

## Marine and Estuarine Recreational Charter Management Advisory Committee

### Outcomes from the 12<sup>th</sup> meeting - Tuesday 31 July 2007

#### **Apologies**

Ms Maria Schreider (NCC), Dr Matt Taylor (UNSW) – will present at next meeting.

#### **Confirmation of minutes from previous meeting**

The Committee accepted the outcomes as a true and accurate record of discussions from the 11<sup>th</sup> MERCMAC meeting, held 20 February 2007. **Moved:** David Cribb. **Seconded:** Jim Booth.

#### **Carried**

**Motion:** The Committee requests that the Chair write to the Deputy Director-General regarding the timeframe for distribution of the agenda for this meeting. **Moved:** Jim Booth. **Seconded:** David Cribb. **Carried**

#### **Action item**

The Chair write to the Deputy Director-General to express the Committee's concern with the timeframe for distribution of the meeting agenda.

*Complete – Chair sent letter to DDG 27/8/07.*

**Note:** Due to the delay in distributing the agenda and associated information, such as the Socio-economic funding proposal, the Chair/Department agreed to provide members with a 2 week timeframe to further consider the major proposals discussed at the meeting, prior to seeking formal recommendations out of session (*by COB Tuesday 14 August 2007*).

#### **Action item**

Forward the National Competition Council's contact details to Jim Booth.

*Complete – details emailed 3/8/07.*

***Business arising from the minutes - Nil.***

#### **Agenda items**

##### **1. Recreational Fisheries Management update**

John Diplock, Manager, Recreational Fisheries, provided the Committee with an overview of the following issues:

- Review of bag and size limits

New bag and size limit rules commence on 3 September 2007. There will be a 3 month advisory period from that date to ensure fishers are aware of the new rules. It was confirmed that the new regulations exempt charter fishing boat operators from the baitfish bag/possession limits.

#### **Action item**

Send updated bag and size limit information and other advisory material to all CFB operators.

*Pending release of new information.*

- Grey Nurse Shark issues

The Committee asked the Chair to write to the Minister to formally request funding from the Government to support RecFish's legal involvement in the Administrative Appeals Tribunal case initiated by the Nature Conservation Council against the Federal Minister for the Environment.

#### **Action item**

The Chair write to the Minister regarding funding issues and options.

*Completed – letter signed by Chair and faxed to Minister's Office 31/07/07.*

### **Action item**

Forward a copy of the kingfish tagging report to members.

*Gillanders, B.M., Ferrell, D.J., Andrew, N.L. 2001. Estimates of movement and life-history parameters of yellowtail kingfish (Seriola lalandi): how useful are data from a cooperative tagging programme?*

*Completed – report emailed 21/08/07.*

### **Action item**

With regards to the proposed Fishing Safely DVD, the Committee requested that the Recreational Fishing Alliance of NSW and Australian National Sportfishing Association NSW be asked to ensure that a charter fishing expert be included in the DVD development process. Peter Sayre and Ann Garard were mentioned as potential candidates.

*Pending.*

## **2. Charter Fishing Trust Fund – Economic survey of recreational and charter fishing (Bryan van der Walt, DPI)**

Bryan van der Walt provided a summary of the status of the Charter Fishing Trust as of 30 June 2007. The balance is \$201,000 as at 30 June 2007, which can be allocated to programs that benefit recreational charter fishing activities.

Regarding the proposed socio-economic survey of recreational and charter fishing in NSW, a trust application for a combined program was distributed for the Committee's consideration. It was confirmed that \$150,000 has been recommended from the Saltwater Trust, \$150,000 to be requested from the Fisheries Research and Development Corporation and \$75,000 requested from the Charter Fishing Trust.

**Note:** Refer to the out of session recommendation attached.

## **3. Fish stocking research projects**

Dr Matt Taylor gave his apologies for not being able to attend the meeting. DPI advised the Committee that the University of NSW has commenced research into stocking of eastern king prawns (*Melicertus plebejus*). In February 2007, 3 million juvenile king prawns were released in Wallagoot Lake and 1 million in Back Lake, near Bega on the far south coast. Preliminary information indicates these prawns have grown from approximately 2cm to 10cm since February.

Dr Taylor will attend the next meeting to give an overview of the current methods and monitoring programs and will discuss the environmental issues being addressed by current and planned research.

## **4. Marine Parks update (Andrew Read/Tracey MacDonald, MPA)**

The Port Stephens-Great Lakes Marine Park zoning plan commenced on 29 April 2007 and the Batemans Marine Park zoning plan on 30 June 2007. Andrew Read provided an overview of the consultation and steps taken to finalise the zoning plan for both parks.

The Committee expressed concern about the potential for the total number of licensed charter fishing operations able to access Marine Parks to be reduced over time, due to the non-transferable nature of Marine Park access permits. Mr Read indicated that a tender process is proposed to enable access permits to pass from operator to operator over time e.g. Solitary Islands Marine Park.

A copy of the MPA Permits Policy, outlining the process for the allocation of capped permits that have become available for reallocation due to exit by the original permit holder, will be included as an attachment to the next meeting agenda. This issue is addressed in Section 8 (p. 14) of the Policy. The MPA Permits Policy is available for review or download at [www.mpa.nsw.gov.au/news](http://www.mpa.nsw.gov.au/news) and publications.

Dr Alan Jordan, Senior Environmental Scientist (Marine Parks), Water and Coastal Science, NSW Department of Environment and Climate Change, will attend the next meeting to provide the Committee with a comprehensive overview of the seabed mapping program in NSW.

## **5. NSW Charter Boat Logbook Database Project update (James Scandol, DPI)**

James Scandol, Scientific Officer, Wild Fisheries Science and Research, discussed the logbook database upgrade. A copy of the final project report was distributed to Committee members for their information.

It was confirmed that the recreational catch and effort information provided by operators is vital for resource assessment and should continue to be collected for each trip.

## **6. Fisheries Business Services issues (Heath Calder, DPI)**

Heath Calder, Manager, Fisheries Management Services, held preliminary discussions with the Committee regarding options for the administration of charter fishing boat licences in the future.

### *Common CFB licence expiry date*

DPI is proposing to standardise the expiry date of all CFB licences and exemption certificates to bring them in line with the Financial year (i.e. 30 June expiry). This amendment would provide the flexibility for an instalment payment option on a quarterly basis, or continuation of an annual payment by operators, each year. The Committee supported the introduction of additional CFB licence payment options.

**Note:** Refer to the out of session recommendation attached.

### *Charter Boat Fishing Business Card*

The concept of a Charter Boat Fishing Business Card (similar to commercial fisheries arrangements) was also mentioned to members and will be discussed further at the next meeting.

## **7. Circle hooks and catch & release practices (Phil Bolton, DPI)**

Phil Bolton, Recreational Fisheries Manager, presented recent research results and distributed catch and release brochures and a circle hook kit for members' information and use.

## **8. Artificial Reefs and FADs update (Dr Mick Lowry, DPI)**

NSW DPI's pilot Artificial Reefs project investigates the benefits of artificial reefs as a fisheries enhancement tool in Recreational Fishing Havens along the NSW coast. A series of small artificial reefs have been deployed in identified barren areas in Lake Macquarie, Botany Bay and St Georges Basin. The reefs are monitored before and after deployment using a combination of research methods including baited underwater videos, diver surveys and angler catch information.

Dr Lowry presented underwater videos and a photo slideshow to demonstrate how the Artificial Reefs have created valuable fish habitats and attracted various species of fish in these popular recreational fishing locations.

***Out of session – Nil.***

### ***Correspondence received***

- *Response from the Minister re: CFB compliance activities.*

A copy of recent correspondence between the Chair and the Minister was distributed to members for information.

### **Action item**

NSW DPI to liaise with NSW Maritime Authority regarding ongoing concerns about boats that are being used for unlicensed charter fishing activities that are not in NSW Maritime survey (clarify NSW Maritime's position re: other charter activities involving boats that are not in survey).

*Pending.*

### ***Other business***

- *Proposal for a Youth Development Program (John Diplock, DPI)*

The Committee supported the proposal and requested that the Department investigate this concept further.

- *CFB working group meeting (Nick James, DPI)*

The working group meeting was held on Tuesday 17 July at Cronulla Fisheries Centre. The outcomes from the meeting were distributed and discussed with the Committee.

**Note:** Refer to the out of session recommendations attached.

- *Catch and Effort Working Group update (Ann Garard)*

The latest Catch and Effort Working Group meeting was held on Friday 29 June at Cronulla Fisheries Centre. Ann Garard provided the Committee with an update of the major issues discussed at the Working Group meeting.

- *Compliance update (at next meeting)*

Brad Harrison, District Fisheries Officer - Central Coast and Recreational Fishery Team Compliance representative, will provide the Committee with a recreational fishing compliance update, including CFB-related activities/prosecutions, at the next meeting.

- *Australian Communications and Media Authority - Cable Protection Zone information.*

In August 2006 the Australian Communications and Media Authority (ACMA) announced its proposals for two protection zones off the Sydney coast. ACMA issued a [media release](#) on 25 July 2007 publicly announcing that the protection zones have been declared. Both protection zones will commence on 1 October 2007.

The two protection zones are:

- The Northern Protection Zone, extending from Narrabeen Beach to 40 nautical miles offshore covering northern branches of the Australia Japan Cable and the Southern Cross Cable and including the area between these branches; and
- The Southern Protection Zone, extending from Tamarama and Clovelly Beaches and extending 30 nautical miles offshore covering the southern branches of the Australia Japan Cable and Southern Cross Cable and including the area between these branches.

A compact disc with the information provided by ACMA was distributed to members at the meeting.

#### **Action item**

Display Australian Communications and Media Authority cable protection zone details and relevant links on the NSW DPI website for the information of stakeholders.

*Completed (7/8/07).*

- *Action items*

An action item list from the meeting is attached, for information.

***Next Meeting*** – Meeting 13 (03/07) is scheduled for Tuesday 23 October 2007.

**ACTION ITEMS**  
12<sup>th</sup> MERMAC Meeting – 31 July 2007

<b>Agenda Item</b>	<b>Action</b>	<b>Team responsible</b>	<b>Status</b>	<b>Comments</b>
Confirmation of minutes from previous meeting	The Chair write to the Deputy Director-General to express the Committee's concern with the timeframe for distribution of the meeting agenda	Recreational Management	Pending	
Confirmation of minutes from previous meeting	Forward the National Competition Council's contact details to Jim Booth.	Recreational Management	Complete	Details emailed 3/8/07
1. Recreational Fisheries Management update	Send updated bag and size limit information and other advisory material to all CFB operators	Recreational Management	Pending	CFB database arranged. New bag and size limit info being prepared.
1. Recreational Fisheries Management update	The Chair write to the Minister regarding funding issues and options for the Grey Nurse Shark Administrative Appeals Tribunal case	Chairman	Complete	Letter drafted and signed by Chair - faxed to Minister's Office 31/07/07
1. Recreational Fisheries Management update	Forward the Kingfish Tagging Report to members <i>(Journal of Marine &amp; Freshwater Research, Volume 52, Issue 2, pp 179-192)</i>	Recreational Management	Complete	Copy requested from Doug Ferrell (co-author). Emailed 21/8/07.
1. Recreational Fisheries Management update	Fishing Safely DVD - RFA of NSW and ANSA NSW be asked to ensure that a charter fishing expert be included in the DVD development process.	Recreational Management	Pending	
Correspondence received	DPI to liaise with NSW Maritime Authority regarding boats used for unlicensed charter fishing activities that are not in NSW Maritime survey.  Clarify NSW Maritime's position re: how they deal with other charter activities involving boats that are not in survey.	Recreational Management	Complete	<b>Spoke to JH – NSW MA CV section 23/8/07 - BSO would investigate each allegation.</b>
Other business	Display Australian Communications and Media Authority cable protection zone details and relevant links on the NSW DPI website for the information of stakeholders.	Recreational Management	Complete	Displayed 7/8/07.



**OUT OF SESSION RECOMMENDATIONS FROM  
ISSUES RAISED AT THE 12<sup>TH</sup> MARINE AND  
ESTUARINE RECREATIONAL CHARTER  
MANAGEMENT ADVISORY COMMITTEE MEETING,  
HELD TUESDAY 31 JULY 2007 AT CRONULLA**



As a result of the delay in distributing the Agenda and associated information to the Committee, the Chair supported the Department's proposal to provide members with a two week period to further consider each of the major issues, prior to formal recommendations being sought out of session.

Background information for each issue addressed below was distributed to members in session (hard copies) and by email (electronic copies) following the meeting on 31 July 2007. As discussed and supported at the meeting, member's *recommendations were required by Tuesday 14 August 2007 and will be recognised as the formal outcomes of the meeting.*

***Issues that require Out of Session recommendation:***

• *Proposal for a socio-economic survey of the charter fishing industry*

The Department is seeking the Committee's support to allocate \$75,000 from the Charter Fishing Trust Fund, as a contribution towards the proposed NSW recreational and charter fishing socio-economic survey.

***Out of session recommendation:***

The Committee **supports** the allocation of \$75,000 from the Charter Trust as a contribution to the NSW recreational and charter fishing socio-economic survey. 9 for; 1 against.

**Note:** Mark Flanagan (Mid North Coast representative) did not support the proposal due to the perceived lack of a firm quote for the project, however, \$75,000 was proposed from the Charter Fishing Trust Fund.

• *Definition of Charter Fishing - Section 127A of the Fisheries Management Act 1994 and clause 296 of the Fisheries Management (General) regulation 2002*

The Department is seeking the Committee's support to amend the definition of charter fishing under S.127A of the Act and cl. 296 of the Regulation, to help address ongoing issues relating to illegal operations in NSW, as follows:

1. so a fisher may make a contribution to the running of a privately owned fishing boat, or fishers may share the costs of a fishing trip in certain circumstances without the boat being defined as a charter boat.
2. so that groups or organisations such as fishing clubs and service clubs cannot use a boat to provide fishing charter trips for members, even on a subsidised cost or not-for-profit basis, to circumvent the need to hold a charter fishing boat licence.
3. to prevent unlicensed charter boat operators from transferring the costs of a fishing charter to a fee for accommodation or some other purpose to deliberately circumvent the charter boat licensing requirements.

***Out of session recommendation:***

The Committee **supports** amending the definition of charter fishing under S.127A of the Act and/or cl. 296 of the Regulation, as outlined above. 9 for; 0 against; 1 abstained.

**Note:** David Cribb (noted as abstained) would like to review the proposed amendment prior to signing off on it. Peter Sayre supported the proposal but would like to review the draft amendment prior to implementation.

- *Expired licences and licences in abeyance*

The Department is seeking the Committee's support for the following arrangement:

- If a NSW Charter Fishing Boat licence is re-activated by the licence holder with a boat attached (i.e. the business can operate immediately), then the annual licence fee due should be \$457, plus \$92 for each authorised activity specified on the licence (or amount prescribed by cl.299 in the future), and
- If a CFB licence is re-activated without a boat attached (i.e. the business is not operating) then the annual licence fee payable should be \$457 (or amount prescribed by cl.299 in the future).

Therefore, it is proposed that the authorised activity fee(s) only be payable when a boat is formally attached to the licence. At present, all fees (annual licence fee plus the fee for each activity) are required to be paid in order to re-activate a licence, whether or not a boat is attached. This proposal ensures that all operators contribute to the cost of industry on an annual basis, but provides some reduction in costs for licence holders when they are not operating.

***Out of session recommendation:***

The Committee **supports** the proposed fee structure for expired licences and licences in abeyance, as outlined above. 10 for; 0 against.

- *Exemption certificates*

The Department is seeking the Committee's input as to whether further consideration should be given to make exemption certificates mandatory for all licensed CFBs. Note: 149 out of 210 licensed (i.e. active and/or issued) charter fishing boats have an exemption certificate attached to the business (as of 27 July 2007).

***Out of session recommendation:***

The Committee **does not** support making exemption certificates mandatory for all licensed charter fishing boats. 3 for; 7 against.

- *Status of existing legislation*

The Department is seeking the Committee's support to delete and/or amend certain clauses in the *Fisheries Management (General) Regulation 2002* that are no longer required, or need to be updated to reflect the current status of the industry.

***Out of session recommendation:***

The Committee **supports** amending the *Fisheries Management (General) Regulation 2002* to remove and/or update relevant legislation. 8 for; 0 against; 2 abstained.

**Note:** David Cribb and Peter Sayre (noted as abstained) would like to review the proposed amendments prior to formal agreement. Proposed regulatory changes will be discussed with the Committee before amendments are finalised.

- *Common CFB licence expiry date*

DPI is proposing to standardise the expiry date of all CFB licences and exemption certificates to bring them in line with the Financial year (i.e. 30 June expiry). This amendment would provide the flexibility for an instalment payment option on a quarterly basis, or continuation of an annual payment by operators, each year.

The Department is seeking the Committee's support for this proposal, which includes an amendment to cl.299 of the regulation to provide for a pro-rata (proportional) payment by operators for the first year of the new arrangements.

***Out of session recommendation:***

The Committee **supports** the Department's proposal to standardise the expiry date of all CFB licences and exemption certificates, to bring them in line with the financial year (i.e. 30 June expiry). 10 for; 0 against.

- *Development of a Code of Conduct for charter fishing in NSW*

The Department supports the development of a code of conduct for the NSW CFB industry over time and seeks member's input regarding the level of priority that should be given to this task.

***Out of session recommendation:***

The Committee **supports** the development of a code of conduct for the NSW CFB industry, however, it is not considered a high priority by industry and should be discussed further with industry over time. 5 for; 3 against; 2 abstained.