

# The Recreational Fishing Alliance of NSW

## Promoting Sustainable Fishing



7 January 2021

The Hon. Adam Marshall MP  
Minister for Agriculture and Western New South Wales  
GPO Box 5341  
SYDNEY NSW 2001

### Use of data funded by NSW Recreational Fishing Trusts

Dear Minister,

I wrote to you on 22<sup>nd</sup> of March 2020 regarding an independent review of the use of research data and intellectual property generated or collected in projects funded by the NSW Recreational Fishing Trusts.

The RFA shares the concerns of many in the recreational fishing community about lack of transparency in the way research and data is used and shared, and it seems that some recent examples may be inconsistent with the purposes of the Trust to “improve recreational fishing in NSW”.

You subsequently asked Professor Johann Bell to respond. The RFA received a response on 24 November 2020. I have attached our original letter and Professor Bell’s response for your reference.

The response from Professor Bell was insufficient. His defence of the Department’s use of Marxan contravenes concerns previously raised at RFNSW about the way the Trust Funded Data was used—Professor Bell would have been aware of this since I raised it during my tenure on RFNSW. Our concern was that RFNSW, stakeholder groups or individuals were never advised of how this out-of-date and limited data was used within Marxan to potentially lock out anglers in the Hawkesbury Bioregion Plan. I have been quoted saying that if used effectively, Marxan can be used to minimise social impacts like recreational fishing lock outs. However, DPI botched its use of the software, and for Professor Bell to defend this DPI process is disappointing. The obstructiveness of the Department telling RFNSW to lodge a GIPA application when we requested the data was insulting, and the Department’s failed attempts to prevent the data being provided after our GIPA application was feeble. In the end, DEH provided the data to the RFA before DPI finally capitulated; It was then we became aware of how it was misused.

In our original letter we asked you to consider that every project must be held to account over the purpose, quality, relevance, collection and use of data—including its future use. As far as the RFA is aware there are no documentation processes, roles and responsibilities, training requirements, data maintenance policies, etc., to deal with Trust-funded recreational fishing data. Professor Bell states that future considerations can be applied if considered necessary by the Expenditure Committees and RFNSW, however his defence of the botched Marxan-based Hawkesbury Bioregion Plan does not instill any confidence within the RFA or myself as a previous Expenditure Committee and RFNSW member.

This needs to be resolved immediately. The RFA asks you once again to consider the following:

1. The immediate review of all current projects to identify those that will result in recreational fishing data collection, and how this data will be used.
2. The immediate establishment of a Data Review Committee from within the Trust Fund membership, as well as independent persons, that will deal with administrative safeguards, policies and procedures that help protect against improper outcomes. These safeguards will also have to be put out for public consultation.
3. Future use of data from every Trust-funded project must not occur without referring it back to the Trust for consideration and approval.
4. Data and IP ownership and sharing clauses in Trust deeds should be reviewed and updated immediately.

No raw data should be shared—regardless of its funding and research outcomes—to support lock outs or other actions that are detrimental to recreational fishing. It is misleading for Professor Bell to claim “re-use and publication of research data is common” since we are not even discussing the issue of “extension”.

I sincerely hope we can achieve some sound, structured and independent safeguards to protect recreational anglers, the fees they pay and the fishing industry from overzealous and underhanded practices that have occurred with the ongoing misuse of Trust-funded data.

Yours faithfully



Stan Konstantaras  
President  
Recreational Fishing Alliance of NSW

Original letter from RFA to Minister <http://www.rfansw.com.au/wp-content/uploads/2020/06/RFA-of-NSW-Security-of-Trust-funded-data-and-IP.pdf>

Minister’s Response <http://www.rfansw.com.au/wp-content/uploads/2020/08/Minister-to-RFA-re-security-of-trust-funded-data-SIGNED-OM20-2385-LTR.pdf>