

**Lobster Management Advisory Committee Meeting  
Final MINUTES and OUTCOMES  
Thursday 16 November 2006  
Cronulla Fisheries Centre**

Agenda Item	Outcome	Action Item	Time	Responsibility
	The Committee recommended that Mr Ron Firkin undertake the role of Chairperson for this meeting noting that appointment of an Independent Chair to the Lobster MAC is to be finalised.			
	<p><b>Welcomes and Apologies</b> The Chairperson welcomed all members and observers to the meeting.</p> <p><u>Welcome</u> Ian North – Industry observer</p> <p><u>Apology</u> Dianna Watkins – NSW DPI</p>			
	<p><b>Agreement on Agenda for 16 November 2006</b> The Committee agreed on the agenda for 16 November 2006.</p> <p>It was agreed that Agenda item 3 be discussed first due to industry observer attending the meeting.</p>			
	<p><b>Confirmation of draft outcomes of the 21 March 2006</b> Confirmed as a true and accurate record of the meeting.</p>			
	<p><b>Correspondence received and sent</b> Noted</p>			

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1	<p><b>Business arising from the minutes</b> The Committee recommended that additional background information be included in draft outcomes providing fishers context of issues discussed. The Committee also recommended that this document be referred to as minutes of the meeting rather than outcomes only.</p> <p><b>Action Items</b> Marine Parks update – A verbal update on both the Batemans and Port Stephens-Great Lakes Marine Parks, the consultation process and finalisation of zoning plans was provided by the Department. The Committee raised concerns regarding the buyout process. The Committee questioned the five-year restriction being applied to commercial fishing entitlements acquired after the date the deed was signed and if it would apply to the lobster fishery and any additional shares acquired.</p> <p>The Committee also sought advice on the marine park buyout process in relation to fishing boat licences. Where a fishing boat licence is used by a fisher for both OTL and lobster fishing and that fisher is participating in the buyout for the OTL component, are they able to retain the boat licences with a history in the lobster fishery.</p> <p><b>Previous meetings</b> A number of items have been completed.</p>	<p>The Department to clarify the application of the five year restriction in relation to the lobster fishery.</p> <p>The Department to provide advice on fishers retaining boats for use in the lobster fishery after participating in the Marine Park buyout process.</p>		<p>NSW DPI</p> <p>NSW DPI</p>
2	<p><b>Maximum Size Limit Review</b></p> <p><u>Background:</u> Following the reduction to the maximum size limit, DPI confirmed that the maximum size limit is subject to ongoing review, having regard to</p>			

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	<p>stock status and any variation to the total allowable catch (TAC) as determined by the Total Allowable Catch Setting and Review Committee (TAC Committee).</p> <p>In their Report and Determination for 2006/07 the TAC Committee noted that ensuring the ongoing health of the spawning stock should continue to be given high priority in the process of determining the TAC.</p> <p>Given that the TAC this year was set taking into account existing management arrangements, including a maximum size limit of 180mmCL, the Department recommended no change to the maximum size limit for eastern rock lobster for the 2006/07 fishing period.</p> <p><u>Outcomes:</u></p> <p>LobMAC support the recommendation that there be no change to the max size limit of 180mmCL for 2006/07.</p>			
3	<p><b>Concerns regarding the use of 50 gram weights on trap ropes.</b></p> <p><u>Background:</u></p> <p>Industry has raised concerns regarding the setting of lobster traps in waters less than 10 metres depth, specifically the requirement to have trap ropes weighted and the potential health and safety risks to fishers. Wild Harvest Fisheries has received reports that some fishers are currently not using weights due to safety concerns. The <i>Fisheries Management (Lobster Share Management Plan) Regulation 2000</i> (the Plan) currently requires a weight, not less than 50 grams, suspended not less than 1.5 metres under the float (marking the position of the trap) so that no rope is floating on the surface of the water. Floating ropes present a navigation hazard and endanger other water users.</p>	<p>LobMAC industry members to consult with shareholders to provide solutions or recommendations to ensure the intent of Regulation, that is, no floating rope, without prescribing the use of weights on trap ropes.</p> <p>Advice to be provided within 2 weeks.</p>		LobMAC industry members

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	<p><u>Outcomes:</u> There are a number of reported incidents resulting from the use of weights on trap ropes, causing danger to fishers and potential loss of boats.</p> <p>The intent of the current Regulation was to remove the potential navigation hazard resulting from floating rope. At the time of drafting the Regulation, the Department received a number of submissions from boating industry stakeholders and the (now) NSW Maritime raising this issue.</p> <p>Removal of the requirement to have weights on trap ropes may be considered providing the intent of the Regulation, to mitigate navigation hazard, is maintained.</p> <p><b>Measuring lobsters</b></p> <p>Due to recent confusion regarding the measuring of lobsters, the Departmental compliance representative advised the Committee the correct way, and further noted that the plastic measurer, provided by the Department to recreational fishers is an advisory tool targeted at the recreational sector. Commercial fishers should be using more suitable measuring tools such as stainless steel callipers.</p>			
4	<p><b>Marking of Traps</b></p> <p><u>Background:</u> The <i>Fisheries Management (Lobster Share Management Plan) Regulation 2000</i> currently requires that the position of a commercial lobster trap is indicated by a buoy which displays the number allocated</p>			

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	<p>by the Department to the endorsement holder. This requirement is ambiguous, and fishers may currently be using their licensed fishing boat, fishing business, or fishing licence numbers.</p> <p><u>Outcomes:</u></p> <p>The Committee advised that most lobster fishers currently use LFB numbers. To change to a different identifier, for example the FB number, may be logistically hard due to long working life of floats. The Departmental compliance representative noted that it is critical that they can identify quickly and easily that the right person is using the right gear.</p> <p>The Department advised that with proposed licensing arrangements, introduction of fishing business cards and increased flexibility in the transferring LFBs between fishers, the FB number is likely to be the most constant identifier.</p> <p>It was recommended that the Department consider including the LFB associated with a FB on the fishing business card.</p> <p>The Committee agreed to consider the issue further pending the finalisation of licensing arrangements, also noting that changing the identifier may require an extensive phase in time.</p> <p>The Committee proposed preference for using LFB or otherwise FB numbers to display on marking buoys / floats.</p>			
5	<p><b>Proposed changes to licensing arrangements</b></p> <p><u>Background:</u></p> <p>Individual share management plans are currently being prepared for each of the new category 1 share management fisheries. A number of</p>			

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	<p>changes, especially relating to licensing matters, are required that go across all fisheries including the lobster fishery. These changes will be made either through an amendment to the <i>Fisheries Management (General) Regulation 2002</i> or through the Share Management Fisheries Supporting Plan.</p> <p><u>Outcomes:</u> An outline of the proposed changes was provided, including proposed changes to fisher nomination administrative process.</p> <p>A number of issues were identified for the lobster fishery if increased flexibility of the nomination process is adopted, including quota reporting, reconciliation and marking of traps.</p>			
6	<p><b>Review of various provisions of the Lobster SMP</b></p> <p><u>Background:</u> The process of amending the share management plan to incorporate changes necessary to accommodate new licensing arrangements has also created an opportunity to review and potentially streamline a number of arrangements applicable to the lobster fishery. Further changes will also be necessary in the future to implement outcomes of the Fishery Management Strategy; however these will be discussed at a later date.</p> <p>The following issues were raised for the Committee's consideration:</p> <p>Consideration is being given to require endorsement holders to validate lobster catch prior to placing lobsters in holding pens, and to provide more specific details in relation to pen location.</p>			

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	<p>Due to the current wording of clause 17 of the plan, a fisher can currently take lobster in one season and not land/validate the same lobsters til the following season – essentially carrying quota over between seasons. It is suggested that a new clause should be inserted to provide that the validated weight of a catch comes off the quota of the season in which it is validated, regardless of when it is taken.</p> <p>It is also suggested that provision is required to allow small quantities of catch taken in excess of the annual quota allocation to be deducted from the following year's allocation in situations where prosecution is not warranted</p> <p>The Departmental compliance representative sought the Committee's advice regarding a proposal to change the time in which an endorsement holder must submit their daily log sheets, from 7 days to 24 hours. The Committee were also advised that there is currently an application being submitted for Treasury funds to review the Department's catch reporting system.</p> <p><u>Outcomes:</u> Pen locations – The Committee supported the proposal to require fishers to provide more specific details in relation to pen location (GPS marks or at least a more accurate position description).</p> <p>Validation of penned lobsters – The Committee supported the requirement to have lobster weight validated prior to penning (either at sea or landing and return to pen).</p>			

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	<p>Excess of quota - In situations where prosecution is not warranted the Committee supported developing a provision to allow small quantities of excess catch to be deducted from following year's quota allocation.</p> <p>Catch reporting - The Committee were concerned that not all fishers have the facility to submit daily log sheets within 24 hours, for example own a fax or access to a co-op fax. The Committee also noted that additional time and cost to fishers to post daily log sheets each day.</p> <p>The Committee proposed that other technology (mobile phones / pagers etc) be investigated, that allows weight reporting in short time frame. The Committee recommended an application for government funds to review the catch reporting system.</p>	<p>Department to advise fishers that they may fax a copy of daily log sheets and post originals.</p>		<p>NSW DPI</p>
7	<p><b>Update on protection zones</b></p> <p><u>Background:</u> The Australian Communications and Media Authority (ACMA) has developed proposals for protection zones over two submarine cables off Sydney beaches. Within both protection zones, ACMA proposes to prohibit or impose restrictions on activities, including commercial fishing operations that involve a risk of damaging the cables. Industry representatives have met with the ACMA to discuss the proposed restrictions on commercial fishing, including lobster trapping, to minimise the impact of the protection zones.</p> <p>Following initial proposals to prohibit or impose restrictions on certain commercial fishing methods, including lobster trapping, in protection zones, the Department and industry members have been consulting with</p>			

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	<p>ACMA to minimise the impacts of the protection zones on commercial fishing activities whilst minimising risk of damaging cables. A draft code of practice for trapping operations within the protection zone was prepared by the industry representative of the Protection Zone Advisory Committee (PZAC) and was tabled for the Committee's advice.</p> <p><u>Outcomes:</u> The Committee endorsed the draft code of practice for trapping in the protection zones.</p>	<p>Department to advise industry representative for PZAC of LobMAC endorsement</p>		<p>NSW DPI</p>
<p>8</p>	<p><b>MAC Chairmanship</b></p> <p><u>Background:</u> Pending necessary approvals, an independent chairperson will be appointed to the Lobster Management Advisory Committee. Industry members of the Committee support the continuation of the current Industry Chairperson, Ron Firkin.</p> <p><u>Outcomes:</u> The Committee noted the success of the current arrangement including the benefit of having the knowledge and experience of an Industry Chairperson.</p> <p>Industry Committee members strongly oppose the use of an independent chair for this Committee and have made representations to the Minister (two letters tabled). Issues raised include the additional cost of using an independent Chair. Noting in particular the amount of 'out of session' work currently being undertaken by the Industry Chair.</p> <p>The Committee were disappointed that they did not receive formal</p>	<p>LobMAC to prepare a letter requesting continuation of industry chair</p>		<p>LobMAC industry members</p>

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	<p>notification that the Industry Chair was to be replaced, believing it should have been handled better. Industry Committee members objected that the Committee did not have input into the selection of the Independent Chair.</p> <p>The NCC representative supports the principle of an Independent Chair, and believes the Committee should not disregard the concept for the future. The NCC representative noted that this Committee has been fortunate to have operated successfully under the current Industry Chair. However, this may not always be the case as things change, including Committee membership.</p>			
9	<p><b>Departmental Update</b></p> <p><u>Management</u> The Committee were advised that there are currently 135 shareholders in the fishery. Those with a shareholding of less than 55 shares have reduced to 34. The total catch for the current fishing period (2006/07) is approximately 46 tonnes (as at 14 November 2006).</p> <p><u>Research</u> The Committee were advised that the total catch for 2005/2006 fishing period was 96 tonnes. Additional logbook analysis to still to be undertaken.</p> <p>Given the preliminary results from the pilot study on ghost fishing in the NSW lobster fishery and the priority for research given to this issue as part of the environmental impact assessment and resultant State and</p>			

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	<p>Commonwealth approvals, the Department has submitted a research proposal to the Fisheries Research and Development Corporation for funding.</p> <p>Some Industry Committee members were opposed to the application for funding for the research proposal, believing that results do not conclude that ghost fishing is a major issue. An Industry Committee member reported he had been in contact with the Executive Director of FRDC advising of his opposition to the research proposal.</p> <p>It was agreed there are other potential research projects that are more worthwhile, for example further information relating to the spawning stock of lobsters. The Committee are concerned that applying for funding for this research proposal, it will exclude more potential funding for 'important' projects.</p> <p>Industry Committee members suggest solutions may already exist to overcome any identified ghost fishing problem in the fishery, for example the use of traps without anodes on doors to reduce the hazard life of traps.</p> <p>The NCC representative noted that ghost fishing is an important issue generally. The Committee has been provided with results from a preliminary survey concluding that ghost fishing in the NSW lobster fishery may be significant concern. The Committee cannot justify not supporting further research if there appears to be a significant stock mortality as determined from the pilot study.</p> <p>It was agreed that the fishery may need to formally collect data on trap</p>	<p>The Committee to write to the Department's Chief Scientist to identify further research relating to the spawning stock of lobster as a high priority.</p>		<p>Chairperson</p>

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	<p>loss and retrieval (through the existing log book program) in order to demonstrate that ghost fishing is not a major issue in this fishery.</p> <p>The Departmental research representative requested support or letter of endorsement for the research proposal. NCC, recreational and 2 industry representatives endorsed the research proposal. Motion carried</p> <p><u>Compliance Update</u> The Committee were provided with an update of compliance operations and outcomes including convictions resulting in share forfeiture.</p> <p><u>SIAC Update</u> Following re-election to the Lobster MAC, Ron Firkin has been re-appointed as SIAC representative for the Committee. The Committee were advised that the next SIAC meeting will be held on 1 December 2006 primarily to discuss share management implementation.</p>	<p>The Committee to write to Executive Director for FRDC endorsing the research proposal 'Study of ghost fishing in the NSW lobster fishery'.</p>		<p>Chaiperson</p>
10	<p><b>Quantifying the unreported and recreational catch of lobsters in NSW</b></p> <p><u>Background:</u> There is concern that approximately 30 per cent of the total allowable catch determined for eastern rock lobster in NSW is attributed to unreported and recreational catches. Industry believes there is a need to quantify the actual unreported catch in the fishery due to its impact on the resulting total allowable commercial catch for the fishery, and financial impact it is having on shareholders.</p> <p><u>Outcomes:</u></p>			

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	<p>The Committee questioned how to accurately determine or prove the extent of unreported catch in the fishery. It was noted that industry and public awareness of illegal activity in the fishery is increasing and therefore the level of unreported catch may have dropped. Current estimates of unreported catch used in the TAC setting process may need to be updated.</p> <p>The Committee were advised that adjustment to current estimates used in the TAC setting process need to be sourced from a statistically valid survey, something the TAC Committee can rely upon in their determination.</p> <p>In addition to unreported catch, the Committee believe a better estimate of recreational catch is also required, or at the least a better indication of activity. The Committee suggested that during updates to recreational licence system, a facility to nominate methods (diving, handline, spear fishing etc) or target species may be included.</p> <p>The Committee were advised that a representative figure regarding activity level may be sourced from compliance reporting during routine inspections.</p> <p>The Committee again raised the issue of introducing recreational tags or tail clipping to identify recreational caught lobsters.</p>	<p>The Committee to draft a proposal to RFSTEC to seek funds to better quantify recreational catch.</p> <p>Departmental research representative to provide guidance on what type of survey may be used and costing.</p>		<p>Chairperson</p> <p>NSW DPI</p>
11	<p><b>Availability of Quota</b></p> <p><u>Background:</u> Industry representatives have identified a need for industry to know where quota is available to lease and shares to buy due to the</p>			

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	<p>increasing difficulty fishers are having in locating and contacting other fishers wanting to either sell or buy quota and/or shares.</p> <p><u>Outcomes:</u> The Committee are concerned that there is no official avenue to source quota to lease, or shares to purchase. The Department advised of the RIC newsletter, a quarterly industry newsletter that may be avenue for advertising.</p> <p>The Committee recommended that shareholders be invited to list their name and contact details with the Department, to be made available upon request to other shareholders requiring quota or shares. The Department advised they would need to seek formal permission from individuals to release contact information.</p>	<p>Department to explore possible options in response to the Committee's suggestion, including any associated privacy provisions and resource requirements.</p>		<p>NSW DPI</p>
<p>12</p>	<p><b>Other Business</b></p> <p><u>Recreational EIS</u> An update on the environmental impact assessment process for the recreational fishery was requested.</p> <p><u>Shareholder and endorsement holder offences</u> The Committee noted it considered it hard if a shareholder was punished due to the actions of his/her nominated fisher. The Department advised that shareholders must ensure the nominated fisher is made aware of the obligations under legislation that they are required to comply.</p>	<p>Department to provide an update at the next meeting.</p>		<p>NSW DPI</p>

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	<p><b><u>2006 / 07 Management Charge</u></b> The Committee noted it was unacceptable that there has been no advice relating to the 2006/07 management charge.</p>			
13	<p><b>Chairperson summary and next meeting date</b></p>			

