

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

FINAL MINUTES

**5th MEETING, 1/04
9:30am, Thursday 18 March, 2004**

Wanda Surf Lifesaving Club
Mitchell Road, Cronulla

Attendance

Chair

Mr Brian Beer

Members

Mr Peter Bolic
Ms Margaret Dodson
Mr James (Jim) Booth
Mr Peter Sayre
Mr James (Jim) Lumb
Ms Ann Garard
Ms Megan Kessler

Representative

Far North Coast
Mid North Coast
Central Coast
Sydney
Sydney
Illawarra
Nature Conservation Council

Observers

John Diplock, Principal Manager Recreational Fisheries
Nick James, Manager Recreational Fisheries
Susan Wildgoose, Fisheries Management Officer Recreational Fisheries

Business

Welcome

The chairman welcomed members and declared the meeting open at 9:40am.

Apologies

Keith Appleby (Far South Coast representative), David Taylor (Recreational fishing) and Pat Lock (Aboriginal culture). Megan Kessler (NCC/NSW Fisheries coordinator) attended the meeting on behalf of Maria Schreider.

Minutes of previous meeting

Recommendation

The minutes are a true and accurate record of discussions from the 4th MERCMAC meeting.

Moved: Jim Lumb

Seconded: Jim Booth

Carried

Business arising from the minutes

It was noted that an operator had queried the allocation of money from the Charter Boat Trust Fund towards the Licensing assessment and review process.

Section 236A(2)(c) of the Fisheries Management Act 1994 states that the costs of management and administration of charter fishing boat operations may be paid out of the Charter Fishing Trust Fund.

Agenda Items

1. Update on the Fishery Management Strategy and Environmental Impact Statement process for recreational fishing and charter fishing activities, for information (Doug Ferrell)
2. Fish Aggregation Buoys – program update, for information (Bryan van der Walt)
3. Recreational harvest of baitfish in NSW marine waters, for information (Michael Lowry)
4. Compliance update (including development of guide), for information (Wayne Currie)
5. NSW Fisheries update, for information (Bryan van der Walt)
6. Options for estuary-based charter fishing boat operations, for discussion (Nick James)
7. Commercial fishing update, for information (Fiona McKinnon)
8. National Competition Policy issues, for information (Graham Levitt)

Other business

- Charter fishing boat (CFB) operator's details on NSW Fisheries website

Correspondence received

Next meeting – Thursday 21 October 2004 at CFC.

Issue

Fishery Management Strategy process for recreational and charter fishing.

Background (provided by NSW Fisheries)

The Management Planning team will provide an overview of recent developments with the FMS for recreational and charter fishing.

Outcomes

The primary focus of the work undertaken to date has been to compile the information needed to document the existing operation of the recreational and charter boat fishery. A large range of recreational/charter fishing activities (in terms of species caught, areas fished, gear and fishing techniques used, fishing motivations, etc) has been identified so far. This task is a prerequisite for the preparation of the environmental risk assessment required under the EIS.

In order to complete the FMS/EIS process within a reasonable timeframe, the environmental risk assessment will need to be highly focussed. The EIS therefore will be progressed in stages, with the next key stage involving the identification of the issues that are most likely to be 'high risk'.

The department recently convened expert working groups to help determine the relative risk/importance of the main recreational species and activities. The early identification of key risks will be used to determine those activities and species that will be subject to a more comprehensive risk assessment before drafting the FMS.

The high risk issues that are subsequently confirmed through the risk assessment process will be included in a series of discussion papers, along with proposed management options, during 2004. A dedicated discussion paper will be drafted for the charter fishery and MERCMAC will be consulted prior to the paper being finalised and distributed to endorsement holders and the community for comment.

The feedback from the consultation over the discussion papers, and any management decisions thereafter made, will be used to shape the content of the draft FMS which will then be subject to the subsequent stages of the environment assessment.

Recommendation

Information noted.

Issue

Fish Aggregation Buoys – program update

Background (NSW Fisheries)

Offshore and deepwater Fish Aggregating Devices (FADs) have been installed with the assistance of local recreational fishing clubs and charter fishing boat operators to provide better fishing for recreational sport and game anglers. The FADs are designed to create new fishing opportunities by drawing seasonal pelagic fish from surrounding waters and is an alternative to traditional fishing grounds, relieving fishing pressure on popular demersal fish species and locations.

The major aims of the program are to:

- determine and test appropriate FAD designs for the NSW coast and assess their recreational fishing effectiveness;
- assess the usage of FADs by the recreational fishing community;
- highlight possible areas of impact;
- determine if the program is financially viable and ecologically sustainable.

Mr Heath Folpp, Fisheries Management Officer, will update members on recent developments with the FAD program.

Outcomes

Approval has been obtained to deploy an additional 5 FADs. The sites identified are Port Macquarie, Laurieton/Diamond Head, Wollongong, Swansea and Sydney (north). Locations for the Port Macquarie and Laurieton/Diamond Head FADs have been determined. Specific locations for the Wollongong, Swansea and Sydney (north) FADs are being considered.

Where the need has arisen, some FADs have been moved to more appropriate positions, but remain in the same general area. Current GPS coordinates are outlined below and are available at: www.fisheries.nsw.gov.au.

Research into the use and effectiveness of FADs is ongoing. Heath Folpp's honours study is focussing on the interaction of dolphin fish with FADS – one part of this study requires drift dives to count and film activities around the FADs. The monitoring program associated with the study includes both the collection of angler logbook information and research/observer work by NSW Fisheries staff.

Significant design modification work (eg a smaller/lighter radar reflector) has been undertaken to improve the effectiveness and reduce construction/replacement costs of existing FADs. NSW Fisheries is also experimenting with designs for deepwater FADs at present to, for example, reduce drag through the water.

Issues raised by members regarding the locations of FADs:

*Only one of the local licensed charter fishing boat operators can access the Coffs Harbour FAD within a practical timeframe – consideration should be given to deploy another/re-deploy the existing FAD near South Solitary Island.

*Location/effectiveness of the Jervis Bay FAD has been questioned - the local charter fishing boat operators consider Greenwell Point a more appropriate site.

Locations GPS CORDINATES (WGS84) of Fish Aggregating Devices (23/4/04)

Byron Bay	28.35.122 S	153.38.336 E	
Coffs Harbour	30.14.858 S	153.21.605 E	
Diamond Head			Temporarily removed for maintenance.
Forster	32.13.211 S	152.40.680 E	
Narooma	36.16.470 S	150.16.190 E	
Port Stephens	32.47.002 S	152.24.657 E	
Port Macquarie	31.24.567 S	153.04.725 E	
Terrigal	33.26.933 S	151.34.206 E	
Jervis Bay	35.06.624 S	150.53.947 E	Please note - the Jervis Bay FAD now consists of six small buoys designed to test new deep water FAD applications.
Batemans Bay	35.45.380 S	150.20.62 E	
South West Rocks	30.50.988 S	153.06.940 E	
Sydney	33.59.316 S	151.20.915 E	

Please note: The location of the FADs may fluctuate slightly depending on wind, swell and current direction.

<p>Recommendation Information noted.</p>

Issue

Recreational harvest of baitfish in NSW marine waters - program update.

Background (NSW Fisheries)

The commercial sector is a major user of blue mackerel and this sector will expand if current proposals to develop an industry based on processing baitfish species are successful. The size of the recreational baitfish harvest is largely unknown, but likely to be significant. In recent years, the demand for live bait has increased and commercial and recreational representatives have indicated that there is a need for additional information regarding the impact that this increased demand will have on the sustainability of bait stocks.

There is also concern among recreational anglers that sustained commercial fishing for blue mackerel may affect the local abundance and availability of sportfish like tuna and billfish. Australia's recreational and charter fisheries for these sportfish are economically important and provide a significant source of income for many regional communities. If stocks of blue mackerel are not as large as commercial fishers claim, then the concerns of recreational fishers may be valid and further development of commercial fisheries could affect the distribution, abundance and availability of sportfish and the viability of the recreational and charter fisheries which they support. Similarly, the removal of large quantities of key prey species could adversely affect populations of other marine predators, including marine mammals and seabirds.

The species that prey on blue mackerel have considerable social and ecological significance. As a result, it is important to conduct research and develop management arrangements to ensure that commercial harvesting of blue mackerel is ecologically sustainable. The primary objective of this project is to provide reliable estimates of the quantities of blue mackerel taken by the recreational sector to determine the total impacts of fishing and to make informed decisions about resource sharing amongst stakeholders.

Dr Michael Lowry, Research Scientist, will provide members with an update on the baitfish research program.

Outcomes

This research forms part of a wider collaborative project titled 'Development and evaluation of egg-based stock assessment methods for blue mackerel, *Scomber australasicus*, in southern Australia' which is funded by the Fisheries Research & Development Corporation and is being led by Dr Tim Ward of the South Australian Research and Development Institute. The samples and data collected for the NSW baitfish program have been forwarded to Dr Ward for analysis and inclusion in the broader study. To date, NSW Fisheries has been the largest supplier of data for the FRDC study.

The NSW component of this study has been running for approximately 15 months. The main objective is to estimate the number, size frequency and total weight of blue mackerel taken by recreational (charter, gamefish and trailerboat) fishers off the NSW coast. The program is using existing data to provide catch estimates for the trailerboat sector and two programs to provide catch estimates for the gamefish and charter boat sectors.

An independent sampling program is providing the information necessary to interpret catch estimates as catch weights for each sector or region. Game, charter and commercial fishers are assisting with these samples, which will provide information such as daily egg production, spawning area, average weight of mature females and sex ratio. This information will enable spawning biomass estimates to be determined, which will allow the total biomass (approximate tonnage) of the stock to be estimated.

Approximately 2000 blue mackerel samples have been caught at various locations along the NSW coast. Biological analysis shows that size and sex ratios of NSW caught blue mackerel are different to those of overseas samples. Preliminary data indicates that most spawning occurs in the north of the state. Water temperature between 18 and 22°C is important.

Genetic identification of blue mackerel eggs has occurred, which shows that eggs are concentrated in the northern NSW area. Samples will continue to be collected from NSW waters to assist with the determination of the total biomass estimate for the blue mackerel stock in southeastern Australia. There is a need to collect more samples from the north of the state, especially during the months of July-September, to try and obtain a greater number of sexually mature/spawning fish.

Assistance from charter fishing boat operators, particularly with the collection of samples from northern NSW, is encouraged. Please phone Michael Lowry on (02) 9527 8549 or email lowrym@fisheries.nsw.gov.au if you are able to assist in any way with the collection of blue mackerel samples.

Recommendation

Information noted.

Issue

Compliance update.

Background (provided by NSW Fisheries)

An overview of compliance issues and activities related to the charter fishing sector will be presented at the meeting.

At the last meeting the committee discussed the merits of producing an information guide, to advise charter fishing boat operators and the general public about compliance activities relating to the NSW charter fishing sector. Jim Booth (Central Coast representative), Barry Smith (A/Fisheries Manager, Compliance) and Nick James (Recreational Fisheries Manager) were nominated to consider the relevant issues and draft a guide for review by members at this meeting.

Charter fishing boat issues have been discussed and a draft information guide is being prepared for consideration at the meeting.

Outcomes

Illegal Operators

Overall, feedback from operators regarding illegal operators has been minimal, however, the information that has been received to date is genuine and factual. Preliminary reports have been completed and operations are underway to gain the evidence/information necessary to proceed with prosecutions. Ongoing assistance from licensed operators is appreciated.

Members made a general comment on the need for quicker response times by NSW Fisheries regarding reports of illegal activities. It was mentioned that a letter of acknowledgment would be useful to advise operators that the information they provided had been received and is being followed up. The Fisheries Investigation Unit noted this point and will look at possible feedback mechanisms.

The status of club boats is still being investigated. Legal advice has been received and is being considered. Members will be advised of developments out of session.

Compliance/Information Brochure

An information guide for operators and the general public is being developed. Issues such as: identifying illegal operations/promoting the use of licensed operators; scope of exemption certificates; restrictions on the mutilation of fish; fishing in marine parks; fish attraction device (FADs) program; CFB specific licence conditions and contact details for coastal fisheries offices are included in the draft version. It was suggested that the creation of two brochures - one for operators and one for the general public - should be considered. A copy of the draft brochure is attached.

The MAC informed NSW Fisheries that some customers continue to fillet fish at sea. Operators also expressed the need to fillet large fish, for example, for distribution to a number of clients, once back at port. This is a problem as fish cleaning tables are not always available.

It was stated that generally the onus is on the individual to comply with the regulations, however, with regards to charter fishing, the person in control of the boat could be deemed to be

in control of the fish. Members requested that the department consider removing this rule from the charter fishing sector.

Action item: MAC to review the draft compliance guide and provide comments to NSW Fisheries out of session.

Members should note that the compliance guide must be considered as a draft only, for industry comment, and has not yet been carefully reviewed by the Department.

Use of exemption certificates by hire boat operators

A problem has been identified with the use of exemption certificates by hire boat operators, which is outside the intention of the exemption. Hire boats fall into 3 categories - houseboats, barbeque pontoons and fishing vessels. Hire boats can have widely varying carrying capacities. The problems raised include:

- owners have exemptions for a certain number of vessels (eg 6 vessels) but actually use a total of 12 vessels as part of the business (repairs/painting etc). Therefore, one exemption certificate is being used on a number of different boats;
- the fishing exemption on the vessel is for a certain number of persons on board (usually 4), however, some of these vessels may carry 12 or more people (carrying capacity - as permitted by the Waterways Authority);
- the houseboat owners are telling clients that they are permitted to use their own vessel as a tender boat, in conjunction with the houseboat, and that they are covered by the exemption.

Members agreed that an exemption certificate should be for a certain boat, the same as arrangements for charter boats. It was mentioned that the compliance plate could be a sticker, similar to that used by Waterways.

Carrying/fishing capacity of licensed charter boats

There is generally a difference between carrying capacity (total number of people permitted on the boat at any one time – determined by Waterways) and fishing capacity (total number of people permitted to fish from the boat at any one time – determined by NSW Fisheries).

Concern has been expressed that some operators may be deceiving their clients and augmenting profits by carrying the maximum number of people permitted on the boat and then, once the charter has begun, advising clients that only a certain number of people can fish at any one time. For example, a charter boat licence with a fishing capacity of 12 (i.e. the carrying capacity of the boat as at 4 August 1999) can be replaced/upgraded and issued a higher carrying capacity by Waterways (eg from 12 to 22) at any time. Only 12 people are permitted to fish from the new boat, however, the operator is taking up to 22 passengers but only 'allowing' 12 to fish at any one time. This practice should be identified in the "Compliance Brochure", to advise anglers of the fishing restrictions that may apply.

Recommendation

The committee recommends that compliance plates, with the number of people exempted for that vessel and the vessel's registration number, be issued to the owner of each hire vessel that has an exemption certificate.

Moved: Peter Sayre

Seconded: Jim Booth

Carried

Issue

NSW Fisheries update.

Background (provided by NSW Fisheries)

Mr Bryan van der Walt, Senior Manager, Recreational Fisheries, will provide the committee with an overview of current recreational fishing issues.

Outcomes*General issues*

- The main budget meetings of the salt and freshwater trust expenditure committees, to consider funding proposals for the 2004/05 financial year, will be held in early April.

- There was an increase in the total number of licences sold in 2002/03 (467,000) compared with 2001/02. Licence sales for the summer holiday period in 2003/04 are similar to the number sold for the same period last year.

Projects funded through the trust

- 15 Fisheries Officers (9 coastal and 6 inland) and the mobile squad of 3 officers are funded by the licence. The mobile squad works closely with local fisheries officers to target fishing hot spots along the coast.

- Economic surveys, for example, to assess the benefits of the striped marlin resource to recreational fishers and the importance of recreational fishing in 2 small, coastal towns. This information is essential to determine the value of the resource to each sector and therefore assist with allocation issues.

- Angel Rings (dollar for dollar) - to date, the Australian National Sportfishing Association (ANSA) has installed 63 angel rings at rock fishing black spots along the coast. They are planning to install another 20 at various locations in the near future.

Education and information

- Fishing guides and brochures

- Advisory trailers

- Fishcare Volunteers (face to face education of anglers by community members)

- 100 inland volunteers

- 150 coastal volunteers

- Fishing clinics have expanded into coastal NSW. Volunteers, fishing guides and fishing club members assist children with rigging, tying knots and casting. Kids also learn about other fisheries matters, such as bag and size limits, aquatic habitats, threatened species and ethical fishing practices.

- Impacts of releasing mulloway fingerlings in controlled numbers into estuaries. Early results have indicated good survival in Botany Bay (56 of 58 recaptured mulloway were marked). Environmental factors appear to have reduced the survival rate of mulloway stocked in Smiths Lake. Pinger tags have been attached to the fish to track their movements.

- The Trusts are funding essential research on popular angling species such as luderick, black bream, estuary perch, yellowfin bream and baitfish, to ensure sustainability of resources

- Gamefish tagging program – the largest tagging program in the world. A smaller tag has been introduced for non-billfish species.
- Maintaining licence agents (approximately 1100 agents throughout NSW) - reduced licence to credit card size so that it can be laminated. Introducing a plastic licence for 1 and 3 year purchases over the internet and by phone. Review of licence is now occurring – discussion paper will be released in the next few months.
- Small grants - matching funding with groups/councils eg fish cleaning tables.
- Angler catch surveys to determine the effectiveness of RFH's in increasing the quality of catches.
- Habitat Rehabilitation (\$60,000 per year for small grants) - last year this seed funding was used to raise further funding of \$250,000 to be used for rehabilitation.
- Survival of fish caught and released – approximately 70% survival (different mortality rates for different species).
- Artificial Reefs – 3 year pilot research program will involve creating artificial reefs in 3 estuaries. This is a research project to gain more information that will become the foundation for future environmental assessment of artificial reefs. The key question is whether these reefs increase fish habitat or simply aggregate fish. Reef ball technology, which has been used overseas, will be used for these trials.
- Fishing competitions (monitoring inland and coastal recreational catch).

Recommendation

Information noted.

Issue

Options for estuary based charter fishing boat operations.

Background (provided by NSW Fisheries)

At the last meeting, NSW Fisheries tabled a request for estuary-based owner/operators to have the flexibility to be able to use a smaller vessel/canoe, without the need to purchase additional licences or for frequent boat replacements, to enable the business to operate in the upper reaches of estuaries. This flexibility would enable the business to operate as it did historically, by allowing access to all areas and methods of estuary fishing, but with the use of only one boat at any one time.

There was general support from the committee for operators to have more flexibility to operate in a manner consistent with the history of the charter fishing business. The committee asked NSW Fisheries to prepare a paper outlining advantages and possible problems arising from the proposed changes. NSW Fisheries staff met with a number of estuary operators on 5 February 2004, to discuss the issue in greater detail and assist with the development of a proposal for consideration by the committee at this meeting.

Options will be presented and discussed in detail by the committee, prior to a final proposal being prepared for consideration by the Director-General.

Outcomes

The aim of the proposal put forward by estuary operators is for NSW Fisheries to recognise historical estuary fishing activities. An options and issues paper relating to this proposal was distributed at the meeting for consideration/discussion (copy attached). The committee held preliminary discussions and requested the opportunity to consult operators prior to considering the proposal further.

The proposal only allows for one boat to be used at any time. The alternate boat would have a maximum fishing capacity equal to, or less than, the current capacity, so there is no possible increase in effort associated with this proposal.

Members agreed that validation/assessment of history to determine eligibility would be difficult/costly. Should operators that did not historically fish the upper reaches have this opportunity? Members stated that the guidelines should be very specific to ensure there is not a blow-out of estuarine fishing effort.

Concern regarding the use of small boats – accidents would make insurance go up. Vessel stability/safety is determined by the Waterways Authority.

Action Item – NSW Fisheries to provide members with information on Waterways' requirements regarding the survey of small vessels out of session.

One member stated that the opportunity should be open to all operators that hold an estuary endorsement, however, this would definitely result in an increase in effort. The NCC representative stated that if there is no way for fishing effort to increase, the industry should make a recommendation on this issue.

Members were requested to consult with their constituents regarding this issue upon receipt of the advice from Waterways.

Members should note that this proposal must be considered as a draft only, for industry comment, and has not yet been carefully reviewed by the Department.

Recommendation

For consultation/consideration.

Issue

Commercial fishing update.

Background (provided by NSW Fisheries)

Ms Fiona McKinnon, Fisheries Manager, Lobster, will provide an overview of current commercial fishing issues, including the progress of fishery management strategies.

Outcomes**General issues***Share Management/Allocation*

Commercial fisheries (excluding Lobster and Abalone) are currently in the process of moving from category 2 share managed fisheries to category 1 share managed fisheries. Criteria for share allocation in each fishery still require final approval.

FMS/EIS

The FMS/EIS process for commercial fisheries must be completed by December this year. The estuary general, ocean haul and estuary prawn trawl fisheries have completed this process and are now implementing requirements of the strategies.

Estuary General fishery*Eel Fishery*

An eel management issues consultation paper was released for industry comment in November 2003. The paper canvassed proposals for estuary eel trap design, access to farm dams and the minimum legal size for long finned eels for the commercial sector. Any changes to the minimum recreational size will be addressed through the recreational FMS.

Discard chutes

Discard chutes are required when conducting meshing operations from 1 hour before sunrise to one hour after sunset. This requirement was implemented to minimise fish mortality from predatory birds to undersized fish when released back to the water.

Code of Practice

A Code of Practice for the estuary general fishery is currently being progressed by Ocean Watch in consultation with NSW Fisheries and the estuary general MAC. The Code will also include regional supplements.

Crab and fish trapping

NSW Fisheries and the EGMAC have completed the review of the crab trapping and fish trapping endorsement structure. Changes include the way traps are marked.

Sea garfish

The Ocean Hauling FMS identified the sea garfish as overfished. A closure was implemented in August 2003 to the taking of sea garfish in the estuary general fishery while a recovery program is being developed in conjunction with the ocean hauling fishery.

Estuary Prawn Trawl fishery*Incidental Catch Ratios*

The estuary prawn trawl fishery management strategy, which was finalised last year) required an incidental catch ratio system to be implemented in each estuary of the fishery. Incidental catch ratio is the ratio of the target species to all other species in the catch of a trawl.

An incidental catch ratio system has been implemented for the Clarence River estuary prawn trawl fishery, for the remaining estuaries (Hunter and Hawkesbury Rivers, and Port Jackson) an ICR system is still the subject of consultation with the EPTMAC.

'Point of sale' and 'cod end' counts

The EPT FMS also requires the implementation of maximum 'point of sale' prawn counts and 'cod end' counts to minimise trawling at times and areas where prawns are below optimum size.

'First point of sale' and 'cod end' (unsorted catch) prawn counts have been implemented for the Clarence River fishery at 180 and 200 prawns per half kilogram respectively.

The Hunter River fishery is already subject to a prawn count of 150 prawns per half kilogram. Prawn counts for the remaining estuaries are subject to consultation with the EPTMAC.

Code of Conduct

Ocean Watch is currently developing a code of conduct for the estuary prawn trawl fishery.

Ocean Trawl fishery

FMS/EIS

Environmental assessment of the ocean trawl fishery is currently being prepared. Public exhibition of this document is expected mid year (June/July).

Closures

A closure to prawn trawl nets has been introduced off Crowdy Head to protect juvenile king prawns.

Ocean Haul fishery

Operation in the ocean hauling fishery during the upcoming 2004 beach hauling season

Ocean hauling fishers have been issued new codes of conduct for ocean beach hauling operations and boat based/purse seine operations. Following a review of the codes of conduct, several changes have been made to facilitate enforcement of operating standards in the fishery. The codes of conduct are used to summarise the broad principles under which fishers operate and specific requirements are contained in legislation, closures or licence conditions.

Port Stephens Interclub Gamefishing Tournament agreement

The NSW Game Fishing Association, commercial purse seine operators and local tuna bait fishers came to an arrangement regarding access to baitfish prior to and during the Interclub tournament at Port Stephens. The agreement represents a cooperative solution to the issue of bait access and all fishers involved are congratulated.

Proposed restricted fishery for access to bait resources in NSW waters by Tuna vessels

In August 2003 the Minister approved drafting of a regulation giving effect to a new restricted fishery covering bait gathering for own use in Commonwealth Tuna fishing operations. A meeting of the Baitfish Working Group was held on 18 December 2003 and options for development of a restricted fishery covering the collection of bait for tuna fishing were discussed.

Trial Bay Mooring Closure

Following concerns by both commercial tuna fishers and recreational/charter boat operators gathering bait around the two Waterways safety moorings in Trial Bay, arrangements to protect the moorings have been put in place. A 100-metre closure to commercial fishing around the two existing moorings has been introduced. This closure does not apply to charter fishing boat operators. An alternate mooring has been deployed for commercial fishers.

Ocean Trap and Line fishery

FMS/EIS

The environmental assessment of the ocean trap and line fishery is currently being prepared. Public exhibition of this document is expected later in the year (August/September).

Cod Grounds Marine Reserve proposal

A proposal for the Cod Grounds Marine Reserve (in Commonwealth waters) has been developed by the Commonwealth Department of Environment and Heritage, following consideration of the public response to the discussion paper released in March 2003, regarding the site's importance to grey nurse shark populations and options for protecting the species. An IUCN Category 1a reserve is proposed for the Cod Grounds. This means that commercial, recreational and charter fishing may be prohibited. It is proposed that SCUBA diving at the site will be based on a permit system and Code of Conduct, thereby limiting the overall number of divers. Oil and gas exploration would also be prohibited, while research programs may be undertaken with a permit.

Lobster fishery

FMS/EIS

An environmental assessment of the lobster fishery is currently being prepared. Public exhibition of this document is planned for later this year (August).

Total Allowable Commercial Catch Setting and Review

The lobster and abalone fisheries are subject to a total allowable commercial catch that is determined each year by an independent committee (Total Allowable Catch Setting and Review Committee). The TAC Committee are meeting in April and May to review submissions from NSW Fisheries (research, management and compliance), industry, and other interested stakeholders to establish the total allowable commercial catch for the 2004/2005 fishing period for both fisheries.

Action Item: Commercial Management to provide an update on Wobbegong Sharks at the next meeting.

Recommendation

Information noted.

Issue

National Competition Policy issues relating to charter fishing boat licensing in NSW.

Background (extract from Centre for International Economics' report to NSW Fisheries regarding outstanding national competition policy issues – January 2004)

In late 1999, the Government of New South Wales established a Review Committee of officers from various departments with an interest in the New South Wales Fisheries Management Act 1994 (the Act) to oversee a review of the Act according to National Competition Policy (NCP) criteria.

The Review Committee commissioned the Centre for International Economics (CIE) to prepare an issues paper and undertake a NCP review of the Act. During this process, some amendments were made to the Act in late 2000. The CIE's final report was completed in May 2001.

Overall, the CIE review concluded that the overall benefits of restrictions on fishing exceed their costs and that fisheries management objectives can only be achieved by restricting competition. The review did, however, raise some concerns relating to the NSW charter fishing boat sector that the social benefits may not exceed the social costs in respect of:

- limits placed on the number of recreational charter fishing boats; and
- limits placed on the transferability of some recreational charter fishing boat licences

The initial review was unable to resolve these matters. Regarding charter fishing boat licences, the review sought clarification on the nature and extent of the social benefits and costs of the restrictions. In its 2003 assessment, the National Competition Council (NCC) reiterated the concerns expressed in the review concerning charter boat licensing. The NSW Government was requested to complete the review and reform of:

- the licensing of the recreational charter boat fishing operations.

New South Wales Fisheries has approached the CIE to further examine this issue in the light of additional information supplied by NSW Fisheries. Also, the charter boat industry is being examined as a component of the Fisheries Management Strategy. In the meantime, NSW Fisheries is seeking a 'clean bill of health' on the management of fisheries in New South Wales from an NCP perspective. The CIE does not consider that the two issues it raised in the NCP Review are major issues in the context of restrictions on competition. The process it has suggested to NSW Fisheries to resolve these outstanding issues is as follows:

- preparation by CIE of an issues paper with specific questions;
- a response to the above by NSW Fisheries; and on the basis of this response, the preparation of a final short report on the two issues by CIE for consideration by NSW Fisheries and on passing to the NCC.

Mr Graham Levitt, Principal Manager, Policy, will provide the committee with an overview of this process and outline recent progress by NSW Fisheries to meet the requirements of the review.

Outcomes

NSW Fisheries conserves fisheries resources through restrictions to fishing activities, as outlined in the *Fisheries Management Act 1994*. The Centre for International Economics has indicated that charter fishing boat operators are very skilled fishers and, if there is an increase in the total number of operators in the industry, this could lead to unsustainable fishing pressure and depletion of fish stocks. The CIE considers limits on the number of charter fishing boats/operators, including issue of non-transferable licences, as the most appropriate method of resource conservation.

Therefore, the CIE has given NSW Fisheries a “clean bill of health” in relation to charter boat licensing. Their report was forwarded to the NSW Cabinet Office on 19 March 2004 for consideration. Following this, the final report will be sent to the NCC (Commonwealth agency) for ratification. This process will take some time, so it will be a while before the NCC advises NSW Fisheries of the final determination. Members will be advised of developments following receipt of information from the NCC.

The committee also noted the status of competition policy issues relating to cost recovery and fish receivers.

Recommendation

Information noted.

Other business

- Charter fishing boat (CFB) operator's details on NSW Fisheries website.

All operators who have provided written permission have been placed on a NSW Fisheries website register. This website recently went "live" – operators are encouraged to check their current business details (by clicking on the desired port on the map of NSW). Please advise NSW Fisheries in writing if business details change over time.

Please note that new entrants and existing operators that do not have their details listed on the website can complete and return the declaration form at any time to have their business details included on the register.

- Request for MERCMAC meeting dates to be posted on the NSW Fisheries website, with a request for operators to have agenda items to their representative by a certain closing date.
- Charter operators have requested use of the NSW Fisheries logo in their business advertising to confirm that their boat is licensed. Advice will be provided on this at the next meeting.
- Industry newsletter - to provide feedback about issues being discussed by the MAC.
- A public discussion paper will be released this year - review of size limits.
- NSW Fisheries advised members of the release of the *Assessments of the Status of Fish Stocks Managed by the Australian Government 2002-03*, released by the Bureau of Rural Sciences. A copy of the document can be accessed at:
www.affa.gov.au/corporate_docs/publications/pdf/rural_science/fisheries/statusrep03/fsr2002-2003.pdf
- It was mentioned that consideration should be given to base management fees on the capacity of the boat (i.e. per seat) in the future. It was suggested that this would facilitate the transfer of seats (industry development/flexibility) and therefore help to reduce/control latent effort. The committee was asked to consult operators and discuss further at next meeting.
- Payment of licence fees by instalments – this concept has support, however, no progress can be made until the Licensing database is upgraded. Provisions for payment of fees by instalments has been flagged to be built into the database in the current upgrades.

Correspondence received

Nil.

Next meeting – Thursday 21 October 2004 at CFC.