

**Advisory Council on  
Recreational Fishing**

**FINAL MINUTES**

**21<sup>st</sup> MEETING  
9:30am, 21 January, 2002**

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

**Attendance**

**Chair**

Bruce Schumacher

**Members**

Elaine Garvey

Peter Goadby

Lisa Terry

Scott Mitchell

Terry Maloney

Mel Brown

Ann Lee

Margaret Dodson

Anthony Moore

Steve Dunn, Director of Fisheries

**Observers**

John Diplock, Principal Manager Recreational Fisheries

Nick James, Manager Recreational Fisheries

Bryan van der Walt, Manager Recreational Fisheries

Susan Wildgoose, Fisheries Management Officer Recreational Fisheries

Agnes Yi, Adviser, Minister's Office

## **Business**

Welcome by Chair

Apologies

Graham Moore

Mark Umbers

## **Minutes of previous meeting**

The minutes of the 20<sup>th</sup> meeting, held 15 November 2001 were confirmed, following a minor amendment to agenda item 9 c).

## **Business arising from the minutes**

- ◆ Clarification was sought about the definition of when people are deemed to be fishing.

**Action item** At next mail-out to fishing clubs NSW Fisheries to provide advice on under what circumstances possession of fishing gear adjacent to water constitutes fishing, as well as encouraging anglers to purchase a licence if they are fishing or likely to go fishing.

## **Agenda Items**

1. Director's report
2. Proposed amendment of Simpson's Bay Beach closure
3. Proposed Abalone closure in sub-zones G4 H1 H2
4. Aquaculture update
5. Recommendations from RFSTEC meeting.
  - (a) Recreational Fishing Areas proposals  
Regions 5 and 6
  - (b) Other trust fund expenditure
6. Recreational Fishing Management Planning Committees
7. Port Botany Reclamation Process for Proposed Additional Port Facilities
8. Proposed fishing closure for groper in the Clovelly area
9. Other Business
  - Renewal and amendment of Arrawarra Creek closure
  - Sydney IPA closure renewals
  - Narrawallee Creek closure
  - RFA closures
  - Wagonga Inlet
  - Joint Advisory Council meeting dates
  - Crab traps
  - Recreational fishery grow-out discussion paper

Next meeting

**Issue**

Director's report

**Discussion**

## Recreational Fishing Areas:

- ACoRF and the Recreational Fishing Saltwater Trust Expenditure Committee (RFSTEC) have made significant achievements, with 26% of the area of our estuaries now to be protected from commercial fishing. The process of buying-back commercial fishing entitlements to implement this policy is progressing well and will be completed before the end of the year, with some effective from as early as 1 May.

Marine Parks:

- Draft zone plans have been produced for Solitary Islands and Jervis Bay marine parks. The community consultation process for Solitary Islands raised a number of important issues that have been considered. The proposal for the Jervis Bay marine park has been very constructive with a big issue being land-based game fishing.
- The development of the Lord Howe Island marine park zone plan is progressing well, as is the discussion over the proposed Byron Bay marine park.

Fisheries Management Strategies:

- The Land and Environment Court hearing to consider NSW Fisheries' role and powers in relation to the preparation of strategies is on the 30<sup>th</sup> and 31<sup>st</sup> January 2002.
- There has been little dissatisfaction expressed during the consultation process for the strategies, demonstrating the thoroughness of the consultation process with the MACs and advisory councils.
- Ocean haul and estuary prawn trawl strategies will be released for public consultation in the next few months.

Spearfishing in the Clovelly area:

- Spearfishing at Clovelly has recently become an issue following an incident that involved the spearing of a blue groper in front of many community members, some of whom had been hand feeding/photographing the fish around the time of the incident. Due to the circumstances it is quite an emotive issue for local residents and other beach users.
- It was noted that spearfishing of blue groper is already illegal. This issue is to be addressed later in the agenda.

**Recommendation**

Director's report was noted.

**Issue**

Proposed amendment of Simpson's Bay Beach closure

**Background**

Proposal to amend the foreshore closure between Simpson's Bay Beach and Costens Point (Port Hacking).

This closure prohibits the taking of pipis, cockles and whelks within 10 metres of the foreshore closure between Simpson's Bay Beach and Costens Point. It was renewed for a period of 5 years on 1 January 2002.

Sydney South Fisheries Office has advised that fishers are able to take these species within 100 metres of the foreshore, due to the shallow water caused by a sandbank. In order to increase the effectiveness of the closure, it is proposed that it be extended to an area within 100 metres of the foreshore. Presently the closure only extends to 10 metres.

The Maianbar Progress Association has also been asked to advise if they support the closure before the ACoRF meeting on 21 January.

**Discussion**

Council was advised that 10 metres is the standard limit for closures of this type. Bag and size limit breaches are policed at Simpson's Bay and the 10 metre exclusion zone enforced, but it is difficult for compliance staff to control the area where pipis are taken, as they can also be harvested from the area surrounding the closure.

The intention of the existing closure notice is to make the area a 'no-take' zone for pipis, cockles and whelks. Generally the standard 10m closure area is sufficient to achieve this, however, there is a second sandbar in the area, thus providing a "loop-hole" for harvesters of these species.

The Advisory Council was informed that a 100m exclusion zone should not cause confusion if adequate advisory information is provided in the area. Council raised the concern that signage in the area, which advises people of the current arrangements, is largely disregarded at present. A solution appears to be further education initiatives to make it clear that people cannot take these species from the Simpson's Bay area.

It was noted that nipper pumping is not affected by this closure.

**Recommendation**

ACoRF supports an extension to the existing foreshore closure at Simpson's Bay Beach from 10 metres to 100 metres.

Moved: Lisa Terry. Seconded: Peter Goadby. Carried.

**Issue**

Proposed Abalone closure in sub-zones G4, H1, H2

**Background**

Outbreaks of *Perkinsus* infection combined with other factors are thought to be responsible for the decline in abalone stocks during the 1980's and early 1990's around Terrigal, Sydney and more recently Kiama and Port Stephens. In response to evidence of the serious depletion of abalone in these regions, a portion of the affected areas were closed to all abalone harvesting to assist their recovery. Currently closures cover areas from the Entrance to Terrigal, Bondi Beach to Marley Beach and Bombo Beach to Warri Beach near Kiama.

Recovery of affected areas has been slow and since 1998 additional areas including Terrigal to Broken Bay have been closed to commercial harvesting during the spawning period (between November and March) as disturbance of abalone may halt reproductive development.

Reseeding of abalone artificially spawned from local stock has been trialed within the area producing positive early results, however further measures are needed to rebuild the spawning stock to a level that will support quality recreational fishing and commercial harvesting. Responses could include temporary closures of areas and/or modification of legal size and bag restrictions.

The Abalone Management Advisory Committee (AbMAC) has discussed closure arrangements and recommend the additional closure of areas between Terrigal and Bondi Beach to protect the brood stock remaining in these areas. Industry has already self imposed these closures and catch statistics report that no abalone were taken commercially in these areas last year.

ACoRF's views are sought on the proposal that current fishing closures be extended to cover the area between Terrigal Point and Bondi Beach for a period of 3 years (until August 2004). If these previously productive areas can be rehabilitated through natural recruitment, possibly assisted by reseeded, better recreational harvesting opportunities would result.

**Discussion**

The abalone fishery manager informed the Advisory Council that existing abalone closures have been in place for many years in response to stock decline related to the *Perkinsus* infection. Independent surveys have been conducted to determine the current status of abalone stocks and the extent of the spreading infection. The range of the single-celled parasite has recently expanded to Port Stephens in the north. Numbers of abalone within this range have significantly declined since the 1980's, with no commercial catches in some regions.

The AbMAC would like to close the area from Terrigal to Marley Beach to commercial and recreational fishing activities and seeks the Advisory Council's views.

Although it is not clear where the infection originated from it has been found in areas of NSW and South Australia. Isolated crevices containing abalone populations have remained infection free within the NSW parasite range and it is hoped that these closures will enable populations to re-establish once the infection front has passed through.

Re-seeding of surviving parent stocks will also be used to assist their re-establishment, but this method has proved to be insufficient on its own and other tools are necessary to ensure abalone survival in these areas. Re-establishment of abalone stocks should be successful providing the parasite is not carried in the environment and user groups observe closures.

While the infection appears to be related to water temperature, some people also believe that *Perkinsus* is pollution related. Clarification was sought as to whether or not action was being taken by external agencies, for example, the Environmental Protection Agency (EPA), to counteract this perceived problem. NSW Fisheries was not aware of any pollution related research.

The underwater fishing representative informed Advisory Council that he was not supportive of the proposed closure. NSW Fisheries has not met existing research and re-seeding commitments given when previous closures were implemented. The underwater fishing representative proposed that if current abalone stock declines are due to unavoidable external environmental factors such as pollution, then remaining stocks should be made available for recreational harvesting.

The Advisory Council was informed that recreational divers support an increase to the minimum size limit of abalone, as opposed to the total closure of the area. There was discussion of the merits of allowing abalone an extra few years to spawn through increasing the minimum size limit.

It was noted that the commercial harvest of abalone has been quite good in southern NSW recently. However, the abalone Total Allowable Catch (TAC) Committee is very wary of the impact *Perkinsus* is having on abalone stocks in affected areas and is therefore promoting a precautionary approach to the overall harvest of abalone from NSW waters. The Council was informed that historically it was not economically viable for commercial fishers to harvest abalone in the Sydney area, and therefore closures in the area affect recreational divers more than commercial fishers. The question of whether or not a significant number of recreational abalone divers would be adversely affected was asked. The Advisory Council was advised that this was probably not the case, but actual numbers are not available.

### **Recommendation**

That the proposed 3 year recreational and commercial fishing closure for abalone in sub-zones G4, H1 and H2 be supported as outlined.

Moved: Anthony Moore. Seconded: Ann Lee. Carried.

**Issue**

Aquaculture update

**Background**

At the last ACoRF meeting Council members requested a presentation from the Aquaculture team to provide an overview of current aquaculture issues and initiatives in NSW.

**Discussion**

*Barramundi Fingerlings Health Certification Policy Discussion Paper*

There are currently six barramundi culturing farms in NSW. The barramundi fingerlings health certification policy deals with issues surrounding the importation of barramundi fingerlings to NSW, identifies possible problem areas and sets out policies to address these issues. However, the existing policy was produced when barramundi culturing farms were first established in NSW and it is proposed to update the health certification policy to reflect current issues.

The health certification policy discussion paper was distributed to Council members for review. One issue identified is the protocol to test for the barramundi encephalitis virus. Presently, prior to being brought to NSW, fingerlings are sterilized and two separate tests must be conducted before they are deemed disease free. The earliest onset of the encephalitis virus is at 15-20 days old, with the latest onset at 24 days. Therefore, a single test undertaken after 24 days would conclusively determine the disease status of the fingerlings. This testing regime would reduce the costs involved with the importation of barramundi fingerlings. The discussion paper suggests amending the test protocol to introduce a one test policy.

Section 217 of the Fisheries Management Act 1994, relating to the importation of live fish, is also being reviewed by NSW Fisheries. At present, a person must not bring live fish into the State, except under the authority of a permit issued by the Minister for Fisheries.

The Aquaculture branch sought ACoRF's consideration of the proposed policy to amend the health certification protocols for barramundi. Council noted that there was no deadline for comments and requested an opportunity to review the discussion paper due to the significance of the issues involved in the proposal.

**Action item:** ACoRF's position on this issue to be confirmed at the next meeting.

Council asked whether or not infected barramundi could pass the virus on to other fish. It was confirmed that trevally have been found with the disease.

*Aquaculture update*

There are two main types of aquaculture in NSW, land based and sea based. Earthen ponds, intensive tank systems, rack culture (oysters - estuarine waters) and more recently cage culture (offshore pens eg snapper in Botany Bay and Port Stephens) may be used.

There are many suitable aquaculture species in Australia. Tuna farms (South Australia), salmon (Tasmania) and pearl culture have a high focus and investment level at present. In NSW, the Sydney rock oyster provides over half of the total aquaculture production.

The Government is committed to the creation of rural employment opportunities through initiatives such as aquaculture and currently has a steering committee considering impediments to, and ways of improving, the development of the industry.

#### Sustainable Aquaculture Strategies

Clearly defined rules, agreed to by management agencies and stakeholders, are required to provide consistency in the development of the aquaculture industry. Regional strategies, for example the north coast aquaculture strategy, are being produced through this process. These strategies will outline the design, planning and approval process, to provide potential investors and farmers with information and clear direction on where the government would like the industry to move.

Coastal and estuarine strategies are also being produced. These strategies aim to consolidate existing ventures and improve the approval process for future projects. A strategy for the Port Stephens area is currently going through the public consultation phase.

Mapping (GIS) is undertaken to identify permissible land use zones in each region. This will ensure aquaculture developments avoid environmentally sensitive areas and are compatible with surrounding land uses.

Council sought clarification on why the akoya pearl debate is causing so much more concern than snapper cages in Port Stephens. Reasons identified included:

- Loss of access to public waters
- Concerns over environmental impacts

An EIS has been just submitted to the Minister for Planning.

#### Research

Production of juvenile bass was lower this year, while mulloway was very successful. Aquaculture produced snapper are generally darker in colour than wild stock, and while the fish are readily acceptable to the market, this factor is being investigated. Silver perch is quite successful.

The development of saltwater aquaculture in inland NSW, through the utilisation of saline groundwater is progressing. A research facility has been developed for this purpose and will be operational soon. Snapper, mulloway, prawns and silver perch are being considered. Monitoring programs are in effect for all aquaculture ventures.

Environmental Impact Statements for aquaculture operations will be developed over the next two years.

#### Next 10 years

The aquaculture industry will expand significantly. Capital investment in the development of the aquaculture industry in NSW is projected to increase from the current level of \$44m, to approximately \$200m by 2010.

The development of fish-out opportunities, where people pay to fish stocked impoundments, is also expected to expand.

Council asked why dolphinfish and yellowtail kingfish, proven fast-growing species, are not being considered as part of the expansion of saltwater aquaculture in NSW. Reasons identified included that:

- Various states are focussing on different species to maximise benefits (i.e. you can't do everything).
- NSW Fisheries is currently focussing on snapper and mulloway.
- South Australia is investigating yellowtail kingfish.
- A company has expressed interest in pursuing dolphinfish as a potential aquaculture species.

**Recommendation**

Aquaculture presentation noted.

**Issue**

Recommendations from RFSTEC regarding recreational fishing area proposals for Regions 5 and 6.

**Background**

Community consultation has been completed for Recreational Fishing Area proposals for Region 5, stretching from Seal Rocks to the Entrance and Region 6, from The Entrance to Wollongong.

Community consultation reports were considered by the Expenditure Committee at its meeting on 17 January.

RFSTEC's recommendations were provided to Council members for consideration at the meeting.

**Discussion**

The community consultation process indicated that there was little community support for the creation of further recreational fishing havens in Region 5 and 6, beyond those already announced for Lake Macquarie (Region 5) and Botany Bay (Region 6). Council was informed that support for further RFA's was only 15% in Region 5 and 32% in Region 6. Due to these low levels of support RFSTEC did not recommend further recreational fishing havens in either Regions 5 or 6 at this time.

The Council discussed these proposals and agreed that it should support the recommendations of RFSTEC, which reflected the community consultation.

**Recommendation**

ACoRF support RFSTEC's recommendation that there be no further recreational fishing havens at this time in Regions 5 and 6.

Moved: Lisa Terry. Seconded Peter Goadby. Carried.

**Issue**

Other trust fund expenditure recommendations from RFSTEC

**Background**

RFSTEC's recommendations for expenditure of saltwater trust funds will be provided to Council for consideration at the meeting. New trust funded proposals include the ANSA Angel Ring program, Fish Aggregation Devices (FAD) project and a survey to assess the effects of RFAs.

**Discussion**

RFSTEC have recommended funding from the saltwater trust to conduct the following programs:

- ◆ a 2 year FAD program (\$136,608 for year 1 and \$90,669 for year 2) commencing July 2002.
- ◆ an assessment of the effect of RFAs using angler surveys (\$84,115 for year 1 and \$111,355 for year 2) commencing July 2002.
- ◆ \$25,300 for the Angel Ring Program this financial year.
- ◆ \$120,000 over 2 years as seed funding for a pilot habitat program commencing in the 2002/03 financial year.
- ◆ financial assistance of \$1,138 for a RFSTEC representative to attend the 3<sup>rd</sup> World Recreational Fishing Conference in Darwin in May 2002.
- ◆ \$5,000 from the Small Grants Program to the NSW Game Fishing Association and Pepperell Research Pty Ltd to co-ordinate biological sampling at game fishing tournaments this financial year.

ACoRF discussed each funding proposal in turn.

FADs

The FAD program has significant support from offshore anglers. It was suggested that logbook arrangements should be implemented to monitor the program.

Angel Rings

The Angel Ring program has been successful in saving the lives of a number of rock fishers. The Department of Sport and Recreation initially provided \$50,000 for the program. Concern was expressed over the ongoing loss of lifebuoys due to vandalism and/or high seas, and Council asked whether penalties could be imposed on vandals by NSW Fisheries. It was advised that this is not covered under the *Fisheries Management Act 1994*. It was suggested that signs should be erected in these areas to advise the public that Angel Rings save lives and should not be tampered with.

Effectiveness of RFAs

Due to the large investment in the RFA process, Council believe it is essential to monitor and assess the effectiveness of designated recreational fishing havens. It was suggested that the Fisheries Resource Conservation and Assessment Council (FRCAC) might be able to assist with this.

Habitat Conservation

Discussion on funding for the habitat program was deferred to give members more time to consider the proposal, and it was revisited later in the meeting. The Council considered that most stakeholders would support this initiative.

World Recreational Fishing Conference

Council supported financial assistance for a RFSTEC member to attend the World Recreational Fishing Conference, but requested that future representation of Councils/committee members at conferences be determined by expression of interest open to all members.

Coordinated Biological Sampling of Tournament Landings

Game fish tournaments provide regular, extensive, and accessible sampling sites for research on the biology of billfish, tuna, sharks and other game fish that is not obtainable in any other cost effective way. Universities, fisheries agencies and other researchers have historically gathered data and biological specimens at weigh stations in an uncoordinated way. While this has produced some excellent contributions to the body of scientific knowledge, a coordinated program would maximise the resultant benefits. This request seeks a contribution from the small grants program to be matched by the NSW Game Fishing Association to coordinate research. The Council sought assurance that publications and/or media should highlight the contribution of the Saltwater Trust Fund.

**Recommendation**

ACoRF support the expenditure proposals recommended by RFSTEC.

Moved: Lisa Terry. Seconded: Scott Mitchell. Carried.

**Issue**

Proposal for the establishment of Recreational Fishing Freshwater and Saltwater Management Planning Committees

**Background**

The preparation of fisheries management strategies and environmental impact statements for freshwater stocking, and recreational fishing have been widely discussed and called for by angler groups. Many recreational fishing representatives also expressed support for the preparation of a comprehensive management strategy for recreational fishing during the consultation on the *Sustaining Our Fisheries* discussion paper. These strategies will ensure recreational fishing in NSW leads the world in terms of its conservation focus and impact assessment, making sure our fisheries are sustainable, and giving anglers a clear vision of the future for recreational fishing.

ACoRF has previously expressed its support for the preparation of such a management strategy and an appropriate environmental assessment on 4 October 2000.

Those who have been involved with the FMS/EIS process so far would be aware of the significant detail involved and the impracticality of ACoRF being the primary consultative forum. For commercial fisheries, the fishery specific management advisory committee (MAC) is the primary consultative forum, with their deliberations, where appropriate, then being taken to the Advisory Council on Commercial Fishing.

To ensure an efficient and effective process for the development of the recreational fishing strategies, ACoRF's consideration of the following proposals is sought:

That the ACoRF Freshwater Review Committee, established to oversee the review of freshwater fishing regulations, have its terms of reference extended to be the primary consultative body with NSW Fisheries over preparation of the strategies for freshwater stocking, and the strategy development for freshwater recreational fishing.

That the name of this committee be changed to the Recreational Fishing Freshwater Management Planning Committee (RFFMPC) to reflect its new role.

That a Recreational Fishing Saltwater Management Planning Committee (RFSMPC) be established as a committee of ACoRF to oversight the preparation for the saltwater recreational fishing strategy, which will include the next review of saltwater recreational fishing regulations.

Composition of the RFSMPC, to be appointed by the Minister, will be mostly expert recreational fishers and other members are proposed as follows:

- ◆ Chair of ACoRF as Chair
- ◆ NCC representative from ACoRF
- ◆ Indigenous culture representative from ACoRF
- ◆ A commercial fishing representative

and the following members will be appointed after a public expression of interest:

- ◆ Four expert recreational fishing members

A meeting of the RFSMPC will not be able to take place unless a majority of those present are recreational fishing members (including the ACoRF Chair).

These two committees will have a specific, defined role to oversee the management planning process and to advise and report through ACoRF. When the management strategy and environmental impact statements are complete, ACoRF will fulfil any required ongoing advisory and monitoring role.

The RFSTEC has asked that consideration is being given to whether there should be one or two strategies.

At its meeting on 17 January 2002, the RFSTEC provided in-principle support for NSW Fisheries to prepare a detailed funding proposal for the preparation of a management strategy for consideration at its next meeting.

Support from ACoRF is sought for the establishment of the above planning committees to oversee the preparation of the strategy and EIS for recreational fishing.

### **Discussion**

Clarification was sought on the status of the draft freshwater review discussion paper. Council was advised that the discussion paper has been delayed as a result of the declaration of the Lower Murray catchment including the lower Murrumbidgee River, as an endangered ecological community, and the consequent requirement for a species impact statement to be prepared so that recreational fishing could continue. While concern was expressed over the possible delay to the freshwater review it was explained that it would cause confusion if two separate consultation processes were underway with anglers at the same time.

Issues arising from the species impact statement on the impact of fishing on the Lower Murray catchment endangered ecological community will be incorporated into the freshwater review.

The development of a fishery management strategy for recreational fishing and the associated EIS is a statutory requirement and requires the establishment of Planning Committees to oversee the task.

### **Recommendation**

That the establishment of Management Planning Committees for freshwater recreational fishing and freshwater stocking, and saltwater recreational fishing is supported. (The fresh water planning committee to oversee the fish stocking strategy and EIS, and complete the freshwater review; the saltwater committee will undertake the saltwater regulation review. Discussion will then take place on the appropriate single advisory structure to progress the combined FMS/EIS.)

Moved: Peter Goadby. Seconded: Scott Mitchell. Carried.

**Issue**

Suggestion by the Recreational Fishing Alliance that there be compensation for Port Botany reclamation for proposed additional port facilities.

**Background – Recreational Fishing Alliance**

When previous reclamation work affected commercial fishers' access, compensation was paid to those affected. This established the precedent that compensation will be paid for reduced access to the Bay. At that time no mechanism existed for compensation to be paid to recreational fishers affected by the process.

As recreational fishers' licence fees will be used to remove commercial fishing from the Bay to create a recreational fishing area, compensation should be paid for any future reduction in recreational access resulting from the proposed port development. That money could be placed into the Saltwater Trust Fund for use in fisheries enhancement projects or remediation works in the Bay.

Appropriate research and socio-economic surveys are needed in this area now to determine the value of the access rights that are proposed to be removed. This information would allow a suitable claim to be made against the government and Ports Authority for compensation to be paid to the Trust Fund.

There is a need for a clear policy, as compensation for removal of access will be a recurring issue. Note that in marine parks when access is removed from commercial fishers, compensation is payable by the government. No compensation is payable to recreational fishers for loss of access in marine parks.

The Recreational Fishing Alliance would like ACoRF to consider the development of a policy for compensation for removal of access for recreational fishers including recommendations on amendment of the legislation if required.

**Background – NSW Fisheries**

When habitat protection or sanctuary zones are created in marine parks it may be necessary to remove some of the existing commercial fishing pressure to ensure that, for example, trawlers do not simply increase their trawling in the smaller remaining unprotected area.

This is achieved by the buy-back, by the Government, of the necessary number of commercial fishing entitlements. Compensation payments are not made to the Commercial Fishing Trust, nor are commercial fishers who continue fishing and keep their fishing entitlements paid any money by the Government.

There is no parallel with recreational fishers, because access to the recreational fishery is not limited to a set number of people. It is not possible to pay an individual money and then exclude that individual from recreational fishing activity.

NSW Fisheries suggest that the most constructive way forward for ACoRF on this issue is to make a submission on the environmental impact statement explaining any impact of the

proposals on recreational fishers, and suggesting actions that might avoid or mitigate those impacts.

### **Discussion**

The Recreational Fishing Alliance's concerns regarding compensation for impacts on recreational fishing activities/access from future developments were presented to ACoRF. NSW Fisheries suggested that the EIS process would be the best avenue to raise concerns and mitigate against impacts on recreational fishers that might result from developments such as the Port Botany reclamation for proposed additional port facilities.

It was suggested that payment of the recreational fishing fee into a designated trust fund might provide anglers with compensatable rights, and the trust funds now provided an avenue through which compensation could be paid. The Advisory Council discussed how to value what, if anything, might be lost, and how to quantify the level of financial compensation to recreational fishers. It was also noted that there may be instances outside of RFAs where compensation may be payable to recreational fishers.

It was suggested that this may be an opportunity for the recreational sector to clarify where compensation should be paid for loss of access. Council identified the need for broad legal advice to clarify whether compensation might be payable for loss of access to recreational fishers, other than for reasons of fisheries conservation.

The Advisory Council asked if the type of reclamation proposed in Botany Bay should still be permitted. It was noted that as this particular development was part of the original port design, it pre-dates the fishing licence and the introduction of a RFA in Botany Bay. Council suggested that the responsible development authority should be requested to contribute to the improvement of fishing in Botany Bay, with a minimum requirement being the relocation of the Penryn Rd boat ramp with maintenance of all existing facilities.

As the proposal to ACoRF was very broad and open-ended, the Council requested that the Recreational Fishing Alliance be asked to develop its policy and proposals in detail before the issue is considered further.

**Action Item:** That ACoRF write informing the Recreational Fishing Alliance that a comprehensive submission should be provided on this issue, including the issue of compensation, before the Advisory Council will consider the issue further.

### **Recommendations**

That the ACoRF ask the Minister for Fisheries to write to the Minister for Ports and Botany Council seeking an assurance that the Penryn Road boat ramp would be relocated with the current level of services maintained, and that a contribution be made to the Saltwater Trust to assist improvements to recreational fishing in Botany Bay.

Moved: Lisa Terry. Seconded: Scott Mitchell. Carried.

**Issue**

Proposed recreational fishing closure for groper in the Clovelly area.

**Background**

A NSW Fisheries spearfishing closure exists in Gordons Bay (also known as Thompsons Bay). This closure includes the whole of the waters of Gordons Bay (or Thompsons Bay) from a line drawn southwesterly from the eastern most point on the northern foreshore adjacent to the recreation reserve at the end of Clovelly Road, to the eastern most point on the southern foreshore to the entrance to Gordons Bay (or Thompsons Bay) adjacent to Arcadia Street. This area is an intertidal protected area.

A local council spearfishing closure is in place at Clovelly, which prohibits spearfishing within Clovelly Bay during the summer months. A blue groper was recently speared near Clovelly Beach, which is north of the NSW Fisheries closure area. The incident caused significant community outcry, with many observers believing that spearfishing is illegal in the whole area.

It has been requested that ACoRF consider a proposal to close the area between the Clovelly sea pool and Gordons Bay under NSW Fisheries legislation. The proposed closure incorporates all recreational line fishing and spearfishing for groper. This initiative will reduce confusion about the extent and scope of the existing closure.

**Discussion**

The proposed closure area stretches between Clovelly and Gordons Bay. Council was informed that spearfishing in the region is a highly sensitive issue for the community and considerable pressure has been applied to protect the groper in this area. The importance of preserving the image of recreational fishing and the spearfishing sector in particular was stressed.

The underwater representative expressed the concerns of the underwater fishing fraternity regarding the way the blue groper issue was portrayed by the media, and how spearfishing was denigrated. The Daily Telegraph was contacted by members of the organisation regarding this misrepresentation of the spear fishing industry.

**Recommendation**

That all spearfishing and taking of groper by any method be banned from Clovelly to Gordon's Bay in the area proposed.

Moved: Peter Goadby. Seconded: Lisa Terry. Carried.

## Agenda Item 9

## General Business

### Closures – for information

1. Intertidal Protected Area (IPA) closures on Sydney foreshore. These closures are currently being reviewed by an IPA working group to review the management of IPAs and to assist with the identification of those IPAs that might be considered as aquatic reserves. These closures were renewed for 2 years on 1 January 2002, pending the outcome of the working group.
2. Arrawarra Creek - This creek is within the Solitary Islands Marine Park (SIMP) and therefore is subject to the SIMP draft zoning plan, which is presently at the consultation stage. It is anticipated that the zoning plan will be implemented later this year. Any changes are likely to be superseded by SIMP zoning plan implementation and it would be inappropriate to pre-empt that process. It is envisaged that the closure will be renewed without changes, pending the outcome of the SIMP consultation.
3. Narrawallee Creek closure notice to be distributed for information.
4. RFA related closure notices for Regions 1, 3, 4, 7 and 8 to be distributed for information. Commercial fishing closures in these regions commence on 1 May 2002.

### Recommendation

That as part of the next Saltwater Review, the rules applying to recreational fishing in all RFAs, including the Wagonga Inlet, Port Hacking and Brisbane Water, be standardised.

Moved: Peter Goadby. Seconded: Terry Maloney. Carried.

5. Recreational fishing closures in Wagonga Inlet – there has been several recent enquiries regarding the legality of anglers using prawn dip or scoop nets and small live bait traps in Wagonga Inlet. *These methods are legal in Wagonga Inlet. All anglers are encouraged to contact the local NSW Fisheries Office to ensure they are aware of recreational closures in that region.*
6. Joint Advisory Council meeting dates:  

Estuary General – 18 April 2002  
Ocean Hauling – 13 June 2002  
Estuary Prawn trawl – 10 July 2002
7. Measurement of recreational crab traps – The regulation specifies that a minimum of 50mm mesh must be used, however, it does not state the method of measurement. Clarification has been requested, as commercially manufactured crab traps are widely available that measure 47mm if measured from side to side or 50mm if measured on the diagonal. *Correct measurement is a minimum of 50mm across the straight, not the diagonal, as outlined in the NSW Fisheries FishNote.*
8. A recreational fishery grow-out policy consultation paper has been drafted for ACoRF's consideration. *Comments to be forwarded to John Diplock or Nick James as soon as possible (out of session). This issue is to be discussed at the next meeting.*

### Additional Items

◆ Wobbegong shark discussion paper – comments due by 28 February.  
Council generally felt that there could be a benefit for a zero bag limit for wobbegong sharks to protect the species. Council believes that it is not just a recreational fishing problem but that commercial fishing also contributes to depletion. There were claims of black marketing of kingfish and wobbegong sharks, with allegations that commercial fishers offer anglers a commission for their product.

The spearfishing sector considers wobbegong sharks under threat and recommended protection (bag limit of 1) during the last saltwater review.

#### **Recommendation**

That there be a moratorium on the take of wobbegong sharks by commercial and recreational for five years to allow further research to be conducted.  
Moved: Mel Brown. Seconded: Elaine Garvey. Carried.

◆ Aggregation/targeting of undersized fish (eg kingfish)  
Council was advised that the taking of undersize kingfish is becoming an issue on the south coast.

**Action Item:** Management to advise Field Services that further investigation is required on this issue with appropriate compliance action where required.

Council suggested that hook mortality research is also necessary to determine the effects of catching undersized fish.

◆ Blue mackerel (baitfish)

Andy Bodsworth (AFMA) has set up a small pelagics committee to look at the harvest of baitfish. Darryl Sullings (NSW Fisheries) is also involved with the baitfish working group.

◆ Commercial harvest of native finfish in drying lakes.

This was voted against at last meeting. The issue of utilising these fish was again raised by NSW Fisheries. The Advisory Council considered that this mortality is part of the natural food chain in the area as many birds feed on the carcasses, and that the fish would show very poor survival rates if transported elsewhere. A member of the Council suggested that removing fish from drying lakes would impact on the quality of fish and would also damage the reputation of fish farmers.

### **Next Meeting**

18 April 2002, following the Estuary General Joint Advisory Council meeting.