

OCEAN TRAP & LINE MANAGEMENT ADVISORY COMMITTEE MEETING

Minutes

Meeting 10 &11 March 2005

2.00pm

1st meeting for 2005

Wanda Surf Club (10/03/05) & Cronulla Fisheries Centre (11/03/05)

Cronulla, NSW 2230

(Share Management Workshop held from 9:30am on 10/03/05)

Chairperson

Dr Julian Amos

Management Advisory Committee Representatives

| | |
|-------------------|------------------------------------|
| Jack Lavis | Spanner crab |
| Allen Hicks | Line fishing (eastern zone) north |
| Matthew Creek | Line fishing (eastern zone) south |
| Chris Judd | Demersal fish trap north |
| Paul Sullivan | Demersal fish trap south |
| Grahame Clarke | Line fishing (western zone) north |
| Garry Braithwaite | Line fishing (western zone) south |
| Megan Kessler | Nature Conservation Council of NSW |
| Sonya Errington | Director-General's nominee |

Observers

| | |
|--------------------------|--|
| Dianna Watkins | Department of Primary Industries, Management |
| John Timmins | Department of Primary Industries, Compliance |
| Kevin Rowling | Department of Primary Industries, Research (Friday) |
| John Stewart | Department of Primary Industries, Research (Friday) |
| Veronica Silberschneider | Department of Primary Industries, Management Planning |
| Marcel Green | Department of Primary Industries, Environment Assessment |
| Graeme Bowley | Department of Primary Industries, Aquaculture (Friday) |
| Ian Lyall | Department of Primary Industries, Aquaculture (Friday) |
| Jessica Hartmann | Department of Primary Industries, Principal Economist (Friday) |
| Edward Janssen | NSW Food Authority (Friday) |
| Dave Cranston | SeaNET (Friday) |

**OTLMAC AGENDA
10 & 11 March 2005**

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|--|--|
| <p>Welcome and Apologies</p> <ul style="list-style-type: none"> Welcome and introduction provided by the Chairperson. Apologies from Peter Goadby, Recreational Representative. | Chairperson |
| <p>Agreement on agenda for 10 & 11 March 2005</p> <ul style="list-style-type: none"> Agenda, with additional items regarding snapper economic study update, boat licence amalgamations and proposed Act amendments (s69), agreed. | Chairperson |
| <p>Confirmation of draft minutes of 11 October 2004</p> <ul style="list-style-type: none"> Minutes of the previous meeting accepted | Chairperson |
| <p>Correspondence sent and received</p> <ul style="list-style-type: none"> Correspondence noted. | Chairperson |
| <p>1. Business arising from the minutes</p> | Chairperson/ NSW DPI |
| <p>2. Management, Research, Conservation and Compliance update</p> | NSW DPI |
| <p>3. NSW Food Authority Update</p> <ul style="list-style-type: none"> Fees and Charges Amateur Charity Fish Auctions | NSW FA NSW FA Industry (Garry Braithwaite) |
| <p>4. Aquaculture Issues</p> | NSW DPI |
| <p>5. Access to the Purse Seine Fishery</p> | NSW DPI |
| <p>6. Coastal Shipping</p> | Industry |
| <p>7. Marine Parks</p> | Industry |
| <p>8. Closure Renewals</p> | NSW DPI |
| <p>9. Other Business</p> <ul style="list-style-type: none"> Articles in the Sun Herald MAC Contacts NSW SeaNET Officer Snapper Biological and Economic Impact Assessment Update Proposed Act amendments Cost Recovery Boat Licence Amalgamations | Chairperson Industry NSW DPI SeaNET NSW DPI NSW DPI NSW DPI NSW DPI |
| <p>10. Chairperson's Summary and next meeting date</p> <ul style="list-style-type: none"> Meeting Closed at 12:00 pm, Friday 11 March 2005 | Chairperson |

Background

General business arising since last meeting.

Out of Session Agenda Items

January 2005 – Comments on proposed amendments to the *Fisheries Management Act 1994*.

21 February 2005 - Proposal for variation to the licensing policy - Variation not supported.

22 February 2005 – Access to the Purse Seine Fishery – Agenda Item 6

Outcomes

The Chairperson noted that this meeting had been held in the first quarter of 2005 in accordance with the resolution from the last meeting to hold at least 4 meetings per year. The Chairperson also noted that out of session agenda items were circulated to the Committee in this instance due to the timing of the meeting that had been delayed from February to March.

The Committee agreed that the Department took the recommendation from the October 2004 meeting with regard to the licence splitting proposals into consideration with the proposals received. The Department advised that it was not always possible to hold over such proposals until a scheduled MAC meeting due to the individuality of business operations. The Committee was also advised that the section 8 closure on licence splitting would be made into Regulation.

NEW ACTION ITEMS

OTLMAC Meeting 10 & 11 March 2005

| Agenda Item | Topic | Action | Responsibility | Status |
|-------------|-------------------|--|-------------------------------------|-------------------------|
| 2 | Management Update | Update on automatic setline permits in the SESSF | NSW DPI | Pending |
| 2 | Research Update | <ul style="list-style-type: none"> • Re-evaluate the silver trevally data and provide updated data to the Committee • Further update on NSW DPI acquiring fish from SFM prior to auction | NSW DPI NSW DPI | Complete Pending |
| 6 | Coastal Shipping | <ul style="list-style-type: none"> • Contact the Australian Seafood Industry Council (ASIC) regarding current arrangements with the shipping industry. • Liaise with LobMAC in providing trapping coordinates to the Spirit of Tasmania. | NSW DPI NSW DPI and Industry | Pending Pending |
| 7 | Marine Parks | Letter from the Chairperson on behalf of the MAC to the Minister regarding buy outs | Chairperson | Complete |

ACTION ITEMS

OTLMAC Meeting 11 October 2004

| Agenda Item | Topic | Action | Responsibility | Status |
|-------------|-------------------------------|---|------------------|----------|
| 1 | General Business Arising | Clarification of licensing arrangements, particularly with regard to transfer of entitlements | NSW DPI | Complete |
| 2 | Department Update | <ul style="list-style-type: none"> • Industry requested a budget breakdown for the monitoring charge and existing management charges and associated expenditure. | NSW DPI | Pending |
| | | <ul style="list-style-type: none"> • Update on automatic setline permits in the SESSF. | NSW DPI | Complete |
| | | <ul style="list-style-type: none"> • Further consideration of a size limit for Wobbegong Sharks. | Industry | Pending |
| | | <ul style="list-style-type: none"> • Snapper data to be updated and evaluated | NSW DPI | Ongoing |
| 4 | NSW Food Authority Update | Letter to the NSW Food Authority regarding charges for commercial fishers. | MAC (NSW DPI) | Complete |
| 6 | Tuna Longline Upgrade Policy | Amend the Commercial Licensing Policy to provide for the Committee's recommendation. | NSW DPI | Pending |
| 8 | Tax Payable on Sale of Shares | Liaise with the ATO regarding the payment of capital gains tax on sale of FBs under share management. | NSW DPI | Pending |
| 9 | Size Limits | <ul style="list-style-type: none"> • Discuss the implementation of complementary size limits with the Commonwealth. | NSW DPI | Ongoing |
| | | <ul style="list-style-type: none"> • Conduct a teleconference to provide for a coordinated response to the information paper. | NSW DPI | Complete |
| 14 | Other Business | Coordinate with LobMAC to provide coordinate details to the Spirit of Tasmania. | NSW DPI/Industry | Pending |

OTLMAC Meeting 2 February 2004

| Agenda Item | Topic | Action | Responsibility | Status |
|--------------------|-----------------------|---|-----------------------|---------------|
| 2 | NSW Fisheries Updates | The Committee requested that NSW Fisheries investigate claims that some charter boats are also operating Commonwealth Eastern Tuna and Billfish Fishery minor line permits. | NSW Fisheries | Complete |

OUTSTANDING ACTION ITEMS

OTLMAC Meeting 26 & 27 March 2003

| Agenda Item | Topic | Action | Responsibility | Status |
|--------------------|----------------------------|---|-----------------------|---------------|
| 9. | Aquaculture in open waters | <ul style="list-style-type: none"> • MAC to provide NSW Fisheries with specific “aquaculture” topics and issues where further information is required. | MAC Members | Complete |
| | | <ul style="list-style-type: none"> • NSW Fisheries to then arrange for appropriate responses or presentation at the next meeting | NSW Fisheries | Complete |

Issue

Management, research, conservation, compliance and management planning update

Background**Management - Sonya Errington**

A verbal update will be provided at the meeting

1. Share Allocation and Management Plan Implementation

- Limited Access Stage
- Nominations during limited access prior to the Fishing Business Card

2. Licensing Arrangements

- Transfer of entitlements (Action Item)

3. Commonwealth Activities Update

A verbal update with handout will be provided at the meeting and will include:

- SE Trawl Buy Out (Line Fishing Eastern Zone South Representative)
- Charter boats with ETBF minor line permits (Action Item)
- Set line permits in the SESSF

Research - Kevin Rowling

A verbal update with handout will be provided at the meeting and will include:

- NSW Fisheries acquiring fish from SFM prior to auction (Line Fishing Eastern Zone South Representative)
- Mulloway and Teraglin (Brad Plummer, Commercial Fisherman)
- Silver Trevally (Brad Plummer, Commercial Fisherman)

Conservation – Bill Talbot (Friday)

A verbal update at the meeting.

Compliance - John Timmins

A verbal update at the meeting.

Management Planning – Veronica Silberschneider

A verbal update at the meeting.

Outcomes

Management – The Committee supported the Department's recommendation that the 2 nomination policy as agreed to at the last meeting be removed during the limited access stage of fisheries management pending the implementation of the Fishing Business card.

The Committee was advised that there was no further update on the proposed SE Trawl Fishery buy-outs, however the Department was looking at implementing arrangements, where a certain amount of quota or statutory fishing rights would need to be kept to retain State entitlements. If not, State entitlements would be unavailable until the fishing business returned to a similar structure prior to being bought out.

Share management issues were discussed during the share management plan development workshop that preceded the MAC meeting. A summation of the discussion is at **Appendix A**. The Committee noted the management update.

Research

The Departmental Research representative provided an update to the Committee on the following species:

Gemfish

The situation with regard to gemfish has not changed much in the past 12 months. In 2004 NSW fishers reported landings of gemfish of 16 tonnes, approximately 95-97% of which was taken in the ocean trap and line fishery. Landings in the Commonwealth fisheries in 2004 were approximately 80 tonnes, mostly taken by the trawl sector.

Blue-eye

The Research representative advised that a qualitative assessment of the status of blue-eye off NSW would be undertaken. This would be based on biological data collected in the 1990s and include an analysis of fishery catch and effort data to 2004.

Mulloway and Teraglin

Available data does not support the view that there has been a fishery wide decline in the recruitment of small fish to mulloway stocks. The FRDC funded research project on mulloway has been completed and the final report is currently being prepared. There is limited data available on the size composition of teraglin catches, however the species is being monitored during 2005 and the results will be reported to the MAC when available.

Silver Trevally

A discrepancy in the figures presented to the Committee of catches of silver trevally by trap methods north of Sydney (zones 3-6) in 2004 was detected. The Research representative has since reassessed the data and it indicates that trap catch of silver trevally north of Sydney in 2003/2004 has increased on the previous year. Since 2002, trap catches south of Sydney have declined and trawl catches have increased. Trap and trawl catches north of Sydney have remained relatively stable.

NSW DPI acquiring fish from SFM prior to auction

It appears that there is no consistent process applied by the Sydney Fish Markets for pricing fish purchased for research. Anecdotal evidence indicates that prices can vary greatly, however generally the highest price on the day is quoted or if unavailable the immediate highest preceding price would apply. The Research representative will provide a further update on this issue at the next meeting.

The Chairperson enquired as to the accessibility of Commonwealth catch data by the Department. The Research representative advised that required information could be accessed on an aggregate level.

Compliance – The Committee was informed that the OTL Fishery continues to have a high compliance rate: 91% in 2002/02 and 94% in 2003/04. The Department noted that a high compliance rate should allay fears within industry that the demerit system will place an undue burden on shareholders. While the fishery averaged 22 verbal cautions and 4 prosecutions, the major offences were the taking of protected fish and general issues with gear setting.

Management Planning – The Committee was advised that the draft Environmental Impact Statement (EIS), containing the OTL Fisheries Management Strategy (FMS), must be completed and submitted to the Commonwealth for assessment by 1 December 2005 following a 4-week period of public exhibition around October. It should be available for MAC review for an end of May meeting. There was general concern among industry representatives as to the number of times the MAC would see the document before it is submitted to the Commonwealth for assessment. Although the MAC will view the FMS later this year, industry representatives would like to see the revised version following their comments before the entire document goes on public exhibition.

The MAC was advised that further comments could be made during the period of public exhibition. It was also noted that of the whole EIS document, the 2 chapters most relevant to the MAC were the draft FMS and the Assessment of the draft FMS (containing the Species Impact Statement). It was also noted that if an interim Wildlife Trade Order were issued by the Commonwealth pending final assessment, this would not delay the implementation of share management.

Agenda Item 3

NSW Food Authority

Issue

NSW Food Authority Update

Background

NSW Food Authority (formerly SafeFood NSW) is a separate government body responsible for food safety in the meat, dairy and seafood industries. The new Seafood Safety Regulation requires everyone involved in seafood, from catch or harvest to the back door of the retail outlet to be licensed with NSW Food Authority and comply with appropriate food safety provisions.

NSW Food Authority NSW will provide an update to the Committee and the opportunity for questions to be asked.

NSW Food Authority Fees – Brad Plummer, Commercial Fisher

As it was acknowledged in an earlier MAC meeting, the NSW Food Authority has become out of control, in three ways – please see attached bill for \$310.00.

- a) Paperwork – The daily logs for ice are not dissimilar to catch returns and require more work than catch returns.
- b) Inspections and audits are now up to 3 times a year.
- c) The annual cost which will rise with the CPI.

Since fisheries management was involved in the embryonic phase of Safe foods trap and line standards and the bodies establishment with the MAC support, can representation be made to Safe Food expressing our concerns for better use of our time and money?

DPI Response

NSW DPI fisheries management was not involved in the development of the Authorities trap and line standards, nor was the NSW Food Authority established with MAC support.

Amateur Charity Fish Auctions - Garry Braithwaite, Line Fishing Western Zone South

It has come to light that amateur fish auctions do not have to meet the same strict NSW Food Authority requirements as the commercial fishing industry has to meet, but they are selling fish to the public for human consumption. I have been in contact with NSW Food Authority and put in a formal complaint that the amateur fish auctions are a public health risk. To deal with the problem would it be possible for the Department to invite a representative from the NSW Food Authority along to the MAC meeting to discuss this matter.

Outcomes

NSW Food Authority Fees – As to the issue of the volume of paperwork involved in audits conducted by the NSW Food Authority, the NSW Food Authority representative informed the Committee that the main concern was traceability in both operations and sale. Paperwork and receipts (traceability) showing where products were sold and proof of ice purchases should be sufficient. Since commercial fishing is considered a low risk, an accredited third party may conduct future field audits. The Line Fishing (western zone) South representative stated that fishers can lose several days of fishing time as a result of audits taking place and suggested that Waterways officers may be able to undertake the audits on behalf of the Authority. The Authority assured the Committee that audits were conducted approximately once a year but to note that dates may vary slightly. In terms of cost, it was confirmed that annual costs as charged by NSW Food Authority would rise with CPI but any increases would be discussed in a consultative group prior to implementation. The Committee was also advised that the timing of issuing invoices to industry was being addressed in an attempt to coincide with peak fishing times.

Amateur Charity Fish Auctions - Again, the NSW Food Authority representative stressed the need for traceability and that the Food Authority be informed when such auctions are held so the opportunity is provided to inspect the area. The Line Fishing (western zone) South representative argued that those holding a charity fish auction permit should be under the same legislation as commercial fishermen since the fish is sold for public consumption. Presently such boats are not monitored and there is a lack of traceability in the sale. The NSW Food Authority representative stated that people involved in these auctions operate under normal fishing codes. He did admit however that there are few inspections of fish markets and co-operatives because the low risk nature of fishing does not warrant stringent inspections. The NSW Food Authority Contact Centre Number is for industry and consumers is 1300 552 406.

In regards to prosecutions for the sale of “bad” fish, the NSW Food Authority representative stressed the need for traceability. Members of the MAC pointed out that once fish is sold to the markets they are often mixed in with other fish and that there is a possibility that a fisher could be prosecuted for “bad” fish. The representative assured industry members that as long as their individual paperwork is up to date then they were unlikely to be accountable.

Issue

Aquaculture Issues

Background

At the last OTLMAC meeting, Industry provided the following topics regarding aquaculture for discussion at the next meeting:

- Concerns regarding open water cages, including; abnormalities in aquaculture farmed fish, genetics associated with abnormalities, impact of escapees with abnormalities on wild fish stocks, interaction with wild fish stocks.
- Identification of areas for aquaculture; will current commercial fishing areas be impacted upon by the development of saltwater aquaculture? If so will compensation be payable for loss of access to commercial fishing areas?
- Aquaculture fish species food; what are the fish fed? How does this impact on the ecosystem including habitat and wild fish stocks?

A representative from NSW DPI Aquaculture Management will address these queries

Outcomes

The Committee was informed that abnormalities in fish were a natural occurrence and generally a result of nutrition. Some fish, encountering a net at a young age, have lost their eyes resulting in a skin growth over the wounds. Cages were restocked with wild-harvest species to ensure the variability of the gene pool.

Identification of areas for aquaculture was reliant on the standard planning development approval process. Any offshore developments would require detailed environmental assessment prior to any approvals being given. This would include recognition and consideration of commercial fishing areas or those areas identified by the local fisheries officer and important commercial grounds.

Fish feeds vary depending on the particular species and life stage requirements and range from a fine crumble to a large pellet. The pellets are a processed pellet similar to chicken pellets. Many feed companies are working to replace the traditional use of fishmeal with other plant proteins. As the fish feed and other wastes are organic in nature they are capable of being assimilated by aquatic organisms. Environmental monitoring of the Pisces fish farm off Port Stephens has found no significant impact.

Issue

Access to the Purse Seine Fishery

Background

The current NSW Licensing Policy allows for operators who hold State entitlements and a Commonwealth East Coast tuna permit that was attached to the vessel prior to 16 January 1991 to replace the vessel in line with the Commonwealth maximum length policy – this was 32m, however size restrictions are no longer applicable in the east coast tuna fishery. The policy states that where an upgrade has occurred, the vessel can continue to operate in State waters providing there is no increase in effort or catch other than the east coast tuna fishery.

There are currently 15 purse seine operators in NSW, 2 of whom also hold commonwealth purse seine entitlements – ie they can fish from the coast to edge of the Australian fishing zone.

Local depletion of small pelagics is a major concern of stakeholders and maintaining populations on inshore bait grounds is of critical importance. While it is acknowledged that the Commonwealth small pelagic fishery and the NSW purse seine fishery harvest a common resource, available scientific information does not identify the rate of exchange between inshore and offshore areas or if the whole resource moves between the two jurisdictions. Most research to date on similar species has concentrated on daily vertical movements rather than inshore/offshore daily migrations.

Catches are not limited in either jurisdiction, however, the NSW Ocean Hauling Fisheries Management Strategy (FMS) details the species that may be taken in a purse seine net in state waters and the catch levels permitted before a trigger for review is activated.

For example, the upper trigger of 198 tonnes relating to pilchard landings was activated in 2002-03 at 251 tonnes. Following a review it was noted that:

“.....the historical catches of pilchard have been highly variable. There have been recent changes to pilchard fishing activities in that the species is now being targeted, and landings will be closely monitored during the next analysis to determine if there are any concerning trends. There has also been a possible recovery of the species following significant pilchard kills in the late 1990's /remedial action is not recommended at this stage.”

In addition, there is a broader fishery trigger that states that at least 95% of the catch taken in a purse seine net must be comprised of target species.

The FMS also requires a system to provide for appropriate new additions to the lists of target species and also provide for assessment of changes to fishing methods. A first draft of how this system could operate was considered at the last ocean hauling MAC meeting and is the subject of further consultation.

The Commonwealth small pelagic fishery is currently managed under a series of trigger catch limits. The current area D (waters adjacent to NSW) triggers are: blue mackerel 3,500t, jack mackerel 3,500t and redbait 1,000t. Pilchards are taken in the “informally” managed purse seine fishery and there is currently no limit or trigger on landings for this species.

To date there has been no rigorous assessment of the resource, including that within NSW waters. Until biological reference points are established based on stock assessments, trigger points will be used to detect undesirable changes in landings for NSW fisheries. The triggers are based on historical landings and are reviewed annually and recalculated using the most recent years catch data as the new reference level.

The Proposal

An operator who has upgraded their vessel under the tuna policy and who also holds both Commonwealth and State purse seine entitlements received a Regional Assistance Grant in mid 2002 that was used to increase processing capacity for purse seine catch. The operator has questioned the policy that their catch and effort in the State purse seine fishery should be restricted where they believe a resource is able to support an increased sustainable harvest. The basic premise is that the target species (mainly pilchards and blue mackerel) move across the jurisdictional boundaries and it really doesn't matter from a resource sustainability point of view where they are caught.

DPI has been advised that if the catches of the above vessel are constrained in accordance with general boat replacement policy it is likely that shore based activities will be impacted resulting in significant negative flow on effects to the regional economy.

To minimise impacts on the regional economy and, in recognition of the need for resource information to assess sustainable harvest levels, the operator has proposed if their catch cap was increased they would:

- Not exceed 1,200 t of purse seine species per annum
- Not fish in the following areas of historical purse seine activity:
 - Illawarra – Stanwell Park to Kiama 34°13'S to 34°40'S
 - Bermagui – Camel Rock to Goalen Head 36°18'S to 36°33'S from the coast to 3 nautical miles
- Pre and post report any transit through exclusion areas and VMS fitted to the vessel can validate the location of the vessel
- Provide a weekly fishing program to DPI in advance of operations
- Provide daily catch reports if the catch is within 100t of that permitted
- Contribute to research by
 - Providing samples
 - Providing access to the operation for managers, scientists and compliance officers
 - Contribute to the funding of a scientist for data analysis – up to 3% of the value of landings at first point of sale,

until future management measures are determined in accordance with the share management plan and supporting policies.

Outcomes

The MAC carefully considered this proposal noting that the operator has probably developed this fishery over the past few years above historical levels. It was also noted the importance of the processing plant to the regional economy.

The MAC however did not support the proposal based on the fact that they have been working on mechanisms to remove effort across the fishery and this proposal will result in increased catches and effort.

The MAC noted that the vessel was upgraded under the tuna longline upgrade policy and that there is clear requirement for catch and effort in State fisheries not to increase – the operator has breached this policy. It was also noted that data on these species is limited and there is a real risk of catches increase significantly above historical levels.

The MAC did however support the following proposal in principle to address the increase in effort and catch and to ensure consistency in principle:

“The operator be permitted to land catches of the levels proposed if the operator removes from the industry sufficient effort to offset this increase by removal of appropriately endorsed FBs.”

Agenda Item 6

Industry

Issue

Coastal Shipping

Background

Brad Plummer – Commercial Fisher

In shore coastal shipping has become more frequent, resulting in the loss and consequent ghost fishing of ocean jacket traps and other gear including damage to wave rider buoys and FADS. This has been previously raised on the agenda as well as canvassed in a recent lobster MAC meeting. My contact with the office of the Minister for Trade, Mark Vaile, indicates John Anderson, Minister for Transport, would be receptive to a delegation to discuss this issue. Has any progress been made from fisheries management?

DPI Response

No further progress has been made on this issue from fisheries management with regard to this issue or the Spirit of Tasmania. Further action will be taken on this issue pending finalisation of Staff resources and evaluation of management priorities.

Outcomes

The Demersal Fish Trap South representative will provide co-ordinates to DPI for a passageway approximately 1.5 kilometres in width where no OTL or lobster traps are set. This will also be passed on to the Spirit of Tasmania.

Action

The Department to contact the Australian Seafood Industry Council (ASIC) regarding current arrangements with the shipping industry.

Agenda Item 7

Industry

Issue

Marine Parks

Background

Marine Parks – Brad Plummer, Commercial Fisher

Following two recent phone calls, with detailed questions from the Department,

coming within a year of the independent economic firm Hassels, concerning methods, time and economic return from fishing Mermaid Reef (region 4) could the MAC be given a detailed explanation of the motives behind the renewed interest? Eg is it connected to a secondary area in the National Parks Marine Parks Plan for the Manning Bioregion, or is it part of the process following the submission for the increased protection of Grey Nurse sharks. Why is the submission for increased protection of grey nurse sharks, which concerns all line fishermen in NSW, taking twice as long as the original which established the critical habitat zones
Article: www.abc.net.au/nsw/news/200501/s1290089.htm and attached.

NSW DPI to address this issue at the meeting.

Outcomes

Mr Plummer's concern extends from the need to gather more information to address the development of the Species Impact Statement for Grey Nurse Sharks through the EIS process.

The Department's Marine Protected Areas and Threatened Species unit also provided the following information in response:

The Manning Bioregional Assessment report (available to download at www.mpa.nsw.gov.au) reviewed the subtidal reef area between Crowdy Head and Diamond Head but made no specific recommendations with regard to increased protection for that area in the vicinity of Mermaid Reef.

As part of the review on grey nurse shark protection, additional sites in NSW have been considered for listing as grey nurse shark critical habitat. Mermaid Reef is one of these sites as at certain times of year large numbers aggregate on the reef. Commercial fishers were contacted by Hassall's and Associates and NSW DPI to gain an understanding of the commercial fishing activity in the area. The information collected on commercial fishing activity has been included in the review on grey nurse shark protection. This review has also included independent advice from international shark expert Dr John Stevens and considers the latest grey nurse shark research results. The Minister is expected to announce the outcomes of this review in the near future.

With regards to the referred to article:

There has been no official proposal for a marine park from Port Stephens to Taree. However, the State government is committed to establishing a comprehensive, representative and adequate system of marine protected areas in NSW

All NSW marine bioregions are in the process of being assessed as per National guidelines, the most recent one being the Manning shelf bioregion. The Manning bioregional assessment report has been publicly available since November 2004 on the Marine Parks Authority website at www.mpa.nsw.gov.au.

The NSW Government is currently considering the findings of the Manning Bioregional Assessment report, but at this stage no decisions have been made regarding when or where a Marine Park will be located in the bioregion.

All NSW Marine Parks are zoned after extensive community consultation, user surveying and discussions and workshops with focus groups to determine user values. A zoning plan is only finalised after public exhibition of the draft zoning plan and consideration of all submissions. Each Marine Park has an advisory committee made up of stakeholders.

In existing NSW Marine Parks there has been the provision of buy-back funding under a voluntary scheme for affected commercial fishers wishing to participate.

Further information is available at www.mpa.nsw.gov.au.

The Line Fishing (western zone) South representative raised the issue regarding effort shift as a result of implementing marine parks, including that of the recreational community and queried if the Department had a policy to address this issue. Although there are areas within the parks that can be fished commercially, it was apparent to several industry members that these parts are not often productive fishing areas and that compensation should be made for loss of fishing grounds.

The NCC representative raised the point that development of marine parks and associated buy outs could be advantageous to the trap and line fishery in that it could provide opportunities for further government buy-outs to reduce the number of operators in the fishery. The Line Fishing (western zone) North representative stated that latent effort FB's be bought out because activated FB owners generally re-entered the fishery. The Chairperson recommended drafting a letter to the Minister to advise of the Committee's recommendations concerning buy-outs.

Action

Letter from the Chairperson on behalf of the MAC to the Minister regarding buy outs.

Agenda Item 8

NSW DPI (Sonya Errington)

Issue

Closure Renewals

Background

The following closures are up for renewal in 2005:

May 2005 - Southern Bluefin Tuna (SBT)

The taking of SBT from all NSW waters by any holder of a NSW commercial fishing licence, or by any person from a NSW licensed fishing boat, by all methods of fishing.

DPI Response

DPI recommends the continuation of the closure on SBT in NSW waters. SBT has been listed in NSW as endangered under the *Fisheries Management Act 1994*. The Commonwealth are also considering listing of the species as endangered under the *Environment Protection and Biodiversity Conservation Act 1999*. Australia as a signatory to the Convention for the Conservation of SBT, which came into force in 1993, applies strict quotas to the commercial catch sector as a management and conservation measure to enable the SBT stocks to rebuild. Australia's quota is fully allocated and is 5,265 tonnes.

May 2005 - South East Trawl Fishery – Trip Limits – Gemfish

Trip limits on NSW fishers targeting Gemfish as follows. By all methods, in all NSW ocean waters south of Barrenjoey Headland, and west of a line drawn 3 nm from the coastal baseline, 0 kg. By all methods, all ocean waters other than those listed above, no more than 50kg whole weight.

DPI Response

DPI recommends the continuation of the closure for trip limits on Gemfish in NSW waters with no amendments. The draft OTL FMS requires the development of a recovery program for the species. The NSW Ocean Trawl fishery will be required to implement the provisions of the program when developed. The Commonwealth are also considering listing of the species as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*.

Before October 2005 – Spanner Crab Fishery Seasonal Closure

Dates for the seasonal closure for male and female spanner crabs will be discussed with the Spanner Crab Sub-Committee prior to the OTLMAC making a recommendation.

Outcomes

May 2005 - Southern Bluefin Tuna (SBT)

The Industry members of the Committee did not support the renewal of the SBT closure. Industry requested that appropriate management arrangements be introduced rather than continuation of the closure. The NCC representative supported the renewal of the closure.

May 2005 - South East Trawl Fishery – Trip Limits – Gemfish

Renewal of the closure for trip limits on Gemfish was supported by the MAC. Industry members noted that while they didn't necessarily support the closure they would not object to the renewal of the closure.

Before October 2005 – Spanner Crab Fishery Seasonal Closure

The Spanner Crab representative requested the Committee support that Queensland Fisheries spawning closure mirror the dates of the NSW spawning closure for spanner crabs.

Agenda Item 9

Chairperson

Issue

Other Business/ Member updates

Background

Other items for discussion subject to approval.

Articles in the Sun Herald

Brad Plummer -Commercial Fisherman

Following three consecutive weeks of bad publicity by fishing writer David Lockwood, (mainly in the Sun Herald, but he also writes in Afloat and Trade A Boat magazines). Would the MAC endorse a letter sent to the Sun Herald pointing out we are legitimate businessmen with families operating legally within a framework created by Fisheries Management?

The public perception of Commercial fishing practices can be altered by misleading and emotional criticisms aimed at catering to the lowest common denominator and will be harmful as people who believe this clown are the same people who respond to submissions on our industry. Therefore it is important to respond to these ignorant columnists with intelligent and common sense answers.

DPI Response

The Department has evaluated the articles and will not be responding in an official capacity. The Department believes that responding to the article in an official capacity will only exacerbate the debate with the recreational sector and is unlikely to result in a retraction from the author. Fishers are welcome to respond on an individual or group basis.

MAC Contacts

Brad Plummer -Commercial Fisherman

Because of initial difficulty contact the Line West Rep, due to privacy concerns, and therefore not being able to confer on issues before the February 24th deadline, could the MAC obtain permission for publication of successful nominees name, address and phone number which should be a pre-requisite before standing for election, and upon successful election new candidates should be supplied with at least the previous two years minutes. Does the MAC support the concept that MAC work shops in future could be better planned after elections to minimise fiscal wastage.

DPI Response

It should be noted that while candidates may have been successful in the nomination process or election to a position, they are not appointed until Cabinet approval of the nominees is given. On appointment, preferred MAC member details will be recorded and circulated to industry through Cooperatives and RIC Newsletters.

The MAC meeting and share management plan workshop for early 2005 was discussed at the last meeting in October. It was agreed that meetings should be held more regularly, particularly with the pressing timelines of FMS and Share Management Plan development. The proposed date suited all OTLMAC members and is not considered to be fiscal wastage.

NSW SeaNET Officer

Dave Cranston has recently started as the NSW Sea NET officer and will provide an introduction to the Committee on his role. Dave can be contacted by email on: davec@oceanwatch.org.au or 02 6559 2875.

Outcomes

The Committee noted the Department's response regarding the articles in the Sun-Herald. Preferred contact details of Committee members would be made available to industry members through the RIC newsletters and Fishermen's Cooperatives, in addition to the Department.

Additional Items:

Snapper Biological and Economic Impact Assessment Update

The Committee was given an update on the assessment of the biological and economic impact of the change in the legal minimum size of snapper from 28 – 30cm.

The biological assessment will assess changes in catch per unit effort, lengths and age structure both before and after the size limit change. To date, trends in these areas have been found as predicted. The number of fishers reporting snapper catch has decreased, as has the number of fishers taking 90% of the catch. This indicates a shift from targeting snapper to other species in the fishery. The length distribution or size class has increased by 2cm since the change in MLL and the age class has shifted to 3 year old fish and the current size limit appears to be protecting the 2 year old fish.

The economic assessment will assess changes in number of fishers, catch, catch per fisher, value of production, prices and income per fisher both before and after the size limit change. While the number of OTL fishers reporting snapper and the total catch of snapper by OTL fishers has decreased, the average annual catch of snapper by OTL fishers is increasing to levels similar of that prior to the increase in the size limit. An analysis using Sydney Fish Market prices only, indicate an increase in average snapper income per OTL fisher overall and in each zone since the initial fall of the size limit change. Other issues identified in the preliminary economic assessment noted a 42% drop in the number of fishers targeting snapper in the OTL fishery. This drop can be attributed to the RFH process where approximately 52 OTL fishing businesses were bought out. Catch of other species in the fishery has increased, particularly leather jackets. Unfortunately it was noted that the value of snapper at Sydney Fish Market prices had decreased.

The Committee provided some comments regarding additional criteria for consideration for the assessment including a look at the most productive fishers and what has happened to them, impacts of recreational fishers on snapper stocks, consideration of what the fishers targeting snapper in 1997/98 were doing now.

The Committee noted the update.

Proposed amendments to the Fisheries Management Act 1994

Members were provided with a summary of the paper distributed to members in January 2005. Clarification was provided in relation to the following sections:

Section 31 Public consultation by TAC Committee –The Line Fishing (western zone) South representative raised concerns regarding the potential for the TAC Committee to over ride the management plan for the fishery. The MAC was advised that the TAC committee can only set catch/effort levels and that implementation is up to the MAC and DPI.

Section 69 (6) Nomination of fisher by holder of shares – The Department advised that this amendment was required to successfully implement the fishing business card. Fishers could be nominated with respect to multiple businesses however will not be able to work those businesses unless they have been recorded as the endorsement holder and hold the card. More that one person will not be able to fish with respect to a business at any one time however (unless it's a partnership business).

Section 121 Commercial fishers to keep records of catch - Required so that the fishing business owner can access records with respect to their fishing business.

Section 230 (2) Management Advisory Committees for fisheries – The Line Fishing (western zone) South representative raised concerns that shareholders not necessarily commercially fishing themselves would be entitled sit on the MAC. The representative was concerned that this could lead to a situation where there are people on the MAC with little knowledge of the fishery or the industry, and that a MAC should have an equal balance of representation. The Committee was reminded that a shareholder can nominate another shareholder or nominated fisher to a vacant position on the MAC, however only shareholders are entitled to vote and membership to a MAC is determined by democratic election.

Cost Recovery – The Committee was provided with an update on the proposal to implement longer term fishing licences and move to transactional based costing with residual fees being collected based on the unit system as previously discussed. A cost recovery working group is likely to be established under the new Seafood Industry Advisory Council to consider broader industry issues.

Boat Licence Amalgamations – The Department has received a proposal to amalgamate a general purpose boat licence with a boat history licence in order to allow for an vessel upgrade outside of current policy. The amalgamation will see the removal of a larger general purpose boat licence with an OG1 out of the industry. As a current loop hole in the policy allows for general purpose boat licences to be transferred independently of fishing businesses and attached to existing fishing businesses and utilised, there will be no increase in effort as a result of the amalgamation. The Committee supported this amalgamation, however would need to consider other boat licence amalgamation proposals on a case by case basis.

Agenda Item 10

Chairperson

Issue

Chairperson summary and next meeting date

Outcomes

The Chairperson noted that a tentative date for the next MAC meeting would be the end of May 2005. It is likely that this meeting will primarily discuss the ocean trap and line draft fishery management strategy and environmental assessment.

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| Share Management Plan Workshop Summary 10 March 2005 |
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Development of the Share Management Plan

The Committee was asked to consider preliminary development of the Share Management Plan for the Ocean Trap and Line fishery. Key items for consideration were:

- Objectives
- Minimum Shareholdings
- Share Trading
- Fishery Transfer Rules
- Demerit Point Scheme

Objectives

The approved and draft Fisheries Management Strategies provide some guidance on how fishing capacity, both active and inactive (latent), may be managed. Although they differ for each fishery the objectives are consistent; to prevent increases in fishing effort and to achieve long term viability and ecological sustainability.

The Department provided a breakdown of what could be considered to be part time and full time effort in the ocean trap and line fishery at both the fishing business level and the endorsement level. The Committee was asked to consider if the number of returns used to achieve the breakdown was a good indicator of activity in the fishery.

The Committee agreed that while a good indicator for considering levels of activity in the fishery and at the endorsement level, the assessment should be done at the whole of fishing business level, taking into consideration the multi-fishery nature of a fishing business. The Committee was also concerned as to how a catch return was defined and if 'nil' returns, where fishing had occurred however no catch was recorded, were considered as a return.

The Department advised that modelling had been done at the endorsement level to consider if adjustment would be required at that level rather than just at the fishery level. Modelling had been done to produce a snapshot of the fishery as well as across fisheries (Table 1 and Table 2), and used number of returns to indicate participation.

Table 1

| | # FBs | # Non-active FBs | # Part Time FBs (1-5 rtns) | # Full Time FBs (>5 rtns) |
|--------------------|-------|------------------|----------------------------|---------------------------|
| OT&L | 520 | 105 | 175 | 240 |
| Fish Trap | 284 | 86 | 94 | 104 |
| Line west | 491 | 116 | 179 | 196 |
| Line east | 110 | 26 | 28 | 56 |
| Sch/Gummy Shark* | 30 | 2 | 8 | 20 |
| Spanner crab north | 56 | 10 | 24 | 22 |
| Spanner crab south | 8 | 1 | 5 | 2 |

Note: The above figures are from October 2004 and may have changed.

The Committee also raised concerns regarding future levels of restructure and queried the rationale behind the need for sustainability and in particular viability, and how these were defined. The Committee queried who determines what is a viable fishing business and asked the Department to consider that fishing is a way of life for some and not necessarily driven by the dollar.

Action:

1. DPI to advise on what constitutes a catch return and complete initial modelling based on proposed number of returns.
2. DPI to model activity levels of fishing businesses with 40 shares; 25 shares and 20 shares.

Minimum Shareholdings

As previously agreed to by the Committee, minimum shareholdings will only apply to 'new entrants'. For ocean trap and line endorsements to be activated by a new owner, the fishing business must hold at least 40 shares for each endorsement type except for spanner crab northern zone, which must have 20 shares.

Existing operators in the fishery must retain as a minimum, their original share allocation for continued access to the ocean trap and line fishery.

The Committee agreed to continue to use 'new entrants' to restructure the fishery at this time and monitor the impact of this on the fishery.

Share Trading

At the last OTLMAC in October 2004, the Committee supported trading shares by whole of share type. It was noted that in order for an existing operator to trade shares at the endorsement level, they must already have shares in the ocean trap and line fishery. If a fishing business owner without ocean trap and line shares wants to purchase shares in the fishery, then a full fishing business package must be bought.

The Committee reaffirmed its support for this approach.

The Department asked the Committee to consider a proposal where a fishing business would become ineligible for all endorsements if the owner does not continue to hold at least 60% (2/3) of the endorsements by number allocated to the business on commencement of the management plan. The approach would allow owners to restructure their businesses, but at the same time limits the risk associated with fishers trading entitlements and focussing fishing effort in one or two fisheries.

Further consideration of this is required, however the Committee supported the principle of the proposal. The Department is to further consider fishing businesses with less than 3 endorsements, and how many times that a fishing business could be split. For example, if after trading, the fishing business was to regain endorsements to number the original allocation could the business then be re-split?

Fishery Transfer Rules

The Committee was asked to start consideration of issues that may arise through future share trading. The Department raised the issue of boat capacity or vessel size restrictions in the ocean trap and line fishery and possible options for reflecting the policy in future transfer arrangements.

Appendix A

The NSW Commercial Licensing Policy currently provides for vessels less than 5.8m to upgrade to 5.8m. For vessels greater than 5.8m, the replacement boat must be not more than the original length, plus 10% or 1 metre, whichever is the lesser.

Boat capacity will not be managed through shareholdings, but may be taken into account on the transfer of shares to ensure that owners of large boats are not able to retain or secure access (endorsements, quota, nights etc) based on shares from small boats.

While the Department recognised that further work was required on this issue, the Committee was asked to think about how this could work. Examples for deliberation included possible share forfeiture (portion) if ocean trap and line shares were to be transferred to a boat of greater capacity. The forfeiture may be proportional to the ratio in the length between the two boats. Hull units, similar to that used in the ocean trawl fisheries may be an indicator.

Possible boat licence amalgamations and acceptable ranges of upgrade were also flagged as an item for further consideration and discussion.

Action: DPI to prepare a discussion paper for the Committee with some options to consider boat capacity.

Demerit Point Scheme

The complete and draft Fishery Management Strategies include a management response that requires the implementation of an endorsement suspension and share forfeiture scheme based on a demerit point scheme. The intention of the scheme has already been discussed with some industry at a general level.

To assist in further developing the scheme for industry consultation, the Department asked the Committee to consider the rankings given to offences applicable to the ocean trap and line fishery under the *Fisheries Management Act 1994* and the *Fisheries Management General Regulation 2002*, to see if industry agreed with the Departments rankings.

Due to time constraints, further discussion of the demerit point scheme will occur at a later date.

Action: Industry members to prioritise the rankings as requested for the next OTLMAC meeting.