

**OCEAN TRAP AND LINE MANAGEMENT ADVISORY COMMITTEE MEETING
FINAL OUTCOMES**

TUESDAY 24TH JULY 2007

9:00 AM TO 5:00 PM

1ST MEETING FOR 2007

**CRONULLA FISHERIES RESEARCH CENTRE
202 NICHOLSON PARADE, CRONULLA**

Attendees:

Chairperson

Dr Julian Amos

Management Advisory Committee Representatives

Mr Mathew Creek	Line fishing (eastern zone) south
Mr John Garven	Demersal fish trap north
Mr Paul Sullivan	Demersal fish trap south
Mr John Joblin	Line fishing (western zone) north
Mr Gary Braithwaite	Line fishing (western zone) south
Ms Megan Kessler	Nature Conservation Council of NSW
Dr Veronica Silberschneider	Director-General's nominee

Vacancies - Spanner crab, Line fishing (eastern zone) north, and Recreational representatives

Observers:

Dianna Watkins	Department of Primary Industries, Manager, Commercial Fisheries
Kevin Rowling	Department of Primary Industries, Science and Research
Bill Talbot	Department of Primary Industries, Director Fisheries Conservation and Aquaculture
Warren Winter	Department of Primary Industries, Compliance
Fiona McKinnon	Department of Primary Industries, Senior Manager, Management Planning
William Macbeth	Department of Primary Industries, Science and Research
Eddie Douglas	Department of Primary Industries, Fisheries Management Officer

Apologies

Andrew Goulstone	Department of Primary Industries, Fisheries Planning & Operations
------------------	--

Documents Provided:

1. Interim arrangement for sharks in the Ocean Trap and Line Fishery
2. Assessment reports for shark species in the OTLF
3. Research update paper
4. SIAC meeting outcomes
5. Commonwealth Update paper
6. Circle hook and wire trace closure notice
7. OTL FMS management responses with 'short term' implementation timeframe
8. Share management plan proposed amendments
9. Shark fin closure notice
10. Trip limit closure notice
11. Gemfish closure notice
12. Shark species closure notice
13. Southern Bluefin tuna closure notice
14. OG1 closure notice
15. Commonwealth endeavour dogfish closure

Open: 9:00 am; Close 16:45 pm

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
<p>1. Welcome and Apologies</p>	<p>Opened: 9:00am The Chairperson opened the meeting and welcomed all members and observers to the meeting. The Chairperson made reference to the length of time between meetings and indicated that he would provide for discussion of any issues that have arisen since the last meeting.</p> <p>The Chairperson recognised a number of issues that have arisen since the last meeting including Share Management Plan (SMP) formulation and implementation, the state election and the new Marine Park in Batemans Bay and associated buyout process.</p> <p>Apologies were received from DPI's Andrew Goulstone.</p> <p>The Chairperson welcomed Veronica Silberschneider and Warren Winter as new members to the Committee and noted vacancies in Spanner crab, Line Fishing (eastern zone) north and Recreational OTL representative positions.</p> <p>Dianna Watkins thanked industry for the patience shown during the SMP development and implementation period.</p>	<p>Letter to previous Line Fishing (eastern zone) north member from Chairperson to thank him for his contribution.</p>		<p>Chairperson /DPI</p>
<p>Agreement on Agenda</p>	<p>The Committee agreed on the agenda for the 24 July 2007 meeting and the proposal to add structural adjustment as an agenda item.</p> <p>Industry representatives queried the policy on late agenda items. It was noted that additional agenda items could be discussed during Other Business. Proposed</p>			

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	<p>agenda items that are submitted after the closing date and not already tabled for discussion would be included where possible.</p> <p>Industry members stated that they had raised similar issues to those set out in a number of agenda items proposed by the Department and wanted it noted that they were concerned with these issues as well.</p>	<p>Where similar agenda items are raised by both DPI and Industry, the agenda item to be marked as such.</p>		
Confirmation of previous minutes	The previous minutes were confirmed.			
Correspondence received and sent	The correspondence received and sent was noted.			
1. Business arising from previous minutes	<p>The Committee noted that completed action items will be removed from the action list.</p> <p>Snapper report – The Department advised that a draft report is currently being reviewed. The Committee decided to leave this item on the action list.</p> <p>Industry stated their view that access to bait using a lift net is an issue for the OTL fishery rather than the Ocean Hauling fishery. The Committee decided to remove the outstanding action item from the action list that required a letter to be sent to OHMAC. It is no longer required as there is an OTL FMS management response to address this issue and it will be dealt with through the FMS implementation process.</p> <p>The Committee decided to remove the following action items relating to agenda item 10 from the 27 Oct 2005</p>			

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	<p>meeting, action item 2 from the 5 April 2006 meeting, action items 4,5,7,9 and 10 from the 28th and 29th Aug 2006 meeting as they had either been completed or were no longer relevant.</p>			
<p>2. Grey Nurse Sharks – AAT court proceedings</p>	<p>The Committee acknowledged that the AAT court proceedings have finished, however the decision may not be finalised for several months. The Department informed the Committee that they would be advised of any outcomes as soon as possible.</p> <p>The Committee raised concerns about export approval and how this case may effect the current approval. It was noted that a range of decisions could be given and that each will result in different outcomes with regard to export requirements. The Department will continue to implement FMS responses within the required timeframes regardless of the outcome.</p> <p>The Chairperson noted that the Department has no statistics on the effect export restrictions will have on the fishery. It was also noted that Industry was requested to provide advice with regard to any such impact however very little advice was provided.</p> <p>It was noted that DPI is discussing with the Commonwealth the implications of the WTO being removed or not renewed and options to mitigate the impact on export species such as spanner crabs.</p> <p>The Chairperson noted that a plan is needed for future management following any decision made by the AAT.</p>			

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	<p>Industry raised a number of issues in relation to the data used to estimate grey nurse populations. Director, Fisheries Conservation & Aquaculture stated that, even using the highest possible estimation of the population size, the results from the grey nurse survey indicate that the population has declined.</p>			
<p>3. Action against dual licensed businesses that have surrendered an external fishing authority</p>	<p>Fishing business owners identified as having no catch recorded against some or all of their NSW fishing entitlements have been advised that the entitlements which have not been used will be forfeited subject to an opportunity to show cause as to why those entitlements should not be cancelled. FB owners have also been advised of their boat length redetermination as a result of separating the tuna longline permit from their NSW fishing business. The redetermined length was calculated as the original length of the boat prior to the upgrade. Permits issued to take bait from State waters for use in the Commonwealth tuna fishery based on the tuna longline permit have been cancelled when it was identified that the tuna longline permit was surrendered from the NSW fishing business.</p> <p>The Department explained that the purpose of the action was to reduce the potential effort shift from Commonwealth fisheries into NSW fisheries. DPI noted that this process is also about being consistent with regard to the license splitting policy.</p> <p>The Committee requested information on number of NSW fishers who have Commonwealth authorities, and how many have taken buyouts, so they could have an understanding of how many fishers may come back into</p>			

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	<p>State waters to fish.</p> <p>The Department advised that there are significant numbers of fishers who have taken Commonwealth buyouts and who could potentially fish in NSW waters, some of whom have no history of fishing in state waters for the past 6 years.</p> <p>Industry indicated their view that Commonwealth minor line permits should have been looked at individually during the buy-out process, as these permits allow fishers to take significant amounts of product in state waters (e.g. undersized fish).</p> <p>Industry requested that a policy to allow “splitting” of minor line permits, be developed without adverse action taken under the license splitting policy e.g. if effort will not be increased then the Commonwealth authority can be sold, traded or surrendered.</p> <p>The OTLMAC Conservation rep noted that DPI should be congratulated for taking action in response to the potential shift of effort in State waters.</p>			
<p>4. Development of closures to protect aggregations of undersized snapper</p>	<p>The Department provided background information on the closure and it was noted that the Preferred Strategy Report indicated the undersized snapper closure was initially suggested by industry as an alternative to implementing larger escape panels in traps.</p> <p>The Department proposed that the Committee consider an approach for the development of the undersized snapper closures. Industry representatives stated that</p>	<p>DPI to identify key OTL fish trappers and organise meetings to develop areas for closure</p>		<p>NSW DPI</p>

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	<p>the broader OTL industry was not in favour of further fishing closures as they have already been restricted though marine parks and recreational fishing haven closures and the closure of Port Jackson.</p> <p>The Committee noted that in some coastal regions there may be no need for ‘juvenile snapper’ fishing closures.</p> <p>Industry representatives suggested the closure of some entrances to rivers and lakes as these areas are known aggregation sites of juvenile and undersized snapper. They noted that this needs to be done on a regional basis as it impacts other target species (bream and tarwhine).</p> <p>It was proposed that individual port meetings be carried out to identify where closures are needed. The port meetings will involve key ocean trap operators and were proposed for: Eden Ulladulla Port Stephens Sydney Forster Coffs Harbour Ballina Tweed</p> <p>Industry members stated that any areas proposed for closure should be closed to all fishing methods not just trapping (e.g. also closed to trawling). The Department advised that when the proposed areas were nominated consultation could commence to address potential cross</p>	<p>OTLMAC to write a letter to Ocean Trawl MAC with respect to complementary closures for undersized snapper</p>		<p>OTLMAC</p>

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	fishery issues. It was suggested that OTLMAC write to Ocean Trawl MAC regarding implementation of complementary closures.			
5. Interim arrangements for sharks caught in the OTLF	<p>The Department provided the Committee with an update of the current interim arrangements for sharks caught in the OTLF, the recent shift in effort to these species and the potential impacts on the status of shark stocks and issues identified with regard to the current management arrangements. It was also noted that data on species landed is poor.</p> <p>As an interim measure, and until longer term arrangements can be developed, it was recommended that:</p> <ul style="list-style-type: none"> • An investment warning be issued with regard to fishers gearing up to target sharks • A 2 tonne weekly limit (dressed weight) be implemented • Daily catch reporting be implemented when more than 2 shark carcasses per trip are landed. • An annual trigger limit be implemented. DPI recommended a limit of 90 tonne (an average of annual catches prior to the increase in effort into this fishery) and noted that insufficient data is available to confirm stock sizes. • The trigger limit apply to all shark species with some exception <p>It was noted that once better data is available on species composition, finer scale management may be considered.</p>	DPI to identify species to be excluded e.g. wobbegongs		NSW DPI

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	<p>Industry suggested that shark fisheries north and south of Barrenjoey be managed separately as these are two totally different fisheries.</p> <p>Industry members raised issues associated with landing sharks with heads attached (suggesting there was an OH&S risk and difficulty discarding waste once sharks had been landed) and asked if they could be headed before landing. It was noted by the Department that the proposal to land sharks with heads attached is for identification and compliance purposes as some species are difficult to identify without their heads attached.</p> <p>A letter from Bill Litchfield relating to the shark fishery was tabled at the meeting. The issues in this letter were discussed in relation to broader management arrangements as outlined above.</p>	<p>DPI to further consider the issue of landing sharks with heads attached.</p>		<p>NSW DPI</p>
<p>6. Reporting of shark species caught in the OTLF</p>	<p>The Committee was asked which shark species are of most importance to the fishery so they could be categorised as primary, key secondary or secondary species. Different levels of monitoring are required depending on the category.</p>	<p>This item was deferred until there is more refined catch information.</p>		
<p>7. Research, Compliance, SIAC and Commonwealth Update</p>	<p>Research The Committee was provided with a presentation on the development of the observer program for line fishing methods and the number of fishers who have initially agreed to take part in the program as a result of coastal port meetings conducted. The Committee was also advised that the tender process was nearing completion and that the program was due to start in September.</p>			

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	<p>DPI research staff provided the Committee with a research update. The update included an explanation of how the resource assessment process is carried out and explained that there is a two day workshop held each year to discuss all species (currently over 90 species/species groups) in the resource assessment system. Each species is given a rating (exploitation status) determined by fishery and/or biological information that is available.</p> <p>The Commonwealth trawl survey for gemfish was discussed. Research noted the presence of 5 year old fish in the stock and the absence of strong year classes for other age classes.</p> <p>The Committee was given an update on the model-based assessment of Blue-eye trevalla currently being prepared. Research staff noted that there is a need for a quantitative assessment of the blue-eye trevalla stock following this model-based assessment.</p> <p>The status of mullock was discussed. It was stated that the monitoring of mullock stocks will continue and that DPI is concerned that harvesting mullock at the current legal size limit is not maximising the yield.</p> <p>The status of Bonito was also discussed. The length/frequency report suggests that Bonito are a relatively fast growing species but little else is known at present.</p> <p>The Chairperson thanked research staff for their update</p>			

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	<p>Compliance The Compliance representative provided an update on issues relating to the OTLF since the last meeting.</p> <p>In the last year there have been:</p> <ul style="list-style-type: none"> - 7 field cautions - 27 verbal cautions - 12 penalty notices (4 of these related to catch records) - 3 prosecutions - pending - 89% compliance (388 complied, 49 non-complied) - 1348 patrol hours - 14 court days - 32 meeting hours <p>The issue of whether slipper lobsters should be taken in the OTLF was raised. It was advised that slipper lobsters may be taken in the OTLF.</p> <p>Industry raised concerns that there is the potential for seafood sold at charity fish auctions to be resold at retail outlets. To guard against this it was suggested that conditions could be applied to permits restricting the amount of seafood sold to less than the prescribed quantity and ensuring that no prescribed record is provided with the sale of seafood at these auctions. It was also noted that this issue has been raised at SIAC.</p> <p>Industry members raised concerns regarding insurance and liability of fishers when compliance officers board their vessel.</p>			

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	<p>The Compliance representative stated that such officers are fully covered by WorkCover. It was noted that fishers should seek their own legal advice regarding other people boarding their vessel.</p> <p>SIAC The outcomes from SIAC meetings that occurred since the last OTLMAC meeting were provided to the Committee. Industry members suggested that there should be better communication between SIAC and Industry. It was noted that the SIAC Chairperson is aware of the need for communication with industry and is trying to address this issue.</p> <p>Commonwealth The written report provided was noted</p>	<p>DPI to provide further advice regarding who is liable if a Compliance Officer injures the skipper or crew when aboard a commercial vessel.</p>		<p>NSW DPI</p>
<p>8. Ocean Trap and Line FMS Update</p>	<p>The Department provided information on the FMS management responses to be implemented within a 12 month timeframe. It was noted that a number of these will be incorporated into the OTL Share Management Plan.</p> <p>The proposed approach for implementing additional closures for grey nurse shark protection, as outlined in the OTL FMS was discussed. The Committee was advised of the methods that were to be restricted and the sites that were to be assessed for additional protection. Industry commented that leadlining with bait should not be considered as a method that was of medium or high risk to the shark. The Department advised that additional information had been gathered that suggested leadlining with bait should be restricted within the proposed closure areas.</p>	<p>DPI to continue to develop and implement closures, including consulting with industry, as discussed.</p>		

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
9. Share Management Plan Update	<p>The Department stated that the Share Management Plans were constructed with minimum detail to enable the allocation of shares within the required timeframe. The Department's intention was always to include more detail e.g. gear types, closures and other regulation amendments into the plans.</p> <p>Industry raised concerns regarding the wording of the regulation for fish spikes, noting that fish spikes may be needed in some cases e.g. to remove fish meshed in traps. The Department noted that consultation with regard to this issue occurred during the development of the FMS. It was noted that the draft regulation amendments are not yet finalised.</p> <p>Industry members questioned whether the wobbegong trip limit was in place. The Department noted that this regulation has not been implemented at present but was due shortly. Industry raised concerns that a 12 carcass trip limit may lead to higher-grading of wobbegongs, and proposed a weekly limit rather than a daily limit. The Department stated that a weekly or monthly limit would still encourage targeting of wobbegongs which is contrary to the intent of the trip limit.</p> <p>The MAC noted that a trip limit of 12 would not discourage targeting of wobbegongs.</p> <p>The issue of escape panels in fish traps was raised. Industry members had concerns that other NSW fisheries e.g. the Estuary General Fishery and Lobster Fishery do not require escape panels in their traps. It</p>	<p>OTLMAC to write to the Estuary General and Lobster MACs expressing concern that escape</p>		<p>OTLMAC</p>

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	<p>was suggested that the OTLMAC write to the other MACs expressing this concern.</p> <p>The Department reminded industry that the purpose of the escape panels is to reduce discarding and the catch of undersized fish.</p> <p>It was noted that the Lobster FMS has a requirement for the investigation of the use of escape panels in lobster traps within a medium term timeframe or will be implemented if it becomes evident that lobster traps are being used to target finfish.</p> <p>Industry asked about the phase in period for escape panels. The Department noted that the implementation of new gear regulations are currently being discussed and welcomed any proposals from industry.</p> <p>The Department advised that escape panels will probably be regulated within 16 months of the FMS being implemented (from November 2006).</p> <p>Industry members asked how escape panels will need to be oriented once they are implemented. The Department advised the Committee that the panel was to be the entire back of the trap and that the orientation of the escape panels is at the discretion of the fisher.</p> <p>Industry members asked if it was possible to be issued with multiple copies of their commercial fishing license. The Department advised that this was not possible at this time.</p>	<p>panels are not currently required in their traps</p>		

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	Industry proposed a new gear regulation to be implemented in the spanner crab fishery. It was proposed to increase the amount of netting allowed to extend beneath the frame of a spanner crab net from 10 to 15 cm to allow for more infrequent repairing of nets.	DPI to investigate the case for allowing an increase in the amount of netting allowed to extend beneath the frame of spanner crab nets from 10 cm to 15 cm.		NSW DPI
10. Proposal for two protection zones over submarine cables off Narrabeen and Tamarama/Clove lly beaches	Information provided was noted	DPI to include, with the meeting outcomes, the media release by ACMA relating to their decision as to the fishing operations permitted within the protection zones		NSW DPI
11. Marine Park buy-out calculations	The Department advised the Committee that there were a number of OTL entitlements bought out through the Batemans Bay Marine Park buyout.	DPI to provide numbers of OTL entitlements bought out. – see attachment to meeting outcomes		NSW DPI
12. Review of section 8 closures	<p>Industry members proposed that school shark could be measured from the base of the gills to the tail as this would allow headed sharks to be landed and would reduce the amount of waste disposed on shore. The Department noted this issue and stated that the landing requirements for shark species are being considered in the development of future shark management arrangements (see Agenda item 5).</p> <p>The Department noted that the OG1 issue needs to be looked at in more detail. It was stated that the OG1 identifier is not an endorsement type and should not be used as a de-facto spatial management tool.</p>			

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	<p>The new Commonwealth Gulper shark closure proposal was discussed. The Department stated that AMFA has written to NSW DPI advising them of the implementation of this closure. Industry members were asked if they had any issue with this closure:</p> <ul style="list-style-type: none"> - Industry asked if the species in this closure could be clarified, - DPI research representative noted that this was an area closure and not a species closure, however also noting a need for clear species identification. - The Committee did not support the implementation of the closure if Browns Mountain was found to occur within the area specified. 			
13. Management arrangements for the Spanner Crab fishery	The Committee noted that DPI is undertaking a cost-benefit analysis for implementing quota in the spanner crab fishery			
14. Charity fish auctions	The Chairperson noted that this agenda item was already resolved during the compliance update (Agenda item 7).			
15. Review of recreational bag and size limits and recreational only species	The Committee was advised that this review has not been finalised. However it is expected to be finalised soon.			
16. Other business	It was noted that SIAC is considering adjustment options across industry including a proposal that all Fishing Business owners be required to meet the minimum share holding within their respective fisheries within 2.5 years of SMP implementation. The Department congratulated the Committee on their initiative to recommend this requirement in the Ocean Trap and Line Fishery when			

FINAL OUTCOMES OTLMAC 24 JULY 2007

Agenda Item	Outcome	Action	Time	Responsibility
	<p>the SMP was being developed.</p> <p>It was also noted that Richard Stevens has been engaged to provide a report on structural adjustment issues in Industry. This report is due by the end of September.</p>			
<p>17. Chairperson's summary and next meeting date</p>	<p>The Chairperson thanked the Committee for their assistance and suggested that the next meeting date should be scheduled for the first week in November.</p> <p>Meeting was closed at 4:45 pm</p>			

Ocean Trap and Line Buy-out summary

Port Stephens-Great Lakes Marine Park

- 17 fishing business with OTL entitlements bought out
- 12 demersal fish trap entitlements were bought out – totalling 415 shares
- 16 line west entitlements were bought out – totalling 575 shares

Batemans Bay Marine Park

- 19 fishing business with OTL entitlements bought out
- 14 demersal fish trap entitlements were bought out – totalling 480 shares
- 19 line west entitlements were bought out – totalling 635 shares
- 7 line east entitlements were bought out – totalling 260 shares
- 6 school & gummy shark entitlements bought out – totalling 195 shares

Dual endorsed operator buy-out

- 20 fishing business with OTL entitlements bought out
- 4 demersal fish trap entitlements were bought out – totalling 130 shares
- 20 line west entitlements were bought out – totalling 725 shares
- 8 line east entitlements were bought out – totalling 285 shares

Extract from the ACMA media release: http://www.acma.gov.au/WEB/STANDARD/pc=PC_100869

New South Wales submarine cable protection zones

In early July 2007, ACMA made two declarations for submarine cable protection zones off the Sydney coast which will both take effect on 1 October 2007. The protection zones set out in the declarations have been developed around two cables that are regarded as nationally significant:

- the **Southern Cross Cable**—which links Australia's communications network with New Zealand, Fiji and the United States, and
- the **Australia Japan Cable**—which links Australia with Guam, Japan and Asia
- Map - NSW protection zones (574 kb)

The location of the cables means that ACMA has declared two separate protection zones:

- the **Northern Sydney Protection Zone** extending from Narrabeen beach to around 40 nautical miles off shore, to the 2,000 metre water depth, covering the northern branches of the Australia Japan Cable and the Southern Cross cable. This zone extends one nautical mile either side of each cable and includes the area in between the two cables;
- Detailed map – Northern Sydney protection zone (151 kb)
- the **Southern Sydney Protection Zone** extending from Tamarama and Clovelly beaches and extending 30 nautical miles offshore, to the 2 000 metre water depth, covering the southern branches of the Australia Japan Cable and the Southern Cross Cable. This zone extends one nautical mile either side of each cable and includes the area in between the two cables.
- Detailed map – Southern Sydney protection zone (221 kb)

For full details of the protection zones, including information about activities that are prohibited or restricted in the zone, please refer to the declaration for each zone:

- Submarine Cable (Northern Sydney Protection Zone) Declaration 2007 (280 kb)
- Submarine Cable (Southern Sydney Protection Zone) Declaration 2007 (278 kb)

When reading the declarations, it is advisable to also read the accompanying Explanatory Statements:

- Northern Sydney Protection Zone Explanatory Statement (336 kb)
- Southern Sydney Protection Zone Explanatory Statement (332 kb)

This page contains general information about the protection zones and the Declarations for the Northern Sydney Protection Zone and the Southern Sydney Protection Zone and is intended by ACMA as a guide only. ACMA recommends that the parties seek their own independent legal advice about compliance and have regard to the relevant legislation such as the Declarations and their Explanatory Statements to ascertain whether planned activity will be affected by the NSW zones.

Prohibited activities within the protection zones

Marine activities that pose a serious risk of damage to submarine cables are prohibited within the NSW protection zones. From 1 October 2007, it will be an offence to undertake these prohibited activities in either of the Northern Sydney Protection Zone or the Southern Sydney Protection Zone. Marine activities that are prohibited throughout the protection zones are:

Marine activities that are prohibited in both protection zones

- Use of or towing, operating or suspending from a ship trawl gear designed to work on or near the seabed, or a mid-water trawl
- Use of or towing, operating or suspending from a ship a dredge, including for scallop dredging
- Use of or towing, operating or suspending from a ship a demersal longline, including for commercial demersal line fishing
- Establishing, maintaining or using a spoil ground or other ocean disposal point (including dumping materials at sea)
- Scuttling or attempting to scuttle a ship
- Use of or towing, operating or suspending from a ship a structure moored to the seabed with the primary function of attracting fish for capture (such as a fish aggregating device (FAD))
- Use of or towing, operating or suspending from a ship a Scottish or Danish seine
- Use of or towing, operating or suspending from a ship a type of net, rope, chain or other object used in fishing operations that is capable of contacting the seabed, other than those activities listed in the restrictions

Restricted activities within the protection zones

Within the NSW protection zones, certain activities are restricted to the extent to which they pose a risk of damage to a cable. For example, some activities cannot damage a cable if they are conducted close to shore where the cables are buried several metres below the seabed and housed in metal conduit; these activities may continue in the zones. To provide for the reduced risk to cables located close to shore, some restrictions on marine activities will vary with either distance from shore, water depth or both.

Activities with restrictions that vary depending on distance from shore and/or water depth

Activity	0 – 500 metres from low-water mark	500 metres from low-water mark to 100 metres water depth	Waters of greater than 100 metres depth
Anchoring in the Northern Sydney Protection zone	Permitted	Is permitted, providing <ul style="list-style-type: none"> • the anchor weighs 20 kg or less; and • the anchor is fitted with a trip release mechanism; and • the anchor line has a breaking strain of 850 kg or less • the anchor weighs no more than 30 kg and is anchored within 200 metres of an ACMA specified shipwreck site 	Not permitted
Anchoring in the Southern Sydney Protection Zone	Permitted	Is permitted, providing <ul style="list-style-type: none"> • the anchor weighs 20 kg or less; and • the anchor is fitted with a trip release mechanism; and 	Not permitted

FINAL OUTCOMES OTLMAC 24 JULY 2007

Activity	0 – 500 metres from low-water mark	500 metres from low-water mark to 100 metres water depth	Waters of greater than 100 metres depth
		<ul style="list-style-type: none"> • the anchor line has a breaking strain of 850 kg or less • the anchor weighs no more than 30 kg and is anchored around the Peak (as specified by ACMA's coordinates) 	
Lowering, raising or suspending from a ship a shotline	Permitted	<p>Is permitted, providing</p> <ul style="list-style-type: none"> • the shot weighs 20 kg or less • the shotline has a maximum breaking strain of 850 kg or less 	Not permitted
Demersal fishing using J-hooks	Permitted	May only occur if the fishing line has a breaking strain of 50 kg or less	May only occur if the fishing line has a breaking strain of 50 kg or less
Use of or towing, operating or suspending from a ship a demersal dropline	Permitted	<p>Is permitted, providing</p> <ul style="list-style-type: none"> • only circle-type hooks are used • the dropline has a breaking strain of 850 kg or less • the dropline does not use a wire snood, trace or mainline 	<p>Is permitted, providing</p> <ul style="list-style-type: none"> • only circle-type hooks are used • the dropline has a breaking strain of 850 kg or less • the dropline does not use a wire snood, trace or mainline
Use of or towing, operating or suspending from a ship a pot or trap	Permitted	<p>Is permitted, providing</p> <ul style="list-style-type: none"> • the base of the trap does not exceed 2 metres in length, width or diameter; and • the trap rope breaking strain is 850 kg or less 	<p>Is permitted, providing</p> <ul style="list-style-type: none"> • the base of the trap does not exceed 2 metres in length, width or diameter; and • the trap rope breaking strain is 850 kg or less
Harvesting the benthos	Permitted	Not permitted, unless harvesting is conducted by hand	Not permitted, unless harvesting is conducted by hand
Use of or towing, operating or suspending from a ship a net	Permitted	Not permitted	Not permitted

Activity	0 – 500 metres from low-water mark	500 metres from low-water mark to 100 metres water depth	Waters of greater than 100 metres depth
anchored to the seabed, e.g. gillnetting			
Use of or towing, operating or suspending from a ship a grapnel	Permitted	Not permitted except in association with specified activities*	Not permitted except in association with specified activities*

* Using a grapnel is only permitted in waters more than 500 metres from the low water mark if it is used in the course of work on electricity, oil or gas pipelines and cables, installations for the use of ships, civil engineering, mining or petroleum operations or in conducting research that involves contact with the seabed.

Some restrictions allow certain activities to continue, particularly those relating to marine and energy infrastructure, providing notification and consultation with cable owners occurs before engaging in the activity **and** where the activity occurs in a manner that is unlikely to cause cable damage to the cables.

Activities that must not occur unless

- **notification and consultation with cable owners occurs before engaging in the activity; and**
- **the activity occurs in a manner that is unlikely to cause cable damage**

Installing, maintaining or removing an electricity cable, an oil or gas pipeline, any like cables or pipelines and using any associated equipment

Constructing, maintaining or removing an installation for the use of ships

Conducting civil engineering work, including constructing and removing navigation aids

Exploring or exploiting resources (other than marine species)

Conducting research that involves contact with the seabed

For full details of the proposed prohibitions and restrictions within the protection zones, and shipwreck sites within the protection zones, please refer to the Declarations and Explanatory Statements for each zone:

- Submarine Cable (Northern Sydney Protection Zone) Declaration 2007 (280 kb)
- Northern Sydney Protection Zone Explanatory Statement (336 kb)
- Submarine Cable (Southern Sydney Protection Zone) Declaration 2007 (278 kb)
- Southern Sydney Protection Zone Explanatory Statement (332 kb)

Marine activities not affected by the proposed protection zones

ACMA has sought to protect Australia's key submarine cables in a way that minimises the impact upon marine users.

Many activities will be unaffected by the NSW protection zones, such as certain activities that do not contact the seabed, as well as certain recreational activities that occur within 500 metres of the shore. Some commercial fishing methods are also unaffected by the protection zones, such as purse seining, beach seining, squid jigging, pelagic longlining, pelagic haul netting and shark netting around beaches.

Recreational fishers that target large bottom-dwelling fish offshore will be able to use any size circular hook and can continue using J-hooks provided that their line has a breaking strain of 50 kg or less. Recreational fishers that target mid or upper water fish will not be affected by the NSW protection zones.

During the development of the NSW protection zones, marine users informed ACMA that key diving and fishing and diving sites are located in both Sydney protection zones. As these sites can be readily identified using depth sounding equipment, anchoring using an anchor that weighs no more than 30 kg is permitted within 200 metres of ACMA specified shipwreck sites. Anchoring using an anchor that weighs no more than 30 kg is also permitted in a rectangular area around The Peak to allow fishing activities to continue.

Offences and penalties in protection zones

The protection zone legislation sets out a number of criminal penalty provisions in relation to protection zones, which are aimed at deterring behaviour that poses a risk of damage to submarine cables. These penalties will apply in both the Northern Sydney Protection Zone and the Southern Sydney Protection Zone from commencement on 1 October 2007. Within all protection zones, it is a criminal offence to:

- cause damage to, or to sever, a submarine cable,
- engage in negligent conduct that results in damage to a cable; or
- engage in an activity that is prohibited or restricted in a protection zone declaration

Penalties for engaging in these activities may result in imprisonment for a period of up to 10 years and/or a fine of \$600,000

Developing the NSW protection zones

For information relating to the development of the NSW protection zones and the NSW protection zone proposals process, go to Developing the New South Wales protection zones.

