

**Marine and Estuarine Recreational Charter
Management Advisory Committee**

Draft Minutes

8th MEETING (2/05)

9:30am, Tuesday 18 October 2005

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

Attendance

Chair

Mr Brian Beer

Members

Mr Peter Bolic
Mr Mark Flanagan
Mr James (Jim) Booth
Mr Peter Sayre
Mr David Cribb
Ms Ann Garard
Mr John Stevens
Mr Keith Appleby
Ms Shirley Massey
Ms Sanchia Glaskin
Nick James

Representative

Far North Coast
Mid North Coast
Central Coast
Sydney
Sydney
Illawarra
Mid South Coast
Far South Coast
Commercial Fishing
Recreational Fishing
Departmental nominee

Observers

John Diplock, Program Manager, Recreational Fisheries

Business

Welcome by Chair

Apologies

Dr Maria Schreider (Nature Conservation Council)

John Dikkenberg (NSW Maritime Authority) – Jack Hannan represented NSW Maritime.

Minutes of previous meeting

Recommendation

The minutes are a true and accurate record of discussions from the 7th MERCMAC meeting.

Moved: Jim Booth

Seconded: Ann Garard

Carried

Business arising from the minutes

- Request to provide CFB operator details to Committee members (consistent with Privacy Act).

Agenda Items

1. Recreational management issues (including the review of NSW recreational fishing rules, recreational/charter fishing FMS/EIS issues, Offshore Constitutional Settlement advice, FADs/Artificial Reefs update), for information (John Diplock/Bryan van der Walt)
2. Issues raised by industry, for discussion (Nick James)
3. Compliance update, for information (Glenn Tritton)
4. Update on Grey Nurse Shark Critical Habitats, for information (Peter Gallagher)
5. NSW DPI research programs on key recreational species, for information (Charles Gray)
6. Marine Parks Authority update, including Manning Bioregional Assessment; Broadscale Biodiversity Assessment of the Batemans Shelf and Twofold Shelf Marine Bioregions; and the Authority's proposed Marine Parks Permit Policy (Samantha Hessey, Marine Parks Planning Officer)
7. Update on NSW Maritime Authority's consultation regarding the draft crewing proposal, for information (John Dikkenberg attending 12:30 – 2:30pm)
8. Ocean Trawl EIS/FMS issues, for discussion (Darren Hale)
9. CFB Code of Conduct/Industry Plan issues, for discussion (Nick James)
10. Charter Fishing Trust Fund, for recommendation (Nick James)

Other business

- *Striped marlin resource allocation issues, for information.*
- *Information pack for charter operators, for information.*
- *Recreational Scuba Diving Fee Discussion Paper, for information*

Out of Session items

Correspondence received

Next meeting – Thursday 16 March 2006.

Issue

Recreational management issues.

Background

Review of NSW Recreational Freshwater and Saltwater Fishing Rules Discussion paper.

On 29 July 2005 the Department released the Review of NSW Recreational Freshwater and Saltwater Fishing Rules Discussion paper. Until 21 October 2005 recreational fishers in NSW are invited to have their say on proposals to change some recreational fishing rules, including modifications to size limits, bag limits, fishing methods and proposals for fishing competitions. The discussion papers have been prepared in response to the findings of environmental assessments being conducted for the state's major fisheries, the results of the National Recreational and Indigenous Fishing Survey, the recommendations of the Palmer Report on Illegal Fishing for Commercial Gain or Profit in NSW, and community feedback from previous reviews. The Department has distributed 75,000 discussion papers throughout NSW using Fishcare volunteers, DPI Fisheries Offices, Licence Agents and direct mail to stakeholder groups, fish cooperatives and fishing clubs. A quick response form has also been distributed to ensure maximum number of submissions. The form is also available on the Department's website.

Offshore Constitutional Settlement/Jurisdictional arrangements

The Offshore Constitutional Settlement (OCS) between the Commonwealth and New South Wales signed in 1991 determines under which government's laws fisheries will be managed in Commonwealth waters. The OCS fisheries are defined by taxonomic group (or species), by fishing gear type and by area of jurisdiction. The OCS provides for all fisheries to be managed by the laws of the State, other than those specifically identified to be managed by Commonwealth law. The OCS is generally considered by the Commonwealth to refer to commercial fishing only, as the gear types prescribing those fisheries under Commonwealth jurisdiction are mostly those used by commercial fishers e.g. trawling, purse seining and pelagic longlining. However, the construction of the OCS agreements whereby all other fisheries are to be managed in accordance with the law of NSW implies that the recreational fishery is to be managed by the State. The OCS contains a number of drafting errors and the wording is awkward and requires clarification. Both NSW and the Commonwealth are keen to either amend and correct the OCS or negotiate a new and clearer version. A briefing will be provided on the status of the OCS negotiations at the meeting.

Remaining funding from the Recreational Fishing Haven fisher buy-out \$20 million loan.

During discussions at the previous meeting regarding ocean trawling EIS/FMS issues, the Committee indicated its preference for the removal of ocean trawling activities (fish and prawn) from inside 3 nautical miles (i.e. State waters) during any future commercial fishing licence buy-back process. There is approximately \$1.3 million dollars available in the Saltwater Trust (from the Recreational Fishing Haven fisher buyout loan) that could be committed to removing commercial fishing effort. The Advisory Council on Recreational Fishing (ACoRF) and Recreational Fishing Saltwater Trust Expenditure Committee (RFSTEC) previously provided in-principle support for further voluntary buyouts of commercial fishing entitlements and requested that the Department investigate options for this process. It should be noted that ACoRF strongly supports the removal of commercial fishing effort from high interaction areas such as the Clarence, Manning, Camden Haven and Hastings areas on the north coast and the area from

Tuross through to Bermagui on the south coast, focussing on the removal of estuarine commercial fishing effort from those areas.

On 1 June 2005, as part of the recreational fishing fee increase media release, the Minister announced that the State Government is working with stakeholders to develop options regarding the buyout of additional commercial fishing licences. A joint working group, comprised of 6 members with equal representation from ACoRF and the Seafood Industry Advisory Council (SIAC), has been established to consider a policy framework for future buyouts. The working group met on Friday 7 October 2005 to initiate discussions regarding, among other things, the process for future commercial buyouts. The working group was advised of MERCMAC's request for the Minister to consider the removal of ocean prawn and fish trawling activities from inside 3nm during any future commercial fishing licence buy-back process. As a result of these discussions, the working group has supported the release of a general expression of interest for all commercial fishing licences, not just estuary specific licenses. Please note that any outcomes from this working group would remain subject to consideration by RFSTEC, ACoRF and the relevant commercial fishing Management Advisory Committee and/or SIAC prior to a final decision being made.

Recreational fishing FMS/EIS process update

Environmental assessments and development of associated fisheries management strategies for designated fishing activities, such as the issue of commercial fishing licences, are required under the Environment Protection and Environment Act.

The Recreational Fishing Trusts has allocated funding to the development of a fisheries management strategy and associated environmental assessment. The Department is investigating the potential for undertaking a simplified process for recreational fishing compared to the commercial fisheries. This would involve excluding the statutory steps (which are not required) and involve a short discussion paper on any key risks and proposed changes (not dealt with in the current review), rather than a full Environmental Impact Statement. This would result in a faster response (about one year) and a substantial saving to the Trusts, which could be re-directed to other high priority programs, such as additional buyouts of commercial fishing licences.

Artificial Reefs update

Artificial reefs are widely used around the world to improve recreational fishing opportunities because they are believed to increase the number of fish available. Before considering any extensive program of artificial reefs, however, it is prudent to undertake research to establish their effectiveness by monitoring fished and unfished reefs in several locations before and after deployment.

This pilot program will identify suitable sites for the construction of artificial reefs in 3 estuaries that have been declared Recreational Fishing Havens, namely Lake Macquarie, Botany Bay and St. Georges Basin. The project will use artificial modules or 'Reef Balls,' which are a well-established way to create artificial reefs. These balls are produced by a patented mould system developed by the Reef Ball Development Group in the United States. Over 500,000 Reef Balls have been deployed worldwide in over 3,200 projects. After deployment, Reef Balls can be easily moved and located elsewhere, if required, or removed completely from the water.

The species composition, size range and catch rate of angling species on replicated fished and unfished artificial reefs will be assessed in this project using creel surveys, before and after deployment, and organised angler events. The data so gathered will establish the reefs'

effectiveness in increasing fish production. Collaborative studies with universities will be encouraged to monitor changes in other biota associated with the reefs. The program will conclude with the development of guidelines for the consideration of future artificial reef proposals in NSW. The specific objectives of the program are to:

- * Identify suitable sites for the construction of artificial reefs in 3 estuaries that have been declared Recreational Fishing Havens, namely Lake Macquarie, Botany Bay and St. Georges Basin,
- * Construct 4 reefs (2 fished and 2 unfished) using Reef Balls in each estuary,
- * Monitor and compare the recreational harvest, the catch rates of fishers and the sizes of recreational fish species in each estuary before and after the deployment of reefs using creel surveys,
- * Assess species composition, size range and catch rate of species on fished and unfished reefs using organised recreational angler events,
- * Inform the recreational fishing community about the effectiveness and contribution of artificial reefs in improving recreational fishing in each estuary, and
- * Establish guidelines for the consideration of any future artificial reef proposals for NSW.

Recreational management will provide an update on these issues at the meeting.

Outcomes

Review of NSW Recreational Freshwater and Saltwater Fishing Rules

Special freshwater and saltwater management planning committees had been set up to assist with the development and review of the proposals. The Committee was informed that data entry is underway and is being completed by one full-time operator. Many of the high quality submissions had responses to the proposals in the Discussion Paper but also additional informative comments relating to the management of recreational and commercial fisheries in NSW. Because of the detailed submissions, it is expected that data entry will take at least three months to complete. The Department advised that following the collation of submissions, a summary of the results of the community consultation process will be presented to ACoRF for final consultation prior to any changes in bag and size limits being made.

The Department will keep MERCMAC updated on outcomes from the bag and size limit review process.

Offshore Constitutional Settlement/Jurisdictional arrangements

The Department advised the Committee that under the current OCS agreement, the state has management jurisdiction over the recreational fishery in waters within and beyond 3nm to 200nm. This arrangement would still apply under the current agreement even if the Commonwealth implemented a statutory plan of management covering recreational fishing. The Department signed a memorandum of understanding on resource sharing in December 2004, which agreed that the NSW and Federal Governments would consider relevant resource sharing issues during any negotiations on the OCS agreement. The Department of Primary Industries held a workshop in November with representatives from other relevant state fisheries management agencies and major recreational stakeholder groups to determine the NSW position on resource sharing, to be used in the development of 'agreed' resource sharing arrangements with the Commonwealth.

Remaining funding from the Recreational Fishing Haven fisher buy-out \$20 million loan - Outcomes from SIAC and ACoRF working group

The Committee was advised of the following outcomes from the first meeting of the SIAC and ACoRF working group in October 2005:

- Development of a joint voluntary buy-out of commercial fishing entitlements using funds from both sectors (and other sources where available).
- Development of a broad policy framework for the buyout process for review by ACoRF and SIAC.
- Statewide advertising of an EOI to determine level of interest for buy-outs among commercial fishermen.
- Commercial representatives to develop an effective approach to deal with latent capacity as part of the structural adjustment process.
- Development of conditions on voluntary buy-out contracts to prevent fishers re-entering the fishery.

Recreational fishing FMS/EIS process update

The Department advised the Committee that environmental assessments and development of associated fisheries management strategies for designated fishing activities, such as the issue of commercial fishing licences, are required under the *Environment Planning and Assessment Act 1979*. This Act, however, does not apply to the recreational fishing fee or charter boat licences.

The Recreational Fishing Trusts have allocated funding to the development of a fisheries management strategy and associated environmental assessment for recreational and charter fishing activities. The Department advised that it was investigating the potential for undertaking a simplified process for recreational fishing compared to the commercial fisheries. This would involve excluding the statutory steps (which are not required) and involve a short discussion paper on any key risks and proposed changes (not dealt with in the current review), rather than a full Environmental Impact Statement. This would result in a faster response (about one year) and a substantial saving to the Trusts, which could be re-directed to other high priority programs, such as additional buyouts. The Department confirmed that the Advisory Council supports a simplified process for the development of a fisheries management strategy for recreational fishing.

Artificial Reefs update

The three-year pilot Artificial Reefs program involves the deployment of artificial reefs in identified barren areas in three Recreational Fishing Havens (RFHs). The reefs will provide enhanced recreational fishing opportunities, while scientific assessment of the structures will assess their use as a fisheries enhancement tool. A Development Application (DA) submitted by the Department seeking consent to deploy the artificial structures in Lake Macquarie has been approved. Deployment in Lake Macquarie is scheduled to commence in December 2005. Approval for the installation of artificial reefs in Botany Bay is expected in December 2005, with deployment of the reefs scheduled for early 2006. An application to deploy the final series of reefs in St Georges Basin will be lodged in December 2005. DPI advised that the Artificial Reefs program was progressing well and that Baited Underwater Video (BUV) methods were being used to monitor fish populations in control and experimental sites at Lake Macquarie.

For information.

Issue

Issues raised by industry.

Background (information provided by CFB representatives)*Region 4*Licence transfers

The time taken to process transfer of licence is long and the process is cumbersome. Can various options be considered? The form is not user friendly when it comes to multiple boat sale and licence transfer/sale.

The charge for sector endorsement and the need for sector endorsements

By now Fisheries should know how many operators are operating in each area and should be aware of any perceived risk of over fishing in that sector. To enable operators to make changes to their operation the restriction on taking up other sectors should be lifted if there is not a perceived risk of overfishing by charter vessels in that sector. If a sector is perceived to be at risk the industry should be informed of any scientific facts and consideration should be given to capping effort. The charge for any non restricted sector endorsement should be removed. Justification for sector charge cannot be sustained in my opinion.

This issue should be formally considered as part of ongoing CFB industry development discussions.

Passenger numbers and capping

NSW Maritime are still pressing ahead with changes to crew numbers. The outcome may cause the need for some operators to make significant changes to there operations or exit the industry. Consideration and discussion should be entered into at the next meeting to enable some restructuring. I hope there will be lots of ideas around the table. Some requests from operators have been 1/ remove the current passenger cap and make it a standard cap of 25 (similar to GBRMPA permit); 2/ allow an increase of passenger numbers for persons showing the need to restructure; and 3/ allow a transfer of passenger numbers between licences.

These proposals are subject to outcomes associated with the stakeholder consultation undertaken by the NSW Maritime Authority (addressed in item 7). It should also be noted that these issues would be considered as part of CFB industry development discussions.

*Region 5*Possession limits

Operators have expressed concern that if some of the proposals in the Review of Bag & Size limits are implemented, their clients who travel from afar to fish at the coast may be disadvantaged. Currently the possession limit for saltwater is the same as the bag limit so if visitors stay a week or more and have a couple of good days fishing and freeze fish to take home with them, they will be limited to whatever is the bag limit for the species they have caught. There are proposals to reduce these bag limits. In freshwater, the possession limit is twice the bag limit. To get support from charter operators and their clients for a reduction in bag limits, a review of possession limits should be considered.

An update on the review of recreational fishing rules is provided in agenda item 1. Charter fishing boat operators are encouraged to submit formal responses on this and other review issues.

Buyout of state licensed trawlers

As per discussion at the previous meeting, MERCMAC supports a buyout of the remaining inshore trawl licences. At the recent ACoRF meeting, ways of using excess Recreational Fishing Fee funds were suggested. Further buyouts of commercial fishing business were supported. As the representative of MERCMAC on the advisory council, I suggested that the trawl licences, being few in number, could be an option. ACoRF seems to think that estuarine licences were a more beneficial and perhaps a more economic way of spending the money. It has been minuted that MERCMAC wants this option explored, so we should make a formal request to ACoRF for due consideration.

An update on the buyout process is provided in agenda item 1.

Outcomes

Region 4

Licence transfers

Information was forwarded to the Licensing section for consideration during the development of the new Licensing database.

The charge for sector endorsement and the need for sector endorsements

This issue should be formally considered as part of ongoing CFB industry development discussions.

Passenger numbers and capping

These proposals are subject to outcomes associated with the stakeholder consultation undertaken by the NSW Maritime Authority (addressed in item 7). It should also be noted that these issues would be considered as part of CFB industry development discussions.

Region 5

Possession limits

An update on the review of recreational fishing rules is provided in agenda item 1. Charter fishing boat operators are encouraged to submit formal responses on this and other review issues.

Buyout of state licensed trawlers

The Advisory Council has been advised of the Committee's preference for the buyout of state licensed trawlers. An update on the buyout process is provided in agenda item 1.

For information.

Issue

Compliance update.

Background*Mutilation/filleting fish at sea*

At the last meeting, the Committee requested consideration for the charter fishing sector to be able to fillet fish at sea and/or at the wharf, provided the frames are retained for all fish with a size limit. The MAC requested input from the compliance team on this matter.

Recreational management wrote to Glenn Tritton, Manager, Fisheries Compliance, to request consideration of the Committee's recommendation on this issue. The following is an extract from this correspondence:

I am writing in regards to a recommendation from the Marine and Estuarine Recreational Charter Management Advisory Committee concerning the mutilation of fish by licensed charter fishing boat operators.

Clause 131(1) of the Fisheries Management (General) Regulation 2002 states that a person must not mutilate any fish of a class specified in clause 9 (Prohibited size fish) in or on or adjacent to any waters in any manner other than by gutting or by removing the gills or scales. Clause 131(2) of the regulation, however, states that a person (other than a commercial fisher) does not commit an offence under subclause (1) if the person establishes that the person mutilated the fish at a place that is a fish cleaning facility or other place specifically provided or ordinarily used for the cleaning of fish, being a place that is not in or on any waters, or mutilated the fish in accordance with a permit issued by the Director.

The committee believes there should be greater flexibility to enable operators to mutilate (i.e. fillet and/or section) fish on board licensed charter fishing boats, once the vessel has returned to its berth, regardless of whether it is for immediate consumption and/or use as bait, if requested by their clients. As a result, the committee has requested your consideration of a proposal to either:

- amend cl.131(2)(c) of the regulation, to enable fish to be mutilated on board licensed charter fishing boats once the vessel has returned to its berth, for example: ...mutilated the fish at a place that is a fish cleaning facility or other place specifically provided or ordinarily used for the cleaning of fish, being a place that is not in or on any waters, other than on board a licensed charter fishing boat at its berth, or*
- issue a permit, under cl.131(2)(d), to enable licensed charter fishing boat operators to legally mutilate fish on board a licensed charter fishing boat once it has returned to its berth.*

Boarding at sea

Recreational management wrote to John Dikkenberg, General Manager Commercial Vessels and Asset Management, to request clarification of the Committee's concerns regarding this issue. The following is an extract from this correspondence:

I am writing to seek your clarification of an issue raised by the Marine and Estuarine Recreational Charter Management Advisory Committee regarding compliance activities and vessel survey limits for charter fishing boats.

Legislation under the Fisheries Management Act 1994 authorises Fisheries Officers and Water Police to board charter vessels at sea, to allow routine compliance checks of fishing activities to be conducted.

The Committee has requested your consideration and clarification of the status of these compliance activities if/when the following scenario occurs:

- Authorised officers wish to board a licensed charter fishing boat to conduct routine compliance activities, however, the vessel is already carrying the maximum number of passengers/crew, as determined by the NSW Maritime Authority's survey. Therefore, if the officers proceeded to board the vessel its survey capacity would be exceeded.

In this situation, does the boarding of the vessel by these Officers contravene NSW Maritime Authority's survey requirements? I would appreciate your consideration of the scenario outlined above and provision of a formal response to the Committee regarding this issue. Please note that the next meeting is scheduled for Tuesday 18 October 2005.

A copy of the NSW Maritime Authority's response will be distributed at the meeting.

Mr Glenn Tritton, Manager Fisheries Compliance, will discuss these issues and provide an update on recreational/charter fishing compliance matters at the meeting.

Outcomes

Mutilation of Fish

A proposal to amend clause 131(2)(c) of the regulation, to enable fish to be filleted/mutilated on board NSW licensed charter fishing boats once the vessel has returned to its berth, will be prepared. NSW DPI Compliance will, in the interim, investigate opportunities for the introduction of a policy position to enable this practice on board CFBs.

Boarding at sea

NSW Maritime Authority's response to this issue was distributed to members at the meeting. The response stated that the maximum number of persons allowed on a vessel (as determined by NSW Maritime Authority survey) cannot be exceeded at any time. Therefore, the NSW Maritime Authority advised, that in this situation, officers/passengers must "swap" boats, so that the maximum number is not exceeded at any one time.

Some members argued that it would not be safe or practical to disembark passengers at sea. Further, members believe the suggestion that passengers be disembarked to the inspecting vessel contradicts NSW Maritime's whole safety rationale behind Part D.

It should be noted that the survey/carrying capacity of most CFBs exceeds the fishing capacity, so it is not envisaged that this situation will arise too often (and will be less prevalent over time, when boats are replaced/increased).

General Compliance overview

Education & Advisory - Attendance at Field Days & Major Events

Over 400 Fisheries Officer days per year to attend major events, including, for example: Sydney Boat Show; Sydney Royal Easter Show; Lake Illawarra. Caravan and Camping Show; Batemans Bay High School Expo; Narooma - Cobargo Community Fair; Eden Leisure Expo;

Coffs Harbour Outdoor and Camping Expo; AGFAIR Broken Hill; Central Coast 4WD and Camping Show; Tamworth Fish Expo; Newcastle Show; and Mildura Boat and Tackle Show

Education & Advisory while on Patrol

Advisory material is provided to every fisher checked by NSW DPI compliance officers.

Other Education & Advisory Activities

Fishing clinics; presentations to service clubs (Lions, Apex) & other interest groups; Council meetings; scout and guide groups; schools; fishing clubs; disability support organisations; multicultural community organisations.

Investigations & Compliance Outcomes conducted under the Fisheries Conservation Officer Habitat Protection program

A total of 93 matters have been investigated: SEINS issued (16); Remediation orders (5); Pending prosecution (12); Cautioned (26); No further action (34).

Advisory

Presentations to local Government authorities on conserving aquatic habitats and developing best practice for culvert works, road crossings, drainage issues and fisheries legislation.

Catchment Audits

Catchment audits are designed to allow proactive monitoring of quality catchment areas. The purpose is to catalogue pristine fish habitats and existing impacts and then revisit the same area within 12 months to report on any significant changes or breaches of the legislation. Six catchment audits were conducted during the last reporting year. Over the next 12 months, the catchment audit process will be rolled out to District Offices across the state.

Number of Recreational Fishers Checked 2004/05 Program

Checked	Compliance Rate	Marine Recreational	Anglers
86%		46,571	

(includes recreational Abalone & Lobster activities)

Seizures – 2004/05 Vehicles (5); Vessels (26); Nets (2,943); Fish (over 3,000 fish plus over 1,800kg); Traps (1,744); Set lines (1,895); and Abalone (18,000).

The Manager Fisheries Compliance also provided a detailed overview of recent court outcomes, significant prosecutions & seizures. However, this information has not been documented due to sensitive/ongoing nature of these issues.

For information.

Issue

Update on Grey Nurse Shark Critical Habitats.

Background

The Grey Nurse Shark protection program has been effective since 1 December 2002. There are currently 10 sites within NSW that have been declared critical habitat zones (excluding Marine Parks and Commonwealth waters). These incorporate a 1000 metre sanctuary (200 metre critical habitat exclusion area and an 800 metre buffer zone).

Wire traces cannot be used by anglers when anchored or moored within either the critical habitat (200 metre) or buffer (800 metre) zone. The use of bait(s) whilst anchored or moored, is prohibited within the critical habitat zone, but permitted in the buffer zone. You may use flies and artificial lures when anchored/moored in either zone. You may troll or drift using bait, fly or lure, with or without wire trace, in both zones. Rock and beach fishing without wire trace is also permitted in both zones. Commercial drop, drift or setline fishing is strictly prohibited in both zones. Diving rules in Critical Habitat areas prohibit: scuba diving between sunset and sunrise; blocking entrances or openings to caves or gutters occupied by the sharks; feeding, touching, chasing or harassing the sharks; and the use of shark repelling devices and underwater scooters.

Grey Nurse Shark protection measures are currently under review in NSW. Recent research results were presented to stakeholders in 2004 and the NSW Government will make an announcement in the near future about the outcomes of this review.

Results from the Grey Nurse Shark Protection Regulations Discussion Paper

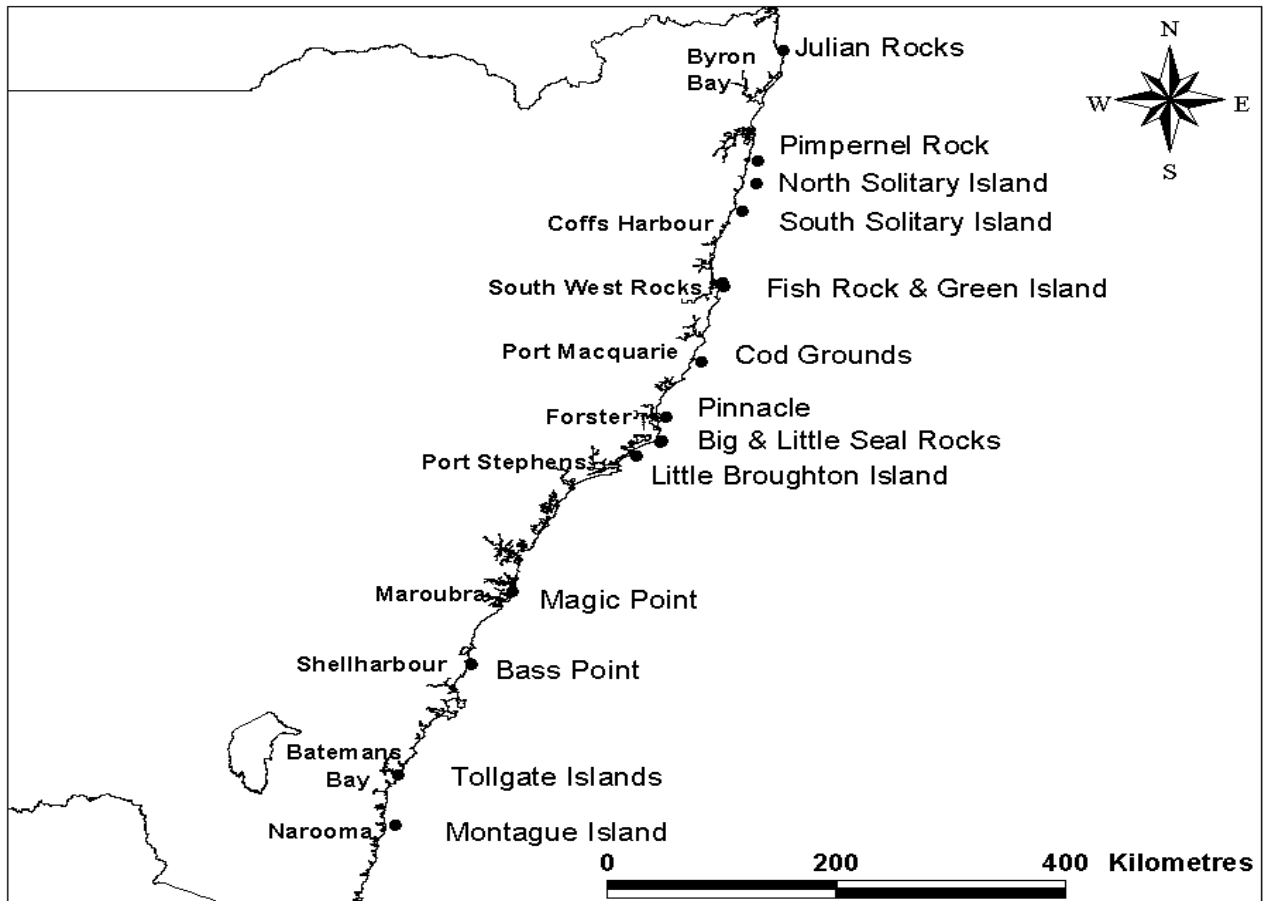
The review received 1550 submissions. NSW DPI researchers showed the east coast Grey Nurse Shark population to number approximately 410-461, with over 70% of the population found at known critical habitat sites at any one time. The study also found the sharks to roam within approximately 1200 metres of these aggregation sites. 12-33% of Grey Nurse Sharks showed external signs of hook damage. It is predicted that the population will reach virtual extinction in 10-20 years. The use of pop-up tags confirmed that these sharks are a highly inshore species with no deep water population, and that scuba divers have negligible impacts on this species. Protection in other jurisdictions - Queensland now has 4 critical habitat sites declared with 1200 metre sanctuaries. There are possibilities for commercial trolling, spanner crab fishing and aquarium collecting. Commonwealth jurisdictions include: Pimpernel Rock (1000 metre sanctuary zone) and a 1000 metre sanctuary for the Cod Grounds.

Peter Gallagher, A/Group Manager, Fisheries Ecosystems, will provide an update on this issue at the meeting.

Outcomes*Protection in NSW*

Protected in 1984; Listed as Vulnerable in 1999 in NSW under the Fisheries Management Act 1994; Listed as Endangered in 2001 (FM Act 1994); East Coast Population Listed as Critically Endangered in 2002 under the Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth Act).

Critical habitat sites



The Advisory Council on Recreational Fishing has queried whether hook damage was commercial or recreational. This was deemed too hard to ascertain due to variances in hook size, however, it was confirmed that 1 in 7 had wire traces attached. The interaction between grey nurse and wobbegong sharks, particularly with regards to commercial setlining activities, will be investigated as part of the species impact statement for the Ocean Trap and Line FMS/EIS.

The Committee was advised that there would be further stakeholder consultation regarding grey nurse shark protection, prior to decisions being made and rules being finalised.

For information.

Issue

NSW DPI research programs on key recreational species.

Background

Charles Gray, NSW DPI, Research Leader, Wild Fisheries, will give a brief overview of scientific studies being done by researchers in the NSW DPI Wild Fisheries Program (Science & Research Division).

The Program has three units:

- ◆ Fisheries Technology,
- ◆ Fisheries Biology, and
- ◆ Fisheries Assessments.

The studies being carried out in each of these units will be summarised, including fishing gear developments, biological and ecological studies on estuary and coastal fish species (e.g. Mulloway, Garfish, Flathead, Luderick, Bream and various mullet), the development of fishery-independent surveys for estuarine fisheries and current developments in resource assessment strategies.

The 10 projects currently being undertaken in the Fisheries Technology unit aim to develop and test fishing gears and practices to reduce bycatch and improve selectivity and efficiency. Research on the survival of line caught fish funded by the Recreational Fishing Saltwater Trust is within the Fisheries Technology unit as well as two projects funded by FRDC on discarding of small prawns and bycatch in the prawn fishery and maximizing the survival of bycatch released from estuarine commercial fishing.

Currently 22 projects are being undertaken in the Fisheries Biology unit. This unit undertakes research on the biology, ecology and life history characteristics of key species and fisheries interactions. The Recreational Fishing Trust is funding studies in this unit on age, growth and reproduction of key species (such as mulloway, luderick, bream, sand whiting, garfish, dusky flathead, mullet, blue swimmer crabs and tarwhine), appropriate harvest sizes of key species and artificial reefs.

The Fisheries Assessment unit undertakes stock assessments and fishery interactions. The Department currently has 15 projects within this unit, including tournament monitoring and Recreational Fishing Haven research funded by the Recreational Fishing Trusts. The FRDC are funding projects in this unit including, development of fishery independent surveys for estuarine fisheries and spanner crab assessments.

Outcomes

Wild Fisheries Program - scientific research and advice to support the management of the wild harvest fisheries of NSW.

Fisheries Technology Unit (10 projects - 3 Scientists, 2 Technicians, 2 Students)

Develop & test fishing gears and practices to reduce bycatch and improve selectivity and efficiency. For example:

Discarding of small prawns & bycatch in prawn fishery [Fisheries Research & Development Corporation (FRDC) funded - recently completed report available]; Ocean Trawl Fishery gear

selectivity (development of selective whiting net); Survival of recreational line-caught fish [Recreational Fishing Trust (RFT) funded]; Discard reduction in ocean haul fishery [Australian Research Council (ARC) funded for Bream, Luderick, Mullet; Maximising the survival of bycatch released from estuary commercial fishing gears (FRDC funded) – focus on key recreational species; and Bycatch reduction in commercial prawning gears (e.g. Nordmore-grid & square-mesh panels).

Maximizing the survival of bycatch released from estuary commercial fishing gears: Identify deleterious operational procedures and post-capture handling practices that impact on survival; examine operational and/or handling practices that improve survival; and determine the most appropriate strategies from (ii), assist with implementation & adoption.

Fisheries Biology Unit (22 projects - 5 Scientists, 10 Technicians, 4 Students)

Biology, ecology & life history characteristics of key species and fisheries interactions. For example:

Age, growth, reproduction of key species (RFT & FRDC funded); growth & mortality of school prawns (FRDC funded); appropriate harvest sizes of key species (RFT & FRDC funded); fishery assessments (e.g. garfish, mullocky); artificial reefs in estuaries (RFT funded).

Life History Characteristics

Age validation & growth; reproduction (where & when, size & age, fecundity); mortality and movements; habitat associations; and fishery dynamics.

Age, growth, reproduction of key species, including: mullocky, luderick, bream, sand whiting, sea & river garfish, dusky flathead, sand & flat-tail mullet, blue swimmer crab, sweep, ocean leatherjacket, blue mackerel, cephalopods, rubberlip morwong, red rock cod, pearl perch, tarwhine.

Fisheries Assessment Unit (15 projects - 8 Scientists, 10 Technicians, 2 Students)

Stock assessment of key species, fishery interactions & assessments, for example:

Resource assessments of key species for FMS [Commercial Trust (CT) funded]; development of fishery-independent surveys for estuarine fisheries (FRDC); tournament monitoring (RFT); RFH assessments (RFT); ecosystem modeling; prawn harvesting strategies (ARC); spanner crab assessments (FRDC); abalone & lobster assessments (CT); and discarding in ocean haul & garfish fisheries (CT)

Abalone Stock Assessment

Independent surveys (relative abundances & size compositions, habitats); fishery catch rates (Catch Per Unit Effort - CPUE), sizes etc; stock modeling; annual TAC; other issues: Perkinsus disease, re-seeding opportunities and the recreational fishery.

Fishery-Independent Surveys

Develop tools to assess key estuarine fish species across all types of estuaries and management regimes; Testing sampling gears; assessing sources & levels of variation; cost benefit analyses; long-term assessment strategy.

Resource Assessment System

Based around FMS requirements; intranet-based system (live), bi-annual report (2007); species-based assessments; biology & life history characteristics; fisheries – harvests, catch per unit effort, size & age composition, discards; assessment classes – dependent on: data type, time series, quality.

Knowledge Gaps

Assessment of recreational catch is to be incorporated into the resource & fisheries assessments. A strategy is to be developed (workshop) – this will include charter boats.

Biology & Fisheries Assessments of Key Recreational Species

Blue spotted & sand flathead; salmon; estuary perch; trumpeter & school whiting; leatherjackets; bonito; teraglin; and pilchard.

For further information regarding DPI research programs on key recreational species, please check out our website - www.dpi.nsw.gov.au/fisheries.

For information.

Issue

Marine Parks Authority update.

Background (from NSW Marine Parks Authority website)*Manning Shelf Bioregion*

The Manning Shelf Bioregion extends from north of the Hunter River at Stockton (32°54'S) to north of Nambucca Heads (30°39'S) and includes all estuarine, coastal and offshore waters to the edge of the continental shelf (approximately the 200 m depth contour). The bioregion is one of 65 Australian marine bioregions and provinces that together provide a national framework for consistent, ecologically based planning of marine protected areas (MPAs).

The report titled "Broad-scale Biodiversity Assessment of the Manning Shelf Marine Bioregion" describes the broad range of biodiversity found within the bioregion and identifies ecological options for MPAs using available broad-scale ecological information. Information used in this report was derived from:

- National criteria developed for the identification of MPAs
- a broad-scale atlas of NSW marine ecosystems and habitats
- existing broad-scale scientific surveys of habitats, communities and species
- existing data, maps, aerial photographs, literature and conservation assessments
- new data coverages and analyses generated for this study
- ecological guidelines for reserve design
- preliminary discussions with scientists, managers and the community.

This assessment identifies one possible candidate location for a large, multiple-use marine park. It also identifies other areas with important conservation values that might be included in a statewide network of MPAs. The criteria, methods and information from this report aim to provide a basis for more detailed assessment, consultation and management of these areas.

Broad-scale Biodiversity Assessment of the Batemans Shelf and Twofold Shelf Bioregions

The report examines broad-scale patterns of biodiversity in the Batemans Shelf and Twofold Shelf marine bioregions and identifies areas that should be considered in selecting a system of marine protected areas (MPAs). The information, criteria and methods applied in the report may also assist in ongoing assessment, selection, and management of MPAs in NSW. Similar assessments have been completed for the North Coast of NSW (Manning Shelf bioregion and NSW section of the Tweed-Moreton bioregion).

The Batemans Shelf bioregion extends south from Shellharbour (34°35'S) to Wallagoot Lake, south of Tathra (36°48'S). The Twofold Shelf bioregion extends south-west from Wallagoot Lake to east of Wilsons Promontory in the State of Victoria and south into Tasmanian waters. The bioregions are part of a classification of 65 Australian marine bioregions and provinces that together provide a national framework for consistent, ecologically based planning of marine protected areas (MPAs). The bioregions include all estuarine, coastal and offshore waters to the edge of the continental shelf at the 200 m depth contour. NSW contains 5 bioregions and 1 province. This report focuses on NSW state waters within 3 nautical miles of the coast.

Samantha Hessey, Marine Parks Planning Officer, will provide an update on the Manning and Batemans/Twofold Bioregional assessments and discuss the proposed Marine Parks Permit Policy.

Outcomes

Marine parks - Objectives:

Protection of biological diversity; protection of ecological processes; sustainable use; public appreciation, understanding & enjoyment.

Zone types

Sanctuary (no take) - provide the highest level of protection – removal or harm of any plants or animals is prohibited.

Habitat Protection - conserve biodiversity by reducing activities – line fishing and collecting can still occur.

General Use - provide for a wide range of activities including commercial & recreational fishing.

Special Purpose - allow for management of special areas such as cultural heritage and boating facilities.

Government Obligations

International

Convention on Biological Diversity (UNEP 1994).

National

Intergovernmental Agreement on the Environment (IGAE) Commonwealth of Australia 1992.

State legislation

NSW Marine Parks Act 1997 (administered by the NSW Marine Parks Authority).

NSW Marine Bioregions

Five marine bioregions in NSW - each has been assessed on a broad-scale.

Existing Marine Parks:

Cape Byron (newest) – finalising zone plan

Solitary Islands - zoned

Jervis Bay - zoned

Lord Howe Island - zoned

Bioregional Planning

- Bioregional assessments have now been completed for the entire NSW coast.

- Socio-economic studies – conducted once the bioregional assessment has been presented to the Government to determine impacts of candidate marine parks.

- Buy-back funding assessed to prepare for potentially affected commercial fishers once a marine park is zoned and implemented.

Marine Park Authority priorities - 2005/06

- Finalising and implementing Cape Byron Marine Park zoning plan.

- Examining a marine park in the Manning Shelf bioregion.

- Examining marine protected area priorities for the Batemans Shelf and Twofold Shelf bioregions (south coast) based on the bioregional assessment

Bioregional Assessments

- Describe the broad range of biodiversity found within a specific bioregion and identifies ecological options for MPAs using available broad-scale ecological information.

- Combination of information and data from a wide range of sources. The bioregional assessment is only the first step in determining 'candidate' sites for marine protected areas.

- Finer-scale information is required to assist decisions about the location of different types of zones.

Broad scale ecosystem classification

Estuarine ecosystems

- Ocean embayment
- Tide-dominated drowned river valley
- Wave-dominated barrier estuaries, lagoons and interbarrier estuaries
- Intermittently open saline lagoons and coastal creeks
- Brackish barrier lakes

Ocean zones

- Coastal depth zone (0–20 m)
- Offshore depth zone (20–60 m)
- Shelf depth zone (60–200 m)
- Oceanic depth zone (>200 m)

Habitat

- Seagrass, mangroves, saltmarsh
- Intertidal rocky shores & beaches
- Islands
- Sub tidal reefs & sediments

Marine Park location criteria

The broad scale ecosystem classification achieves the nationally agreed selection criteria of:

- Comprehensiveness - full range of marine ecosystems
- Adequacy - level of reservation to ensure the ecological viability
- Representativeness - reflect the biotic diversity of the marine ecosystems

Other essential criteria for marine park location are:

- Economic interests - contributes to economic value (tourism, fishing, employment)
- Indigenous interests - traditional usage & indigenous cultural values
- Social interests - value to the local communities (heritage, cultural, recreational or economic factors)

Recommendations from the Manning assessment

i) A candidate marine park at the southern end of the Manning Shelf bioregion, within the area between Stockton Beach and Forster:

- Port Stephens and the Karuah River estuary
- Myall Lakes, Smiths Lake, Wallis Lake -
- Adjacent exposed coast and ocean to 3nm

ii) Other areas of high conservation value:

- Small relatively unimpacted estuaries
- Identifies least impacted sub-catchments of the major estuaries

Current status of Manning proposal

- Candidate site (bioregional assessment recommendation). The NSW Government is currently considering this.
- Socio-economic study of the regional impacts of the proposed park is complete.
- Buy-back to be provided to commercial fishers.

There is an extensive planning process of approximately 18 Months to 2 Years. Before the announcement a bioregional assessment has to have been completed and a steering

committee established for the bioregion to direct planning and advise the MPA. Please note nothing changes once a marine park is announced until a zoning plan is implemented (approximately 2 years after the announcement). Therefore, existing Fisheries, Maritime and National Parks regulations apply until the zoning plan is formally introduced.

Local Advisory Committee

Each marine park has its own advisory committee consisting of:

- Marine conservation
- Tourism industry
- Recreational fishers
- Local councils
- Aboriginal people
- Commercial fishers
- Scuba divers
- Other relevant local groups eg: boat owners, local user groups

Informal Focus Groups

Focus groups are conducted for all involved stakeholder groups in a variety of locations in the area of the proposed marine park. The main purpose is to discuss current use and activities and develop a zoning plan. There are multiple opportunities to attend these groups.

User surveys

In the weeks following the announcement, user surveys are distributed by post to commercial fishers and operators, and through newspapers, MPA website, parks and fisheries offices, tourist operators etc for recreational users/community.

- Commercial fishers – fishers sent survey directly with an aim of returning 100% response
- Commercial operators – operators sent survey directly with an aim of returning 100% response
- Community/Recreational users – surveys circulated through local papers, website, tourist outlets, bait & tackle shops, tourism centres etc

Draft zoning plan

Once all surveys are completed and analysed, and the focus groups have completed assigned tasks, all results are compiled into an issues paper for discussion. Once comments are received, a draft zoning plan is developed and put out for public consultation.

From this information gathering

- Background resource document – legislative, scientific and cultural information on the area of the proposed marine park.
- Discussion paper about marine park management based on the focus groups, survey responses and advice from the local advisory committee.
- Draft zoning plan (3 month exhibition period).
- Final zoning plan prepared once all submissions on the draft have been considered.

Jervis Bay Marine Park zoning plan

- Commenced 1 October 2002.
- 20% sanctuary zone representative of all ecosystems and habitats found in the marine park.
- Certain commercial fishing activities not permitted in habitat protection zones (e.g. trawling, scallop dredging).
- General use zone - permits trawling.

Permits

- Permits required under the Marine Parks Regulation 1999.
- Permit policy currently being developed.
- Permits required within 12 months of a marine park declaration for each vessel.
- No fee charged.
- Each vessel requires a permit.
- Permits are not transferable.
- All existing fishing and parks regulations continue to apply.

For information.

Issue

Update on NSW Maritime Authority's consultation regarding the draft crewing proposal.

Background (from NSW Maritime Authority website)

Responses to the draft crewing proposal (Part D to the National Standard for Commercial Vessels) have been flowing in to NSW Maritime following a period of public consultation. Responses received after the official close of public comment on 6 May are also being considered due to the level of interest.

NSW Maritime, the State boating regulator, sent about 2500 letters, with details regarding the proposed policy, to key industry stakeholders in April, 2005. NSW Maritime has received 123 submissions and just over 1200 individual comments in response. About 100 of the comments highlighted the economic impact of the proposal. About 50 argued that the proposal would not achieve what it intended, and almost 70 comments were focused on suggesting alternative crewing numbers and concessions. Other comments raised the issues of training, a small number argued that the new regulations would not be strict enough, about 30 comments expressed support for the proposal and 50 highlighted the inadequacy of the consultation period.

The detailed review and analysis of comments has been completed and a consultation process has begun involving a cross-section of industry representatives. The distillation of the feedback and discussions will be incorporated into the paper where appropriate. The next draft of the paper (along with a regulatory impact statement) will then be released for an additional four week period of public comment.

NSW Maritime is currently travelling across the State to further engage with industry, to explain more thoroughly the roles of crewing committees and defacto crews and provide greater background on the general move towards national standards. It is also an opportunity to explore ways of managing future change across the industry.

John Dikkenberg, General Manager Commercial Vessels and Asset Management, NSW Maritime Authority, will be attending the meeting to discuss these issues in greater detail.

Outcomes

NSW Maritime confirmed that a revised discussion paper and Regulatory Impact Statement (RIS) would soon be completed and that the paper would be released in the next few weeks. Members were re-assured that there would be an opportunity for further comment before the proposal is finalised. Members advised NSW Maritime that there would be no use releasing the paper too close to Christmas, as this is the busiest time of year for charter fishing boat operators.

With regards to the RIS, members expressed concern that there had been little or no consultation between the RIS consultant and the charter fishing industry. NSW Maritime assured the committee that the consultant was briefed to seek direct input from key elements of the commercial vessel industry, including charter fishing operators. Mr Matt Arthur, Hassall & Associates (RIS consultants), has since advised that he received information packages from a number of charter fishing boat operators/MERCMAC representatives during the RIS consultation process.

The question was posed to members (by a committee representative) as to who could operate profitably under the proposed 5nm restriction. The consensus at the meeting was that very few, if any, would be able to retain a viable operation. It was re-iterated that the RIS would make an independent assessment of the costs and benefits of the proposal.

One member raised the issue of the definition of 'safe haven' and argued that, for example, the proposal appeared to exclude Broughton Island (where several well-sheltered bays and coves are available in different weathers). NSW Maritime explained that, to their understanding, the line would be drawn at the limit of 'sheltered waters'.

In response to proposed changes to Part D, the following information was provided by the NSW charter fishing industry to the NSW Maritime Authority. Representatives confirmed that the '15 point plan' is what the CFB industry wants adopted. Members also noted that the 15-point plan is a concession by charter fishing boat operators from the optimal outcome of only requiring a second crew person when the vessel exceeds 30 passengers/30 nautical miles to sea.

15 point Local Equivalent Solution for charter fishers operating with single crew

1. Maximum vessel length of 15m.
2. Maximum distance to sea 15NM.
3. Maximum number of passengers 15.
4. Maximum voyage duration of 12 hours.
5. All passengers to be accommodated in one life raft.
6. All passenger spaces to be visible from one deck.
7. A method of communicating the spoken word to all passengers at all times.
8. Vessels 12-15m to be class 1 only.
9. All essential systems to be capable of being operated by one person.
10. Operational controls to be located on same deck as passengers.
11. The ability conduct docking procedures with one man crew.
12. The vessel to work within the range of VHF Radio & Mobile phone communications.
13. The vessel to have a S.M.S. procedure for passengers to communicate with the designated shore personnel and/or emergency authorities.
14. Pre voyage passenger briefing to include instructions as per item 13 and a full life jacket donning instruction & emergency procedures.
15. Ongoing industry consultation of the 15-point local equivalent solution before, during & after implementation.

For information – issue subject to ongoing consultation.

Issue

Ocean (Prawn and Fish) Trawl FMS/EIS issues.

Background

The Committee has requested an update on FMS/EIS issues relating to the NSW Ocean Trawl Fishery.

The ocean prawn trawl fishery is the State's most valuable fishery, worth around \$32 million at first point of sale each year. In 2000/01, the total catch for the fishery was 3,411 tonnes, with 1,739 tonnes of that being prawn catch only.

Ocean fish trawling activities use demersal otter trawl nets to target a large number of species, such as silver trevally, tiger flathead, redfish, john dory and numerous species of sharks and rays. Total catches reported by fish trawl operators from NSW managed waters in 2000/01 were 1,171 tonnes, valued at \$4 million at first point of sale.

The ocean trawl fishery is currently managed by input controls, which limit the fishing capacity of the gear used, indirectly controlling the amount of fish caught. Input controls include restrictions on the number of licences, the size of boats, the design and dimensions of trawl nets, and the locations, which may be worked.

An EIS on the ocean prawn trawl and ocean fish trawl fisheries was on public display in August/September 2004. The EIS incorporates a draft fishery management strategy (FMS) that describes the activity and the proposed management controls for the fishery. The EIS also includes an assessment of the likely biophysical, economic and social impacts of implementing the draft fishery management strategy.

Darren Hale, Manager, Ocean Trawl Fishery, will discuss ocean trawl FMS/EIS issues at the meeting.

Outcomes*Prawn Trawl*

The ocean prawn trawl fishery is the State's most valuable fishery worth around \$32 million at first point of sale each year. There are 311 fishing businesses (comprising 266 inshore; 238 offshore; and 64 deepwater endorsements). Annual catch is around 3.5 tonnes, with about half of that being prawn catch (king, school and deepwater) only. Incidental catches of other species of fish (e.g. whiting, octopus and squid) may also be landed.

Fish Trawl

The ocean fish trawl fishery uses the demersal otter trawl to target a large number of species, such as silver trevally, tiger flathead, ocean perch, whiting, redfish, john dory and numerous species of sharks and rays. A total of 99 fishing businesses hold endorsements to operate in the ocean fish trawl fishery. Of these, 47 are endorsed to operate in the southern sector of the fishery, south of Barrenjoey Point, near Sydney. A total of 62 are endorsed to trawl for fish in the northern sector of the fishery between Barrenjoey Point and Smoky Cape - out to the 4000m depth contour (approximately 80 nautical miles from the coast). Total catch by fish trawl operators from NSW managed waters is around 1.2 tonnes, valued at \$4 million at first point of sale.

Historical management of the fishery

- Fish trawl commenced in 1919 (steam to diesel in 1960's)
- Prawn trawling activities commenced in 1947
- Juvenile king prawn closures first introduced in 1982
- Offshore prawn trawl restricted in 1985
- Freeze on new licences 1984 & 1987
- Prawn trawl management rules commenced in 1990
- Offshore Constitutional Settlement - 1991
- No fish trawling north of Smoky Cape since 1995
- Restricted Fisheries introduced in 1997
- Bycatch Reduction Devices 1999
- Share management fishery 2004 (limited access)

Controls on fishing

- Limited access
- Boat capacity (hull, engine, net)
- Size limits
- Trip limits
- 10 'juvenile king prawn' closures
- Fish trawl closure north of Smoky Cape
- Restructure programs – transfer criteria

Environmental Impact Statement (EIS) process

The draft Fishery Management Strategy (FMS) and associated EIS were exhibited in 2004. 29 submissions were received - one from the recreational fishing sector and zero from the charter fishing boat sector. NSW DPI then prepared the Preferred Strategy Report (PSR). Following recent consultation with key advisory bodies, the PSR is to be modified & referred to the Minister for approval. This will form part of the development of the Ocean Trawl Management Plan.

Key issues – extent of trawling

- Industry proposed closures (outside 1000m depth contour; all reefs; close approximately 75% of waters to fish trawl on the south coast; continue prohibition on fish trawl north of Smoky Cape; juvenile king prawn closures year round and extend these closures to include beaches; river entrances during floods to minimise bycatch; refuge areas & spawning closures)
- Interest from other stakeholder groups for larger closures inside 3nm
- Map trawl grounds

Key issues – fishing effort

- Latent effort (i.e. unused entitlements) - set targets for restructuring (achievable in 10 years); use minimum shareholding requirements to restructure fishery
- Active businesses - maintain boat capacity rules; recent recommendations to implement a cap on the number of 'nights' that may be fished
- "Nights" to be tradeable, which will lead to additional restructuring
- Ocean Trawl fishers are also interested in a reduction in effort on prawns in estuaries
- Businesses may be removed through the Marine Park buy-outs

Key issues – fishing gear

Fish trawl nets

- Restrict double braided cod-ends [for whiting] to inshore waters pending results of research on alternative gear

- Single twine nets with maximum 6mm twine offshore

Prawn trawl nets

- Recent recommendation to restrict net in cod-ends and square mesh panel Bycatch Reduction Devices (BRDs)
- Introduce 'square mesh' cod-ends
- Research 'diamond' cod-end for whiting
- Ongoing review of gear & BRDs as new information becomes available

Other key issues

- Code of conduct
- Demerit point scheme/share forfeiture
- Restrict the use of 'spikes'
- Continue restrictions on 'bobbin gear'
- Observer program
- Continue to review cost effectiveness of Vessel Monitoring Systems (VMS)
- Monitor interaction with threatened & protected species
- Jurisdictional issues
- Improve knowledge/promote research
- Improved catch reporting (eg. daily logbook)

For information.

Issue

Code of Conduct/Industry Plan issues

Background

As part of the development of a Charter Fishing Boat Industry Plan, NSW DPI would like committee members to consider the introduction of a formal Code of Conduct/Practice, which would apply to the operation of all licensed NSW charter fishing boats. Potential issues to be included in the Code will be discussed at the meeting.

Outcomes

Recfish Australia's National Code of Practice for Recreational and Sport Fishing will be used to provide a framework for the development of a NSW CFB code of conduct. Copies of the Recfish Code of Practice were distributed at the meeting.

Members were encouraged to consider possible Code of Conduct issues – to be progressed at future meetings.

Recommendation

Committee members consider possible Code of Conduct issues and discuss with operators.

Issue

Charter Fishing Trust Fund.

Background***Trust fund***

Section 236A(1)(a) of the *Fisheries Management Act 1994* states that all fees and charges paid by charter fishing boat operators are to be paid into the Charter Fishing Trust Fund. S.236A(2) states that there may be paid out of that Fund:

- (a) the costs of taking measures to enhance charter fishing, and
- (b) the costs of carrying out research into charter boat fishing, and
- (c) the costs of management and administration of charter fishing boat operations, and
- (d) the costs of ensuring compliance with charter fishing boat regulatory controls, and
- (e) the costs of consultative arrangements with owners and operators of charter fishing boats.

The Minister previously approved expenditure of \$905,000 from the Trust for the 2003/04-2007/08 financial years, based on the recommendation of the Advisory Council on Recreational Fishing and MERCMAC, in 2003.

Service delivery/staff resources

Representations have been received from MERCMAC members in relation to holding an additional MAC meeting each year and general service delivery to the committee/charter fishing industry. A copy of the Director, Fisheries Management's formal response on this matter will be distributed at the meeting.

In order to provide these additional resources/services, it is proposed to expand the duties of the current data entry position and create an ongoing, temporary clerk grade 3/4 (Fisheries Management Officer) position, funded by the Trust. This position would be dedicated to the NSW charter fishing industry and therefore provide additional services to operators. This would greatly assist the Department with the provision of administrative services that have been requested by industry over time (e.g. MERCMAC meetings - agenda/minutes; regular CFB Newsletter; additional MERCMAC meeting/year), but have been difficult to deliver due to resource constraints.

Note - the CFB manager's salary is paid for by the Department (i.e. consolidated revenue). This position is required to do a broad range of recreational/ACoRF related duties, in addition to CFB management.

Detailed Charter Fishing Trust Fund budget information will be distributed and discussed at the meeting.

Outcomes

Charter Fishing Trust Fund - Proposed Expenditure (2005/06 - 2007/08)

* *CFB Licence Fees 2005/06 (\$433 per licence plus \$87 for each authorised activity)*

- \$433/licence (276 licences x \$433.00) = \$119,508

- \$87/activity (844 activities x \$87.00) = \$73,428

- *Maximum possible income (2005/06) = \$192, 936**

* *If all licence holders pay fees this year (some flexibility for licences in abeyance)*

This figure is higher than the predicted income previous years due to the following factors:

- Abeyance provisions commenced 1 December 2004 – all licence fees must be paid either annually or at the end of abeyance period/when activating the licence, whereas expired licences previously incurred no annual charge.

- Includes research levy component (previously allocated to FRDC – being investigated).

- Consumer Price Index (CPI) increases on fees.

Table 1: Predicted revenue, proposed expenditure and projected Charter Fishing Trust Fund balance (2005/06 – 2007/08).

Financial Year	Predicted Revenue	Proposed Expenditure	Projected Balance
2004/05	\$117,000	\$105,000	\$93,000*
2005/06	\$160,000#	\$155,008	\$97,992
2006/07	\$160,000#	\$154,761	\$103,231
2007/08	\$160,000#	\$161,268	\$101,963

* \$93,000 - actual balance of the CFTF as at 30 June 2005. # Predicted revenue of \$160,000 is based on an estimated 250 licence renewals each year (i.e. approximately 85% of total fees - this factors in licence abeyance payment flexibility provisions).

Table 2: Breakdown of proposed expenditure from the Trust (2005/06 – 2007/08).

Expenditure	Salaries	Operating	Overheads	Total
Logbook/monitoring program		\$20,000		\$20,000
MERC MAC meetings		\$15,000		\$15,000
CFB Management	\$16,000		\$14,000	\$30,000
CFB FMO position (based on 2005/06 salary)	\$47,877	\$11,490 (24%)	\$30,641 (64%)	\$90,008
Total	\$63,877	\$46,490	\$44,641	\$155,008

Table: Salaries and on-costs for a Clerk, Grade 3/4 Fisheries Management Officer position.

Clerk Grade	Salary (including future adjustments)	Projected On-costs	Total
Grade 3 year 1	\$47,877	88%	\$90,008 (2005/06)
Grade 3 year 2	\$51,292 (4% pay increase 1/7/06)	75%	\$89,761 (2006/07)
Grade 4 year 1	\$55,010 (4% pay increase 1/7/07)	75%	\$96,268 (2007/08)
Grade 4 year 2	\$56,700	75%	\$99,225 (2008/09)

Recommendation

The Committee supports expenditure from the Charter Fishing Trust Fund (2005/06 – 2007/08), including the creation of a CFB FMO position, as outlined in Table 1.

Moved: David Cribb

Seconded: Ann Garard

Carried

Other business

- *Striped marlin resource allocation issues*

To help protect the game fishery in Western Australia the state government banned the commercial landing of striped marlin in 1995. The Game Fishing Association of Australia has been negotiating with the Commonwealth for more than 12 months seeking a closure to longlining within 50 nautical miles of the east coast of Australia to protect game fishing. There has been no result to date.

Following a number of years of low abundance of yellowfin tuna in inshore waters, recreational fishers have become increasingly reliant on striped marlin as the mainstay of the game fishery off NSW. Increased targeting of striped marlin by Commonwealth managed longliners, particularly in inshore waters, has raised concerns about localised depletion of this species off NSW to the detriment of the game fishery. The overfishing of the longline fishery for swordfish off southern Queensland, and increased reliance on former bycatch species such as dolphinfish and striped marlin has heightened these concerns. The Commonwealth's intention to manage the East Coast Tuna and Billfish Fishery by a Total Allowable Effort cap, rather than by species based Total Allowable Catches, has exacerbated the likelihood of serial depletion of pelagic fish stocks off NSW.

The economic study to estimate the value of the striped marlin fishery to the recreational and commercial sectors, and to examine the possible impact of various management scenarios and the economic importance of striped marlin to the commercial and recreational fishing sectors was assessed. The Council should note that the Minister is concerned about the results of the survey and does not want to see this very high value resource decline.

Specifically, the Minister has raised the following issues with the Commonwealth:

- * There is a need to clarify issues of jurisdiction so that the responsibilities of each government are understood in respect to the Offshore Constitutional Settlement (OCS) and the management of recreational fishing out to the Australian Fishing Zone;
- * The Memorandum of Understanding (MOU) on resource sharing outlines that our governments "will consider relevant resource sharing issues during any negotiations on the OCS agreements", which our Minister anticipates will be applied to striped marlin and other relevant species; and
- * The Minister also reiterates his concerns about the ongoing targeting of striped marlin by Commonwealth commercial tuna fishers and requests that the necessary action be taken so that marlin are not targeted by commercial fishers and are only taken as a genuine incidental bycatch.

- *Information pack for charter operators, for information.*

A workshop was held in Hobart in August 2005 to determine Research & Development priorities for recreational fishing and develop a national approach to recreational fishing research, development and extension. As part of this strategy, a new information pack is available that specifically targets charter fishing operators and fishing guides. The pack features a new pamphlet titled "Released Fish Survival is Your Business" and comes in two different packs with material that can be handed out to clients. NSW DPI distributed a kit to each MERCMAC member. The following products were included in the kit:

- * Gently does it best practices pamphlet; Video/DVD on best practices; Posters on handling barramundi; Posters on fish friendly tackle;
- * Reports on research into fish survival
- * Release weight brochure

- *Recreational Scuba Diving Fee Discussion Paper*

Copies of the paper were distributed to members and discussed in agenda item 4.

Out of session items

Nil.

Correspondence received

- Response from Maritime Authority re: crewing proposals (FM05/946 – Chair/MAC letter; FM05/853 – David Cribb's letter) – *addressed in agenda item 7.*
- Letter from David Cribb re: additional MERCMAC meeting/year (FM05-983) – *addressed in agenda item 10.*

Next meeting – Thursday 16 March 2006.

Charter Fishing Trust Fund - Approved Expenditure (2003/04 - 2007/08)

As a result of recommendations by the Advisory Council on Recreational Fishing (ACoRF) and MERCMAC in 2003 regarding Trust Fund expenditure, the Minister approved the following expenditure from the Trust:

Financial Year	Total Expenditure
2003/04	\$485,000
2004/05	\$105,000
2005/06	\$105,000
2006/07	\$105,000
2007/08	\$105,000
Total (03/04 – 07/08)	\$905,000

This expenditure was based on Predicted Income and Charter Fishing Trust Fund Balance estimates for 2003/04 to 2007/08, as outlined below.

Financial Year	Predicted Revenue	Expenditure	Projected Balance
2003/04	\$117,000	\$485,000	\$50,000
2004/05	\$117,000	\$105,000	\$65,000
2005/06	\$117,000	\$105,000	\$80,000
2006/07	\$117,000	\$105,000	\$95,000
2007/08	\$117,000	\$105,000	\$110,000

The breakdown of approved expenditure from the Trust (2003/04 - 2007/08) was based on the following estimates:

Expenditure	Salaries	Operating	Overheads	Total
Consolidated logbook (Re-design & printing)		\$30,000		\$30,000
MERCMAC meetings		\$15,000		\$15,000
Industry consultation – port meetings		\$5,000		\$5,000
CFB Management	\$16,000		\$14,000	\$30,000
CFB data entry	\$25,000			\$25,000
Total	\$41,000	\$50,000	\$14,000	\$105,000

At present, operators pay an annual licence fee as a contribution towards the total cost of managing the NSW charter fishing sector. The majority of costs associated with managing this sector are borne by the Government.