



**Draft Outcomes from 18<sup>th</sup> Marine and Estuarine Recreational Charter  
Management Advisory Committee meeting**

**Cronulla Fisheries Research Centre of Excellence  
Tuesday 29 March 2011**

**Attendance**

Brian Beer (Chair), Mark Flanagan (Region 2 - Mid North Coast), Roland Persson (Region 4 - Sydney), John Paton (Region 4 - Sydney), Ann Garard (Region 5 - Illawarra), Keith Appleby (Region 7 - Far South Coast), Attila Kaszo (Conservation), Sanchia Glaskin (Recreational Fishing), Shirley Massey (Commercial Fishing), Nick James (Departmental Nominee).

**Observers**

Bryan van der Walt, Sharn Miller and Joseph Wright (I&I NSW).

**Agenda items**

**1. Apologies**

Peter Bolic (Region 1 – Far North Coast), Scott Thorrington (Region 3 – Central Coast).

**2. Confirmation of minutes from previous meeting**

**Motion:** The committee accept the outcomes as a true and accurate record of discussions from the 17<sup>th</sup> MERCMAC meeting, held 20 October 2009. Moved: John Paton. Seconded: Sanchia Glaskin. **Carried.**

**3. Business arising from the minutes**

*Wollongong Harbour redevelopment update*

The committee was advised the Harbour Boat Operators Association was not permitted to organise a bulk lease on behalf of all boat owners. To maintain a berth in the harbour each operator was required to sign an individual lease and arrange public liability insurance for their vessel/business.

**4. Fisheries Resource Management Update**

*a) New fishing arrangements at Fish Rock & Green Island*

New recreational fishing arrangements have been introduced at Fish Rock and Green Island to increase the protection of critically endangered grey nurse sharks. These new arrangements prohibit line fishing methods by recreational fishers other than spinning and trolling with an artificial fly or lure within 500m of specified coordinates at Fish Rock and Green Island. The use of burley has also been prohibited within this area. An advisory period has commenced and will continue during the Easter period (until 30 April 2011). The conservation representative expressed support for this research and management approach to be considered for other known grey nurse shark aggregation sites. It was confirmed that the National Recovery Program for Grey Nurse Sharks, overseen by the Commonwealth Department of Sustainability, Environment, Water, Population and Communities, will likely influence future action in NSW regarding further protection of the species. The department will provide the committee with further details of the National Recovery Program for Grey Nurse Sharks, when available.

*b) Proposed additional Fish Aggregating Device (FAD) in the South West Rocks region*

The department is proposing to deploy an additional FAD east of Fish Rock in 2011/12 to provide improved recreational fishing opportunities in the area. The department will undertake consultation with local fishers to determine a suitable location for the FAD.

A request was made for consideration of an additional FAD off Wollongong, due to the high level of use of the existing FAD. The potential for an additional FAD will be investigated by Primary Industries.

*c) I&I NSW FAD buoy - Trial Bay, South West Rocks*

The department is negotiating with the NSW Maritime Authority to deploy a FAD buoy at the Trial Bay bait grounds in the near future. The buoy will remain in place year round. No mooring will be permitted to the FAD buoy.

*d) Draft Ministerial Order for Southern Bluefin Tuna*

Southern Bluefin Tuna (SBT) is currently listed as endangered in NSW waters (within 3nm). A Ministerial Order (MO) is being drafted that will include a number of recommended management responses previously discussed by the Advisory Council on Recreational Fishing (ACoRF). Once the Draft Ministerial Order has been prepared the department will undertake a Species Impact Statement (SIS). The SIS and draft MO will then be released for public consultation. The committee discussed the concept of a boat limit and the potential associated socio-economic impacts on charter fishing businesses and regional NSW, particularly on the south coast.

**Motion:** The committee supports arrangements of a daily bag limit of 1 SBT per person in NSW. Moved: Ann Garard. Seconded: John Paton. **Carried.** **Note:** The conservation representative supports strict recreational fishing management arrangements for this species, including a daily limit of 2 SBT per boat.

*e) Commonwealth Eastern Tuna and Billfish Fishery Management Plan & Total Allowable Commercial Catch determination*

The Australian Fisheries Management Authority (AMFA) released the Draft ETBF Management Plan 2010 for public consultation in late 2010. The draft plan detailed changes to the management of the fishery, including the introduction of a Total Allowable Commercial Catch (TACC) for 5 main species (including Striped Marlin and Yellowfin Tuna) as opposed to the traditional Total Allowable Commercial Effort (TAE) that limited the total number of hooks allowed. The department, with input from ACoRF, provided a detailed submission relating to the draft ETBF management plan, including the proposed TACC for various species within the fishery. AFMA recently announced that the ETBF TACC had been reduced for Bigeye Tuna from 2,000t to 1,056t, Yellowfin Tuna from 2,600t to 2,200t, Striped Marlin from 400t to 390t and Albacore from 3,000t to 2,500t.

*f) New zoning plans for Solitary Islands and Jervis Bay Marine Parks*

It was noted that new zoning plans for Jervis Bay and Solitary Islands Marine Parks commenced on 1 March 2011. Updated advisory signage has been installed in and around the parks.

## **5. Charter Fishing Logbook Monitoring program**

The objective of the charter fishing logbook monitoring program is to provide an ongoing quality time series of data representative of recreational fishing catch and effort. This vital information is used, along with comprehensive commercial fishing records and any available recreational fishing survey information, for scientific assessment of our fisheries resources, including the status of fish stocks and reviews of bag and size limits and fishing method rules. The charter logbook system is recognised as an extremely valuable data collection mechanism (similar to commercial logbooks) for providing an accurate, ongoing time series of catch and effort for the charter and recreational sector (given that very little information is available for recreational fisheries in NSW).

The main issues with the current program include:

- an unacceptable completion rate of logbooks leading to significant bias of catch and effort data sets during scientific assessments. This bias has seriously compromised the validity of the data for monitoring purposes i.e. the data is not representative of the charter fishing sector.
- it is acknowledged that the current requirements for measuring lengths requires operators to allocate a significant amount of time to measure all fish caught and that this scenario is now regarded as an unrealistic expectation. Further, the high level of sampling requested for length information has added to non-compliance with the logbooks.

- inappropriate subsampling of length measurements e.g. operators measuring biggest and smallest fish, which also results in serious bias.

#### Stage 1 - Improvement of quality and level of reporting

From 1 July 2011, it is proposed for all operators to complete catch and effort reporting for every charter fishing trip (as currently required), including:

- trip date
- number of passengers
- hours fished
- total number of each species caught

The committee did not support a proposal for all fish lengths to be measured and reported on logsheets for 1 in every 10 trips. As a result, it is proposed for fish lengths to be no longer required to be recorded on the logsheets.

From 1 July 2011, management and advisory efforts will be undertaken with operators in the first instance to improve the level and accuracy of logbook reporting, followed by compliance action for operators that are not completing logsheets and/or not reporting accurate catch and effort information.

The committee recognised the need to collect length based data and supported the implementation of alternative methods to collect fish length data in the future, for example, a scientific observer program or use of scientific measurement software (e.g. SeaGIS and Archipelago Marine Research). However, this scientific program should be separate from the logbook program and funding could be potentially sought from the Recreational and Charter Fishing Trusts.

**Motion:** The committee supports the commencement of Stage 1 of the proposal to improve logbook reporting (excluding reporting of fish length measurements) on 1 July 2011 as outlined. Moved: John Paton. Seconded: Sanchia Glaskin. **Carried.**

**Motion:** The committee recommends that Primary Industries develops a scientific project to collect length based data from charter boats. Moved: Sanchia Glaskin. Seconded: John Paton. **Carried.**

**Action item:** The department write to CFB licence holders to advise of the modified charter fishing logbook reporting requirements as of 1 July 2011, including associated management and compliance actions.

#### **6. Charter Fishing Trust Fund**

Detailed information regarding the status of the Charter Fishing Trust Fund and proposed budget for 2011/12-2013/14 was discussed and considered by the committee. It was noted that the projected balance of the Charter Fishing Trust Fund as at 30 June 2011 will be around \$310,000.

**Motion:** The committee supports the proposed Charter Fishing Trust Fund budgets for 2011/12-2013/14 as outlined in Table 1. Moved: John Paton. Seconded: Ann Garard. **Carried.**

**Action item:** Forward the proposed Charter Fishing Trust Fund budgets 2011/12-2013/14 and associated MERCMAC recommendation to the Advisory Council on Recreational Fishing for consideration at its meeting on 17 May 2011.

**Table 1 – Proposed budgets for Charter Fishing programs to be funded by the Charter Trust 2011/12-2013/14**

Program	Budget				
	Proponent	Ongoing or New	2011/12	2012/13	2013/14
Charter fishing logbook monitoring program	I&I NSW	Ongoing	\$60,000	\$62,000	\$64,000
Charter fishing consultation/MERCMAC meetings	I&I NSW	Ongoing	\$30,000	\$30,000	\$30,000
Charter fishing management	I&I NSW	Ongoing	\$110,000	\$115,000	\$125,000

## **7. Charter fishing administration and industry development update**

### *a) Charter fishing administration (Systems Reform Project) update*

Work is underway to streamline current regulations and administration to reduce “red tape” to make fishing operations more efficient and dealings with the department easier. The administrative platform for charter fishing business owners to be able to conduct the majority of business activities online, including submitting catch and effort reports and fishing business (licence) renewals, is currently being developed. The committee will be advised of developments at the next meeting.

### *b) Charter fishing industry development update*

An update on issues and progress relating to charter fishing industry development options was provided at the meeting. A key initiative to date is the intention to amend the *Fisheries Management Act 1994* to remove the current charter fishing boat licence requirements and introduce the charter fishing business concept previously discussed with industry. This will enable operators the flexibility to conduct fishing activities on different surveyed vessels from day to day without the need for formal boat replacements and associated costs, which is required at present.

Note: this does not allow more than 1 vessel to be used per charter fishing business owned at any one time.

Consideration of other business flexibility proposals such as the opportunity to transfer seats and endorsements/activities is being investigated. The activation of latent effort in the industry is a major concern, therefore, potential scenarios and associated risk assessments need to be developed and considered prior to decisions being made.

## **8. Review of NSW Fishing Rules 2011/12**

The committee was advised that the process to undertake the review of fishing rules in NSW commenced in March 2011. A detailed planning phase, including compilation of issues identified by the department and stakeholders since the finalisation of the previous review in 2007, is underway.

The committee was asked to identify potential charter fishing issues, including key species and fishing methods, which may be addressed during the review. A preliminary list of priority species and gear method issues was discussed. Members suggested the following issues to be considered for inclusion in the review:

- Kingfish – reduce the bag limit from 5 to 2 and introduce a maximum size limit (e.g. retain only 1 fish over 75cm).
- Ocean leatherjackets – increase or remove the current bag limit.
- Boat limits – the committee and the broader charter fishing sector do not support boat limits for any species (including the current boat limit of 10 gemfish). Note: The conservation representative supports consideration of strict recreational fishing management arrangements, including daily boat limits, for species formally classified as endangered or vulnerable that may legally be caught in NSW.

Members were encouraged to provide further information relating to major bag and size limit and fishing gear issues raised by charter fishing operators and recreational fishing stakeholders for input into these discussions.

### *Bag and size limit for cobia*

The new regulation to reduce the recreational bag limit for cobia from 20 to 5 commenced on 1 September 2010. Consultation with the commercial fishing sector regarding a minimum size limit is ongoing and will be finalised as part of the current review of fishing rules.

## **9. Charter fishing compliance update**

Joseph Wright, District Fisheries Officer, South Metropolitan District, provided an overview of compliance activities and priorities relating to the charter fishing sector.

In 2009/10, 160 charter fishing related inspections were conducted with 24 offences detected – a compliance rate of approximately 85%. To date in 2010/11, 82 charter fishing inspections have been conducted with only 8 offences detected. This is a compliance rate of around 90%. The committee was advised that whilst the compliance rate is generally very good, there has been

increasing reports of disrespectful behaviour and verbal abuse towards fisheries officers from charter fishing operators. This practice is unacceptable and further action, such as prosecution of offenders will be taken.

The committee was advised that compliance efforts relating to the completion of logbook information for each charter fishing trip will be increased.

The committee requested that a priority of ongoing compliance efforts be to identify unlicensed charter fishing activities, prosecute illegal operators and ensure they do not continue to work in NSW. DFO Wright requested that any information concerning alleged illegal charter fishing in NSW waters be reported either directly to the local district fisheries officer or to the illegal fishing report line on 1800 043 536. Matters reported to the illegal fishing report line can be confidential.

#### *Safety Management System for compliance officers boarding vessels at sea*

A copy of clause 78 of the *Marine Safety (Commercial Vessels) Regulation 2010*, which commenced in December 2010, was distributed for information. This amendment to the legislation provides authorisation for government officials to board commercial vessels to determine compliance with associated legislation. Under these circumstances the legislation provides protection to the master of a commercial vessel against matters like exceeding the carrying capacity that temporarily occurs as a result of the inspection by the government officials. John Paton confirmed that clarification had been sought from the Commercial Vessels Association's (CVA) legal personnel and that it is the responsibility of the relevant officer/government regarding any damage that may be caused from boarding at sea.

Action item: Letter from Chair to NSW Maritime to clarify business insurance issues if a vessel's survey is exceeded due to an officer's instruction and subsequent boarding of vessel at sea.

Action item: John Paton to follow up with the CVA's legal personnel regarding insurance issues if a vessel's survey is exceeded due to an officer's instruction and subsequent boarding of vessel at sea.

### **10. Stakeholder issues/updates**

#### *i) Charter Fishing in NSW brochure*

This popular advisory brochure has been updated and the revised version will be printed and distributed to charter fishing boat operators and coastal Fisheries Offices soon.

#### *ii) Reply paid charter fishing monitoring program envelopes*

Action item: Provide 12 x A4 reply paid envelopes to all active (i.e. licence issued) operators to assist with the return of charter fishing logsheets.

#### *iii) Charter fishing business website information*

Action item: Send letter and copy of the website declaration form to all operators to provide the opportunity for business details to be displayed on the department's website, as well as for operators to check accuracy of current details and advise the department of any changes required.

#### *iv) Fin clipping requirements*

As per clause 237 of the *Fisheries Management (General) Regulation 2010*, the right side pectoral fin must be removed from Yellowfin Tuna, Southern Bluefin Tuna, Yellowtail Kingfish, Snapper, Black Marlin, Blue Marlin and Striped Marlin species prior to the fish being removed from the boat.

Action item: Send a copy of the legislation relating to fin clipping requirements for high value species taken on charter fishing boats to all operators.

### **11. Other business**

#### *Update on the proposed economic survey of recreational and charter fishing in NSW*

NSW DPI in partnership with Victoria DPI is currently investigating the most appropriate methodologies for estimation of the economic value of recreational and charter fishing. This initial

project is nearing completion, which will potentially form the basis for an economic survey of recreational and charter fishing in NSW.

*Code of Conduct for charter fishing boat operators in NSW*

The committee discussed the potential development of a formal code of conduct for NSW charter fishing boat operators. Relevant issues to be identified and considered for discussion at the next meeting.

Action item: John Paton to provide a copy of the CVA's code of conduct for information and reference.

**Next meeting**

Tuesday 13 September 2011.