

**LOBSTER MANAGEMENT ADVISORY COMMITTEE MEETING
FINAL AGENDA**

**Wednesday 28th March 2007
9:30 AM to 5:00 PM
1st Meeting for 2007
Cronulla Fisheries Centre
202 Nicholson Parade, Cronulla**

Chairperson

To be confirmed

Management Advisory Committee Representatives

Noel Gogerly	Industry Representative
Ron Firkin	Industry Representative
Barry MacBean	Industry Representative
Daniel Stewart	Industry Representative
Scott Westley	Industry Representative
Arthur Dye	Nature Conservation Council of NSW
Anne Macready	NSW Department of Primary Industries

Observers

Darryl Sullings	NSW Department of Primary Industries: Management
Amy Priestly	NSW Department of Primary Industries: Management
Eddie Douglas	NSW Department of Primary Industries: Management
Dianna Watkins	NSW Department of Primary Industries: Share Management Implementation
Steve Montgomery	NSW Department of Primary Industries: Research
Geoff Liggins	NSW Department of Primary Industries: Research
Tony Chen	NSW Department of Primary Industries: Special Operations
Tony Andrews	NSW Department of Primary Industries: Special Operations

**LOBMAC FINAL AGENDA
28 March 2007**

Welcome and Apologies	Chairperson
Agreement on Agenda for 28 March 2007	Chairperson
Confirmation of draft minutes of 16 November 2006	Chairperson
Correspondence received and sent	Chairperson
1. Business arising from previous meetings	Chairperson
2. 2007 / 2008 Draft budget and review of 2006 / 2007 budget	NSW DPI and Industry
3. Update on the Total Allowable Catch Setting and Review Committee (TAC Committee) program for 2007 / 2008	NSW DPI
4. Update on NSW Marine Parks	NSW DPI
5. Notification of lobster trap owners when their traps are checked by compliance officers	Industry Representative
6. Share Management Plan Clauses 22 and 48	Industry Representative
7. Clarification of Form LIC 8 – Application for Approval of Transfer of Components of a Fishing Business	Industry Representative
8. Management, Research, Management Planning and Compliance Update	NSW DPI
9. Other business	Chairperson
10. Chairperson's summary	Chairperson

LOBMAC CORRESPONDENCE LIST

Correspondence Received

Date	From	Issue	To
17/11/06	Minister for Primary Industries	Response to outcomes of the LobMAC meeting of 21 March 2006	LobMAC Chairperson
28/11/06	Director, NSW DPI	Out of session agenda item: 2006/07 management charge for the lobster share management fishery	LobMAC
15/12/06	Derek Anderson, NSW FRAB	Updating priorities in the strategic research plan	LobMAC Chairperson
18/12/06	Management, NSW DPI	Commonwealth Gazette notice regarding a short term extension of the WTO for the NSW Lobster fishery	LobMAC
17/01/07	Management, NSW DPI	Comments on sample tags from Mega Fortris Australia Pty Ltd	LobMAC
24/01/07	Management, NSW DPI	Information package on share management	
12/02/07	Management NSW DPI	Total Allowable Catch for Lobster	LobMAC
19/02/07	Management, NSW DPI	Marine Park Update	LobMAC
20/02/07	Sydney Water	Sydney Desalination Project – Environmental Assessment of Pipeline Route	LobMAC Chairperson
23/02/07	Share Management Implementation, NSW DPI	Amendments to <i>Fisheries Management Act 1994</i> , <i>Fisheries Management (General) Regulations 2002</i> & <i>Fisheries Management (Supporting Plan) Regulation 2006</i>	LobMAC

Correspondence Sent

Date	From	Issue	To
22/11/06	Ron Firkin, A/ Chairperson	Comments on weights on trap ropes	NSW DPI
21/11/06	Ron Firkin, A/ Chairperson	Letter of Support – Study of Ghost Fishing in the Rock Lobster Fishery	Patrick Horne, Fisheries Research & Development Corporation

ACTION ITEMS
Lobster MAC Meeting 16 November 2006

Agenda Item	Action	Responsibility	Status
1	The Department to clarify the application of the five year restriction being applied to commercial fishing entitlements acquired after the date the deed was signed with regards to the lobster fishery	NSW DPI	Complete
	The Department is to provide advice on fishers retaining boats for use in the lobster fishery after participating in the Marine Park buy out process	NSW DPI	Complete
3	Consultation with shareholders regarding the 50 gram weight on trap ropes and maintaining the Regulation to ensure there is no floating rope.	LobMAC industry members	Pending
6	Advise fishers that they may fax a copy of daily log sheets and post originals	NSW DPI	Pending
7	Department to advice industry representative for PZAC of LobMAC endorsement	NSW DPI	Complete
8	LobMAC to prepare a letter to the Minister requesting the continuation of an industry chair	LobMAC industry members	Complete DDG response 31 January
9	The Committee to write to the DPI Chief Scientist to identify further research relating to the spawning stock of lobster as a high priority	Chairperson	Complete
	The Committee to write to Executive Director for FRDC endorsing the research proposal 'Study of ghost fishing in the NSW lobster fishery'	Chairperson	Complete
10	Committee to draft a proposal to RFSTEC to seek funds to better quantify recreational catch	Chairperson	DPI proposal drafted
	Departmental research representative to provide guidance on what type of survey may be used and costing	NSW DPI	Agenda item 8
11	Department to explore possible options in response to the Committee's suggestion, including any associated privacy provisions and resource requirements.	NSW DPI	Pending
12	Department to provide update on recreational EIS at next meeting	NSW DPI	Agenda Item 1

ACTION ITEMS
Lobster MAC Meeting 21 March 2006

Agenda Item	Action	Responsibility	Status
4	All shareholders should be advised in writing of the approved FMS and its availability on the web or hard copy by request.	NSW DPI (Management Planning)	Pending
	Clarification on FMS recommendation for byproduct reporting	NSW DPI	Update provided 16 November 2006
5	The LobMAC requested a Marine Parks representative to attend the next meeting.	NSW DPI / MPA	Update provided 16 November 2006
	LobMAC is to be provided with information on the number of submissions received from spearfishers and recreational fishers in consultation on fishing areas within the Port Stephens Marine Park	NSW DPI / MPA	Pending
12	Notify tag supplier regarding difficulty in passing the tail through the locking mechanism of some tags from the current season. Seek Resolution	NSW DPI	Complete

ACTION ITEMS
Lobster MAC Meeting 15 September 2005

Agenda Item	Action	Responsibility	Status
11	The Chair, at the next SIAC meeting is to seek clarification on the process for addressing issues highlighted during the preparation of the Commercial Lobster EIS, including areas of risk, or where additional data would be of benefit, if a formal EIS is not conducted on the recreational fishery.	Chairperson	Chairperson to advise Agenda item 1
13	Noel Gogerly and Barry MacBean to prepare a strategic plan to ensure industry is proactive in responding to issues raised as part of the planning process for the Manning Marine Park.	LobMAC	Noel/Barry to advise Agenda item 1

Business Arising From Previous Meetings

	Action	Responsibility	Status
1	LobMAC write to the Commonwealth Minister for Transport and Regional Services requesting a dedicated shipping lane	NSW DPI	Pending
2	Register of 'specified waters'. The Chairperson of LobMAC to report on consultation with local fishers in the Sydney region to identify areas where interactions may occur.	NSW DPI	Pending
3	LobMAC recommended that Schedule 7 Part 8 19A (4) of the <i>Fisheries Management Act 1994</i> , be amended to provide for an industry Chairperson until August 2006	NSW DPI	Update provided 16 November 2006
6	Review of Eastern Rock Lobster Daily Logsheets	NSW DPI	Ongoing
7	Letter to Minister to advise of LobMAC concerns relating to marine park buy-outs	LobMAC	Pending

Agenda Item**Chairperson**

Welcome and Apologies

Outcomes**Agenda Item****Chairperson****Issue**

Agreement on Agenda for 28 March 2007

Background

A notice of the meeting and call for agenda items was circulated to Committee members, Fisherman's Co-operatives, Regional Industry Conveners and coastal fisheries offices on 23 February 2007.

A draft agenda has been circulated to all Committee members, Fisherman's Co-operatives, Regional Industry Conveners and coastal fisheries offices. Additional items may be proposed for discussion during other business, subject to approval by the Chairperson.

Outcomes**Agenda Item****Chairperson****Issue**

Confirmation of draft minutes of 16 November 2006

Background

Draft outcomes of the LobMAC meeting held on the 16 November 2006 were forwarded to the Chairperson to confirm that the minutes were a true and accurate record. The draft outcomes were circulated to Committee members on 7 December 2006 and amendments made following comment by the Committee members.

Outcomes**Agenda Item****Chairperson****Issue**

Correspondence received and sent

Background

All correspondence received and sent is detailed on the Lobster MAC Correspondence table.

Outcomes

Agenda Item 1**Chairperson****Issue**

Business Arising from previous meetings

Background

Update on new and outstanding action items

Outcomes**Agenda Item 2****NSW DPI and Industry****Issue**

2007 / 2008 Draft Budget and review of 2006 / 2007 budget

Background

A draft budget for the 2007 / 2008 fishing period has been prepared based on the resources needed to carry forward the current program requirements and will be presented for discussion by the committee.

An expenditure report for the 2006 / 2007 fishing period will also be provided for the information and discussion of the Committee.

The NSW DPI now undertakes a reconciliation of actual attributable expenditure versus the industry contribution at the end of each financial year and will carry forward any credits or debits to the following financial year. Reconciliation of expenditure for the 2005 / 2006 fishing period provided a savings to industry in 2006 / 2007 and the management charge for the 2006 / 2007 fishing period was decreased to \$55.20 per share.

DPI wishes to identify and discuss potential options to reduce the level of program requirements and associated costs with LobMAC, taking account of the relevant risks and economics of the fishery. Any potential options may lead to follow up discussion with the TAC Committee and further discussion with LobMAC.

Industry comment

Industry will provide an update on their concerns and discussions regarding the lobster management charge. Industry has requested reassessment of the 2006/07 budget, including consideration of how much fees industry should be paying towards compliance and research and if full time management and staff are required.

Outcomes

Agenda Item 3

NSW DPI

Issue

Update on the Total Allowable Catch Setting and Review Committee (TAC Committee) program for 2007 / 2008

Background

The TAC Committee will meet on 16 and 17 April 2007 as part of its process to determine the Lobster TACC for the 2007 / 2008 fishing period. A call for submissions was advertised on Wednesday 14 February 2007 and shareholders and interest groups were advised. The closing date for submissions was Thursday 15 March 2007. The NSW DPI is scheduled to present to the TAC Committee on Monday 16 April and industry is scheduled to address the Committee on Tuesday 17 April.

The DPI management, compliance and research representatives will provide the Committee with an overview of the information to be provided in the Departmental submission to the TAC Committee.

Outcomes

Agenda Item 4

NSW DPI

Issue

Update on NSW Marine Parks

Background

The most recently created NSW marine parks are the Port Stephens - Great Lakes Marine Park and Batemans Marine Park, which will become operational in April and June 2007 respectively.

As a result of the implementation of the Port Stephens - Great Lakes and Batemans Marine Park, the NSW government has invited lobster shareholders to register an interest in a marine park buy out program and this process is currently being finalised.

An update on the marine park buy out program will be provided to the Committee.

Outcomes

Agenda Item 5

Industry Representative

Issue

Notification of lobster trap owners when their traps are checked by compliance officers

Background

Industry representatives have raised the issue of NSW Fisheries Officers checking commercial lobster traps and requested consideration of adopting the practice of informing the relevant commercial fisher that the gear has been checked.

When an officer pulls lobster gear to check it, it can be inadvertently moved and placed in a different position. If officers can contact the shareholder to inform them that the gear has been inspected, the fisher can then reposition the gear if required.

Outcomes

For discussion by the committee

Agenda Item 6

Industry Representative

Issue

Share Management Plan clauses 22 and 48

Background

Concern has been raised with the term 'immediately' in clauses 22 and 48 of the *Fisheries Management (Lobster Share Management Plan) Regulation 2000* (the Plan).

Clause 22 - rock lobster to have tag attached

Subclause 1b requires an endorsement holder to attach a tag to the rock lobster 'immediately after the rock lobster is landed.....'

Subclause 4 requires an endorsement holder to 'immediately after attaching the tag to the rock lobster, trim the tail of the tag.....'

Clause 48 – daily log sheet

Subclause 1a requires an endorsement holder to complete a daily log sheet 'immediately after landing any rock lobster...'

As a large number of lobster may be caught on a given day, the log sheet cannot be filled in until all the lobsters are tagged, therefore the log sheet is not filled out 'immediately'. Compliance has previously been made aware of this however further discussion is sought on the issue.

DPI Response

The Plan requires a tag to be attached to a rock lobster immediately after the rock lobster is landed, but in any case no more than 25 metres from the point of landing and before entering a premises. The endorsement holder should be able to trim the tag tail and complete the daily log sheet at this point in time.

Outcomes

For discussion by the committee

Agenda Item 7

Industry Representative

Issue

Clarification of Form LIC 8 – Application for Approval of Transfer of Components of a Fishing Business

Background

A warning is provided on the new approval of transfer form that states 'Please be advised that NSW DPI recommends that you do not make any financial commitments in relation to the trading of shares or other fishing business components until this application has been approved by NSW DPI and you have been formally notified of the approval'.

The checklist provided on page two of the form includes a point relating to the completion of a quota transfer form if relevant. In this point it is stated that 'In addition, all outstanding logbook returns and unused lobster tags must be returned with this application form'.

An industry representative feels the above warning indicates a lack of business knowledge and that no one will heed this recommendation as a deposit needs to be put down. Concern has also been expressed regarding the return of log sheets and tags as a fisher may be left unable to fish their quota if tags and log sheets are returned and the transfer is not approved. Discussion is sought on the wording of this form.

DPI Response

The wording of the warning on the share transfer form regarding "financial commitments" is valid. If a transferor takes a deposit and the transaction does not progress then the agreement entered into by both parties "could" specify that the deposit is returned, and this would not be considered a financial commitment. Please note however that the Department does not give advice on such contracts/or documents that embody a transaction, and should be considered as personal business arrangements. The share transfer form is in no way a contract, however it is important to outline that the submission of the form may or may not result in the requested transaction. The transaction could be refused due to regulated fishery rules under the SMPs, etc.

There are some changes which could be made to the check-list with regards to the return of Lobster tags and log sheets. Commercial Management can provide advice in this area when a review of the form is conducted.

Outcomes

Agenda Item 8

NSW DPI

Issue

Management, Research, Management Planning and Compliance Update

Background

Management Planning –

An update on the Fishery Management Strategy is provided in Attachment 1

Management – Anne Macready

An update will be provided at the meeting

Research – Steve Montgomery

A written update is provided at Attachment 2

Compliance – Tony Chen

A verbal update will be provided at the meeting

Seafood Industry Advisory Council -

A verbal update will be provided at the meeting by the Committee's SIAC representative.

Outcomes

Agenda Item 9

Chairperson

Issue

Other business

Outcomes

Agenda Item 10

Chairperson

Issue

Chairperson's summary and next meeting date

Outcomes

Attachment 1

Update on the Fishery Management Strategy (FMS) for the Lobster Fishery

On 1 March 2006 the Minister for Primary Industries made a determination, under s115O of the *Environmental Planning and Assessment Act 1979*, to permit the NSW Lobster Fishery to be carried out subject to the draft FMS being revised so as to incorporate the amendments contained in the Preferred Strategy Report.

The DEH extended the Wildlife Trade Operation (WTO) approval for the NSW Lobster Fishery to 31 March 2007. Condition 2 of this revised WTO states that "*The Fishery Management Strategy for the NSW Lobster Fishery to be finalised and approved by 28 February 2007*".

The Minister for Primary Industries approved the final Lobster FMS in February 2007. This advice has been forwarded to the Commonwealth Department of the Environment and Water Resources (formerly DEH).

Shareholders in the NSW Lobster Fishery will be advised as to the approval of the FMS and distribution will be in accordance with the LobMAC's earlier advice.

Attachment 2

RESEARCH REPORT To ROCK LOBSTER MANAGEMENT ADVISORY COMMITTEE

Current Research

Stock assessment

Geoff Liggins will present an overview of the stock assessment for the 2005-06 year. This will include updates on log-book analyses, results from this year's fishery independent surveys of the spawning stock and puerulus surveys. The fishery independent surveys of the spawning stock, puerulus surveys, analyses of daily log book data and resource assessment (including model development) will continue in 2007-08.

Tagging program

The objective is to model growth and patterns of movement in rock lobsters. Currently there are 1,400 pieces of recapture information from tagged rock lobsters that can be used for estimating growth parameters and assessing patterns in movement. Preliminary analyses have been done to estimate values for von Bertalanffy growth parameters. The maximum days at liberty for a tagged lobster is 1,898 days during which the animal grew 71 mm in carapace length. The tagging programme was reduced in 2001-02 to only include the tagging of large mature lobsters. We are continuing to collect information on recaptured, tagged lobsters.

Proposed Research

Observer-based surveys

These provide information about (i) the sizes (and maturity) of rock lobsters and their spatial (by latitude and depth) and temporal (by seasons and years) variation, and (ii) the magnitude and species-composition of byproduct and bycatch in the commercial fishery (including spatial and temporal variation). Observer-based surveys of the fishery were last done between 1999-2000 and 2001-02. The final fishery management strategy for the rock lobster fishery requires that observer-based surveys again be done and start within 18 months of the strategy being approved. As a consequence, it is proposed to do observer-based surveys starting in mid 2007. NSW DPI staff will do 30 observer days in each of four zones, namely north coast, mid-north coast, central coast and south coast. The days will be divided between grounds in less than 30 m and those further offshore. The Department has received approval from the Animal Care & Ethics Committee to do the surveys.

Study of ghost fishing in the rock lobster fishery

Results from a preliminary survey done between February 2005 and February 2006 suggested that ghost fishing may have the potential to impact upon the resource. On the basis of these results and the fact that the fishery management strategy for the rock lobster fishery lists ghost fishing as a high priority for research, a research proposal was submitted to the NSW Fisheries Research Advisory Body (NSWFRAB). The NSWFRAB gave this project the highest priority for funding amongst the projects submitted to it. Subsequently an application for funding was submitted to the Fisheries Research & Development Corporation (FR&DC). Copies of this application were tabled at the November meeting of LOBMAC. Following comments from FR&DC, we changed the

focus of the application from endeavouring to estimate ghost fishing to seeking a solution to the issue. A copy of the revised application to FR&DC is attached for the comment of LOBMAC members.

Estimating the catch of rock lobsters by the recreational fishery

LOBMAC requested that scientific staff prepare an application to the Recreational Fishing Saltwater Trust Expenditure Committee to estimate the catch of rock lobsters by the recreational fishery. An application has been submitted to estimate the catch of rock lobsters and abalone by the recreational fishery. This Committee meets in early April to discuss applications.

Estimate the level of illegal catch

LOBMAC asked that scientific staff investigate ways of quantifying the illegal catch of rock lobsters. Investigations into how best to approach this problem are continuing.