

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

**Minutes**

**7<sup>th</sup> MEETING (1/05)**

**9:30am, Thursday 19 May 2005**

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

**Attendance**

**Chair**

Mr Brian Beer

**Members**

Mr Peter Bolic

Mr Mark Flanagan

Mr James (Jim) Booth

Mr Peter Sayre

Mr David Cribb

Ms Ann Garard

Mr John Stevens

Mr Keith Appleby

Dr Maria Schreider

Nick James

**Representative**

Far North Coast

Mid North Coast

Central Coast

Sydney

Sydney

Illawarra

Mid South Coast

Far South Coast

Nature Conservation Council

Departmental nominee

**Observers**

John Diplock, Program Manager, Recreational Fisheries

Mandi McKaig, Fisheries Management Officer Recreational Fisheries

## **Business**

### *Welcome by Chair*

- New members to the Committee – Mark Flanagan (Mid North Coast), David Cribb (Sydney), Sanchia Glaskin (Recreational) and Shirley Massey (Commercial)
- Reappointments – Ann Garard (Illawarra) and Keith Appleby (Far South Coast)

### *Apologies*

Ms Shirley Massey (Commercial Fishing); Ms Sanchia Glaskin (Recreational Fishing)

### *Minutes of previous meeting*

## **Recommendation**

The minutes are a true and accurate record of discussions from the 6<sup>th</sup> MERCMAC meeting.

Moved: Jim Booth

Seconded: Ann Garard

**Carried**

### *Business arising from the minutes*

Nil.

## **Agenda Items**

1. Outcome of Election/Expression of Interest processes for representative positions, for information (Nick James)
2. Update on Grey Nurse Shark Critical Habitats, for information (Nick James)
3. Maritime Authority discussion paper issues, for discussion (John Dikkenberg 11am-12noon)
4. Compliance update, for information/discussion (Glenn Tritton)
5. Recreational management issues, for information (Heath Folpp/Bryan van der Walt)
6. Issues raised by industry, for information/consideration (Nick James)
7. Regulatory/administrative issues, for information and recommendation on relevant issues (Nick James)

### *Other business*

- *Fisheries Management Strategy update, for information*
- *Development of a charter fishing information guide for operators and the general public, for information (Nick James)*

### *Out of Session items*

- *Proposal from Dominion Consulting to conduct a business and economic survey of the charter fishing boat industry in NSW (Nick James)*
- *Proposed Act amendments (addressed in agenda item 7)*

### *Correspondence received*

Next meeting – Tuesday 18 October 2005.

**Issue**

Outcome of the Election/Expression of interest process for representative positions.

**Background***State Electoral Office (SEO) Nomination/Election process*

Industry representatives are elected through a democratic process conducted by the State Electoral Office (SEO) every 18 months. The nomination process for vacant positions closed at noon 10 December 2004. Three nominations were received for the region 4 (Sydney) position. The election process for the contested position closed at noon on 21 January 2005. The SEO confirmed that David Cribb was elected to be the industry representative for the Sydney region. Mr Cribb replaced Jim Lumb as one of the Sydney representatives.

*Expression of interest process to fill vacant industry positions*

No nominations were received for the Mid North Coast (Region 2), Illawarra (Region 5) and Far South Coast (Region 7) positions during the SEO process. An expression of interest process for the vacant Mid North Coast, Illawarra and Far South Coast representative positions on MERCMAC closed on 31 March 2005. Three applications were received - one from each region. Ann Garard (Illawarra) and Keith Appleby (Far South Coast) have been re-appointed and Mark Flanagan (Mid North Coast) has been appointed to the MAC.

Ms Garard's re-appointment results in her appointment as the charter fishing boat representative on the Advisory Council on Recreational Fishing, as nominated by MERCMAC at the last meeting.

*Commercial, Recreational and Indigenous fishing (non-industry) positions*

An expression of interest process for the commercial, recreational and indigenous fishing positions on MERCMAC closed on 18 February 2005. A total of five applications were received - one for the commercial fishing position and four for the recreational fishing position.

Shirley Massey (commercial fishing representative) and Sanchia Glaskin (recreational fishing representative) have been appointed to MERCMAC. Phil Duncan, Project Manager, Indigenous Fishing Strategy, is endeavouring to find a person to fill the Indigenous fishing representative position as soon as possible.

With the significant turnover of membership on the committee, NSW DPI would like to encourage discussion of members' experiences (i.e. relating to their area of representation/field of expertise) and the major fishing related issues/concerns in their area.

**Outcomes**

Members welcomed Mark Flanagan and David Cribb to the committee. Mark, who is part of a family owned and operated charter fishing business out of South West Rocks, takes over from Margaret Dodson as the industry representative for the Mid North Coast region. David is from the Charter Vessel Association of NSW and replaces Jim Lumb as one of two industry representatives for the Sydney region. Unfortunately, Sanchia Glaskin and Shirley Massey were unable to attend the meeting.

The main issue of concern expressed by members is the Maritime Authority's proposed changes to commercial vessel operations (additional crewing arrangements/increased restrictions on bar crossings etc) and the profound effect the introduction of these rules would have on a significant number of licensed charter fishing boat operators in NSW. It was confirmed that Mr John Dikkenberg, General Manager, Commercial Vessels and Asset Management, would be attending the meeting to discuss these issues in greater detail (refer to agenda item 3).

For information.

## Agenda item 2

NSW DPI

### Issue

Update on Grey Nurse Shark Critical Habitats.

### Background

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

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

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

#### *Results from the Grey Nurse Shark Protection Regulations Discussion Paper*

The review received 1550 submissions. NSW DPI researchers showed the east coast Grey Nurse Shark population to number approximately 410-461, with over 70% of the population found at known critical habitat sites at any one time. The study also found the sharks to roam within approximately 1200 metres of these aggregation sites. 12-33% of Grey Nurse Sharks showed external signs of hook damage. It is predicted that the population will reach virtual extinction in 10-20 years. The use of pop-up tags confirmed that these sharks are a highly inshore species with no deep water population, and that scuba divers have negligible impacts on this species.

Protection in other jurisdictions - Queensland now has 4 critical habitat sites declared with 1200 metre sanctuaries. There are possibilities for commercial trolling, spanner crab fishing and

aquarium collecting. Commonwealth jurisdictions include: Pimpernel Rock (1000 metre sanctuary zone) and a proposed 1000 metre sanctuary for the Cod Grounds (due in 2005).

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

Please note that there will be further stakeholder consultation regarding grey nurse shark protection, prior to decisions being made and rules being finalised.

### **Outcomes**

The department confirmed the current arrangements regarding GNS protection and discussed the results from the Grey Nurse Shark protection regulations discussion paper.

It was reiterated that there will be further stakeholder consultation regarding grey nurse shark protection, prior to decisions being made and rules being finalised. Please email the Threatened Species Unit at [TSADMIN@fisheries.nsw.gov.au](mailto:TSADMIN@fisheries.nsw.gov.au) or phone (02) 4982 1232 if you wish to discuss these issues in more detail.

For information.

## **Agenda item 3**

**NSW DPI**

### **Issue**

NSW Maritime Authority discussion paper issues.

### **Background**

*Executive Summary extract from the Maritime Authority's discussion paper relating to the introduction of a new standard for the crewing of commercial vessels.*

NSW Maritime intends to update the regulations governing commercial vessel crewing and certification. The proposed changes essentially involve adopting Part D of the National Standard for Commercial Vessels. In doing so, NSW Maritime is introducing a number of 'local equivalent solutions', which impact on Part D in two areas: Crewing Tables and Restricted and Endorsed Certificates of Competency. This discussion paper describes and places in context the proposed enhancements to Part D.

Part D was originally developed following a review of the Uniform Shipping Laws Code (which still applies in NSW). Part D replaces Section 2 ("Qualifications and Manning – Trading Vessels") and Section 3 ("Qualifications and Manning – Fishing Vessels"). Part D recognises technical and operational changes to the industry since the introduction of the USL Code and offers more streamlined training and certification arrangements whilst improving the safety of persons, vessels and the environment.

The amendments proposed by NSW Maritime are necessary to further improve the safety of persons, vessels and the environment. Improved passenger safety is the key aim of the changes. Current requirements for crewing and crew certification focus on the qualifications of

the vessel's master and engineer. Little consideration is given to passenger numbers and no consideration is given to workloads during crisis or emergency situations. The proposed changes also accommodate new and specialised vessel categories such as high speed craft and fast adventure craft, as well as strengthen requirements in respect of important safety-related areas including the Certification of General Purpose Hands (GPHs) and the provision of bar endorsements.

The major proposed changes include:

- restructuring of the Crewing Tables to place more emphasis on passenger numbers – with Class 2 vessels carrying passengers being considered with Class 1 vessels. This has resulted in changed crew numbers;
- more stringent crewing requirements on Class 3 (fishing) vessels;
- simplification of the Crewing Tables in relation to voyage times and increments in vessel length and engine power;
- easing of some crewing requirements, particularly in relation to Class 2 vessels not carrying passengers;
- various categories of Restricted Certificate of Competency, with new requirements for GPHs, masters of vehicle ferries in chains and for masters of white water rafts;
- more stringent requirements for obtaining a bar endorsement (including a prerequisite of 20 supervised crossings to be made on separate days); and
- new endorsements for high speed craft and square rigged sailing vessels.

Copies of the discussion paper will be available at the meeting. Mr John Dikkenberg, General Manager Commercial Vessels and Asset Management, has been invited to attend the meeting to discuss these issues in greater detail.

### **Outcomes**

The NSW Maritime Authority, the State boating regulator, has recently had out for discussion a new, proposed regulation for crewing on commercial passenger carrying vessels. NSW Maritime sent about 2500 letters, with details regarding the proposed policy, to key industry stakeholders in April 2005. Responses to the draft crewing proposal (Part D to the National Standard for Commercial Vessels) have been flowing in to NSW Maritime following the period of public consultation. John Dikkenberg confirmed that responses received after the official closing date for public comment (6 May) are also being considered due to the level of interest.

NSW Maritime received 123 submissions and just over 1200 individual comments in response. About 100 of the comments highlighted the economic impact of the proposal. About 50 argued that the proposal would not achieve what it intended, and almost 70 comments were focused on suggesting alternative crewing numbers and concessions. Other comments raised the issues of training, a small number argued that the new regulations would not be strict enough, about 30 comments expressed support for the proposal and 50 highlighted the inadequacy of the consultation period.

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

NSW Maritime is currently travelling across the State to further engage with industry, to explain more thoroughly the roles of crewing committees and de-facto crews and provide greater

background on the general move towards national standards. It is also an opportunity to explore ways of managing future change across the industry. Should you require further information on any of these issues, contact Mr Jack Hannan, NSW Maritime, on 02 9563 8786.

Industry representatives believe that the proposal, if implemented as outlined in full, will be very expensive and will not achieve its objective of saving lives; it will increase crew numbers on almost all commercial vessels in the State and will increase crew numbers on all charter fishing vessels. Concern was also expressed that it will prevent the crossing of bars at harbour entrances in the dark, reducing the length of the operating day, in the winter, to about 10 hours, severely restricting the product offerings of many operators.

Since 1992, when NSW Maritime began publishing accident statistics, the charter fishing industry has carried approximately 1,300,000 people without one fatality that could be have been prevented by more crew. Information indicates that there has been only one fatality on a charter fishing vessel, in 2003, when a boat was overturned at the entrance to Narooma harbour - an unfortunate incident that could not have been prevented by more crew. The MAC strongly believes that industry's safety record is not just good luck - it is good management by operators and good regulation, responsibly enforced. In January this year, all operators were required to develop and implement Safety Management Systems, designed to identify risks, develop procedures for dealing with them and train staff. These SMS's have made an already safe industry even safer.

Industry representatives stated that the proposal would cost the 276 licensed charter fishing boats in NSW approximately \$2.2 million per annum. If this eventuated, many businesses would be unable to continue to operate, forcing many staff out of work, combined with the concern that these boats will be unable to be sold, as no one will buy an economically unviable business.

**Action item:** Send a letter from the Chair of MERCMAC, Mr Brian Beer, to the Minister to advise of the potential impacts of this proposal on NSW charter fishing boat operators and to request that the NSW Maritime Authority's proposal be set aside and have them adopt the nationally agreed standard.

#### **Recommendation**

That the Chair of MERCMAC write to the Minister to advise of the charter fishing industry's concerns regarding this proposal.

Moved: David Cribb

Seconded: Peter Sayre

**Carried**

#### **Agenda item 4**

**NSW DPI**

#### **Issue**

Compliance update.

#### **Background**

##### *Mutilation/filleting fish at sea*

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

### *Boarding at sea*

The question has been asked whether a CFB operator can refuse to let a Fisheries Officer board the vessel at sea if the operator deems conditions to be too dangerous?

### *Jurisdiction*

Charter fishing vessels working 100-200 mile offshore from NSW. Do they fall under NSW or Commonwealth control?

### *Club boats (eg Souths Juniors)*

The Committee requested a full report from the relevant Departmental Officer regarding the Compliance/Legal advice that was received and reported on at the last meeting.

Glenn Tritton, Manager Fisheries Compliance, will provide an update on charter fishing compliance matters, including discussion of issues raised by operators.

## **Outcomes**

### *Mutilation/filleting fish at sea*

The committee has requested greater flexibility for operators to be able to mutilate fish (eg fillet) on board licensed charter fishing boats, regardless of whether it is for immediate consumption and/or use as bait, if requested by their clients. The committee has requested the compliance teams consideration of a possible amendment to clause 131(2)(c) of the regulation or the issuance of a permit, under cl.131(2)(d) to enable licensed charter fishing boat operators to legally mutilate fish on board licensed charter fishing boats, if requested by their clients.

The compliance team initially confirmed that no changes to this rule were proposed, however, following further discussions with the committee it was agreed to consider providing licensed charter fishing boat operators with greater flexibility to mutilate fish on behalf of their clients, but only once the boat has returned, and been securely fixed, to the shore (i.e. vessel must be docked and cannot be at anchor).

**Action item:** Manager, Recreational Fisheries, write to the Manager, Fisheries Compliance, to formally advise of the committee's request regarding the mutilation of fish.

### *Boarding at sea*

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

The Committee discussed various scenarios relating to safety concerns when being boarded at sea and requested clarification from the NSW Maritime Authority regarding these issues. Specifically, the Committee requested NSW Maritime's consideration and clarification of the status of these compliance activities if/when the following scenario occurs:

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



The question was asked if, in this situation, boarding of the vessel by the officers contravenes NSW Maritime Authority's survey requirements?

**Action item:** Manager, Recreational Fisheries, write to the Commercial Vessels Management section of the NSW Maritime Authority, to request clarification of this issue.

#### *Jurisdiction*

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

#### *Club boats (eg RSLs/Leagues Clubs etc)*

NSW DPI legal advice indicates that these vessels are technically not a "charter fishing boat". The Committee was not entirely comfortable with this outcome, as they believe that the operation of these boats is a deliberate, profit-driven venture using a commercially surveyed vessel. As a result, members have requested further consideration of this issue and the advice previously received.

#### **Recommendation**

The Committee requests an amendment to cl.131(2)(c) of the regulation to enable charter fishing boat operators to legally mutilate fish on board the licensed boat, but only once the boat has returned, and been securely fixed, to the shore (i.e. vessel must be docked and cannot be drifting or at anchor).

Moved: Ann Garard

Seconded: Jim Booth

**Carried**

## **Agenda item 5**

**NSW DPI**

#### **Issue**

Recreational management issues

#### **Background**

##### *1) Fish Aggregating Devices (FADs) update*

A majority of the fish species that are attracted to the NSW FADs are seasonal pelagic fish whose arrival off our coast coincides with the warm water that is delivered by the East Australian Current over summer and autumn. The NSW DPI Fisheries FADs tend to work most effectively when the seawater temperature exceeds 20°C. For this reason the FADs are installed for the summer fishing season and serviced during the winter months to ensure

longevity. Various FAD designs are being tested to find the best suited design to withstand the particularly harsh sea conditions experienced off the NSW coast.

The trial includes a logbook program to monitor what anglers are catching. The study also includes work to assess types of species aggregating around the NSW DPI FADs and environmental variables that may influence the catchability of fish around the devices. Catch rates are being compared to fish densities around the devices in order to better understand the relationship between the numbers of fish located at a FAD and their subsequent catchability.

The FADs will be removed in May/June 2005 for maintenance (over winter) and redeployed in October. If you want to know more about the NSW DPI Fish Attracting Devices (FADs) program or have any questions about the devices, you can email the program directly: fads@dpi.nsw.gov.au.

Unfortunately, there have been reports of conflict between anglers and spearfishers at the FADs. As a consequence, the following Code of Conduct has been developed:

*Code of Conduct for FAD Fishing*

- RESPECT other FAD users at all times.
- FADs are for the benefit and enjoyment of all recreational sectors, including anglers, charter operators and spearfishers.
- Courtesy should be given to fishers who are already using the FAD.
- FAD users should take turns in fishing the FAD and accommodate new arrivals.
- Spearfishers should be aware of other FAD users and should not enter the water if other boats are around the FAD. Likewise, anglers should wait until spearfishers have completed their drift past the FAD before deploying lines (spearfishers usually only spend a short time period around FADs).
- Spearfishers should always tow a float displaying the "Divers Flag A".
- A safety boat, with the operator acting as a lookout, should accompany spearfishers at all times.
- All fishers should keep boats, lines and lures a safe distance from the FAD, spearfishers and other boats at all times.
- Do not tie your boat up to the FADs. This may cause damage to the mooring line of the FAD, causing the device to break free and become lost (fines of up to \$5,500 apply).
- Limit your catch – do not catch your limit. Take only what you need.

Heath Folpp, Management Officer - Fish Aggregating Devices (FADs) & Artificial Reefs, will provide an update on the FADs and a brief overview of the Artificial Reefs program.

*2) Priorities for funding from the Recreational Fishing Trusts*

Currently, the Department advertises an annual Expression of Interest calling for applications for funding from the Recreational Fishing Trusts. The Department receives applications, which are forwarded to the Recreational Fishing Trust Expenditure Committees for review. The expenditure committees make recommendations to the Advisory Council on Recreational Fishing, which in turn provides advice to the Minister.

ACoRF is compiling a list of priorities for funding from the Trusts to improve the management of recreational fishing and to provide benefits for recreational fishers. The list can be used to guide applicants and to assist the expenditure committees during the consideration of applications. The list will be continually updated as new issues arise and other knowledge gaps become apparent. The Department requests MERCMAC to identify any priorities for funding for the charter industry, which can be forwarded to ACoRF for inclusion on the priorities list.

Bryan van der Walt, Senior Manager, Recreational Fishing, will outline some of the current funding priorities for recreational fishing and encourage members to discuss potential charter fishing related funding priorities.

**Outcomes**

*1) Fish Aggregating Devices/Artificial Reefs*

FADs

There are now a total of 19 Fish Aggregating Devices along the NSW coast that are funded by the recreational fishing fee. The locations of these FADs are outlined below.

<b>FAD location</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>	<b>Distance from nearest access point (km)</b>	<b>Depth (metres)</b>
(1) Byron Bay	28 °35.052'	153 °38.283'	Brunswick River – 9.5	42
(2) Ballina	28 °50.160'	153 °43.696'	Richmond River - 14	70
(3) Evans Head	29 °07.667'	153 °36.757'	Evans River - 17	60
(4) Wooli	29 °52.703'	153 °26.117'	Wooli River – 16	65
(5) Coffs Harbour	30 °14.858'	153 °21.605'	Coffs Harbour – 21	85
(6) South West Rocks	30 °50.534'	153 °11.803'	Macleay River – 16.5	104
(7) Port Macquarie	31 °24.567'	153 °04.725'	Hastings River – 16	90
(8) Laurieton	31 °39.601'	152 °56.235'	Camden Haven – 10	65
(9) Forster	32 °13.211'	152 °40.680'	Cape Hawke Harbour – 16.5	80
(10) Port Stephens	32 °46.967'	152 °24.703'	Tomaree – 22.5	79
(11) Swansea	33 °10.005'	151 °48.976'	Swansea Channel – 17	110
(12) Terrigal	33 °30.032'	151 °38.592'	Terrigal Skillion – 19	115
(13) Sydney North	33 °35.554'	151 °34.607'	Broken Bay – 22	115
(14) Sydney Harbour	33 °47.021'	151 °22.700'	Port Jackson – 8.5	50
(15) Sydney East	33 °59.316'	151 °20.951'	Botany Bay – 9.5	98
(16) Botany Bay Wide	33 °59.672'	151 °26.743'	Botany Bay - 16	140
(17) Sydney South	34 °06.541'	151 °24.964'	Port Hacking – 23	144
(18) Wollongong	34 °27.321'	151 °04.308'	Flagstaff Point – 16	110

(19) Jervis Bay	TBA			
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The NSW Department of Primary Industries previously conducted a three-year pilot research project, which allowed scientists to collect catch information on the FADs and how they work, with results suggesting they are very successful. Research showed that 96% of the catch around the FADs consist of mahi-mahi, with very low numbers of other species caught (such as juvenile yellowtail kingfish). The FADs are not considered to have significant impacts upon coastal pelagic fish populations because mahi-mahi are a very fast growing species and are distributed throughout warm temperate, subtropical and tropical waters worldwide. Existing commercial FAD fisheries from around the world that target mahi-mahi have not shown to have significant impacts. The FADs also help to ease fishing pressure on existing local fishing spots. The Department has also implemented a tagging program for mahi-mahi to gather information about the movements of pelagic species.

NSW DPI advised that a draft Sponsorship Policy has been developed and is currently being considered. If supported, the Department will investigate sponsorship opportunities for each FAD, to assist with the ongoing costs/maintenance etc associated with the program.

If you find that a FAD is not on its correct coordinates or is missing, please contact the FADs Program Coordinator as soon as possible on (02) 9527 8411, or email: [FADs@dpi.nsw.gov.au](mailto:FADs@dpi.nsw.gov.au) to allow NSW DPI staff to investigate.

#### Artificial Reefs

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

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

The species composition, size range and catch rate of angling species on replicated fished and unfished artificial reefs will be assessed in this project using creel surveys, before and after deployment, and organised angler events. The data so gathered will establish the reefs' effectiveness in increasing fish production. Collaborative studies with universities will be encouraged to monitor changes in other biota associated with the reefs. The program will conclude with the development of guidelines for the consideration of future artificial reef proposals in NSW. The committee was advised that the Lake Macquarie and Botany Bay reefs will be deployed this summer, subject to Development Application (DA) approval.

The Nature Conservation Council representative confirmed that, from an ecological viewpoint, Artificial Reefs are very different and less of a concern than FADs, as they create/provide suitable habitat for fish and other marine life.

## 2) Priorities for funding from the Recreational Fishing (Saltwater) Trust

A number of priorities for expenditure from the Saltwater Trust have been identified by the Advisory Council on Recreational Fishing (ACoRF) to give direction to applicants seeking funding in the future. It should be noted that proposals outside the scope of these priorities would also be considered over time. Some of the priorities identified by ACoRF include:

### WILD HARVEST

- Feasibility of a large-scale marine stocking program
- NSW angler catch monitoring
- Quantify the catch of spearfishers
- Effects of localised depletion and vulnerability to overfishing of baitfish
- Impacts of artificial reefs
- Impacts of line fishing on fish survival
- Research on setting bag and size limits
- Research on salmon to reduce inter-sector conflict

### SOCIO-ECONOMICS, EDUCATION AND COMMUNICATION

- Assess the benefits of declaring a species 'recreational only' (do recreational benefits outweigh the value of the commercial catch?)
- At what levels do charter operators stop targeting prized fish species, for example marlin?

Members are encouraged to consider/discuss other funding priorities over time.

### **Recommendation**

The Committee supports the Department's proposal to streamline the expression of interest process for funding applications, including calling for tenders regarding economic assessment of the NSW charter fishing industry.

Moved: Peter Sayre

Seconded: Peter Bolic

**Carried**

## **Agenda item 6**

**NSW DPI**

### **Issue**

Issues raised by Industry.

### **Background**

#### Region 1 issues

*NSW Maritime Authority issues – addressed in agenda item 2.*

*Queensland vessels (Sea Probe II and Sea Probe III) – current licences due for renewal on 29 May 2005. The re-instatement of these licences was a result of the Administrative Decisions Tribunal's judgment on 27/10/04 to issue the application for renewal of the transferable charter fishing boat licence for Sea Probe II & Sea Probe III. (Licence condition restricts these vessels' area of operation off NSW to outside 12nm).*

*Jurisdiction – addressed in Compliance update (agenda item 5).*

*Bag and size limits (Samsonfish and Amberjack)*

The current bag limit is 20 for *each* species. No minimum size limits apply.

Proposal: a combined bag limit of 5 samsonfish and amberjack.

These species are similar in appearance and large catches have been reported in certain areas along the coast. It appears that some anglers are targeting spawning aggregations of large fish. An appropriate combined bag limit would help conserve and share samsonfish and amberjack stocks.

*Bag and size limits (Pearl perch)*

No minimum size limit currently applies. Bag limit of 5.

Proposal: 30 cm minimum legal length.

Studies from Queensland suggest female pearl perch first mature at between 26 cm and 31 cm, with a growth rate of about 3-4 cm per year at those sizes. Commercial and recreational fishers do not commonly land pearl perch that are less than about 28 cm despite the lack of a size limit.

*Bag and size limits (Cobia)*

No minimum size limit currently applies. Bag limit of 20.

There is no proposal to change bag/size limit for cobia at this stage.

Region 2 issue

*Bag and size limits (Pearl perch) – as above.*

Region 3 issue

*Provision of CFB operator's contact details to MAC members.*

NSW DPI will look into providing members with the contact details for operators in their region that have completed the NSW DPI Website declaration form.

Region 4 issues

*NSW Maritime Authority issues – addressed in agenda item 2.*

*NSW charter fishing boat management arrangements*

The draft management plan for the marine and estuarine recreational charter fishing sector stated that the duration of the plan would be three years from the date the regulation commenced, which was 13 November 2000. However, the *Environmental Planning and Assessment Act 1979* was amended by the Government in November 2000 and now contains specific provisions requiring environmental impact statements to be prepared for each of the State's significant fisheries. This process has compulsory monitoring and review mechanisms that will ensure regular scrutiny and review of management arrangements for the NSW charter fishing boat sector.

It should also be noted that the Commonwealth Government's National Competition Council has been provided with detailed information regarding charter fishing boat management arrangements in NSW. The Council is considering the current rules and will make judgement on whether these arrangements are of an anti-competitive nature.

*Charter fishing business plan*

A preliminary draft financial/business plan for the charter fishing boat sector is being prepared, for information and discussion by members. It must be noted that the out of session proposal from Dominion Consulting, which did not gain majority support from the MAC, was designed to provide economic information on the charter fishing boat sector.

*Issuance of CFB licences*

The Licensing section has been advised of the concerns expressed by CFB operators and are currently reviewing administrative procedures relating to a number of CFB licensing functions.

*Licence condition re: survey certificates*

Charter fishing boat operators continue to express concern with the difficulty in receiving their vessel's CFB licence (administered by NSW DPI) if there is any type of delay with the issue of the vessel's survey certificate (administered by NSW Maritime Authority). Charter fishers have asked the Department to consider dropping this requirement and instead inserting a licence condition, with words to the effect of: "This licence is subject to the vessel (CFB No.) remaining in NSW survey, as determined by the NSW Maritime Authority". The intention is that NSW DPI not be liable for issuing the licence if an operator contravenes this condition and operates an *unsurveyed* vessel, even though they have a current licence issued by NSW DPI.

NSW DPI Legal advice received on the above proposal indicates that there should be no problem with the inclusion of this Licence Condition, to avoid delays with the issue of CFB licences in the future if NSW Maritime Authority vessel survey documentation is not forthcoming. The Department is seeking the committee's views on this proposal.

*Jurisdiction – addressed in Compliance update (agenda item 5).*

*Regulatory issues - addressed in agenda item 7.*

Region 5 issues

*Outcome of the election/expression of interest process for representative positions – addressed in agenda item 1.*

*Redesign of the charter fishing boat logbook*

The consolidated logbook is near completion. A copy of the (final) draft logsheet will be distributed at the meeting for review. NSW DPI is finalising the instructions for the logbook, which incorporates the change requested by industry to measure the total length of fish, as opposed to fork lengths. Approval to print the new logbook will be sought in the near future.

*Boarding at sea – addressed in Compliance update (agenda item 5).*

*Mutilation of fish – addressed in Compliance update (agenda item 5).*

*Leasing of non-transferable licences*

NSW DPI is currently considering this issue.

*Payment of fees by instalments – this issue is covered by the proposed Act amendments considered out of session - addressed in agenda item 7.*

*Feedback from the Small Pelagic Fishery MAC meeting held 27/28 April 2005.*

A copy of the Chairman's summary will be provided to members at the meeting, for information.

*Ocean Fish/Prawn Trawling activities inside 3nm.*

Commercial management has been asked to provide information on the following:

- How many commercial fishers have licences to trawl (fish/prawn) in ocean waters within 3nm and where are they able to operate?
- Are these types of operations being phased out under the requirements of the FMS/EIS?

For more information regarding the FMS/EIS process, visit the website at:  
[www.fisheries.nsw.gov.au/commercial/environmental\\_assessments\\_and\\_fishery\\_management\\_strategies](http://www.fisheries.nsw.gov.au/commercial/environmental_assessments_and_fishery_management_strategies)

*NSW Maritime Authority issues – addressed in agenda item 2.*

*Regulatory issues - addressed in agenda item 7.*

*Proposal from Dominion Consulting – addressed in other business.*

Region 6 issues

Nil.

Region 7 issues

Nil.

**Outcomes**

It was confirmed that the majority of issues had been addressed in other agenda items.

*Review of Bag and Size Limits*

The Department confirmed that the release of the discussion papers/public consultation process would occur soon. The Committee was also advised of recent discussions between NSW and Queensland fisheries management agencies, which were designed to identify and address cross-border fishing issues, such as resource sharing (for example, the same stock of species such as tailor and mullet are caught by both NSW and QLD recreational/commercial fishers) and consistency of recreational fishing rules (e.g. size limits), where applicable. Members were encouraged to promote discussion of these proposals with other operators and clients.

*NSW Maritime Authority's crewing proposal*

Mr John Dikkenberg, General Manager Commercial Vessels and Asset Management, NSW Maritime Authority, will be invited to attend the next meeting to update the Committee on all developments relating to the Maritime Authority's consultation (as outlined in agenda item 2).

*Licence condition re: survey certificates*

This licence condition has been introduced and commenced when licensed charter fishing boat operators were notified (letter to industry sent 22 August 2005).

*Boarding at sea*

Letter sent to the NSW Maritime Authority to clarify this issue.

*Mutilation of fish*

Letter sent to the Compliance team to discuss/progress the Committee's request.

*Leasing non-transferable licences/status of club vessels.*

DPI will seek Crown Solicitor's advice regarding the leasing of vessels with non-transferable licences and the status of club boats.

*Commercial management FMS/EIS issues*

NSW DPI staff will be asked to provide detailed presentations at the next meeting on issues such as the baitfish restricted fishery and ocean trawling activities inside 3 nautical miles (i.e. State waters).



**Recommendation**

The Committee requests the Minister's consideration to remove all ocean prawn and fish trawling activities (from inside 3nm) during any future commercial fishing licence buy-back process.

Moved: Jim Booth

Seconded: Ann Garard

**Carried**

**Agenda item 7****NSW DPI****Issue**

Regulatory/administrative issues

**Background***Proposed Act amendments (out of session consultation)*

A number of issues relating to charter fishing licence administration were forwarded to MAC members on 5 January 2005. Recreational Management was asked to obtain comments from members on each issue by the end of January 2005. All comments were then collated for the Director Fisheries Management to provide final advice on what amendments should proceed at that time and what issues required further consultation. Please note that NSW DPI consults MERCMAC on all relevant charter fishing boat matters.

Feedback from members and the current status of each proposed amendment will be discussed at the meeting.

*Proposed regulatory amendments*

NSW DPI requests the committee's consideration of the following issues:

*1) Dual licensing issues*

Since the introduction of CFB licensing, the Department has imposed a policy of limiting dual licensed NSW commercial and charter fishing boat operations. This policy (for State licensed boats only) was recommended by the Charter Boat Industry Review Group and adopted by the Department at that time. In essence, the policy does not allow any new dual licensed NSW commercial/charter fishing operations. However, no dual licensing policy exists covering Commonwealth licensed commercial fishing vessels and State licensed charter fishing boats.

NSW DPI proposes that the policy applying to Commonwealth licensed commercial fishing boats should be consistent with the policy for NSW licensed commercial/charter fishing boats. The Department is seeking the committee's views regarding a dual licensing policy for Commonwealth/State licensed boats. The Department intends to consolidate the dual licensing policy during the next round of regulatory amendments.

*2) Transfer of 'History of Operations'*

No criteria exist for the transfer of a "History of Operations" (cl.305 of the regulation), but there are criteria that the Minister can use to "refuse" to issue a CFB licence, as outlined in cl.307. Therefore, there is the potential for a person to legally purchase a CFB licence (i.e. the History of Operations) from an existing operator and then be refused to be issued with the licence, by the Minister, if the new applicant has previously breached any criteria under cl.307.

The Department is seeking the committee's views regarding a proposed amendment to cl.305 of the regulation to include the same criteria that currently applies to the "Refusal" of a licence.

## **Outcomes**

### *Proposed Act amendments (out of session consultation)*

Members raised queries (relating to the wording in italics) regarding the scope of S.127E of the Act, which states: The master of a boat that is a licensed charter fishing boat must make such records as the regulations require of fish taken by persons on the boat *when it is used for recreational fishing activities for which it is required to be licensed*. The regulations may require the *masters of other charter fishing boats* to make records of fish taken by persons on the boats when they are used for recreational fishing activities.

With regards to the first query, please note that records are only required from operators for recreational fishing activities for which the boat is required to be licensed (i.e. NSW charter fishing activities). The reference to *masters of other charter fishing boats* simply provides a head of power for the government to obtain catch records in other situations, for example, if interstate charter fishing vessels are formally permitted to attend recognised fishing competitions, they may also be required to submit records of those fishing activities.

### *1) Dual licensing issues*

These arrangements would prevent any type of dual licensing on boats that have a NSW charter fishing boat licence. The Committee expressed strong support for Commonwealth licensed commercial fishing activities to also be subject to the dual licensing policy, and for these rules to be consolidated in regulation.

### *2) Transfer of 'History of Operations'*

The Committee agreed that, if the Minister is able to refuse to issue a CFB licence due to previous breaches/offences by the applicant, then the applicant should not go through the process of purchasing/transferring a licence. The proposed amendment to cl.305 would ensure all applicants' prior breaches/offences are considered when the initial application to transfer a licence is received, rather than allowing them to transfer a licence and then refusing to let them activate it.

The Committee supported the proposed change to enable the Minister to refuse the transfer of a history of operations (i.e. the licence) if the new applicant has previously breached any of these criteria.

## **Recommendations**

### *1) Dual licensing issues*

The Committee supports the consolidation of the dual licensing policy for all State and Commonwealth licensed boats into regulation, as outlined.

Moved: Jim Booth

Seconded: David Cribb

**Carried**

### *2) Transfer of 'History of Operations'*

The Committee supports an amendment to cl.305 of the regulation as proposed, to enable the Minister to refuse the transfer of a history of operations if the new applicant has previously breached these criteria.

Moved: Ann Garard

Seconded: Jim Booth

**Carried**

*Other business*

- *Fisheries Management Strategy update*

NSW DPI will provide an update on the status of the FMS/EIS process for recreational/charter fishing, including the review of bag and size limits, at the next meeting.

- *Development of a charter fishing information guide for operators and the general public, for information (Nick James)*

40,000 copies of the information guide were recently printed (at a total cost of \$4,070) and have been sent to all charter fishing boat operators, coastal NSW DPI Fisheries Offices, Water Police, Maritime Authority Offices and Fishcare Volunteers, for information and distribution. Operators are encouraged to contact NSW DPI for further copies, when required.

*Out of session items (for information)*

- Proposal from Dominion Consulting to conduct a business and economic survey of the charter fishing boat industry in NSW.

This proposal only gained support from three members, therefore, it was not supported by the Recreational Fishing Saltwater Trust Expenditure Committee at the recent budget meeting. Consideration of potential studies (economic or otherwise) that would benefit recreational/charter fishing is addressed in agenda item 5. The Committee made a recommendation in agenda item 5 supporting a call for tenders regarding economic assessment of the NSW charter fishing industry.

- Proposed regulatory amendments

Addressed in agenda item 7.

*Correspondence received*

Nil.

*Next meeting – Tuesday 18 October 2005.*