes  
**for Stewart Little**  
**General Secretary**