

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

**Outcomes from 15<sup>th</sup> MERCMAC meeting  
Cronulla Fisheries Centre, Tuesday 14 October 2008**

**Attendance**

Brian Beer (Chair), Peter Bolic (Region 1 – Far North Coast), Mark Flanagan (Region 2 – Mid North Coast), Jim Booth (Region 3 – Central Coast), Roland Persson (Region 4 – Sydney), Ann Garard (Region 5 - Illawarra), Sanchia Glaskin (Recreational Fishing), Attila Kaszo (Nature Conservation Council) and Nick James (Departmental Nominee).

**Observers**

David Cribb (Commercial Vessel Association of NSW), Murray Spicer and Alice Gleeson (DPI).

**Apologies**

John Stevens (Region 6 – Mid South Coast), Keith Appleby (Region 7 – Far South Coast), Shirley Massey (Commercial Fishing), Dr Vic Peddemors and Sarah Martin (NSW DPI - presenters).

**Absent**

Peter Sayre (Region 4 – Sydney)

**Welcome**

The committee welcomed Murray Spicer, A/Manager, Recreational Fisheries and Alice Gleeson, A/Fisheries Management Officer, Recreational Fishing (Charter Boats).

**Confirmation of minutes from previous meeting**

**Motion:** The Committee accept the outcomes as a true and accurate record of discussions from the 14<sup>th</sup> MERCMAC meeting, held 24 June 2008. **Moved:** Sanchia Glaskin. **Seconded:** Jim Booth. **Carried**

***Business arising from the minutes***

- *Charter Fishing Trust Fund (CFTF) interest rate*

NSW DPI's Financial Reporting Unit has confirmed that DPI is required to invest revenue from all Trust Funds (including Recreational and Charter) with NSW Treasury. With regards to the interest rate for the Trust funds, the Treasury Corporation (TCorp) daily rate is payable (less a small Treasury commission). The average interest rate over the past 6 months has been 6.11%. Note that the amount of income in the CFTF fluctuates throughout the year and is also influenced by operators who have not renewed their CFB licence on an annual basis, delays in the renewal/payment of licences by operators, as well as the various renewal dates of CFB licences.

- *CFTF budget (2008/09 – 2010/11)*

Ann Garard clarified that operators in Region 5 (Illawarra) did not support the proposed allocation of \$70,000 for the Fisheries Enhancement program (as supported by the majority of committee members) due to concerns that annual CFB licence fees may increase as a result of funding additional programs. DPI confirmed that program funding allocations are based on current revenue in the Trust and there is no intention at this time to raise licence fees above annual CPI increases.

**Agenda items**

**1. Recreational Fisheries Management issues**

**Restructure of the Wild Harvest Fisheries Branch**

An update on DPI's Fisheries Operations branch structure was provided.

*Information noted. No recommendations or action items.*

### Cobia and mangrove jack – bag and size limit issues

The department is awaiting the finalisation of Queensland DPI's review of bag and size limits for the east coast inshore finfish fishery and will consider the implementation of consistent management arrangements for these northern NSW species once the Queensland regulations have been finalised. In Queensland, the current review proposes to reduce the bag limit for cobia from 10 to 2 per person per day and retain the minimum size limit of 75cm, while for mangrove jack the proposal is to introduce a bag limit of 5 per person per day (currently no daily limit) and retain the minimum size limit of 35cm.

It was also confirmed that the DPI Catch and Effort Working Group (now called the Resource Assessment Review Committee) had upgraded the assessment status of mangrove jack from medium to high priority. Cobia is currently recognised as a high priority.

*Information noted. No recommendations or action items.*

### Recreational fishing fee exemption certificate stickers

NSW DPI is developing an exemption certificate sticker to provide clear demarcation of exemption certificate use on hire boats, to provide for more effective compliance. The exemption sticker will also extend to CFBs and other surveyed vessels (eg freshwater charter boats). The committee also supported this concept to be considered for annual CFB licence renewals, in addition to the previously supported plastic licence.

*Information noted. No recommendations or action items.*

### Red spot disease

Reports of red spot disease have recently been made in several rivers along the mid-north and north NSW coast, including the Macleay, Richmond, Manning, Clarence, Hastings and Wallamba (Wallis Lake catchment) Rivers, as well as further south in the Wisemans Ferry area of the Hawkesbury River. The disease is caused by a fungus (*Aphanomyces invadans*) and shows as red lesions (sores) or deep ulcers. Secondary bacterial infections are often also associated with red spot disease.

Fishers are advised that severely ulcerated fish should:

- not be eaten (advice from the NSW Food Authority);
- not be thrown back into the river;
- be euthanased by quickly removing the head (immersion in an ice slurry prior to decapitation should be done if possible); and
- be disposed of in land fill away from waterways.

### 5<sup>th</sup> World Recreational Fishing Conference

The 5<sup>th</sup> World Recreational Fishing Conference with theme "The Angler in the Environment will be held November 10-13, 2008, at Dania Beach, Florida, USA. DPI advised that a revised proposal involves one DPI and one council and committee representative attending the conference. Ann Garard was chosen to represent the recreational and charter fishing sectors due to her involvement with ACoRF, RFSTEC and MERCMAC. The committee expressed strong support for Mrs Garard's attendance at the conference on behalf of the charter fishing sector.

## **2. Recreational Fishing Fee Administration program update**

DPI advised that the Recreational Licensing System was integrated to the Government Licensing Service on 1 September 2008. This will enable a number of enhancements to be made. If you purchase a one year or three year licence online, over the phone, or at a Touch agent, you will now receive a plastic licence in the post. Licence renewal letters, with 5 easy options to pay, will also be sent to one and three year licence holders. If fishers renew their licence using their renewal letter, they will also receive a plastic licence in the post. Anglers will continue to be able to purchase their licences through the statewide network of fishing fee agents.

*Information noted. No recommendations or actions items.*

## **3. CFB related research program update**

Dr John Stewart, Research Scientist, Wild Fisheries Program, provided an overview of recent barotrauma research and CT scan pilot study (Diagnostic Radio-ichthyology: Using CT scans to

explore the effects of barotrauma on fish), as well as other species-based (eg cobia and morwong) research relevant to the charter fishing sector.

#### Barotrauma research

The committee expressed support for CFB operators to be involved with potential barotrauma-related tagging studies in the future.

#### Cobia

It was confirmed that the size at which 50% of cobia reach sexual maturity is approximately 85cm, which should be considered when size and bag limit issues for this species are reviewed.

#### Grey Morwong

The committee requested involvement with the development of a Recovery Program for grey (rubberlip) morwong, due to the significance of this species to the NSW charter fishing sector.

#### Action item

Recreational Management to advise Fisheries Planning & Operations staff of the committee's request for consultation during the development of a Recovery Program for grey (rubberlip) morwong.

*Completed 16/10/08.*

#### **4. Shark research**

An apology was received from Dr Vic Peddemors, Scientific Officer - Shark Biology & Assessment, for not attending the meeting due to illness.

The committee requested that Dr Peddemors outline the shark related research being undertaken by DPI, including: the dusky whaler tagging program; shovelnose ray biology and reproductive physiology; proposed observer program in the ocean trap and line fishery; and grey nurse shark counts, at the next meeting.

#### Action item

Recreational Management to request Dr Peddemors' attendance at the next meeting.

*Completed 15/10/08.*

#### **5. Recreational fishing enhancement programs**

Heath Folpp, Fisheries Manager – Recreational Fisheries Enhancement, provided an overview of current and proposed developments associated with fisheries enhancement in NSW, including the proposed expansion of existing estuarine artificial reefs (EAR) in Lake Macquarie, Botany Bay and St Georges Basin and new estuarine artificial reefs in Lake Conjola and Merimbula Lake; the proposed creation of offshore artificial reefs (OAR); the deployment of new fish aggregating devices (FAD) off Newcastle and Batemans Bay; and the request for approval to deploy FADs off Tweed Heads and Bermagui/Narooma from the 2009 season.

Charter fishers and anglers can now receive email alerts for all FAD related news. DPI will inform subscribers when FADs are reported missing, when they are replaced, and any other relevant information. Simply send an email to fisheries.FADs@dpi.nsw.gov.au with "SUBSCRIBE" in the subject line and you will be added to this service. Please note that the FAD season closes 30 June each year. FADs will be re-deployed in October/November 2008.

The committee was advised that DPI is proceeding with an environmental assessment of 3 offshore artificial reefs at Newcastle, Sydney and Wollongong. It is proposed to construct reef 1 and undertake a scientific assessment to determine the effectiveness of the reef before proceeding with reef 2 and 3.

#### Action item

Recreational Management to provide members with DVD of FAD/EAR/OAR pictures/video footage for information.

*Pending.*

## 6. Compliance update

Bradley Harrison, Fisheries Conservation Officer and Recreational Fishery Team Compliance representative, provided the committee with an update on recent charter fishing related compliance activities. Over the past 12 months (October 2007 to September 2008), the DPI Compliance team has conducted the following activities relating to charter fishing:

117 licensed CFBs checked (out of 208 currently active/licence issued) with a 92% compliance rate (93% for the corresponding period last year).

Fin clipping, which is required for yellowfin tuna, southern bluefin tuna, all species of marlin, yellowtail kingfish and snapper, was identified as a major compliance issue. All CFB licence holders/operators must adhere to clause 311 of the *Fisheries Management (General) Regulation 2002* (Other conditions of licences), which states:

- (1) It is a condition of a licence for a charter fishing boat that any fish taken while the boat is used for any activity for which it is required to be licensed under this Part, and that are retained, have their right side pectoral fin removed, just above the fin base, before being removed from the boat.
- (2) Despite subclause (1), the removal of the right side pectoral fin may be delayed until immediately after weigh-in if the fish is to be weighed:
  - (a) for the purpose of claiming a record, or
  - (b) in accordance with the rules of a fishing tournament in connection with which the fish has been caught.
- (3) Subclause (1) applies to the following species of fish only, namely, yellowfin tuna, southern bluefin tuna, all species of marlin, yellowtail kingfish and snapper.

### Issues re: boarding of charter fishing vessels that are at full capacity

David Cribb, Commercial Vessel Association of NSW, raised the following question with the NSW Maritime Authority regarding authorised officers boarding charter fishing vessels that are at full capacity: Does the master of a fully loaded charter fishing boat (i.e. to the point of its survey capacity) have the right to refuse boarding by a fishing inspector?

Information provided by DPI Compliance, which was received from the Chief Executive, NSW Maritime, in response to this query states that, in his opinion, ultimately the master of any vessel has responsibility for the safety of passengers and crew; therefore if the master believed it was unsafe to have an authorised officer of any agency aboard the vessel or believed the boarding itself would be potentially unsafe, he should refuse. NSW Maritime advised, however, they would not prosecute an operator for exceeding capacity in such circumstances and has undertaken to ensure the commercial vessel regulations provide an exemption to put this matter beyond doubt for operators.

NSW Maritime also pointed out that in the event a master refused to allow a Police, Fisheries or Maritime officer to board, these officers have various powers to direct vessels to return to a location where the inspection could be safely undertaken. To refuse a lawful direction would be an offence and it is therefore a risk assessment for the master. If he believed it is unsafe he should not allow the boarding however, if he believes he can avoid an inspection by making this claim he should consider the down side of potentially being directed to a location where a boarding would be safe.

### Safety Management System

NSW DPI (Fisheries) has completed a high-level OH&S risk assessment of all compliance field operations. This review pointed to the need for refined management of a number of boating safety-related issues, including approaching and boarding of charter boats. A safety management system (SMS) for all watercraft operations is currently underway which involves the development of a risk management framework approved by NSW Maritime. A project officer has been assigned

to specifically develop the SMS. The protocols process will also include input/comments from the relevant stakeholders involved.

The committee asked when consultation will occur and which stakeholder groups would be consulted. DPI Compliance advised the MAC would most likely be the starting point for any consultation with charter fishing boat stakeholders, however, this would be clarified and the committee notified about proposed consultation.

## **7. Fish stocking in marine waters**

An apology was received from Ms Sarah Martin, Fisheries Manager – Marine Stocking, for not attending the meeting due to illness. DPI provided a brief overview of this project.

The Saltwater Trust allocated funding for the preparation of a marine fish stocking fishery management strategy and environmental impact assessment. Marine stockings beyond the current research prawn and mullet programs will require an Environmental Impact Statement in accordance with the comprehensive requirements of the NSW Environment Planning and Assessment Act 1979 and the Commonwealth Environment Protection and Biodiversity Act. The 3 main stages of the process required for an environmental assessment of a marine stocking program of key recreational species to enhance recreational fishing in NSW are:

1. Undertake Environmental Impact Statement (EIS) and develop Fisheries Management Strategy, which will ensure responsible marine stocking practices;
2. Exhibition and consultation; and
3. Assessment and determination

The committee discussed important charter fishing species that may be included in the EIS and agreed that the top 5 potential marine stocking species should be: snapper, kingfish, mullet, morwong (grey/rubberlip) & silver trevally. It was noted that grey morwong & silver trevally are part of current/proposed Recovery Programs as a result of their overfished status.

DPI confirmed ACoRF supported investigation for partnership and/or potential funding opportunities from the commercial fishing sector regarding stocking of common target species/fishing areas.

The committee requested Sarah Martin attend the next meeting to discuss marine stocking issues.

### **Action item**

Recreational Management to request Sarah Martin's attendance at the next meeting.

*Completed 16/10/08.*

## **8. Recreational Fishing Trust Community Programs**

The Community Education Programs Team manages and attends community based programs based around recreational fishing initiatives, including:

- Fishing Workshops
- Schools programs i.e. get hooked its fun to fish
- Recreational fishing events i.e. fishing competitions, shows and field days
- Fishcare Volunteers i.e. angler awareness, water advisory, land advisory, data collection, habitat restoration, research assistance and many more.

New priorities for the next financial year include:

- Rollout of the Get Hooked program across NSW, targeting approximately 250 schools. It is estimated 20,000 additional primary school children will be introduced to the concepts of safe, responsible and sustainable fishing.
- Four fishing workshop weeks will be run across NSW, allowing students to put into practice the skills learnt from the get hooked class lessons.
- Training 100 additional dedicated schools fishcare volunteers to assist teachers with the classroom activities and delivery of the program.

## **9. Marine Park related CFB issues**

The committee discussed the following issues raised by CFB operators, relating to current and future charter fishing business operations in Marine Parks (MP):

### NSW CFB “zoning” concerns

Considerable concern has been expressed that, as a result of the introduction of Marine Park Authority (MPA) permits for CFB operators to access an individual MP, the distribution/operational area and value of NSW CFB licences may reduce over time. This is due to the possibility of MPA arrangements creating a level of “zoning” for CFB operators in NSW waters i.e. if a business is transferred and relocated to a different MP area, there is no certainty that a permit would be issued to the new business. It should be noted that NSW DPI’s legislation governing CFB operations in NSW does not recognise zoning of the industry within state boundaries, other than by activity/endorsement, which was influenced by the NSW Maritime survey certification for each vessel.

### Request for a statewide Marine Park permit for licensed NSW CFB operators

To address the potential MP zoning/exclusion concerns outlined above, the committee and operators request that consideration be given by the MPA to provide each NSW charter fishing boat licence holder with a statewide MP permit/exemption. This would enable charter fishing activities to change ownership and relocate over time whilst retaining the traditional level of access in NSW waters.

### Future permit issues

Operators are concerned about the potential introduction of additional business operation fees associated with MP permit fees in the future. Clarification is sought from the MPA regarding this issue and whether there is any proposal for the current MP permit system to be replaced by more formal licensing arrangements in the future.

### Hawkesbury bioregion

The committee discussed the concerns that have been expressed by operators based in the Hawkesbury bioregion regarding the current uncertainty of the Hawkesbury MP proposal. Operators requested that the MPA be asked to formally consult all charter fishers located within the proposed MP area before any draft plans are introduced. The committee would appreciate an update on the current status of this proposal and an undertaking from the MPA to consult local CFB operators.

### Bait collection at Cabbage Tree Island

Clarification and information is sought from the MPA regarding a rumoured proposal to limit bait collection in the Habitat Protection Zone at Cabbage Tree Island, in the Port Stephens-Great Lakes MP.

### Marine Park compliance

Operators have expressed concern about the perceived lack of policing of Sanctuary Zone boundaries in the Batemans MP, particularly around Congo Island. DPI Compliance advised that Marine Park officers are responsible for zoning issues, while DPI officers are responsible for commercial and recreational fishing (bag and size limit) issues.

### CFB monitoring programs

Operators requested that DPI and MPA consider possible avenues to streamline charter fishing reporting/monitoring obligations, particularly considering the recent requirement for additional catch returns by charter fishing boats when operating in MP areas.

### Motion

The committee requests that the Executive Director, Fisheries, Compliance and Regional Relations, NSW DPI, write to the MPA to formally address these issues on behalf of NSW licensed charter fishing boat operators. **Moved:** Peter Bolic. **Seconded:** Mark Flanagan. **Carried**

### Action item

Letter from Chair to Executive Director, Fisheries, Compliance and Regional Relations, to request that a letter be sent to the MPA to address these issues.

*Letter from MERCMAC Chair to ED, F, and C&RR drafted.*

#### **10. Regional CFB/other sector updates**

Discussion of major issues raised by CFB operators, recreational fishers, commercial fishers and conservation stakeholders since the last meeting.

##### Region 1

Operators are pleased that approval is finally being sought to deploy a FAD off Tweed Heads. Further seabed mapping information requested.

##### Region 2

Praise for the Get Hooked...It's Fun to Fish schools program. It was requested that DPI consider expanding the program to regional areas, for example, South West Rocks.

##### Region 3

Strong support for fin clipping requirements for high value species to be removed from legislation.

##### Region 4

CFB monitoring program – DPI to continue to streamline logbook process (e.g. PDF logsheet header information) and provide a report to licence holders on the number of operators reporting and catch and effort information.

##### Region 5

Wollongong Harbour upgrade – approximately 10 CFB operators are concerned about the proposed redevelopment of Wollongong Harbour and the lack of consultation by Wollongong Council, the Department of Planning & private developers with charter and commercial fishers.

The possibility of a full size wave generator being located offshore from Wollongong was mentioned. DPI will attempt to obtain further information for discussion at the next meeting.

##### Region 6

Nil.

##### Region 7

Nil.

##### Recreational

Request for Dr Vic Peddemors to provide an overview of Grey Nurse Shark research and an update on shark fishing rules in the Ocean Trap and Line fishery.

##### Commercial

Nil.

##### Conservation

Support for ecosystem/habitat management approach for natural resources, as opposed to individual species management.

##### Action item

Philip Gibbs to attend the next meeting to discuss ecosystem management issues.

*Completed - attendance requested 28/10/08.*

##### ***Out of Session items***

Nil.

##### ***Correspondence received***

Minister's response to correspondence from MERCMAC regarding issues raised at the previous meeting.

Forwarded copy of Minister's response to members.

Confirmation of council & committee mileage rate payment issues.

Information has been received from DPI's Human Resources (HR) Operations Unit, Corporate Services Division, to clarify council & committee member's mileage rates. The information provided advises that committee members who submit tax invoices are to be paid at the relevant Australian Taxation Office rate. If a member is paid through the payroll system, the mileage rate is to be paid at the relevant casual rate.

***Other business***

Estimating and maximising the post-release survival of key angler-caught fish in NSW

Since 2003, the NSW Department of Primary Industries (with funding from the Recreational Fishing Trusts) has been estimating and maximising the survival of released angler-caught fish. The work involves experiments in the field (as part of recreational fishing events) and aquaria that aim to (1) determine the mortality and main contributing factors for key saltwater and freshwater species associated with local angling-and-release practices, and then if required, (2) develop and test changes to gears or handling practices that maximise survival. So far, we have estimated the short-term (< 10 days) post-release survival of snapper (67 - 92%); silver trevally (63 - 98%); mulloway (73 - 81%); sand whiting (93%); yellowfin bream (72 - 97%); dusky flathead (91 - 96%); eastern sea garfish (51%); tailor (92%); Australian bass, (92 - 100%); golden perch (73 - 100%) and Murray cod (85%). For many of these fish, the main factors contributing towards the mortalities and/or other sub-lethal impacts have been isolated and subsequent recommendations made to improve survival. These various procedures are encapsulated in the following eight general handling practices:

1. Avoid targeting fish during their spawning.
2. Select the right rig.
3. Minimise hook damage.
4. Remove mouth hooks.
5. Cut the line on hook-ingested fish.
6. Avoid excessive handling of fish.
7. Minimise air exposure.
8. Keep alive in live-wells by selecting the correct design.

Simply following these recommendations has the potential to greatly increase the number of fish surviving after release and, ultimately, contribute towards the sustainability of recreational fishing in NSW.

Recfishwest "Release Weight" information

DPI distributed a brochure and DVD titled "Using the Release Weight to improve the survival of released fish", produced by Recfishwest, for information.

Fin clipping requirements for high valued species on charter fishing boats

The Committee questioned the ongoing need for these arrangements on board licensed charter fishing boats.

**Motion**

The Committee recommends that the current fin clipping requirements for charter fishing operators be removed from legislation. **Moved:** Jim Booth. **Seconded:** Peter Bolic. **Carried.**

It was agreed that the Committee's position on this issue should be raised by ACoRF's charter fishing representative at the next ACoRF meeting.

**Action item**

Letter from MERCMAC to ACoRF Chair regarding the Committee's support for the removal of fin clipping requirements for high valued species on licensed CFBs [cl.311 (1)(2)(3) of the Fisheries Management General Regulation 2002] and to request that the issue be raised on behalf of the charter fishing sector for consideration at the next ACoRF meeting and proposed joint SIAC/ACoRF meeting.

Request for NSW CFB licence holders to be exempt from having to hold a current NSW recreational fishing fee receipt

A total exemption from having to possess a recreational fishing fee receipt for licensed CFB operators was not generally supported by the Committee. Some members mentioned that all CFB operators should have to pay for a recreational fishing fee receipt, whilst others would like to see greater flexibility for fishing activities conducted onboard licensed charter fishing boats.

**Motion**

The Committee recommends that the current exemption certificate arrangements be extended to cover all fishing activities conducted on licensed CFBs at all times. **Moved:** Jim Booth. **Seconded:** Roland Persson. **Note:** During discussion regarding this motion, it was agreed that additional consultation should occur and that the issue be considered further at the next meeting. **Motion lapsed.**

Socio-Economic Survey of Recreational and Charter Boat Fishing in NSW

Members confirmed that a clear distinction between recreational and charter fishing activities, relating to all aspects of the study (e.g. information collected, analysis of data and reporting), must be a priority of the study.

**Action item**

Recreational Management to provide an update on the proposed survey at the next meeting.

Seabed mapping information

Information is available on the Geoscience Australia (OzCoasts) website at: [www.ga.gov.au](http://www.ga.gov.au). Victoria Gladstone, Project Officer – Seabed Mapping, NSW DPI, was contacted on 20/10/08 and requested to provide further details for the next meeting.

**Action item list**

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

**Next Meeting** – Meeting 16 (01/08) is scheduled for Tuesday 23 June 2009.