



**Advisory Council on
Recreational Fishing**

FINAL MINUTES

22nd MEETING (2/2002)

Following Combined Advisory Council meeting, 18 April, 2002

**Conference Room, Cronulla Fisheries Centre
202 Nicholson Parade, Cronulla**

Attendance

Chair

Bruce Schumacher

Members

Elaine Garvey

Peter Goadby

Mark Umbers

Lionel Jones

Neil Ryan

Lisa Terry

Anthony Moore

Scott Mitchell

Terry Maloney

Mel Brown

Ann Lee

Observers

John Diplock, Principal Manager Recreational Fisheries

Nick James, Manager Recreational Fisheries

Adam Vitetta, A/Manager Recreational Fisheries

Susan Wildgoose, Fisheries Management Officer

Business

Welcome by Chair

Apologies

Steve Dunn, Director of Fisheries

Agnes Yi, Adviser, Minister's Office

Minutes of previous meeting

Recommendation:

The minutes are an accurate account of discussions at meeting 21 of ACoRF.

Moved: Scott Mitchell

Seconded: Elaine Garvey

CARRIED

Business arising from the minutes

Nil

Agenda Items

1. Director's report
2. Review of the recreational closure notice for yabbies
3. Review of the recreational closure notice for oysters in Botany Bay and Georges River
4. Compliance update - general issues, kingfish, charter boats
5. Threatened species legislation – fish stocking (trout) approvals
6. Status of prawn harvesting in Borang Lake

Other Business

- *Amendment to Sn.55 of the Fisheries Management (Aquaculture) Regulation*
- *Proposed closure in Lake Mulwala to protect fish stocks during the draw down (emptying) of its waters to enable major works on the dam wall, for information*
- *Renewal of fishing closure in the Tweed River, for information*
- *Renewal of Recfish Australia affiliation*
- *Correspondence received*
- *Member's issues*

Next meeting

TBC – Possibly Thursday 13 June 2002 - following Combined Advisory Council meeting

Agenda Item 1

NSW Fisheries

Issue

Director's report.

Outcomes

No Director's report.

Agenda item 2

NSW Fisheries

Issue

Review of the recreational closure notice for yabbies.

Background (NSW Fisheries)

Recreational fishers may catch, or have in their possession, up to 200 freshwater yabbies (*Cherax destructor*) per person per day. This bag limit was implemented as a fishing closure under Section 8 of the *Fisheries Management Act 1994* and is due to expire on 2 June 2002. A copy of the current closure will be distributed at the meeting.

ACoRF's support is sought to proceed with the renewal of this closure.

Outcomes

The closure was introduced in June 2000, as an interim measure primarily to reduce the potential for black marketing of the species. The management planning process for recreational fishing is yet to be finalised.

Council discussed whether to renew the yabby closure or wait for the management planning process (including the freshwater review) to be completed. There was general support to renew the closure for a short period, to ensure the species continues to be protected by a bag limit prior to the completion of the freshwater review.

Recommendation

The closure notification, to restrict the recreational take of yabbies to 200 per day, be renewed for 12 months.

Moved: Terry Maloney

Seconded: Scott Mitchell

CARRIED

Issue

Review of the recreational oyster closure in the Georges River and Botany Bay.

Background (NSW Fisheries)

In 1981 a recreational closure was placed on the taking of oysters from the waters of the Georges River and Botany Bay. This was due to the risks to public health and safety of eating potentially contaminated oysters. The closure expired on 30 April 2001.

NSW Fisheries has had extensive discussions with Safefood NSW. Safefood is the government agency that ensures oysters harvested by commercial fishers are safe for human consumption. Safefood and NSW Fisheries are continuing discussions to develop options for the recreational harvest of oysters in NSW waterways.

Safefood NSW advised the following:

- All commercial harvest of oysters is conducted under the NSW Shellfish Quality Assurance Program (which is consistent with the Australian Shellfish Program).
- Shellfish are filter feeders and tend to concentrate any matter in the waterways.
- Internationally it is acknowledged that all harvest areas are likely to be affected by terrestrial sources, therefore harvesting should only be done in a prescribed manner.
- Every waterway where oysters are harvested commercially are assessed – parameters regarding rain and pollution sources need to be met, and a decision is made by Safefood as to whether depuration (purging the contents of the oysters' gut) is needed. At present, oysters in almost every waterway in NSW require depuration.
- Safefood continuously monitors waterways, and closures are often implemented if water quality falls below a certain level.

NSW Fisheries considers that due to:

- the risk of contamination from terrestrial sources, and
- the lack of the safety mechanism of depurating recreationally caught oysters

the oyster closure in Georges River and Botany Bay for recreational fishers should be renewed.

Outcomes

There are major health concerns with the consumption of oysters harvested from these areas, particularly as there is no depuration process for oysters taken by recreational fishers.

The Georges River is also closed to commercial oyster farming activities, which has been well supported.

Recommendation

That the closure to the recreational harvest of oysters in the Georges River and Botany Bay be renewed for 5 years.

Moved: Lionel Jones

Seconded: Lisa Terry

CARRIED

Issue

Compliance update.

Background (NSW Fisheries)

A general overview of NSW Fisheries' current education and compliance programs related to recreational fishing will be provided. Specific issues raised by members, including allegations of unlicensed charter fishing operations and anglers aggregating/targeting undersized kingfish, have been investigated by NSW Fisheries staff (and will continue to be investigated). Initial findings of these investigations will be reported to ACoRF at this meeting.

Outcomes

- Kingfish – Covert operations are in progress on the south coast to investigate the claims relating to undersized kingfish. Lord Howe Island has also been identified and will be investigated.
- Recreational fishing licence – Angler compliance has been very good. The small number of offending anglers have generally purchased licences after being advised of the rules. Feedback in the field has been quite positive and anglers have demonstrated their support by the level of compliance observed, towards both the licence and bag and size limit rules. Results from some compliance operations conducted over the Easter weekend: Snowy Mountains - 600 anglers checked, 99% compliance; Murray-Darling – 1600 anglers checked, 93% compliance (generally licence related offences); Lake Keepit/Keepit dam – a large number of anglers interviewed, 99% compliance.
- Abalone – Major apprehensions with black marketing activities - operations ongoing.
- A Recreational Fishing Haven compliance strategy is currently being prepared.
- Charter fishing – An operation to investigate claims of unlicensed operations has been conducted. Ongoing targeted compliance and notification/clarification of the rules will occur.
- Yellowfin tuna and marlin – Concerns with Commonwealth east coast tuna longline vessels around Bermagui which were able to take marlin as by-catch in NSW waters under Commonwealth legislation, however this was contrary to NSW Fisheries law. NSW commercial fishers cannot target striped marlin in NSW waters. Commonwealth legislation relating to by-catch in NSW waters has recently been amended to stop this, however, it is legal for Commonwealth endorsed vessels to target marlin outside 3nm. Council supported continued surveillance action. A major marlin education program will be undertaken soon. \$70,000 from the recreational fishing saltwater trust was recently approved to conduct an economic survey of the (striped) marlin resource.

For Information

ACoRF noted the presentation.

Issue

The impact of Threatened Species legislation/management on trout stocking approvals.

Background (NSW Fisheries)

Legislation that provides for the protection of all threatened fish and marine plants native to New South Wales waters, was passed by both Houses of the NSW Parliament in December 1997, and came into effect on 1 July 1998.

The Threatened Species provisions were included in amendments to the *Fisheries Management Act 1994*. The amendment also resulted in changes to the *Environmental Planning and Assessment Act 1979*, integrating the consideration of threatened "fish" (including both finfish and aquatic invertebrate) and marine plant (including mangrove, seagrass and algae) conservation into the environmental planning and assessment process.

This legislation provides for the protection, conservation and recovery of threatened species, and makes provision for the management of threats to threatened species, populations and ecological communities. The legislation also introduces extensive community input into management strategies for threatened species conservation. Schedule 6 of the Threatened Species amendments provides for the listing of key threatening processes. As with the listing of threatened species, the independent Fisheries Scientific Committee is responsible for listing key threatening processes.

Key threatening processes are processes that adversely affect two or more threatened species or which could cause a species to become threatened. Any person may nominate to list a key threatening process. For each key threatening process that is listed, a threat abatement plan must be prepared. The aim of such a plan is to manage a threatening process in order to abate, ameliorate or eliminate the threat. Threat abatement plans provide the opportunity for government agencies to work together to reduce the threats affecting native aquatic species in NSW waters. This process will not result in a ban of trout stocking.

Background (Scott Mitchell)

Trout Acclimatisation Societies have raised concerns regarding the potential for current trout stocking sites to be excluded from future approval due to the application of threatened species legislation in new areas. Anglers in the Snowy Mountains area have also expressed concern with the number of rivers that are closed to trout stocking and would not like to see the current list increase. Anglers have requested further information regarding the threatened species legislation and current progress, including the studies/research used to identify trout as the major cause of demise of the threatened species listed in each of the areas nominated.

Outcomes

Dr Andrew Sanger provided a review of experimental work on the impact of salmonids on native species. A rapid decline in the number of *galaxiids* was actually observed when trout were illegally introduced into certain waterways in Tasmania. It has been proven that brown trout cannot co-exist with these species. NSW Fisheries is proactive in restricting stocking in sensitive areas while still providing suitable access/opportunities to anglers. A decision was made to discontinue the stocking of brown trout in areas containing several species of frog based on scientific experiments that showed that brown trout would readily eat the tadpoles of these frogs while native fish would not.

Proposed restrictions to stocking are discussed with relevant Trout Acclimatisation Societies through representation at trout allocation meetings. In response to a question about stocking in areas where other threatened frog species were present (eg the Corroboree frog), NSW Fisheries advised that restrictions on trout stocking would only be imposed where the trout may impact on the threatened species. Corroboree frogs were not affected by trout predation.

A copy of NSW Fisheries' presentation is attached.

For information

ACoRF noted the presentation.

Issue

Status of commercial prawn harvesting in Borang Lake, following the declaration of a Recreational Fishing Haven (RFH) in Tuross Lake.

Background (NSW Fisheries)

Representations have been received from south coast commercial and recreational fishers regarding the status of prawn harvesting in Borang Lake. The proposed commercial fishing closure in Tuross Lake, to be introduced on 1 May 2002 as part of the RFH process in that region, includes all tributaries and associated waters, such as Borang Lake, Truncatabella Lake and Bumbo Lake.

The Minister is considering the issues recently raised by stakeholders regarding prawn harvesting in Borang Lake. NSW Fisheries' position is that this issue was subject to the formal community consultation process and there is an expectation from the community that the resultant decision is final (that is, that there be no commercial fishing in Borang Lake)..

NSW Fisheries will provide an update at the meeting to advise of any developments with this issue.

Background (Elaine Garvey)

Request for reconsideration of commercial prawning activities in Borang Lake, for the following reasons:

It has the potential to undermine the whole RFH process and set a dangerous precedent that could have statewide ramifications. Many recreational fishers are still sceptical of the recreational fishing haven process and this proposal has put further doubt in their minds. General opinion is that NO commercial activity should be allowed in havens. There is considerable local opposition, both recreational & commercial, with the local perception that this will give exclusive rights to a small number of commercial fishers to access a recreational fishing haven. Other commercial fishers would want the right to continue with their traditional prawning methods in havens. Local perception is this would give certain fishers a valid reason to be in a haven and "sly shots" will occur. Concerns over the removal of commercial quantities of a vital part of the food chain. At a public meeting in Tuross several people who fished there but did not live there voiced concern over the possible continuation of commercial prawning in Borang Lake. For this reason clarification was sought about the Tuross Closure at the ACoRF meeting on 15th November 2001. ACoRF was advised that the Tuross Lake Closure includes all the tributaries and associated waters including Borang Lake, Truncatabella Lake and Bumbo Lake.

(Minutes 20th ACoRF meeting 15/11/01, Page 15, Para. 3.)

Copies of a map of Tuross Lake and a letter from a fisherman who lives on property adjoining Borang Lake will be distributed at the meeting.

Outcomes

Council discussed the issues raised and agreed to support the original proposal relating to the Recreational Fishing Haven in Tuross.

Recommendation

That ACoRF agree the Recreational Fishing Haven to remain as announced and include a ban on all commercial fishing in Borang lake.

Moved: Elaine Garvey

Seconded: Lionel Jones

CARRIED

Other Business

Amendment to S.55 of the Fisheries Management (Aquaculture) Regulation

ACoRF supports the proposed amendments to the regulation.

Proposed closure in Lake Mulwala to protect fish stocks during the draw down (emptying) of its waters to enable major works on the dam wall, for information

Noted by ACoRF.

Renewal of commercial and recreational fishing closure in the Tweed River, for information

Recreational component of the closure is primarily for navigational safety reasons, for example, trap restrictions in channels.

Noted by ACoRF.

Renewal of Recfish Australia affiliation

Recommendation

That \$2,500 be made available to continue ACoRF's affiliation with RecFish Australia.

Moved; Lisa Terry

Seconded: Lionel Jones

CARRIED

NPWS closure in North Harbour to protect fairy penguins

ACoRF was informed of the release of a proposal tomorrow to close an area of the harbour at Manly to fishing at night during the penguin breeding season. ACoRF members wanted time to consider the proposal in detail before making any response.

Trust Fund Expression of Interest

ACoRF were informed that public expressions of interest had been published in both the Sydney Morning Herald and the Daily Telegraph calling for proposals to be funded from the Freshwater and Saltwater Trust Funds. Contact NSW Fisheries Recreational Management or the NSW Fisheries website for application forms. Applications close on 10 May 2002.

Region 2 (Clarence River) Recreational Fishing Haven, and Signage for RFHs

ACoRF was informed that the Recreational Fishing Saltwater Trust Expenditure Committee (RFSTEC) was considering out of session 2 proposals to be funded from the Treasury advance. The first provided for a series of closures in the Clarence River put forward by the local Pro-Am Committee and the buy out of between 6 and 9 commercial fishers costing up to \$500,000. The second provided for the erection of signage to publicise the new RFHs along the coast, to cost up to \$500,000.

Recommendations

That the proposed RFHs for Region 2 (Clarence River) costing up to \$500,000, and new signage publicising the RFHs costing up to \$500,000 be funded from the Treasury advance, if recommended by RFSTEC.

Moved: Lionel Jones

Seconded: Lisa Terry

CARRIED

Pilot Habitat Program

ACoRF considered the use of the funds recommended for the pilot habitat project at its previous meeting. In recognition of the recommendation for a Recreational Fishing Haven for the Clarence, the existence of several detailed cooperative habitat proposals for that area, and the opportunity for other areas to make application under the EOI process recently advertised, the Council supported the pilot habitat program being focussed on the Clarence region.

Recommendation

That the pilot habitat restoration project be focused in the Clarence River region.

Moved: Lisa Terry

Seconded: Margaret Dodson

CARRIED

Correspondence received

Submission from the Spearfishing and Freediving Commission (SFC) regarding spearfishing in the Clovelly area.

ACoRF discussed the issue of spearfishing in the Clovelly region on 21 January 2002. Council supported the proposed action and recommended that a ban on spearfishing be imposed from the rocks at the northern end of the Clovelly pool to the headland to the south of Gordons Bay. The Council also recommended that a ban on the taking of groper by any means, including line fishing, should be applied to the same area.

The SFC was asked to provide comments on the proposed closure. NSW Fisheries gave a commitment that information submitted by the SFC would be tabled at the ACoRF meeting. There was general agreement that some reports were not accurate and appeared to implicate the general spearfishing fraternity. In response to the media reports the Director has clearly distinguished between organised, responsible spearfishing groups and individual spearfishers. It was mentioned that the situation would have got worse had immediate action not been taken.

Around the table

A letter relating to the 60 Minutes' segment on the Recreational Fishing Haven process was distributed to Council for information. Issues regarding the public meeting aspect of the consultation were noted. It was reinforced that the meetings were to advise stakeholders of the issues related to havens in their region, to allow them to make an informed written submission.

A copy of an article that appeared in the Financial Review relating to insurance issues was distributed. Members requested clarification relating to their indemnity as an ACoRF representative.

Action item – NSW Fisheries to provide clarification of the indemnity of Council members.

Angel rings – concern was expressed with the removal of angel rings from certain locations. The angel ring program has been approved and will assist the efforts of the Department of Sport and Recreation. It was suggested that the media be used to highlight the function of angel rings and the associated rock safety issues. A press release was suggested.

Action item– NSW Fisheries to prepare a media release on angel rings.

A letter from the Minister to the Chair, relating to concerns over the bluefish resource, was tabled and discussed.

Recommendation

That the proposed bluefish closure be introduced as outlined.

Moved: Lisa Terry

Seconded: Anthony Moore

CARRIED

Next Meeting

TBC – Possibly Thursday 13 June 2002 - following Combined Advisory Council meeting (Ocean Haul).

Concerns were expressed about the budget meeting again being short and members were supportive of either the meeting closing later in the evening, or another day being allowed for a full meeting.