

OCEAN TRAWL MANAGEMENT ADVISORY COMMITTEE MEETING

AGENDA

4 & 5 December 2007

9:30 am to 5:00 pm (4/12/07)

Commencement time 5/12/07 to be determined by OTMAC

Cronulla Fisheries Centre
Cronulla, NSW 2230

Chairperson

Neil Ward

Management Advisory Committee Representatives

Shane Castle	Region1 – upper north coast
Gordon Farrell	Region2 – Clarence region
Darren Ward	Region 3 – north coast
Murray Ham	Region 4 – central coast
Richard Bagnato	Region 5,6,7 – metropolitan, upper south coast and lower south coast
Paul Bagnato	Regions 5,6,7 – metropolitan, upper south coast and lower south coast
Peter Plunkett	Recreational representative
Vacant	Conservation
Darren Hale	Director-General's nominee

Observers

Dianna Watkins	Department of Primary Industries, Manager, Commercial Fisheries
Kevin Rowling	Department of Primary Industries, Science and Research
Glenn Staples	Department of Primary Industries, Compliance
Bill Hoskin	Department of Primary Industries, Management Officer, Commercial Fisheries
Reg Parker	Industry
Greg Parker	Industry
Keith Kerr	Industry
Dianna Kerr	Industry

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4 & 5 December 2007

9:00 am to 5:00 pm

Cronulla Fisheries Centre

Cronulla, NSW 2230

	Welcome and Apologies	Chairperson
	Agreement on agenda for 4 & 5 December 2007	Chairperson
	Confirmation of draft outcomes for OTMAC meeting on 24 & 25 August 2006	Chairperson
	Correspondence received and sent	Chairperson
1	Business arising from the previous meeting	Chairperson
2	Updates	All members
3	A quantitative analysis of prawn harvesting strategies in NSW	DPI
4	Marine pests and their relevance to the ocean trawl fishery	DPI
5	The Ocean Trawl share management plan	Industry
6	Share Management - Stage 2 regulatory reform	DPI
7	Juvenile king prawn closures - amendments to the OTSMP	DPI
8	Use of 'spikes' and 'riddlers' in ocean trawl fishery – amendment to OTSMP	DPI
9	School whiting grounds	DPI/Industry
10	Industry alternatives to the OTFMS square-mesh codend	Industry
11	Review of sweeps in the deepwater prawn trawl fishery	Industry
12	Trevally size limit	Industry
13	Taking fish subject to size limits in prawn trawl nets - flounder and soul	Industry
14	BRD's on grounds other than designated whiting grounds	DPI
15	Review of south east fish trawl trip limits	Industry
16	Effort controls for the ocean trawl fishery	Industry/DPI
17	Coal ships moored off Newcastle	Industry
18	Commonwealth structural adjustment scheme and marine parks	Industry
19	New submarine cable protection zones	Industry
20	Optimum size at first harvest - king prawns	Industry
21	Review of bobbin gear	Industry
22	Japanese submarine off Sydney	DPI
23	National Strategy to address interactions between humans and seals	DPI
24	Next meeting date	Chairperson

Chairperson

Issue

Welcome and apologies

Background

Welcome to Mr Peter Plunkett who has been appointed by the Minister as the recreational representative on the OTMAC.

Outcome

Chairperson

Issue

Agreement on agenda

Background

Notice of the meeting and a request for agenda items was forwarded to committee members, Regional Industry Convenor, Fishermen's Co-operatives, other interested parties and regional offices of the Department of Primary Industries on 25 September 2007.

Outcome

Chairperson

Issue

Confirmation of draft outcomes for the OTMAC meeting on 24 & 25 August 2006

Background

Draft outcomes for the OTMAC meeting on 24 & 25 August 2006 were circulated amongst MAC members for comment prior to being distributed to Regional Industry Convenor, Fishermen's Co-operatives, other interested parties and regional offices of the Department of Primary Industries.

Outcome

Chairperson

Issue

Correspondence received and sent

Background

A list of correspondence received is attached for the committee to note.

Outcome

OTMAC correspondence received and sent

Correspondence - received

Date	From	Issue	Action
14 June 2007	RD Stewart, (commercial fisher) Woolgoolga	Trawl fishery impacts on commercial lobster fishery	For discussion
27 August 2007	Anne Macready, Fisheries Manager	Request for OTMAC's assistance in the prevention of trawl fishery impacts on the commercial lobster fishery	
2 Nov 2007	Anthony Hurst, Director, Wild Harvest Fisheries	Appointment of MAC chairpersons / procedural matters	Information

Correspondence - sent

Date	To	Issue	Action
12 Oct 2007	Anne Macready, Fisheries Manager	OTMAC's nomination of a representative to SIAC	Information

Agenda Item 1	Chairperson
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Issue Business arising from the previous meeting.

Background An action status list is attached for the committee to note. Items complete and previously noted by the OTMAC as such have been removed from the list. Only <u>action items</u> from the OTMAC meeting on 24 & 25 August 2006 are included in the attached Action Status List (not the recommendations from that meeting). It is recommended that the OTMAC reviews the Action Status List with a view to removing those actions that are not a priority or are no longer relevant.

Outcome

Action Status List for the OTMAC

Recommendation/Resolution/Action	FMS	Meeting	Responsibility	In Progress	Ongoing	Pending	Complete	Suggest
Recommendation by industry representatives for an interim cap of 200 days per year in the ocean trawl fishery.	5.2 EIS	4 Aug 2005, 5 Aug 2005	DPI	✓				Delete (consider in connection Richard Stevens review and 'days' regime)
Resolution to commit to implementation of a tradeable days scheme. Consider allocation of days and trading options (Note: Industry request for reduction of effort on prawns in estuaries).	5.2 EIS	4 Aug 2005, 5 Aug 2005	DPI MAC	✓				Delete (consider in connection Richard Stevens review and 'days' regime)
Recommendation to lift the freeze on amalgamations and implement a policy that allows for the forfeiture or allocation of additional shares proportional to the 'total units' of boats.	5.2 EIS	4 Aug 2005, 5 Aug 2005	DPI	✓				Delete (consider in connection Richard Stevens review and 'days' regime)
Contact QLD for advice on effects of removing input controls such as engine power restrictions, and enforcement of engine restrictions.	5.2 EIS	4 August 2005	DPI				✓ QLD conduct random spot check of compliance plates and have not assessed effect of removing restriction	Delete
(a) Recommendation to retire the P1 to P4 offshore prawn trawl endorsements (ie. allow amalgamation of P2s), subject to checking number of P2, P3 and P4s. (b) Recommendation to remove the unit amalgamation policy under the share management plans.	5.2 EIS	4 Aug 2005, 5 Aug 2005	DPI				✓ P1-P4 and amalgamation policy removed under SMPs	Delete
Recommendation to modify the trip limits for redfish, orange roughy, and ocean perch to reduce the incidence of dumping and high grading.	-	4 Aug 2005, 5 Aug 2005	DPI			✓		Delete (consider in connection with item on agenda)
Under proposed gemfish recovery plan, consider modifying the 50kg trip limit to reduce the incidence of dumping, but without promoting targeting	3.1 EIS	4 Aug 2005	OTMAC			✓		Delete (consider in connection with recovery plan)
Consult fishers on increasing the southern fish trawl endorsement transfer criteria to \$50,000 worth of VCH in specified years.	5.2 EIS	4 Aug 2005	DPI OTMAC			✓		Delete
Model to determine if the proposed minimum shareholding of 32 shares is suitable.	5.2 EIS	4 Aug 2005	DPI				✓	Delete
Recommendation to review commercial and recreational	4.1 4.2	4 Aug 2005,	DPI				✓	Delete (consider

Agenda OTMAC Meeting 4 & 5 December 2007

harvesting of prawns and allocation issues, including specific recommendations for change in estuaries and to recreational prawning nets.	EIS	5 Aug 2005	OTMAC				Minster and DPI agree to forum – timing to be determined (on agenda)	in connection with item on agenda)
DPI to clarify the terminology to be used to restrict the circumference of codends (ie. 150 round or 3:2 joining ratio) before implementing these arrangements. The committee supports simplicity and notes fundamental differences between prawn trawl nets used in the deepwater sector and other sectors.		24-25 Aug 2006	DPI			✓		Delete (consider in connection with item on agenda)
DPI to determine the impact that square-mesh codends at 35mm are likely to have on catches of school prawns in ocean waters.		24-25 Aug 2006	DPI				✓ Significant impact	Delete (consider in connection with item on agenda)
DPI to replace the draft outcomes on the DPI website with the final approved outcomes		24-25 Aug 2006	DPI				✓	Delete (ongoing standard requirement)
DPI to review the 'shark fining' fishing closure		24-25 Aug 2006	DPI				✓ Regulation amendment underway	Delete
DPI to provide advice to the MAC on how a trip limit can be enforced if the trip limit (eg. 1 tonne limit on sharks) applies per 24hr period.		24-25 Aug 2006	DPI			✓		Delete (consider in connection with review underway)
DPI to provide region 5 industry representatives co-ordinates for the Bouddi NP Marine Area Extension.		24-25 Aug 2006	DPI				✓	Delete
DPI to adjust the minimum shareholding for deepwater prawn trawl endorsements appearing on the draft plan (to 20) prior to the plan being placed on public exhibition, if possible.		24-25 Aug 2006	DPI				✓	Delete
DPI to determine the number of ocean trawl fishing businesses that have less than the proposed minimum shareholdings (eg. 32 shares) and are active in the fishery, prior to the plan being placed on public exhibition. This information will assist the committee identify the number of fishers that may be affected by the proposal for all fishers to satisfy the minimum shareholdings to remain endorsed after 2.5 years.		24-25 Aug 2006	DPI				✓	Delete
DPI to consider the potential for fishing effort to increase as a result of the proposal to allow boat licences [of varying capacity] and shares to transfer between fishing businesses, and the options available to address potential increases in fishing effort.		24-25 Aug 2006	DPI			✓		Delete (consider in connection Richard Stevens review and 'days' regime)

Issue

Updates

Background

Opportunity is provided for members to provide an update on contemporary issues relating to the management of the Ocean Trawl fishery. Following are updates by DPI on issues that may of interest to stakeholders.

Seafood Services Australia (SSA)

SSA provides a range of services to promote and develop a sustainable Australian seafood industry and is funded at least in part through your contributions to the Fisheries Research and Development Corporation. The SSA manages a range of programs relating to the seafood supply chain, environmental management, seafood safety, seafood quality, market access and industry development. SSA has recently revamped its program with increased focus on security of supply, security of markets, product integrity and the promotion on innovative industry initiatives. To find out more about SSA and its services visit www.seafood.net.au.

Seafood directions

A small contingent of NSW commercial fishers and representatives of DPI recently attended Seafood Directions 2007 in Hobart. The conference focused heavily on industry issues relating to accreditation of commercial fisheries, co-management, climate change, marketing and people development.

Australian Council of Prawn Fishers (ACPF)

The ACPF is funded at least in part through your contributions to the Fisheries Research and Development Corporation and is taking a lead role in representing and developing Australian wild-catch prawn fisheries. The ACPF recently launched the ACPF Fisheries Research and Development Strategic Plan (FRDC 2005/308). A copy of the plan can be obtained by contacting FRDC. Due to the departure of the NSW industry representative on the ACPF, Mr John McGuren, a new representative is required. Should you be interested in representing the NSW commercial fishing industry on the ACPF please contact Darren Hale, Senior Fisheries Manager, DPI on (02) 6645 0503.

Seafood Experience Australia (SEA)

Seafood Experience Australia (SEA) was launched in December 2005, with the aim of becoming the first industry-owned corporation formed to specifically promote Australian seafood to consumers both in Australia and overseas. SEA is now seeking industry involvement, input and investment to implement a serious promotional program designed to position Australian seafood as a premium product that will build returns to all its members. SEA will help take Australian seafood into international markets with increased profitability and assist its members to address market access barriers. Supporting the promotion of Australian seafood through a national organisation will deliver many benefits but will only succeed if a momentum of support and participation from industry is achieved. Further Information on SEA and its initiatives is available at: www.seafoodpromotion.com

Maritime and Safety Training

Maritime and Safety Training NSW (MAST) is a registered training provider that conducts a range of nationally recognised training programs for the commercial fishing industry. Courses available include:

- Deckhand
- Coxswain
- Inland Coxswain
- Master Class 5

Marine Engine Driver 2
Marine Engine Driver 3
Elements of shipboard safety
Marine Radio

More information concerning the range of courses available from MAST, including contact details, can be found on their website at: www.powerboating.com.au

Seafood Industry Advisory Council (SIAC)

SIAC met on 1 June 2007 and discussed a range of issues, the most notable being the terms of reference for the engagement by DPI of an independent consultant to provide recommendations on a structural adjustment strategy to deliver more profitable and sustainable commercial fisheries in NSW (also see the next update). The need for adjustment to secure a long term viable future for the industry is recognised and the study examining the options, benefits and costs of structural adjustment in selected NSW commercial fisheries was approved earlier this year. An independent contractor, Mr Richard Stevens, was engaged to undertake the work and terms of reference for the study were proposed by the NSW Seafood Industry Advisory Council. The issues discussed by SIAC at this meeting can be viewed at www.dpi.nsw.gov.au/fisheries/commercial/siac/message

Report on Structural adjustment in NSW commercial fisheries

Independent consultant Mr Richard Stevens has conducted a study into Structural Adjustment in the NSW commercial Fisheries and has recently submitted his report the Minister for Primary Industries.

OTMAC representation on SIAC

Nominations for an OTMAC representative to SIAC were called for on 4 October 2007 following the resignation of Richard Bagnato. OTMAC thanks Richard for representing ocean trawl fishers on SIAC. OTMAC has since made two further nominations for consideration by the Minister.

Share Appeals

The Share Appeal Panel has met twice this year to formalise withdrawals and for preliminary consideration of a number of applications. Applicants from the north coast should receive a copy of DPI's submission to the Share Appeal Panel late November 2007. It is envisaged that the Panel will commence the first round of hearings on the north coast early 2008.

Seabed geomorphology and habitats off the Clarence River

A report titled: "Mapping of seabed geomorphology and habitats off the Clarence River, New South Wales" has recently been released. The project was funded by the Northern Rivers Catchment Authority (NRCMA). MAC members will be provided a copy of the report at the meeting.

Mapping north coast prawn trawl grounds

The Ocean Trawl Fishery Management Strategy (FMS) provides a three year period for trawl grounds to be mapped and for the intensity of trawling on each ground to be quantified (see Management Response 1.1(a) of the OTFMS). To assist Industry and to relieve fishers of some of the expense associated with this task NSW DPI obtained funding (\$50 000) from the Northern Rivers Catchment Management Authority (NRCMA) to carry out a pilot project aimed at broad scale mapping of ocean trawling grounds and trawling intensity. The case study area extended from the NSW/Queensland border to latitude 30°S. The final report, "*Mapping of Ocean Trawling Grounds and Associated Seafloor Habitat*" is currently being reviewed by the NRCMA, and copies will be provided to MAC members on approval.

Observers in the Ocean Trawl fishery

The Ocean Trawl Fishery Management Strategy (FMS) requires development and implementation of observer programs to enhance knowledge and manage the impacts of trawling (see Management Responses 1.2(a), 2.1(i) and 3.1(d) of the OTFMS). To assist Industry and to relieve fishers of some of the expense associated with such tasks NSW DPI obtained funding

(approximately \$70 000) from the Northern Rivers Catchment Management Authority (NRCMA) to carry out an observer program. To secure this funding it was necessary for DPI to integrate this project with the 'free square mesh codend' project outlined below. The observer work commenced in September 2007. The data collected will provide valuable information on the composition of catches and discards whilst also enabling a comparison of the free 'best practice codends' described below against a range of conventional diamond-mesh codends onboard various boats under a variety of fishing conditions. A brief presentation on the project so far and the issues/challenges that have arisen will be provided at the meeting.

Free square-mesh codends for northern rivers fishers

The Ocean Trawl Fishery Management Strategy (FMS) requires implementation of highly selective fishing gear, including square mesh codends, in the Ocean Trawl fishery (see Management Response 2.1(d) of the OTFMS). To facilitate adoption and ultimately implementation of square mesh codends in the NSW Ocean Trawl fishery, DPI secured \$50,000 from the Northern Rivers Catchment Management Authority (NRCMA) to issue fishers from the Northern Rivers best-practice codend (ie. square-mesh codends with a composite square mesh panel BRD) free of charge.

Snapper size limit

In 1999, NSW Fisheries scientists recommended a 4 cm increase in the minimum legal length (MLL) of snapper from 28 to 32 cm to address 'growth overfishing' and reduce the risk of 'recruitment overfishing' (with the latter being a serious stock problem). Given concerns about the financial impacts of a 4 cm size increase for some commercial fishers, the previous Minister for Fisheries committed to implementing two separate increases of 2 cm. The first increase from 28 to 30 cm took effect on 1 July 2001 and the second increase was to occur after a study of the biological and economic effects of the first increment. "A biological and economic assessment of the 2001 change in the Minimum Legal Length (MLL) of snapper in NSW" has been prepared for consideration by OTLMAC. The Executive Summary appears at **Attachment 1** and is provided for information only.

Licensing update - share transfers

DPI has been asked by SIAC to make a presentation on the share transfer transaction process at the next SIAC meeting. DPI also proposes to develop a user friendly guide to assist commercial fishers and other interested parties through this process. Mr Laurie Derwent, Manager Fisheries Business Services, will be attending the MAC meeting to provide an update on share transfers.

Research

Representatives of the Science and Research Division will be available at the MAC meeting to provide updates on contemporary projects, subject to time and interest, including:

- *Codend selectivity and fishery characteristics of the Sydney inshore trawl-whiting fishery* (Dr Ken Graham). The final report is yet to be published.
- *Modelling the eastern school prawn population of the Clarence River* (Dr J. Scandol, Dr. S. Montgomery and M. Ives). A manuscript describing a model for the eastern school prawn population in the Clarence River has been submitted for publication. Results suggest that the population is not being over-exploited and that none of the alternative management strategies tested performed better than the current spatio-temporal closures even under a wide range of river discharge scenarios.
- *Studies on the growth and mortality of school prawns* (Dr. S. Montgomery). DPI has completed two years of surveying the sizes of prawns in the Clarence River and will complete similar work in the Hunter River in January 2008. This will mark the end of the field work component of this project. This data will be used to model the growth of school prawns and together with information on mortality will be used to provide information on "optimal" biological conditions for harvesting school prawn populations. It is envisaged that a draft report to FRDC will be ready by mid 2008.

- *Monitoring of prawn sizes in commercial landings.* Monthly sampling of the sizes of school prawns in commercial catches from the Clarence River is now complete. This sampling was done as part of the FRDC funded school prawn project mentioned above. No further sampling of school prawn sizes is proposed at this stage. DPI also monitored the sizes of commercial landings of eastern king prawns at the Ballina, Iluka and Coffs Harbour fishermen's cooperatives during 2006-07. This program has been discontinued.

Compliance

Mr Glenn Staples, District Fisheries Officer, DPI will provide an update on compliance related issued at the meeting.

Contemporary Commonwealth fishery management issues

An update is provided in **Attachment 2**.

Contemporary Estuary Prawn Trawling fishery management issues

Following are contemporary management issues affecting the NSW Estuary Prawn Trawl Fishery:

- A FRDC funded study titled; "*Assessment and management of potential impacts of prawn trawling on estuarine assemblages*" has recently been completed. The study was conducted in the Clarence River. Copies of the report can be obtained through FRDC;
- DPI has issued a permit under s37 of the Act authorising industry trials of a beam trawl in the Clarence River prawn trawl fishery. DPI is also pursuing funding to research beam trawls.

Outcome

Agenda Item 3

DPI

Issue

A Quantitative Analysis of Prawn Harvesting Strategies in NSW

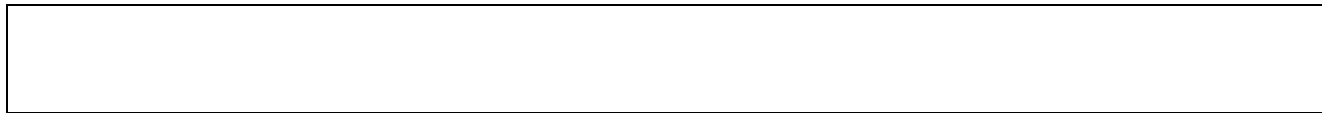
Background

A presentation on the results from a series of dynamic population models developed to evaluate the status of the eastern king prawn (*Melicertus plebejus*) and eastern school prawn (*Metapenaeus macleayi*) populations within NSW and to analyse the relative performance of a number of alternative management strategies involving the three fisheries that target these species will be presented at the meeting. Where possible, the results of previous research were used to develop the structure of the model and to provide estimates of biological parameters. A process of increasing model complexity, including the addition of physical processes, such as river discharge events and economic considerations, was undertaken in an attempt to develop the most appropriate model for the analysis of management strategies.

The results from the use of these models indicated that neither of the prawn population appeared to be over-exploited. The analyses also indicated that none of the alternative management strategies were found to stand-out enough to justify a move away from the current management strategy of input controls and spatio-temporal closures, even under a range of future scenarios including climate change and large movements in input costs and product prices.

For discussion

Outcome



Agenda Item 4 **DPI**

Issue
Marine pests and their relevance to the Ocean Trawl fishery.

Background
Objective 1.4 of the Ocean Trawl Fishery Management Strategy commits to implementing, in consultation with relevant MACs, measures required in accordance with any marine pest or disease management plans.

Marine pests are plants or animals, usually introduced from overseas, that have a significant impact on our marine industries and environment. They can include mussels, crabs, seaweeds, sea stars and other marine species. However, not all marine pests are from outside Australia. Some are native to other regions of our country and have been transported into NSW.

Marine pests have been introduced to and moved around Australia by a variety of human-induced means. These include ballast water and sediments, biofouling (marine organisms that attach to objects immersed in salt water, such as ship hulls), aquaculture operations and aquarium imports.

How could marine pests affect the fishing industry?
Marine pests can cause considerable economic damage and environmental impacts to any marine industries including commercial fishing. For example, black striped mussels were introduced to Darwin Harbour in 1999. Clean up costs incurred were in the order \$2.2 million. The marina was closed to all vessels for four weeks. Other pests may compete with or prey upon native species, entangle in boat anchors, fishing nets and trawling gear leading to increased catch sorting times and reduced efficiency. For example, Asian green mussels foul vessels, decrease fuel efficiency and can even block or damage internal pipes. In NSW, some areas have been closed to netting due to the presence of the invasive green seaweed *Caulerpa taxifolia*.

Significant marine pests in NSW
Significant marine plant and animal pests already established in NSW include: Aquarium Caulerpa (*Caulerpa taxifolia*), European/Green shore crab, New Zealand screw shell, European fan worm, wild growing populations of Pacific Oyster.

There are other introduced species which have become established in marine waters outside of NSW, and are considered a potential threat to our marine biodiversity and fishing industry if transported here. These include the Northern Pacific seastar, Japanese seaweed / wakame, European clam and Asian green mussel.

What is the government doing?
In order to protect industry and the environment, NSW Department of Primary Industries is working collaboratively with the Australian government and other state and territory governments to implement a National System for the Prevention and Management of Marine Pest Incursions.

The National System has three major components:

1. Prevent the introduction and movement of marine pests within Australian waters
2. Provide a coordinated emergency response to new incursions and translocations and
3. Manage and control marine pests already in Australia

A communications program is part of the National System. This program will focus on raising community awareness on marine pests and what different industries can do to help protect themselves from marine pests.

How can industry protect itself?

Many operators are ahead of the game and already take actions which help prevent the spread of marine pests. However, we would like to encourage operators in the ocean trawl fishery to learn and practice what they can do to protect their livelihood. The fishing industry has developed voluntary best practice guidelines to help prevent the invasion and spread of marine pests to ports and fishing grounds. DPI will be communicating further with fishers once these are finalised.

Please encourage operators to:

1. Learn and follow the best practice guidelines to protect your fishery from invasive marine pests.
2. Learn how to recognise marine pests and report sightings.

These actions will assist in preventing a major marine pest incursion which could affect the ocean trawl fishery.

For noting and discussion.

Outcome

Agenda Item 5

Industry

Issue

The Ocean Trawl share management plan

Background

Share management plans (SMPs) along with other major licensing and legislative reforms commenced on 5 February 2007. The reforms included improvements to fisher's security of access to the resource with the issue of final shares, more flexible operating conditions, reduced administration and costs and practical arrangements like plastic card licences. The SMP's and *Fisheries Management (Supporting Plan) Regulation 2006* are available on the NSW Legislation website: www.legislation.nsw.gov.au

A number of questions and issues have been circulating amongst fishers:

1. Some fishing business owners have expressed concern that the new nomination (skipper) arrangements are an inconvenience and should be modified. The main concerns include (a) business owners sometimes do not know who will be available to skipper their boat until the last minute and under the current process it is impossible to register that person as an 'eligible fishers' and then nominate that person in time to work that night, and (b) it is an inconvenience to fax, mail or e-mail a nomination form each time skippers change. It has been suggested that possession of a fishing business card (and personal fisher licence) should be sufficient to skipper a boat.
2. Some boat owners have expressed concern that the amalgamation of engine and net units is no longer available to boats used in the offshore prawn trawl sector of the fishery, and that the unit amalgamation policy should be re-introduced as a means for industry to contribute towards restructuring. Also see Agenda Item 16 concerning "Effort controls for the OT Fishery" for options proposed by fishers to enhance the unit amalgamation policy.

3. Some boat owners object to DPI's decision not to apply the 10% tolerance on engine power to amalgamated engine unit allocations when recording on boat licences the maximum horsepower allowable in the offshore prawn trawl fishery.

DPI position

DPI acknowledges that the 'skipper provisions' available to businesses with an offshore prawn trawl endorsement under Restricted Fisheries were easier for fishers to work with. However, those arrangements applied to only one sector of the industry. Since implementation of SMF DPI has received considerable positive feedback from industry in relation to the new nomination provisions. From an administrative efficiency perspective, consistent arrangements across fisheries are preferable. There are many high priority issues currently facing the industry, and DPI is currently devoting resources to those issues. DPI will however continue to monitor and amend policies to promote efficient management arrangements.

The 'unit amalgamation' policy also applied to only one sector of the industry under restricted fisheries. The introduction of share management fisheries provided a unique opportunity for Industry and DPI to develop cost effective industry wide mechanisms for restructuring. Since implementation of SMF the DPI has received considerable positive feedback from industry in relation to the new transfer arrangements. Independent consultant Mr Richard Stevens has also recently conducted a study into Structural Adjustment in the NSW commercial Fisheries and has submitted his report the Minister for Primary Industries. This alone could result in new cost effective restructure programs, and if so, will require significant resources to implement. Further, the OTMAC has for some time been discussing a 'days' regime to manage effort and encourage autonomous restructuring. OTMAC needs to seriously consider the number of different restructure programs the fishery really needs, current resource constraints and who will cover the costs. Under current arrangements fishers may transfer a boat licence that suits their needs from another licence holder. This is a cost effective arrangement for the fisher concerned as well as DPI who administers such transactions. This arrangement alone may render any new unit amalgamation policy ineffective – why would a fisher buy a second boat licence and forfeit units upon amalgamation if the fisher can simply sell his or her current licence and acquire one that suits his or her needs.

With respect to the 10% tolerance on engine power and the recent recording of maximum engine power on boat licences, DPI applied the approved policy in place at the time. DPI does not support retrospectively reviewing that policy and then devoting the resources necessary to re-apply any new policy to relevant boats.

Outcome

Agenda Item 6

DPI

Issue

Share Management – Stage 2 regulatory reform

Background

Share management plans (SMPs) along with other major licensing and legislative reforms commenced on 5 February 2007. Due to time constraints, many of the regulations were not included in the original plans but remained in the *Fisheries Management (General) Regulation 2002*.

Since the implementation of SMFs resources have focussed on (a) identifying current regulations that can be included in the Plan for each fishery (b) identifying any new regulations that need to be developed as part of the FMSs and (c) identifying fishing closures that can be included in the plans. The objectives of this program include:

- To ensure easy access to the regulatory provisions relevant to a fishery
- To cover off on amendments consequential to the introduction of Share Management Fisheries
- To remove outdated regulation and 'red tape'
- To ensure regulation appropriately assigns Government and Industry responsibility
- To streamline regulation and set up cost effective frameworks for adaptively managing activity
- To reduce costs associate with maintaining fishing closures
- To remove inconsistencies between current fishing closures and new Marine Park zones

DPI proposes to mail to all fishing business owners and fishers an information paper outlining the changes proposed, and encourages fishers to discuss any issues arising with their local MAC representative. To assist MAC members a summary of the regulatory changes is attached (**Attachment 3**) for discussion at the meeting.

Also see Agenda Items 7 and 8 concerning the OPT King Prawn closure and the use of spikes and riddlers in the OT fishery.

For discussion

Outcome

Agenda Item 7

DPI

Issue

Juvenile King Prawn closure – amendments to the OTSMP

Background

The zoning plan for the Port Stephens – Great Lakes Marine Park commenced on 21 April 2007 and overlaps the Port Stephens Juvenile King Prawn closure as shown in **Attachment 4**. The zoning plan for the Cape Byron Marine Park also overlaps the Ballina and Brunswick Heads Juvenile King Prawn closures as shown in **Attachments 5**. With respect to the Tweed Heads Juvenile King Prawn closure the northern boundary does not line up with the NSW / QLD border set out in the OCS agreement and requires amendment (see **Attachment 6**).

The OTMAC's advice on revoking and or modifying these closures is required. It is proposed that any modifications to the closures will be completed as part of the current regulatory reform.

For discussion

Outcome

Issue

Use of 'spikes' and 'riddlers' in the Ocean Trawl fishery – amendments to the OTSMP

Background

Management response 1.2(c) of the Ocean Trawl Fishery Management Strategy (FMS) states:

"Investigate alternative handling practices to improve survival of incidental species that are to be returned to the water, and in particular:

- i) prohibit the at-sea finning of sharks and discarding carcasses*
- ii) ban the "riddling" of prawns*
- iii) restrict the use of "spikes" to those times when other handling methods would present an unacceptable occupational health or safety risk*

Background: In addition to modifying fishing gear and managing the spatial and temporal distribution of fishing in order to minimise incidental catch, various techniques have been developed in recent years to maximise the survival rate of incidental catch that is returned to the water (i.e. discards). These techniques and alternative handling practices will be investigated and implemented where appropriate to further minimise the impact of trawling on biodiversity. The finning of sharks and the discarding of carcasses is prohibited because it is a wasteful practice, and this prohibition will continue.

Fishers sometimes use a device known as a riddler to grade the sizes of prawns. In response to industry concerns about the practice of riddling, the discarding of cooked prawns was prohibited in January 2003 because it is a wasteful practice. Riddlers are not often used in the ocean prawn trawl sector of the fishery and having regard to the improvements in gear selectivity in this FMS, they will be prohibited in the OTF.

Fishers often use a "spike" to sort and remove catch from the sorting table or deck of the boat. A spike generally consists of a piece of timber with a nail through it and is used by piercing incidental catch and flicking it overboard. Under the FMS the use of spikes on fish to be discarded will be restricted to only those species that can harm skippers or crew and for which no alternative handling technique is available (the list of harmful species will be developed in consultation with the OT MAC)."

Riddlers

Research on the Clarence River indicates that approximately 16% of school prawns that pass through a trawl net do not survive, and that a further 19% do not survive conventional sorting techniques. However, this research also shows that sorting in water can significantly reduce post harvest mortality, catch volume significantly influence mortality rates and that riddlers were not a major contributor to mortality. Anecdotal information also suggests that sorting with riddlers is much faster than by hand and could potentially result in reduced mortality of discarded prawns. Riddlers are used in some sectors of industry to rid product of other foreign matter such as weed. Research is currently underway on ways, such as shorter trawls and managing catch volume, to reduce harvest induced mortality of small prawns.

Spikes

The use of spikes remains a high profile issue and it is DPI's intention to include in the OTSMP restrictions on the use of spikes as part of the current regulatory reform. This requires Industry to provide a definitive list of species that can harm skippers or crew and for which no alternative handling technique is available.

It is suggested that:

1. The MAC discuss the OTFMS requirements concerning riddlers in light of the recent research results and proposals to introduce more selective codends for prawn trawl nets;
2. The MAC establishes at the meeting a definitive list of species that can harm skippers or crew and for which no alternative handling technique, other than a spike, is available.

Outcome

Agenda Item 9

DPI / Industry

Issue

School whiting grounds

Background

Mandating for selective prawn and fish trawl nets for key historic target species has for many years been a highly contentious issue, primarily due to the fact that these nets are also used by some participants in the fishery to target school whiting.

To overcome this conflict the Ocean Trawl Fishery Management Strategy (FMS) proposes separate arrangements for trawling for school whiting as detailed in Appendix 4 of the FMS (**Attachment 7**). The primary objectives being to ensure ongoing supply of fresh locally caught school whiting whilst also maintaining environmental approvals and export opportunities. In summary, the FMS proposes:

- a) a limited number of designated school whiting grounds where a 'less selective prawn trawl net' may be used to target school whiting; and
- b) restricting to waters less than 30m (55 fathom) a 'less selective fish trawl net' that may be used to target school whiting.

DPI acknowledges that some sectors of Industry are generally not supportive of species/area specific trawl gear and are formulating alternative strategies (see Agenda Item 10). However, due to the 12 month timeframe set out in the OTFMS to identify a limited number of designated whiting grounds and the importance of maintaining environmental approvals and export opportunity for the State's most valuable commercial fishery DPI has no option at this stage other than to progress the mapping or trawl whiting grounds as a priority.

To facilitate industry in this process DPI will provide industry members on the MAC with maps that may be used by fishers to identify a limited number of designated school whiting grounds from the QLD border south to the Victorian border.

Metropolitan, upper south coast and lower south coast

Industry recommends that the 'less selective fish trawl net' be permitted out to 55 fathom (100m) to maintain viable school whiting operations off the central, metropolitan and southern regions. Fishers consider that this is not unreasonable having regard to the proposed closure of all waters outside 590 fathom (1,100m), a loss of approximately 20 miles or water seaward of the 590 fathom depth contour.

DPI response

DPI considers there are benefits to be gained for both Industry and Government without compromising the intent, spirit and/or objectives of the FMS by adopting a single strategy for managing the use of less selective trawl nets on designated whiting grounds. The strategy that DPI raises for the MACs consideration involves replacing the current proposal to restrict the 'less

selective fish trawl net' to waters less than 30m (55 fathom) with an approach consistent with that proposed for the prawn trawl sector. With respect to waters south of Smoky Cape this approach would result in a limited number of school whiting grounds where either the 'less selective prawn trawl net' or the 'less selective fish trawl net' may be used subject to holding relevant trawl endorsements. Such an approach could involve offsetting access to school whiting grounds outside 30 fathom by giving up ground inside 30 fathom. A critical factor being that sufficient ground is maintained to ensure ongoing supply of fresh local school whiting. Any such change to the OTFMS would need to be approved by the Minister for Primary Industries and the Department of Environment and Heritage.

It is suggested that industry members on the MAC liaise with their constituents to identify on the maps provided a limited number of designated school whiting grounds from the QLD border south to the Victorian border.

Outcome

Agenda Item 10

Industry

Issue

Industry alternatives to the OTFMS square-mesh codend

Background

North coast

In response to issues raised by fishers concerning volume of the DPI proposed codends MAC members and other fishers on the north coast have held a number of meetings on instigating research into an industry designed codend.

A summary of the proposed way forward and preferred codend designs is attached (**Attachment 8**). The recent resignation of Mr John McGuren, Secretary of the Clarence River Professional Fishermen's Association, means that fishers will need to progress this research.

The group seeks:

- support from other fishers in the fishery to progress the proposed research
- at least 12 months before the codends in the FMS are introduced:
 - a) to enable testing, approval, and inclusion of Industry's preferred codends in the OTSMP
 - b) to enable fishers to use up existing stocks of codend material
- commitment from DPI that permits will be issued (if needed) to enable the proposed research to occur.

Central coast

Central coast fishers consider that 35mm square mesh codends will see the end of the 'southern king prawn fleet' as small king prawn make up a huge part of the prawn catch and are sort after by the general public because of the quality and affordability. These prawns will not be retained in a 35mm square mesh codend. Central coast fishers believe a minimum mesh size between 27 to 30mm would be more appropriate.

In summary, industry suggests that:

Clarence region – the Minister delays implementation of the square mesh codends proposed in the OTFMS for at least 12 months and that DPI confirms permits will be issued to enable industry to progress the proposed industry initiated and funded research.

Central coast region – the Minister modifies the OTFMS to provide for a minimum codend mesh size between 27 to 30mm.

DPI position

DPI acknowledges the concerns raised by fishers in relation to volume of codends and harvesting of school prawns and is considering these matters and how they fit with the FMS. The MAC will be advised of any changes and proposed implementation dates as soon as practicable. In accordance with the recently approved OTFMS, DPI is also preparing a policy on the issue of permits etc to fishers to test modified gear under industry instigated and funded research projects agreed to by DPI.

In addition to the free square mesh codends issued to fishers in connection with the Northern Rivers Catchment Management Authority (NRCMA) funded observer program, SeaNet has secured funding and engaged net makers to build codends of various designs (within the proposed regulatory framework) for use by NSW fishers. The aim of this project is to assist the NSW commercial fishing industry implement square mesh codends that conform to regulation and suite industry's needs under commercial conditions.

For discussion.

Outcomes

Agenda Item 11

Industry

Issue

Review of sweeps in the deepwater prawn trawl fishery

Background

Industry request a review of the use of sweeps in the deepwater prawn trawl fishery in light of recent research conducted in the south east trawl fishery.

DPI position

DPI will provide MAC members with copies of this research at the meeting for consideration.

Outcomes

Agenda Item 12

Industry

Issue

Trevally size limit

Background

Industry has major concerns over dumping of dead fish because of the 30cm size limit recently introduced for silver trevally. Fishermen consider that any size limit is unnecessary because of the significant reduction in fishing effort as a result of the various buy-out processes by the NSW and Commonwealth governments and fuel prices.

Alternatively, Industry recommends a reduction in the size limit to 25cm to stop small fish being targeted and to reduce dumping of trevally between 25 and 30cm in length.

DPI position

The size limit on trevally was introduced in response to the review into bag and size limits to address the growth over fishing of trevally stocks. 'Growth over fishing' is the term used to describe the taking of fish well below optimum sizes. Growth over fishing can lead to recruitment over fishing which far more serious (eg. Eastern gemfish). The OTFMS also requires the development of a recovery plan for silver trevally.

Outcome

Agenda Item 13

Industry

Issue

Taking fish subject to size limits in prawn trawl nets – flounder and sole

Background

Under current regulation it is unlawful to take fish that are subject to a size limit (whether of a legal size or not) in prawn trawl nets in waters south of Smoky Cape (South West Rocks).

Size limits have recently been introduced for the following flatfish:

- Bothidae* – Lefteye flounders
- Pleuronectidae* – Righteye flounders
- Cynoglossidae* - Tonguefishes
- Soleidae* - Soles

Some fishers in the central region have major concerns that the introduction of the above size limits has resulted in southern prawn boats no longer being permitted to land those species (whether of a legal size or not). These fishers rely on these species to remain viable between prawn seasons.

It is suggested that the restriction on taking fish that are subject to a size limit (whether of a legal size or not) in prawn trawl nets in waters south of Smoky Cape is removed.

DPI position

Management response 1.1(c) of the OT FMS provides for the restriction on taking fish that are subject to a size limit (whether of a legal size or not) in prawn trawl nets in waters south of Smoky Cape to be removed subject to demonstrating that effective BRDs are being used in the fishery – see Agenda Item 14 below.

Outcome

Issue

Bycatch Reduction Devices (BRDs) on grounds other than designated whiting grounds

Background

Improving the effectiveness of BRDs in the ocean trawl fishery has for many years now been a highly contentious issue primarily due to the fact that prawn trawl nets are also used by some participants in the fishery to target school whiting.

To overcome this conflict the Ocean Trawl Fishery Management Strategy (FMS) proposes separate arrangements for trawling for school whiting on designated grounds as detailed in Appendix 4 of the FMS (**Attachment 7**), and then improvements to BRDs in all other waters.

Management response 1.1(c) of the OT FMS also states: *“Continue the prohibition on using fish trawl nets north of Smoky Cape, and implement additional Bycatch Reduction Device requirements for prawn trawl nets south of Smoky Cape (to minimise the incidental catch of fish in prawn trawl nets used in this area)*

Background: The use of fish trawl nets is prohibited north of Smoky Cape (South West Rocks) in recognition that trawling in this area is primarily targeted at prawns. However, finfish of species that are subject to a minimum length, and are greater than the minimum length, may be retained when taken in a prawn trawl net north of Smoky Cape.

Currently, the taking fish that are subject to a ‘minimum legal length’ using prawn trawl nets in waters south of Smoky Cape is prohibited, and such fish, if caught, must be returned to the water (with unknown chance of survival). The requirements to be introduced south of Smoky Cape will encourage the use of effective Bycatch Reduction Devices to minimise the incidental catch of finfish in prawn nets. Once it can be demonstrated that effective BRDs are being used in the fishery, the current prohibition on the retention of fish with a minimum legal length may cease in order to avoid wastage, although a limit on the carriage of a single net type – prawn or fish trawl – aboard each vessel may be needed.

The Ocean Trawl FMS requires that additional BRD requirements are introduced for prawn trawl nets used south of Smokey Cape to minimise the incidental catch of fish in prawn trawl nets in this area. Once it can be demonstrated that effective BRDs are being used in the fishery, the current prohibition on the retention of fish with a minimum legal length may cease in order to avoid wastage, although carriage of a single net type may need to be applied to vessels”.

DPI would like to discuss with the OTMAC a concept that involves refining the suite of BRDs available for use in all waters other than designated whiting grounds with a view to ultimately removing the current prohibition on taking fish subject to minimum legal lengths in prawn trawl nets south of Smoky Cape. As a starting point the following suite of BRDs is tabled for discussion:

- Nordmore grid
- Radial escape panel
- Big-eye

Also attached (**Attachment 9**) are revised specifications for each of the BRDs relevant to the Ocean Trawl fishery. Note the following:

- The radial escape panel is not yet approved for use in the fishery

- The nordmore grid has been modified based on recent research in the Clarence River
- The 'prawn square mesh panel' has been modified in accordance with MR1.2(b) of the OTFMS

The MAC's support is sought on:

1. Refining the suite of BRDs in light of the OTFMS, in particular MR1.1(c) above.
2. Introduction of the radial escape BRD.
3. The revised specifications (for those BRDs to be retained).

Outcome

Agenda Item 15

Industry / DPI

Issue

Review of the South East Trawl Fishery trip limits

Background

Due to the restructure of the industry through the various buy-out processes at State and Federal levels and the closure of all waters outside 11,00m, industry considers that trip limits are no longer needed. Industry also feels that the shares recently allocated also contribute towards controlling fishing effort in NSW fisheries. Industry advises that the trip limits are resulting in 'high grading' and the unnecessary dumping of good quality product. The trip limits that are currently of particular concern to fishers are those for:

- Redfish
- Gemfish
- Flathead

Industry recommends that the trip limits above are removed. If not approved, it is suggested that consideration be given to an alternative approach that involves a combined State-wide limit (TAC) for these species in lieu of the trip limits currently in place.

DPI position

DPI has received representation on this issue direct from fishers in the Newcastle region and also the south coast. At the last MAC meeting the MAC sought to review the trip limits for redfish, orange roughy, and ocean perch also. NSW DPI is considering the need to retain the complex set of trip limits in light of the recent changes to Commonwealth management (eg. VMS and single jurisdiction trips), the recent environmental assessments for the Ocean Trawl and Ocean Trap and Line Fisheries, the status of each stock, levels or risk of discard mortality, level of harvest in NSW and the Commonwealth and whether the trip limits are the most appropriate tool to manage any issues identified with respect to a stock. It appears that there may be scope to adjust trip limits for some species, subject to ongoing monitoring of the status of stocks and implementation of appropriate management arrangements on an as needs basis.

Note that the extent and timing of any changes to the trip limits is likely to be influenced by the extent and timing of the action being taken by NSW DPI to prevent the potential displacement

of excessive fishing effort into NSW fisheries resulting from some Fishing businesses splitting their business through the recent Commonwealth buy-out.

Eastern Gemfish

This species has been nominated for listing as an endangered species under the Fisheries Management Act 1994 (the Act) and Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and all NSW commercial fishers are currently subject to a 50 kg trip limit for eastern gemfish, to discourage targeted fishing for the species. Additionally, The Ocean Trap and Line Fishery Management Strategy requires the development and implementation of a recovery program for eastern gemfish in the short term. It is therefore not proposed to include Gemfish in the above mentioned review.

The current fishing closure setting out the NSW trip limits is attached (**Attachment 10**).

For information and discussion.

Outcomes

Agenda Item 16

Industry

Issue

Effort controls for the Ocean Trawl Fishery

Background

A number of issues / questions relating to share trading and effort control are circulating amongst fishers, including:

1. What is DPI's intention for shares as a management tool;
2. Is it true that hull units are going to be thrown out and boats able to go to 20m and 300kW?

With respect to a 'days' regime region 2 fishers submit the following for consideration;

1. To allocate days based on current shareholdings alone is a gross injustice to those fishers who worked more than 1 day per months;
2. If 2 days are allocated per share the total number of days allocated would exceed current effort levels in the fishery;
3. A cap on days (eg. 160 days per year and VMS) may be more feasible than a complex tradeable days regime;
4. Should shares or days be the tradeable commodity?

DPI position

As recommended by the OTMAC during development of the OTSMP shares are used to determine eligibility to endorsements. Also as recommended by the OTMAC the OTSMP includes a requirement for shareholders to satisfy relevant minimum shareholding requirements to remain eligible for endorsements after 2 ½ years after commencement of the plan. Similar arrangements apply in the OT&L fishery. DPI congratulates the OT and OT&L fishers for taking action to address overcapacity in these two fisheries.

Using shares for any other purpose and or rationalising the current management arrangements, including boat capacity rules, is dependent on the Government's response to the recent "Review into Structural Adjustment in NSW" and further consultation with Industry. In the interim DPI is keen to continue working with the OTMAC on developing a 'days' regime for the NSW Ocean Trawl fishery. To assist, DPI has prepared a summary of issues for consideration (**Attachment 11**).

For discussion.

Outcomes

Agenda Item 17

Industry

Issue

Coal ships moored off Newcastle

Background

Industry re-confirms that ships anchoring off Newcastle continue to destroy habitat and causing loss of access to fishing grounds. Anchors and chain also pose danger to trawlers as their location is not easily identifiable and hook ups could potential result in loss of boats. Industry requests DPI undertake an investigation into the anchoring of coal ships on trawl grounds off Newcastle.

DPI position

In response to industry's representations, the Minister for Primary Industries has written to the Hon Joseph Tripodi MP, Minister for Ports and Waterways, requesting a meeting be organised between appropriate parties (NSW Maritime Authority, Newcastle Ports Authority, Port Waratah Coal services and the Newcastle Commercial Fishermen's Cooperative). A response has not yet been received. DPI has also been in contact with the Department of Environment and Climate Change which is considering Geoswath Bathymetry mapping of the seabed in the Newcastle area to determine the extent of damage to habitat. Similar issues yet to be resolved are also experienced off some major north QLD ports including Gladstone. DPI will continue to facilitate communication between the parties involved however if not in a position to conduct an investigation as proposed.

For discussion.

Outcome

Agenda Item 18

Industry

Issue

Commonwealth structural adjustment scheme and Marine Park-buy outs.

Background

Some fishers suggest that further action to prevent displacement of effort into NSW waters is not required as the potential for overfishing has already been mitigated through the Marine Park buy-outs, effort controls currently in place and structural adjustment under the OTSMP.

DPI position

To reduce the risk of effort increases in NSW waters the NSW government has had a long standing policy against licence splitting. In 2006 The *Fisheries Management (General) Regulation 2002* was amended to permit the Minister to suspend, cancel or restrict NSW fishing authorities held by a fishing business if external fishing authorities are transferred or surrendered from the same fishing business separate to NSW fishing authorities. The Minister may, however, defer taking such action until an assessment is undertaken of the actual or potential fishing effort in NSW waters since the surrender of external fishing authorities.

The Commonwealth government has undertaken a structural adjustment scheme (Securing our Fishing Future business exit scheme). The Commonwealth government to date has not agreed to any arrangements to prevent the potential displacement of fishing effort into NSW fisheries as a result of the buy out of Commonwealth authorities from fishing businesses which also comprise of NSW fishing authorities.

NSW gave commercial fishers who held Commonwealth and NSW fishing authorities opportunity to surrender their ocean trawl and ocean trap and line entitlements, in exchange for an ex gratia payment of \$20 000 per fishery as part of the marine parks buyout. Twenty four fishery entitlements were surrendered under this process.

An additional eighteen dual endorsed fishers accepted NSW payments of up to \$350,000 under the second phase of the NSW Marine Parks buy-out process.

NSW permitted fishers who took the Commonwealth buy-out against the NSW licence splitting policy to continue to fish in NSW pending further action to reduce the likelihood of fishing effort being displaced into NSW waters.

NSW has conducted a preliminary review of potential level of fishing effort displaced into NSW waters as a result of those fishing businesses who sold Commonwealth entitlements separate from their NSW entitlements and that had zero catches recorded against some of their NSW fishing authorities between 2000 and 2005. The review shows that there is a potential for effort increases of up to 125% in the ocean trap and line fishery and around 65% in the Ocean Trawl fishery.

Following the preliminary review NSW has taken the following action:

- Cancelled 24 fishing authorities held by 13 businesses who split their authorities (these businesses had zero catches recorded against some of their NSW fishing authorities between 2000-2005).
- Reduced the permitted length of boats that can be used by seven businesses who split their authorities to prevent the use of larger ex-Commonwealth boats in NSW.
- Removed permits to take bait in NSW waters for use in the Commonwealth Tuna fishery from fishing businesses that split their authorities.

A number of business owners have applied to the Administrative Decision Tribunal for a review of the above actions by DPI.

The Minister has approved further action to prevent the displacement of fishing effort in NSW fisheries. Twenty two fishers who split their authorities have been provided an opportunity to 'show cause' why action should not proceed to cancel NSW fishing authorities or reduce boat length. Submissions from these fishers have undergone review and fishers will soon be notified of whether any of their NSW fishing entitlements will be revoked or restricted. As part of this process NSW DPI is conducting a full assessment of the extent of the potential fishing effort displaced into NSW fisheries as a result of the Commonwealth's buy-out. This will assist in determining actions needed to prevent any adverse impacts on NSW fisheries.

Outcome

Agenda Item 19 **Industry**

Issue
New submarine cable protection zones.

Background
Fishers operating off NSW should be aware that the Australian Communications and Media Authority (ACMA) has declared protection zones over two key submarine cables that land at Sydney beaches. Within the protection zones, activities that may cause cable damage are prohibited or restricted. Some prohibitions and restrictions will be particularly relevant to commercial fisheries, such as those relating to demersal longlining, trawling and anchoring. The protection zones came into effect on 1 October 2007. Additional information on the location of the protection zones can be obtained by contacting ACMA or the Bill Hoskin at DPI on (02) 6645 0510. Also see **Attachment 12** for a map of the protection zones.

Metropolitan and south coast
Fishers in the Ocean Trawl fishery suggest that in light of new submarine cable protection zones the DPI should give consideration to the introduction of a new marine park covering waters out to 3 nautical miles between Long Reef and Bondi. Fishers also suggest that a buy-out program associated with a new marine park would be beneficial to the ocean trawl fishery and fishers impacted by the submarine cable protection zones.

DPI response
DPI is not responsible for marine parks. DPI would however be willing to refer the suggestion to the Department of Environment and Conservation for their consideration.

For noting and discussion

Outcome

Agenda Item 20 **Industry**

Issue
Optimum size at first harvest - king prawns

Background
Industry suggests that appropriate size limits (counts) or alternative management arrangements achieving same need to be implemented for the proper management of the species. How does DPI determine the optimum size prawn and how does DPI justify different optimum sizes for the same species in two or more different fisheries?

DPI position
DPI notes ongoing interest in this issue and previous agreement to hold another 'prawn summit'. However, DPI advises that a summit requires significant resources to implement and notes that at

present there are many high priority issues on the agenda for both Industry and DPI. With respect to king prawns, it is DPI's position that the stock appears to be stable, notwithstanding significant fluctuations in abundance due to environmental conditions, and that optimising the size of prawns at first harvest is primarily an economic issue. Consequently, DPI would at this stage be supportive of industry initiating and funding (via external funding if necessary) any such summit. In the interim DPI proposes to devote its resources to tackling some the more significant issues facing industry such as ensuring the sustainability of fish stocks and structural adjustment etc.

With regard to the optimum size at first harvest, DPI notes that neither ocean nor estuarine fishers have embraced the results of DPI's research and implemented an optimum size at first harvest of 46 king prawn per ½ kg. DPI will continue to support each sector maximising (for economic and sustainability reasons) the size of prawns harvested within each sector.

For discussion.

Outcomes

Agenda Item 21

Industry

Issue

Review of Bobbin Gear

Background

Bobbin gear is prohibited north of Seal Rocks and is restricted to 100mm (4 inch) in diameter south of Seal Rocks. Fishers in the Ocean Trawl fishery have requested a review of the bobbin gear restrictions.

DPI Position

At the last OTMAC meeting on 24 and 25 August 2006 the Committee considered advice from south coast fishers that larger bobbins (ie. 150mm) do less damage to the ocean floor and are preferred. The Committee noted that the issue was considered as part of the EIS process and that in accordance with the FMS the current restrictions could not be relaxed until a formal review [and potentially research] takes place. Industry has the option to instigate and fund research on bobbin gear. In the interim the bobbin gear restrictions will be moved into the OTSMP as part of the current regulatory reform.

For discussion.

Outcome

Agenda Item 22

DPI

Issue

Japanese submarine off Sydney

Background

The Maritime Archaeological Heritage Office (a Division of the Department of Planning) is seeking information from Ocean Trawl fishers who may have had interaction with the Japanese midget

submarine recently discovered off Sydney. The information is required to assist the Heritage office interpret the site and understand why the wreckage presents itself as it does today. The Maritime Archaeological Heritage Office emphasises that the information is not required and will not be used to implicate anyone who may have interacted with the wreck. A number of floats, orange nylon netting material, netting made of rope like material, rope with lead, and stainless steel material are attached to the bow of the wreck.

It is suggested that the OTMAC provides a point of contact for liaison between commercial fishers and the Maritime Archaeological Heritage office and any advice on interactions known to MAC members.

For noting and discussion.

Outcome

Agenda Item 23

DPI

Issue

National strategy to address interactions between humans and seals.

Background

AFMA has developed a national strategy aimed at creating a coordinated approach to minimise adverse human-seal interactions in commercial fisheries, aquaculture and tourism ventures. A copy of the strategy will be provided to MAC members.

It is suggested that two MAC members are nominated to review the National Seal Strategy and report back at the next MAC meeting any implications the strategy has in relation to the Ocean Trawl fishery.

For discussion.

Outcome

Agenda Item 24

Chairperson

Issue

Next meeting date. For discussion.

Outcome