

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

**Outcomes from 17th MERCMAC meeting
Cronulla Fisheries Centre, Tuesday 20 October 2009**

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), Sanchia Glaskin (Recreational Fishing), Attila Kaszo (Nature Conservation Council), Nick James (Departmental Nominee).

Observers

Peter Turnell, Bryan van der Walt and Alice Gleeson (I&I NSW).

Apologies

Peter Bolic (Region 1 – Far North Coast), Scott Thorrington (Region 3 – Central Coast), Keith Appleby (Region 7 – Far South Coast), Shirley Massey (Commercial Fishing) and Dr Vic Peddemors (I&I NSW).

Confirmation of minutes from previous meeting

Motion: The committee accept the outcomes as a true and accurate record of discussions from the 16th MERCMAC meeting, held 23rd June 2009. **Moved:** Roland Persson. **Seconded:** Mark Flanagan. **Carried.**

Business arising from the minutes

Wollongong Harbour

At the previous meeting, information was provided regarding the Wollongong Harbour redevelopment. Ann Garard advised the committee that a Harbour Boat Operators Association is trying to organise a bulk lease on behalf of all boat owners in the harbour, rather than individual leases.

Agenda items

1. Industry & Investment NSW Update

Peter Turnell, Director, Fisheries Resource Management, provided the committee with an overview of the new structure for the Fisheries Resource Management Unit within the Fisheries and Compliance Branch of I&I NSW. There are four functional areas within the Unit, consisting of Fisheries Management, Resource Planning, Licensing and Policy, and Recreational Fisheries Programs. The committee discussed the potential for joint funding opportunities with the Tourism NSW now that it has been amalgamated with Primary Industries as part of the new Industry & Investment NSW. *Information noted. No recommendations or actions items.*

2. Recreational Fisheries Management Update

Cobia bag and size limit

The committee was advised that the bag limit of 5 cobia (to be reduced from 20) has been included in the regulatory staged repeal process. Implementation of the repealed regulation is scheduled for September 2010. *Information noted. No recommendations or actions items.*

Electric reels

The committee was advised that the NSW GFA/GFAA already ban the use of power driven reels for all affiliated fishing events, therefore any future restrictions would not impact on these game fishing activities. A major issue regarding the use of powered reels is that they are often used for fish/meat harvesting, as opposed to recreational sport fishing activities. I&I compliance officers have expressed concern that these activities may greatly assist black marketing of recreationally caught species, especially large, deepwater fish.

The committee reconsidered its previous stance on the use of electric reels, and expressed their support for the Advisory Council on Recreational Fishing's (ACoRF) recent recommendation to formally consult on the use of electric reels during the next review of bag and size limits, which is scheduled to commence in 2011.

Motion:

1) MERCMAC supports ACoRF's recommendation that the use of electric reels by recreational anglers be considered during the next review of fishing rules.

Moved: John Paton. **Seconded:** Attila Kaszo. **Against:** Ann Garard. **Carried**

Fin clipping

At its recent meeting, ACoRF recommended that I&I NSW investigate options for introducing a requirement for pectoral fin clipping of high value recreational species, similar to the current requirement for charter fishing operators, to assist in restricting black marketing of recreational catch in NSW. In the past, MERCMAC has formally expressed their opposition to the fin clipping requirement for charter fishing operators and have sent formal requests to the Minister to remove the requirement. Further, members believe it is unlikely that charter fishing clients leave the boat and go on to sell their catch on the black market, as the cost of undertaking the charter would generally outweigh the value of the fish caught.

Charter fishing boat operators and MERCMAC previously requested greater flexibility for licensed charter fishing boat operators to mutilate (i.e. fillet and/or section) fish on board the vessel to provide a higher level of service to clients with regards to the preparation of fish prior to the completion of a charter trip. As a result, I&I NSW Fisheries & Compliance Branch implemented a compliance policy that provides conditional flexibility regarding mutilation of fish on board NSW licensed charter fishing boats. Operators of charter fishing boats licensed under Part 4A of the NSW *Fisheries Management Act 1994* are permitted to mutilate fish of a class specified in clause 9 (Prohibited size fish) of the NSW *Fisheries Management General Regulation 2002* by filleting or sectioning those fish in accordance with the following conditions:

- The fish must not be a prohibited size fish;
- A client while on the boat must have taken the fish;
- The client must be present whilst the fish are being filleted or otherwise mutilated; and
- The licensed charter fishing boat must be tied up at its mooring/berth or at the place where it usually embarks and disembarks clients.

The committee considers the taking of black market fish a compliance matter and that additional resources should be allocated to address the problem. The committee also believes the 'mutilation of fish' rule supersedes the requirement to fin clip certain species and may therefore make any new requirements for charter fishing operators redundant. The committee did not formalise an opinion on fin clipping of species taken by anglers during non-charter fishing activities.

Motion: The committee reiterates its position to seek removal of the legislative requirement for charter fishing operators to fin clip high value species taken during authorised charter fishing trips.

Moved: John Paton **Seconded:** Sanchia Glaskin. **Carried.**

3. Recreational Fishing Trust and Charter Fishing Trust update

Status of funding for the Species Impact Statement (SIS - environmental assessment) of recreational southern bluefin tuna (SBT) fishing arrangements

At the previous meeting, the committee requested that the Advisory Council on Recreational Fishing (ACoRF) contribute \$10,000 to the Species Impact Statement (SIS) for SBT, in addition to a \$10,000 contribution from MERCMAC. The committee was advised that RFSTEC and ACoRF (at its meeting on 25 August 2009) supported funding of \$10,000 in 2009/10 for the SIS for SBT. In addition, the NSW Game Fishing Association has kindly offered to contribute \$2,000 to ensure the SIS is adequately funded. This gesture is greatly appreciated by the committee and members wish to thank NSWGFA for their contribution to the Species Impact Statement for Southern Bluefin Tuna.

It was confirmed that the Minister has provided approval for the SIS to proceed and I&I NSW is currently seeking expressions of interest for the SIS tender.

It was mentioned there are rumours within the NSW charter fishing industry that the Commonwealth Government is considering taking over the management of state charter fishing activities. I&I NSW confirmed that this was not an issue currently being discussed as part of the ongoing Offshore Constitutional Settlement (OCS) negotiations.

Barotrauma research project application

The Department confirmed that 100% of the funding required for this project is available from the Recreational Fishing Saltwater Trust and that the project has been supported by RFSTEC and ACoRF. Therefore, no contribution from MERCMAC is required at this stage. It was noted that all revenue from recreational fishing fee exemption certificates, including those purchased by licensed charter fishing operators, goes directly into the Recreational Fishing Trust. As a result, licensed charter operators contribute to a range of programs funded by the Recreational Fishing Trust. The committee supports this research and acknowledges no monetary contribution is requested from the Charter Fishing Trust.

Cost recovery

The department advised the committee that the Government is continuing to consider cost recovery issues across all fishing sectors. The committee acknowledged that the priority for expenditure from the Charter Trust is to allocate funds to core charter fishing industry programs, as outlined in legislation. The committee requested preparation of a three year budget plan detailing Trust Fund revenue, expenditure and budget projections, for consideration prior to the 2011/12 financial year (current budget allocations to 2010/11).

4. Legislation amendments

Amendments to the NSW Fisheries Management Act 1994

The committee was advised that the Fisheries Management Amendment Bill 2009 stems largely from two major reviews of fisheries legislation and practices in New South Wales, both conducted in 2004. The first review was the Report on Illegal Fishing for Commercial Gain or Profit in New South Wales, undertaken by Mick Palmer. The second was the Review of the New South Wales Indigenous Fisheries Strategy for NSW Fisheries, conducted by Tyagarah Consultants.

The Australian Institute of Criminology paper, "A National Study of Crime in the Australian Fishing Industry", endorsed Palmer's findings and recommended a nationally consistent approach to fighting illegal fishing. Amendments in the Bill will bring the Act into line with other State and National fisheries legislation by:

- i) recognising Aboriginal cultural fishing,
- ii) strengthening enforcement provisions against illegal fishing in NSW,
- iii) improving threatened species, aquaculture and habitat protection provisions

In particular, the object of the Bill is to amend the *Fisheries Management Act 1994* as follows:

- a) to increase penalties for certain fisheries offences,
- b) to establish higher penalties for certain second or subsequent offences and for certain offences committed in circumstances of aggravation,
- c) to allow additional monetary penalties (to reflect the market value of fish taken) to be imposed in respect of certain offences,
- d) to extend regulation making powers in the Act relating to bag limits, prohibited size fish and other matters,
- e) to create a new indictable offence of trafficking in fish,
- f) to recognise, protect and promote Aboriginal cultural fishing activities and practices,
- g) to make further provisions with respect to share management fisheries,
- h) to tighten record-keeping requirements for fish sellers and for others who take possession of fish,
- i) to extend the circumstances in which charter fishing arrangements are required to be licensed,
- j) to give effect to a uniform national scheme relating to Commonwealth cooperative fishing arrangements,
- k) to make further provision with respect to the grant of aquaculture permits and leases, and for the recovery of rental payments on aquaculture leases,
- l) to authorise quarantine orders to be made in respect of pet shops and commercial aquariums,
- m) to transfer from the regulations to the principal Act the list of diseases and noxious fish and marine vegetation that are the subject of the regulatory arrangements of the principal Act,
- n) to give the Minister further powers in respect of quarantine areas,
- o) to make further provision for the protection of areas where salmon and trout spawn,

- p) to prohibit the importation of live marine vegetation that is not indigenous to New South Wales,
- q) to require notice to be given to the Minister of certain works that affect waterways,
- r) to authorise the making of stop work orders to prevent certain activities that may damage fish habitat or obstruct free passage of fish,
- s) to create a new offence of interfering with fish of a threatened species and to make further provision with respect to the protection of threatened species generally,
- t) to give further powers to fisheries officers to require information for the purposes of the principal Act,
- u) to impose a duty for the master of a fishing boat to prevent contraventions of the principal Act,
- v) to increase the jurisdictional limit of a Local Court under the principal Act,
- w) to enable restoration orders to be issued in respect of certain contraventions of the principal Act and to expand the types of orders that can be made in respect of repeat offenders.

The main issue relating to the NSW charter fishing industry involves extending and more clearly defining the definition of charter fishing [listed in point i) above], which was initially requested and subsequently supported by MERCMAC.

Amendments to the NSW Fisheries Management (General) Regulation 2002 as part of the staged repeal process 2009

The NSW *Fisheries Management (General) Regulation 2002* is being reviewed as part of the staged repeal process. The review is being coordinated by the Fisheries Legislation Review Group and the Recreational Fisheries Management Unit is providing input on any proposed amendments. Following an initial review, a number of proposed recreational fishing amendments have been identified which are summarised below for the committee's consideration:

- 1) Implementation of consistent marking requirements for identification of recreational set fishing gear (lobster traps, crab traps, hoop nets etc). The marking requirements for recreational fishing gear differ between the various types. It is proposed to introduce one set of standardised gear marking requirements for all gear types.
- 2) Bag limit of 5 for cobia – both the committee and ACoRF have previously recommended the implementation of a specific bag limit for cobia.
- 3) Introduction of an offence for using a chemical substance to take fish – Fisheries Officers have observed people using bleach to poison (immobilise) octopus. Currently there is no offence for people using chemicals to take fish.
- 4) Revision of prawn scoop net restrictions – currently scoop nets can be used to take other fish (e.g. crabs) when targeting prawns. However, fishers in some estuaries, such as Lake Macquarie and Brisbane Waters, specifically target crabs using scoop nets, which is technically unlawful.
- 5) Proposal to permit the use of hauling lines by recreational fishers using hand hauled prawning nets – in Tuggerah Lakes, recreational fishers have historically used hauling lines between the net and a harness around their waist to propel their net while walking forward. These hauling lines are convenient for fishers, especially the elderly.
- 6) Reduction of the penalty of \$200 upon failure to produce the fishing fee receipt to \$50 and removal of the department's policy allowing a 14 day period for fishers to produce a recreational fishing fee receipt.

Other legislative amendments

On 9 November 2006, MERCMAC formally supported an amendment to (clause 311 of) the *Fisheries Management (General) Regulation 2002*, to amend the charter fishing carrying capacity to a minimum of four persons (i.e. 3 passengers and 1 crew) for licensed NSW CFBs that are in appropriate NSW Maritime Authority survey, primarily for business viability reasons. This proposal only relates to a maximum of three licensed NSW charter fishing businesses. The issue was discussed with CFB operators at port meetings in April/May 2008. No dissenting views were expressed and there was generally strong support for this change. This amendment has been drafted by Parliamentary Counsel's Office and will be gazetted in the near future. A letter to all NSW charter fishing boat licence holders will be sent by the department following the commencement of the amended regulation.

For information. No recommendations or actions items.

5. Australian Government's marine bioregional planning process – East Coast Bioregion update

Martin Russell, Liaison Officer, Department of Environment, Water, Heritage and the Arts (now known as Department of Sustainability, Environment, Water, Population and Communities) provided the Committee with an update on the current status of the Australian Government's marine bioregional planning process for the East Coast Bioregion.

The Marine Bioregional Plan will provide strategic guidance for Government decision makers and users by outlining regional conservation values and priorities, spatial information, spatial management plans (including marine reserves/regional networks, and other spatial measures), and administrative guidance (including regional policy statements, and regional guidelines for fisheries assessment). The Australian Government is committed to establish a National Representative System (NRS) of Marine Protected Areas (MPAs) by 2012. The development of the Marine Bioregions provides an opportunity to make progress towards this goal. Areas suitable for inclusion in the NRS of MPAs will be identified during the planning process.

Mr Russell advised the committee that areas for further assessment are to be released in November 2009 and that further consultation will occur. The draft plan for the East Coast Bioregion is currently being developed, and is due for public release in mid 2010. Stakeholders will have the opportunity to make submissions on the draft plan prior to the final plan being released. The final plan is scheduled to be completed by the end of 2010.

Mr Russell plans to produce an update brochure on the status of the planning process. Further information can be obtained from the Department of Sustainability, Environment, Water, Population and Communities website: www.environment.gov.au/coasts/mbp/mpa, or by contacting Martin Russell on 0409 345 017 or email martin.russell@environment.gov.au.

For information. No recommendations or actions items.

6. Structural adjustment and alternate management frameworks for NSW Commercial Fisheries

The NSW commercial fishing industry continues to face significant challenges as a result of changes in access, increasing operational costs, competition from imports, and excess catching capacity. Issues related to industry structure and alternate fishery management regimes have been discussed by industry and were particularly considered during the restricted fishery process, as well as when developing the framework for allocation of shares in the various commercial fisheries. There are many options to promote structural adjustment and/or for alternate management frameworks, each with their own advantages and disadvantages.

The Seafood Industry Advisory Council and its working group on structural adjustment have been working closely with the department to explore ways to effectively address fishery issues and in particular the need for long-term structural adjustment. The Government has indicated support for a restructure of the commercial fishing industry that would make it more viable, and for undertaking legislative changes if necessary.

Doug Ferrell, I&I NSW provided an overview of the structural adjustment and alternate management frameworks for NSW commercial fisheries. The eight main issues included in the reform package are listed below:

1. Create suite of tools to provide for tradeable input and output controls.
2. Provide for initial restructuring with minimum shareholdings and exit grants.
3. Comprehensive review of regulatory requirements and streamlining DPI administrative systems.
4. Review cost recovery.
5. Comprehensive review of fishing closures.
6. Move focus toward risk-based resource management.
7. Initiate an industry development program (increased economic value of product to fishers).
8. Enhanced industry voice to government.

The committee was encouraged to provide advice to I&I NSW on potential areas of the charter fishing sector that could be considered as part of broader structural adjustment and alternate management frameworks discussions.

7. Systems reform project

New catch and effort reporting arrangements for the NSW Commercial fishing industry commenced on 1 July 2009, across all fisheries. The revised reporting arrangements have been developed to address requirements for finer scale (spatial and temporal) information and are expected to provide an improved information base to support fishery management and planning processes, to enable more robust stock assessments to be completed and to contribute to the maintenance of export approvals provided by the Federal Government under the *Environment Protection and Biodiversity Conservation Act 1999*. The revised arrangements also allow for more efficient administration processes and align reporting with the new share management fisheries arrangements, which commenced in February 2007.

I&I NSW staff met with Roland Persson and John Paton (MERCMAC representatives – Sydney region) in September 2009, to commence discussions and ascertain what benefits a similar administrative reform project could offer the NSW charter fishing industry. The department will also address current charter fishing monitoring logbook program issues as part of these discussions.

Peter Brown, I&I NSW, provided the committee with a detailed overview of the current project. This overview initiated formal consultation regarding possible reform options for the NSW charter fishing industry. Discussions identified a desire to streamline charter fishing reporting and administration processes in line with the process being developed for commercial fisheries, where possible, including the possibility for online reporting and online business fee payments.

The Committee expressed support for the general project and encouraged consultation with the broader industry on these issues.

8. Out of session items

Nil

9. Correspondence received

Possession of fishing equipment in Marine Park Sanctuary Zones

Information provided by the Department of Environment, Climate Change and Water (DECCW), in response to a request by ACoRF for clarification of rules relating to the possession of fishing equipment in Marine Park Sanctuary Zones, was distributed to MERCMAC and ACoRF members on 22 September 2009. The committee expressed concern about the difficulty, time and effort involved with rigging/unrigging/re-rigging all lines when moving in and out of sanctuary zones, due to the requirement for all lines to be in an 'unrigged state'. This concern will be forwarded to ACoRF for inclusion in a response to DECCW.

Letter from the Minister to ACoRF regarding the snapper size limit

A copy of the Minister's response to ACoRF was distributed to MERCMAC members at the meeting, for information. The committee reiterated support for an increase in the minimum legal length for snapper and was advised that consultation with the commercial sector is continuing.

10. Other business

MERCMAC election results - Following the formal nomination and election process conducted by the Electoral Commission NSW, Peter Bolic was elected unopposed to continue as the Far North Coast (Region 1) representative. Scott Thorrington (Central Coast – Region 3) was elected to replace Jim Booth. John Paton was elected unopposed to replace Peter Sayre as a Sydney Metropolitan (Region 4) representative. No nominations were received for the Mid South Coast (Region 6) position.

Marine habitat (seabed) mapping

Marine Habitat Mapping Project Workshops were held in Port Stephens and Sydney in late August 2009. A copy of the workshop executive summary was provided to members for information. Dr Alan Jordan advised the Department that the final reports on the project are being prepared. There will be two main technical reports:

- I&I NSW report detailing the mapping of aquatic macrophytes in NSW estuaries and rocky reefs and shorelines in the central NSW region; and
- DECCW report detailing the mapping of seabed habitats on the continental shelf of NSW.

These two layers of information have been combined to produce a statewide 1:25,000 seabed map series. There are also a number of technical reviews, factsheets and presentations being produced. This material is scheduled to be available on the OzCoasts website by mid November 2009 (<http://www.ozcoasts.org.au/>). There will also be some material available on the I&I NSW website.

Developing Research & Development to meet Industry's needs - a new Fisheries Research and Development Corporation (FRDC) project, linking Industry (and community) Research, Development and Extension (R,D&E)

Chris Calogeras, C-AID Consultants, and Dr Ian Knuckey, Fishwell Consulting, are undertaking a FRDC funded project titled: "Empowering Industry R&D: Developing an Industry driven R&D model for the Australian fishing and seafood Industry - partnerships to improve efficiency, profitability and performance (FRDC Project#2009/300)" and are looking to get ideas about what industry wants from RD&E, especially those ideas that will improve the 'value' of industry to the various sectors and the community as a whole.

As part of the project, a series of workshops are being held around Australia in all the capital cities and a number of regional centres. Separate workshops will be held with those involved in the commercial industry, the recreational sector and indigenous groups to gain an insight into what each sector sees as their key RD&E needs to increase or improve the 'value' of their sector.

These RD&E needs will form the basis of a series of projects that are to be developed through this program. Industry project concepts or ideas, R&D providers and potential funding sources will be linked through an easy to use website to allow projects to be developed in partnership between those involved. Summary information about the project and proposed workshops was distributed at the meeting. Further details can be found at:

<http://www.fishwell.com.au/Empowering/empoweringindustry.aspx>

Safety Management System

The committee was informed of the development of the department's Safety Management System (SMS) for all watercraft operations, involving the development of a risk management framework approved by NSW Maritime.

Action item: John Paton offered to seek further clarification from the Commercial Vessels Association regarding public liability and insurance cover of any damages made to vessels and/or passengers/crew when Fisheries Officers approach/board a vessel.

New fishing rules in Western Australia

In July 2009, the Western Australian Government announced significant new rules to protect the state's most popular recreational fisheries, including new licences and further restrictions. A copy of the Ministerial press release was distributed at the meeting.

Code of practice for fishing events

Information on the I&I NSW Code of Practice for Fishing Events in NSW was distributed to members. Recreational fishing representatives and I&I NSW developed the Code of Practice to encourage all fishing event organisers and participants to operate in a safe, environmentally and socially responsible way.

11. Proposed meeting dates for 2010

Regional Port Meetings will be held in early 2010 (March/April proposed - dates to be confirmed).