

FINAL OUTCOMES of the OHMAC Meeting 9 August 2006

Attendees:

Chairperson

Mr Bill Nagle

Management Advisory Committee Representatives

Mr Ron Prindable	Region 2
Mr David Mitchell	Region 3
Mr Alfie Patane	Region 4
Mr Tony Forster	Region 5
Mr Barry Aish	Region 6
Vacant	Region 7
Mr Denis Brown	Purse Seine representative
Mr Bill Harvey	Recreational representative
Ms Dianna Watkins	Department of Primary Industries, Management

Observers:

Mr Adrian Toovey	Department of Primary Industries, Licensing
Dr John Stewart	Department of Primary Industries, Research
Mr Ian Stockton	Department of Primary Industries, Compliance
Mr Cameron Westaway	Marine Parks Authority, Batemans MP Manager
Mr Darryl Sullings	Department of Primary Industries
Mr David Makin	Department of Primary Industries
Mr Gary Warren	Region 7 OH fisher
Ms Sandra Aish	Interested party

Apologies:

Mr David Smith	Region 1
Ms Roberta Dixon	Nature Conservation Council of NSW

Documents provided:

Bateman's Bay Marine Park draft zoning plan maps
NSW DPI summary of Sampling Sea Mullet Catches during the 2006 Spawning Season.
NCC comments on MAC Agenda Items.
Purse Seine representative comments on MAC Agenda Items.

Open 09:40
Close 16:35

DRAFT OUTCOMES of the OHMAC meeting held on 9 August 2006.

Agenda Item	Issue	Outcome	Action Item	Time	Responsibility
1	Welcome and apologies	The Chairperson welcomed all members and observers to the meeting and provided a summary of his previous involvement with fishing industry committees including Commonwealth MACs. Apologies were received from the Region 1 representative and the Conservation representative, while the Region 3 representative advised that he would be delayed due to travel difficulties.			
2	Agreement on Agenda	Members agreed on the agenda for 9 August 2006 with agenda item 8 preceding 7 to allow for the involvement of the region 3 representative in share management discussions. The Chairperson emphasised focus on share management plans however a number of additional items were also put forward for discussion during general business.			
3	Confirmation of previous minutes	Members approved the draft minutes of 29 November 2005 without change. Moved by Region 2 representative and seconded by the Purse Seine representative.			
4	Correspondence received and sent	Members noted correspondence received and sent. Letter of appreciation for past OH MAC participation by Mr Naughton (DPI) noted and signed by Chairperson.			
5	Business arising	<p>Region 2 representative provided a verbal update on the focus of recent SIAC meetings including that there had been no resolution of issues relating to beach access through National Parks while the Council has devoted considerable attention to structural adjustment issues.</p> <p>DPI Research representative provided a summary of the Queensland DPI Sea Mullet stock assessment (that suggested a joint Qld & NSW wild harvest should not exceed 3,000 tonnes</p>	SIAC update to be provided to MAC members		DPI

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		<p>pa). The Committee was advised that 3,000 tonnes figure was highly precautionary, and an annual Qld & NSW harvest of 5,000 tonnes (which is comparable to the current level) appears to be within the tolerances of the study as unlikely to affect the maintenance of the stock.</p> <p>The DPI Research representative also provided an update on the observer program. The observations covered 41 sampling days involving 51 shots (mainly mullet) and the collection of 1070 otoliths. The observed shots contained very little by-catch as a result of targeted mullet hauling and there were no observed threatened or endangered species interactions.</p> <p>An update on the status of the Code of Conduct/Practice (COP) was provided. It was noted that the COP must be published in the NSW government gazette before implementation and that a new version is being considered by DPI at present. The purse seine representative requested that the COP for boat based activities, in particular purse seine, be modified to deal with cetacean interactions in line with the Commonwealth and South Australian Pilchard fishery codes.</p> <p>A report on payment of EIS & Monitoring charges was not available and was carried over to the next OHMAC meeting.</p>	<p>Review the Code of Conduct/Practice in consideration of information to be provided by the purse seine representative.</p> <p>DPI – Carried over</p>		<p>DPI</p> <p>DPI</p>

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6	Committee member updates, including management, research and compliance.	<p>DPI Research representative update: A 3 year FRDC research project on Australian salmon is due to start in October. OHMAC and ACORF support for this project was noted as an important factor in the successful application for funding. Results of ongoing mullet monitoring was also presented to the MAC.</p> <p>DPI Compliance representative update: It was noted that the number of compliance issues arising have been lower this year, in line with the lower level of fishing activity. The main issues have been; some OH fishers' conduct (mainly North of Sydney); public perception of unsustainable catches (including of mullocky) and; a complaint from the Department of Environment and Conservation with regards to a Diamond Head hauling operation.</p> <p>The Chairperson raised the possibility of the Ocean Hauling code of conduct/practice as a method of addressing many of these issues. The compliance representative suggested that an enforceable COP will go some way to addressing these concerns. As part of the ongoing refinement of the COP, new issues and ideas will be raised out of session, including safety vests, identification of legitimate commercial activities and interaction with the public.</p> <p>DPI Management representative update: The main focus of fisheries management has been on the Share Management Plans. Including preparation for consultation with the aim of achieving early implementation.</p> <p>Committee members update: Region 1: not present</p>	Review COP to address identified issues.		DPI

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		<p>Region 2: The continuing beach access issues in National Parks, noting these have been raised by SIAC with DEC.</p> <p>Region 3: The Australian Salmon closure has been of concern, with an industry desire to harvest them for bait. Reports that recreational fishers are concerned about the effect of Salmon on other species since the Salmon began to arrive in increasing numbers in the region several years ago. Concerns were also raised about the share appeals. The DPI representative noted that the appeals would not delay the introduction of the SMP nor effect the issuing of final shares to those not involved in the appeals process.</p> <p>Region 4: The representative noted concerns about the need for uniform beach access and permits between council areas to reduce both the number of permits and their cost. Industry was also concerned about the Australian Salmon closure, with a perceived inequity of restricting catch only north of Barrenjoey and noted that harvesting would reduce the pressure on other bait species and address concerns about depletion of other fish species. The recreational representative noted that the FRDC project on Australian Salmon should identify the extent of these issues. Mr Warren, as a primary NSW harvester of Australian Salmon, was of the view that harvest volumes of Australian Salmon (for lobster bait) in Tasmania and Victoria had declined significantly in recent years and this has possibly led to an increase in the salmon stocks and possibly accounts for it's distribution further north than usual.</p> <p>Region 5: Identified concerns with the cost and availability of public liability insurance. Noting that National Parks (DEC)</p>			

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		<p>requires at least \$10M coverage, while councils require \$5M coverage. It was indicated that few insurers are willing to provide cover over \$5M.</p> <p>Region 6: The main issue is access to the Jervis Bay Marine Park, noting that it was originally limited to permit holders, but as a result of recent Marine Park legislation amendment permit holders can invite other OH fishers to access the MP. This discriminates against those Region 6 Ocean Haulers who either do not have permits or are not invited.</p> <p>Region 7: not present, the chairperson invited comment from Mr Warren as a region 7 ocean hauler. Mr Warren identified that there were concerns about effort shift as a result of buy-outs (both commonwealth and state) and Marine Park boundaries.</p> <p>Purse Seine: Raised concerns that any commonwealth allocation of common resources may not be equitable. Purse seiners are currently targeting Salmon and Pilchard</p> <p>Recreational: no report Conservation: not present</p>			
8	Presentation on the Batemans Bay Marine Park draft zoning plan.	<p>Cameron Westaway, A/Manager Batemans Marine Park provided a presentation on the draft zoning plan for Batemans Marine Park, noting that the draft zoning plan has a 3 month comment period and was released on 14 July 2006. During this period public meetings and interest group meetings will be held. The zoning process was described as well as the follow up procedures to determine effectiveness of the protection.</p> <p>Of note to the OHMAC is that "Perigra" beach east of Long</p>			

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		<p>Beach (a site of recent public concern) is proposed to be part of a sanctuary zone. Other beaches in the Marine Park are unlikely to be significantly impacted by the proposed zoning.</p> <p>The MAC noted that public perception of commercial fishing does not distinguish between NSW operations, or in some cases understand the actions being undertaken. The resultant misunderstandings may be a source of the public concerns.</p> <p>The Purse Seine representative notes that while the purse seine method is allowed in the 4 large oceanic habitat protection zones (HPZ), he has concerns that the inshore HPZ (100m of beach) excludes that method and suggests a focus/working group involving Industry, DPI & MP to address those issues.</p> <p>The Region 6 representatives raised questions about permitted activities at Wallaga beach, the different permitted activities within a habitat protection zone as it relates to Ocean and Estuary hauling.</p> <p>The MAC discussed the issue of Marine Park zoning consistency, and while noting that there are no Pilchard, anchovy and bait fishers in region 7 (Batemans MP), there are in other Marine Parks and would recommend that they be treated similarly to Garfish hauling, as both relate to boat based activities.</p> <p>Industry, individually or as a group were encouraged to make submissions on the Batemans and Port Stephens Marine Parks and recognised that the DPI and Industry are important</p>	<p>Industry to develop out of session a submission, to address zoning-activity concerns.</p> <p>Review hauling at Wallaga Beach and report back to the committee.</p>		<p>Industry</p> <p>Marine Parks</p>

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		stakeholders in the consultation process.			
7	Share Management Fisheries	<p>Share Management Fisheries The current roles of DPI commercial management staff whilst share management plans are being developed were outlined.</p> <p>A proposed timeline for the implementation of the SMPs was outlined, including opportunities for consultation, both with MACs and at port meetings. The MAC was supportive of the proposed consultation process and favoured a DPI suggestion for focus group port meetings, where the fishers attending would then disseminate information to all other local fishers.</p> <p>Information on development of the draft Ocean Hauling Share Management Plan was provided to the Committee. The following issues emerged:</p> <p>The Committee endorsed the tabled draft share trading rules, after discussion, supporting the proposed rules that: require new entrants to purchase an entire fishing business (FB); existing FB owners may trade shares between FB with a few exemptions for certain Ocean Hauling, Ocean Trap and Line and Ocean fish/prawn trawl share classes; and once trading takes place the minimum shareholding requirements are applied to the traded share class (for both the transferee and transferor). During the limited access stage, for FB transfers where a particular share type does not meet the transfer criteria that share class does not give rise to an endorsement and the FB will need to meet the minimum shareholdings on commencement of the plan to obtain that endorsement. Where share trading doesn't occur those FB with endorsements may</p>			

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		<p>continue to operate in the interim. It was noted that the share trading rules provide for increased flexibility for business owners without increasing the number of FB's and endorsements.</p> <p>The ability to "top-up" on shares to allow for any minimum share holding requirement was welcomed, though it was noted that once such adjustment occurred that the incentive to trade in shares thereafter may be limited. The region 6 representative raised concerns about using minimum shareholdings as an effort control given the difference in productivity of beach vs boat based hauling and the different historical usage within the state.</p> <p>On vessel limitations it was noted by the MAC that currently 5.8m was the largest boat used for beach based activities, and 7.2m for boat based, with the exception of Purse Seine. It was noted that the MAC would be supportive of maintaining those limits on vessel size. The Committee was not concerned with the inactive levels in the fishery and did not identify any urgency to achieve higher minimum shareholdings, nor did it identify any need for greater or lesser minimum shareholdings.</p> <p>Proposed general licensing arrangements were discussed and the following issues emerged:</p> <ol style="list-style-type: none"> 1. The Committee supported the issuing of a plastic FB, LFB and Fishing License cards. The endorsements for a business will be placed on the card and FB owners are able to advise the Department of the licensed commercial fishers to be listed as potential nominated endorsement holders. The FB owner may then select one of the listed fishers to work their business at a particular time and notify the Department. The nominated fisher 			

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		<p>would be noted in the share register and would then be given the FB Card and authorised to work the endorsements.</p> <p>2. It was proposed that following commencement of the SMPs that all licences will be aligned to expire after each financial year (i.e. June 30th). The Committee also supported the proposed fishing boat licences and fisheries management invoices of all charges being aligned provided that quarterly payment options was available. The Committee would be supportive of a flat vessel licence fee, especially where the physical vessel could be smaller than the maximum specified on the licence.</p> <p>Overall, the Committee was supportive of the tabled draft share management plan and proposed supporting amendments to the (General) Regulation with the exception of the following issue raised by the Purse Seine representative on behalf of the majority of industry members: Most Industry members expressed a view that they do not believe that share management in its proposed form adequately addresses ecological sustainability or promotes a viable commercial fishery.</p> <p>As an addition to the arrangements agreed to above, a majority of the OHMAC supported a proposal that each fishery share management plan or the supporting plan, whichever is appropriate, specifically provides for the issue (based on catch history) of further classes of shares in relation to each major fish species harvested by the NSW commercial fishing industry. Allocation of these new shares should be undertaken as soon as possible. These shares should then be utilised in the future to provide proportional access as appropriate to the individual</p>			

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		<p>fishery circumstance. In supporting this proposal, the majority of OHMAC acknowledged that further consultation is required and that this would significantly delay the implementation of share management.</p> <p>The Chairperson acknowledged that the proposal is a significant amendment to the model before the industry at present requiring significant further consultation. He also noted that some OHMAC members were still considering their position on the proposal. Further the Chairperson expressed the view that the change is of such fundamental nature that industry will need to raise this issue directly with the Minister and ensure their colleagues in other fisheries raise the proposal also in the other fishery MAC meetings scheduled on Share Management issues.</p> <p>The Department noted that significant consultation occurred with Industry and stakeholder groups with regard to the criteria for allocation of shares and that the proposal outlined was one of those issues taken into consideration prior to the criteria being finalised. The DPI advised that Industry has made strong representation about their desire to have share management plans implemented and if such a fundamental issue was amended at this stage, finalisation and commencement of the plans would be significantly delayed.</p>	<p>Progress by Industry with the Minister and other MACs as appropriate.</p>	<p>ASAP</p>	<p>Industry members of the MAC</p>
<p>9</p>	<p>Management Advisory Committee (MAC) Structure</p>	<p>The Committee discussed the issue of MAC structure in the context of share management fisheries and previous proposals to merge a number of MACs and to also include other representatives on the MAC</p> <p>DPI advised that resources are currently being focused on</p>			

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		share management plans and this is an issue that will be considered in the future.			
10	Access for region 6 Ocean Haulers to Jervis Bay Marine Park	The region 6 representative believes that there needs to be consistency of access within regions and between the zoning arrangements of the different Marine Parks. DPI noted that this issue has been drawn to the attention of the Jervis Bay Marine Park Manager and that industry should make submissions when the Jervis Bay Marine Park zoning is next reviewed.	Industry to request involvement on any Jervis Bay Marine Park zoning review panel.		Industry
11	Other Business	The Committee notes that the Australian Salmon closure north of Barrenjoey is inequitable, both in it's spatial nature and that the permits available for bait for own use do not allow crew involved to use the product as bait. The Chairperson acknowledged the concerns of the Committee and suggested that as the OHMAC responses to an out of session agenda item on this issue had already been submitted, any other representations would need to be made directly to the Minister.			
12	Chairperson's summary and next meeting	The Chairperson thanked the Committee, Mr Warren, Mr Westaway and Mr Toovey for their participation. The next meeting date will be advised.			