

**LOBSTER MANAGEMENT ADVISORY COMMITTEE (LOBMAC) MEETING
FINAL AGENDA**

**30 September 2009
8:30 AM to 4:00 PM
2nd Meeting for 2009
Cronulla Fisheries Centre
202 Nicholson Parade, Cronulla**

Ref: OUT09/12369
F09/6047

Chairperson

Mr Alan Dodds

Management Advisory Committee Representatives

Noel Gogerly	Industry Representative
Lee Monin	Industry Representative
Daniel Stewart	Industry Representative
Scott Westley	Industry Representative
Peter Offner	Industry Representative
Oliver Wady	Recreational Representative
Nathan McNamara	NSW Department of Industry and Investment (I&I NSW)
Vacant	Indigenous Representative

Observers

Ron Firkin	Lobster Shareholder
Geoff Liggins	I&I NSW: Research
Robert Peever	I&I NSW: Compliance
Darryl Sullings	I&I NSW: Management

**LOBMAC FINAL AGENDA
30 September 2009**

Agenda items	Responsibility
1. (a) Welcome, Apologies and Introductory remarks (b) Agreement on Agenda for 30 September 2009 (c) Confirmation of final draft minutes of 30 March 2009	Chairperson
2. Correspondence received and sent	Chairperson
3. Business arising from previous meetings	Chairperson
4. Update on the Bioregional Planning process	DEWHA
5. SIAC nomination	I&I NSW
6. Commercial Fisheries Structural Adjustment (CFSA): Systems Reform	I&I NSW
7. Recommendations from the 2009/2010 TAC Committee determination	Industry/I&I NSW
8. Trap operations	I&I NSW
9. Research and Monitoring – Strategic Plan and Project Proposals	I&I NSW
10. Updates: (a) Research (b) Management (c) Compliance (d) Industry	Research, Management, Compliance, and Committee Representatives
11. Other business	Chairperson
12. Chairperson's Summary	Chairperson

Appendices

1.	Final draft outcomes from the 30 March 2009 LobMAC meeting
2.	Lobster FMS table update

Agenda Item 1 (a)**Chairperson**

Welcome, Apologies and Introductory remarks

Background

The Chairperson welcomes all the representatives and observers to the second LobMAC meeting for 2009. Apologies have been received from the conservation representative, Dr Arthur Dye.

Nomination processes

In July 2009, the nomination process for two LobMAC industry representative positions was undertaken, as these positions became vacant on 31 August 2009. Mr Peter Offner has been appointed as a new industry representative and Mr Noel Gogerly has been re-appointed for a further three years.

The LobMAC would like to acknowledge the contribution of the outgoing industry representative, Mr Ron Firkin, during his years of service representing the lobster fishing industry on the LobMAC and SIAC.

Outcomes**Agenda Item 1 (b)****Chairperson****Issue**

Agreement on Agenda for 30 September 2009

Background

A notice of the meeting and call for agenda items was circulated to Committee members, Fisherman's Co-operatives and Coastal Fisheries Offices on 25 August 2009.

A draft agenda was sent to all Committee members, Fisherman's Co-operatives and Coastal Fisheries Offices on 24 September 2009. Additional items may be proposed for discussion during other business, subject to approval by the Chairperson.

Outcomes**Agenda Item 1 (c)****Chairperson****Issue**

Confirmation of final minutes of 30 March 2009.

Background

Draft outcomes of the LobMAC meeting held on the 30 March 2009 were circulated to Committee members on 14 April 2009 for comment. No comments or changes were received from Committee members on the draft outcomes.

The final draft outcomes are placed in Appendix A.

Outcomes

Agenda Item 2**Chairperson****Issue**

Correspondence received and sent

Background

All LobMAC correspondence received and sent since the last LobMAC meeting held in March 2009.

Correspondence Received and Sent

Date	From	Issue	To
April 2009	LobMAC Chairperson	Chairperson Report from the 30 March 2009 LobMAC meeting	Ian Macdonald, Minister for Primary Industries
6/05/2008	Nathan McNamara, NSW DPI	Smart gear competition details	LobMAC Members
7/05/2009	NSW DPI	Cultural Fishing Consultation	LobMAC Members
11/05/2009	NSW DPI, Industry Development	Grants for the seafood industry	LobMAC Members
21/05/2009	Nathan McNamara, NSW DPI	LobMAC out of session agenda item - Draft budget	LobMAC Members
28/05/2009	Nathan McNamara, NSW DPI	AFMA quota board	LobMAC Members
29/05/2009	Nathan McNamara, NSW DPI	Southern Lobster article	LobMAC Members
2/06/2009	Nathan McNamara, NSW DPI	OOS - 2009/10 Budget	LobMAC Members
4/06/2009	Ian Macdonald, Minister for Primary Industries	Ministerial Correspondence	Chairperson LobMAC
9/06/2009	Nathan McNamara, NSW DPI	Chairpersons report and Ministerial letter	LobMAC Members
10/06/2009	Nathan McNamara, NSW DPI	East Marine Bioregional Plan	LobMAC Members
24/06/2009	NSW DPI, Fisheries Resource Mngt	Review of the structural adjustment in the commercial fishing industry	LobMAC Members
30/06/2009	Nathan McNamara, NSW DPI	Final Lobster Report and Determination 2009/10 Public Version	LobMAC Members
10/07/2009	Nathan McNamara, I&I NSW	Lobster TAC Report & Determination	LobMAC Members
3/08/2009	Nathan McNamara, I&I NSW	EMR Regional Assessment Workshop	LobMAC Members
13/08/2009	Nathan McNamara, I&I NSW	Catch reporting legislation	LobMAC Members
13/08/2009	Nathan McNamara, I&I NSW	Media Announcement re recent lobster busts	LobMAC Members
17/08/2009	Nathan McNamara, I&I NSW	Lobster beach price information from the SFM	LobMAC Members

Outcomes

For noting

Agenda Item 3

Chairperson

Issue Business arising from previous meetings

Action	Date Raised	Responsibility	Status
1. I&I NSW to amend Lobster Share Management Plan to include revised objectives, Performance Indicators and Trigger points, as well as the transmission of shares and maximum shareholding aggregation limit (to 40%). Proposed Regulation Amendments – objectives, performance indicators and trigger points in LobSMP to be considered out of session.	28 March 07 27 Feb 08	I&I NSW I&I NSW/LobMAC	Drafting instructions have been prepared.
2. LobMAC to consult with shareholders with the aim of mapping grounds. LobMAC and /or shareholders to develop communication lines with local Trawl Operators to resolve conflict issues regarding habitat protection and the impacts of trawling.	27 Feb 08	LobMAC	In progress
3. I&I NSW to investigate the establishment of a public register of shareholders' quota allocations, including any legal, logistics and costing issues that might arise in making such information public.	30 March 2009	I&I NSW	I&I NSW is preparing a system as part the 2 nd stage of the catch reform project (online reporting and trading). This system is scheduled to commence on 1 July 2010. Refer to Agenda item 5
4. I&I NSW Research to provide LobMAC with options for alternate research programs (including estimated costs)	30 March 2009	I&I NSW Research	Refer to research update.
5. I&I NSW to provide a background paper on the exemption to the minimum shareholding (55) for an endorsement provision.	30 March 2009	I&I NSW Management	Agenda item 7
6. LobMAC to request direction from the TAC Committee on the information necessary for effective economic assessment.	30 March 2009	LobMAC representatives	Complete. The TAC Committee has provided advice in its 2009/10 TAC Committee report with regard to the necessity of fishery economics.
7. I&I NSW Compliance to consider the proposal for the use of a tag as an alternative trap marking arrangement.	30 March 2009	I&I NSW Compliance	Refer to Compliance update

8. I&I NSW pursue 'eco' labelled tags for the second order of the 2009/10 season	30 March 2009	I&I NSW Management	Completed. Lobster tags for the second print will have a 'sustainable wild harvest' logo printed on the reverse side of the tags.
9. I&I NSW urgently review the proposal of the monitoring of onshore lobsters under the catch reforms project	30 March 2009	I&I NSW	Completed. New logbooks have been amended to reflect industries concern regarding onshore monitoring.
10. LobMAC to pursue meetings with local Ports Authority to discuss the pathways of large cargo vessels entering their respective ports	30 March 2009	LobMAC representatives	
11. LobMAC Chairperson to write to DECC regarding their consultation processes with LobMAC on development and reviews of marine parks.	30 March 2009	LobMAC Chairperson	

Agenda Item 4

DEWHA

Issue

An update on the Bioregional Planning process

Background

The Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA) develops and implements national policy, programs and legislation to protect and conserve Australia's environment and heritage.

The Australian Government manages an estate of marine protected areas (MPA) that are Commonwealth reserves under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Australia's governments are working together to set up a National Representative System of Marine Protected Areas. The system aims to contribute to the long-term ecological viability of marine and estuarine systems, to maintain ecological processes and systems, and to protect Australia's biological diversity at all levels. Ultimately the goal of the NRSMPA is to protect marine areas that represent all major ecological regions and the communities of plants and animals they contain.

An update on the East Bioregional Planning process will be provided by Mr Phil Boxall, the Director of the Temperate East Marine Conservation section of DEWHA.

Outcomes

Agenda Item 5

I&I NSW

Issue

Nomination of lobster fishery representative on the Seafood Industry Advisory Council and SIAC update

Background

The lobster fishery representative position on SIAC is current vacant and the LobMAC is invited to nominate two industry members for the Ministers consideration, to fill the vacant position.

It should be noted that the next SIAC meeting has been scheduled for 28 October 2009, primarily to discuss the outcomes from the recent port meetings facilitated by SIAC representatives on the structural adjustment (Pymont pact) of NSW commercial fisheries.

Outcomes

Issue

Commercial Fisheries Structural Adjustment (CFSA): Systems Reform

Background

The CFSA Systems Reform Year 1 project is the first phase of a three year program to build and implement systems to support a suite of reforms to the administration of commercial fisheries in NSW. The broader business objectives of the project are to:

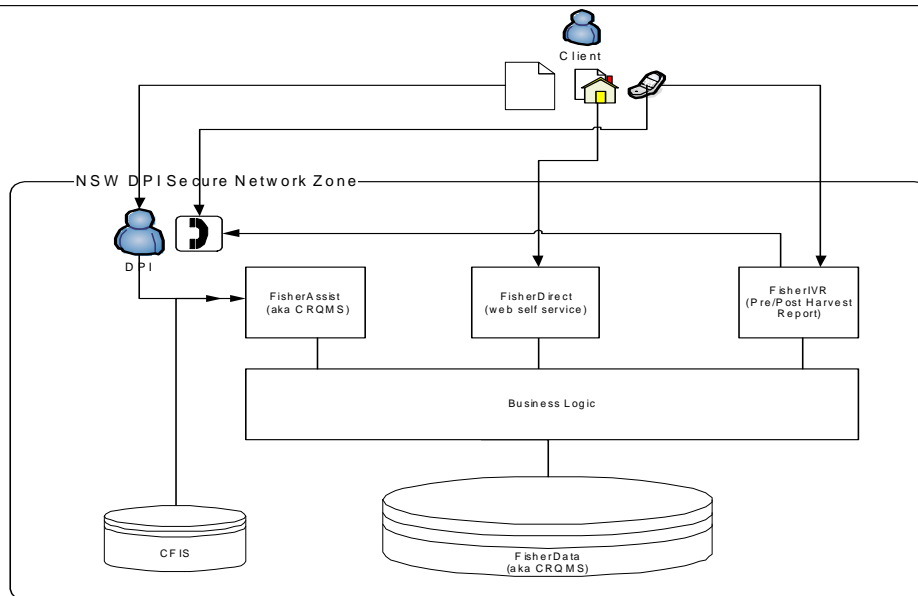
1. Allow commercial fishing industry stakeholders to complete quota transfer and catch and effort reporting transactions online without recourse to I&I NSW staff resources.
2. Maintain and/or enhance I&I NSW’s ability to protect the integrity of quota management and catch and effort reporting arrangements.
3. Provide for expanded use of share management tools to be applied without significant additional administrative expense.
4. Reduce catch and effort system data entry costs.
5. Clearly identify streamlined administrative arrangements to be applied in the future across the full range of commercial fisheries activities including the Charter Boat Fishery that take advantage of the newly established online self service capability to reduce costs and improve services to the commercial fishing industry.

The specific objectives of the CFSA Systems Reform Year 1 project are:

1. Provision of a commercial fishers online self service system to be known as **FisherDirect** that is used by external clients and supports quota transfers and catch and effort reporting and that is extensible to other transaction types in the future.
2. Provision of an Interactive Voice Response (IVR) system to be known as **FisherIVR** that support pre-fishing and pre/post commercial fishing and landing reports.
3. Expansion and enhancement of the existing CRQMS system to be known as **FisherAssist** that is used by I&I NSW staff to provide assisted service to clients and to manage the overall system.

The suite of applications developed under this project will be generically known as **FishOnline**. The following diagram illustrates the conceptual architecture for the system.

FishOnline
Conceptual Architecture



Outcomes

Issue

Recommendations from the 2009/2010 TAC Committee report and determination

Background

In its annual report and determination, in addition to setting the TAC for the fishery, the TAC Committee often makes suggestions and recommendations on management of the fishery. Many of the recommendations in the TAC report require action and the TAC Committee made a recommendation that *“an additional LobMAC meeting be held following the TAC determination would allow discussion of the TAC and the associated rationale, and recommendations made by the Committee.”*

Below are TAC Committee’s recent recommendations for discussion.

- *The Committee recommends that DPI assess the options for providing more timely information on the availability of quota for lease.*

See discussion on Commercial Fisheries Structural Adjustment: Systems Reform for information on online self-service transactions and reporting which may assist in gathering this information.

- *The Committee notes that the number of licence holders in this category has reduced substantially over recent years but continues to be of the view that the exception to the 55 share minimum be removed.*

In its 2008/09 report and determination, the TAC Committee recommended removing the “original shareholder” exemption to the minimum shareholding of 55, because it could potentially lead to greater economic efficiencies and reduce compliance/management costs for the fishery. Furthermore, management response 5.1(a) of the Lobster FMS requires the investigation of this issue.

The current share trading rules allow for existing shareholders to customise their fishing business that best suits their needs and enables the fishery to restructure with minimal impact on the viability and fishing practices of current participants. As at February 2009, the total number of shareholders in the fishery has decreased from 174 on commencement of the Plan to 109. Currently, 15 of the 18 shareholders who hold below 55 shares are eligible for an endorsement, 12 of whom reported fishing in 2008/09. This is a substantial change from the 2001/02 fishing period when approximately half of the 174 shareholders in the fishery held less than 55 shares and fished their endorsement.

The below figure indicates that restructuring of the fishery is occurring under the current arrangements. Further, the percentage of reported take by shareholders holding less than the minimum shareholding has reduced to less than 5% of the total reported harvest.

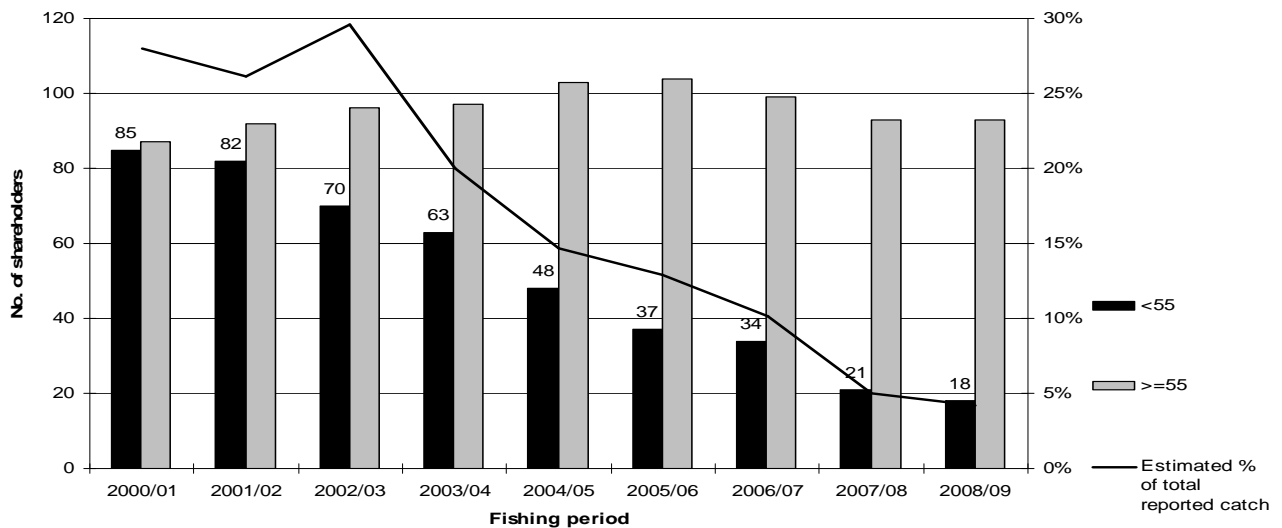


Figure 1. Number of shareholders holding below the minimum shareholding (black column), the number of shareholders holding at or above the minimum shareholding (grey column) and the estimated percentage of harvest by shareholders holding below the minimum shareholding (black line).

Advice is sought from LobMAC on this issue considering the financial impacts on shareholders and the potential for undesirable effort shifts into other fisheries.

It should be noted that at this stage, no information is available that indicates a substantial reduction in management or compliance costs would result from altering the current minimum share holding arrangements.

- *The Committee continues to recommend that DPI and the industry look to refining landing and reporting requirements that could lead to a reduction in over-quota fishing and the concomitant benefit to the commercial sector in TAC setting process. LobMAC could take a lead role in this.*

See discussion on Commercial Fisheries Structural Adjustment: Systems Reform for information on IVR reporting options.

- *The Committee acknowledges the difficulty that DPI has in obtaining precise information on the extent of the recreational catch of lobsters. Improved reporting arrangements by compliance staff should provide valuable information on trends that may be occurring with the recreational catch. The Committee recommends that the development of this data series and analysis of information from the survey of recreational fishers should continue to be a priority.*

For discussion by LobMAC

- *The Committee recommends that DPI and industry work to develop a harvest strategy, including target reference points relating to maximising economic yield, to provide guidance on TACC decisions in relation to stock rebuilding.*

For discussion by LobMAC

- *The Committee recommends that the Department make efforts to gather price information for quota/leasing values and that this information is placed on the public record to the extent that privacy concerns permit.*

- *The Committee recommends that, as an important integral part of the information required by the TAC Committee, a time series of economic data, including prices, revenue, in real and nominal terms be established, and provided to the TAC Committee on an annual basis.*

See discussion on Commercial Fisheries Structural Adjustment: Systems Reform for information on online self-service transactions and reporting.

Currently, I&I NSW monitors basic economic data derived from share and quota transfers and the average price paid for Eastern Rock Lobster at the Sydney Fish Markets. It should be noted that the quota transfer price is provided on a voluntary basis. For the 2008/09 fishing period, the price for quota being traded has ranged between \$18 - \$20, however only 26% of all processed quota transfers have included price information.

I&I NSW will be seeking advice from LobMAC on options to collect economic information for a further study subject to the availability of funding.

- *The Committee recommends that the Department and Industry continue to work together, through LobMAC to investigate the issue of spatial management measures to address the impact of trawling on previously untrawled areas of rock lobster habitat.*

A gentlemen's agreement between fishers at the port level has previously been utilised to reduce conflict, with minimal Government involvement. A number of other measures including limits on chain size and bobbin gear are also in place to prevent the use of trawl gear over rough ground.

Issue

Trap operations

Background*i) Trap weights on ropes*

Under current legislation, a rope attached to a lobster trap must contain a *weight of not less than 50 grams suspended not less than 1.5 metres under the float so that no rope is floating on the surface of the water*. Recent compliance operations have identified lobster fishers utilising head gear without a weight and with excess floating rope. The intent of the current head gear rules is to minimise boating hazards and reduce the likelihood of entanglement with surfers/swimmers and other marine life.

ii) Trap operations

Recent operations from compliance have identified that a number of lobster endorsement holders are using lobster traps to target fish, most likely to avoid the escape panel requirements (50mm X 75mm) in the OTL fishery.

Recently, I&I NSW advised OTLMAC that the Lobster fishery is funding, through the annual management charge, an observer program on lobster fishing practices. This program is identified as a high priority under the Lobster FMS (management response 1.2b) and aims at collecting information on the magnitude and composition of retained and discarded catches from lobster trapping operations.

Outcomes**Issue**

Research and Monitoring – Strategic Plan and Project Proposals

Background

The plan for research and monitoring during the current quota year (2009-10) includes:

1. Analysis of logbook catch and effort data;
2. Completion of the 2-year observer survey of the catch and by-catch of the commercial trap fishery;
3. Annual survey of the abundance of pueruli and prediction of future recruitment to the fishery;
4. Development and update of the length-structured model of the lobster population and fishery;
5. Production of the 2009-10 resource assessment; and the additional project:
6. FRDC-funded "Ghost fishing" project (see separate agenda item).

In addition, another project that is a relatively simple "add-on" to the puerulus survey, concerning the determination of the energy reserves of pueruli will be discussed with LOBMAC members (see separate agenda item).

Following discussions with the TAC committee and bearing in mind the other research and monitoring commitments during 2009-10, the "fishery-independent survey of the abundance of the spawning stock of lobsters on the north coast of NSW" will not be done during 2009-10, its frequency reduced to every 2nd year. The rationale for these various changes to the research and monitoring strategy will be discussed and the endorsement of LOBMAC will be sought.

Energy reserves of Pueruli

This potential project would be a collaboration with Dr Andrew Jeffs (Dept. of Marine Science, university of Auckland, New Zealand). It potentially provides information about the "condition" of pueruli that settle along the NSW coast and comes at minimal cost to us. Our role in the project is to collect samples of pueruli from each of the 4 locations during each sampling period of our routine annual survey of pueruli. Dr Jeff's team will then perform analyses on these samples to measure various lipids in the pueruli. These lipids are the energy reserves of each individual.

Objectives of the project are to determine whether:

1. there is a difference in the energy reserves of pueruli that settle early versus late in the season; and
2. there is a difference in the energy reserves of pueruli that settle on the north versus south coast of NSW.

Remembering that we have a strong predictive relationship between puerulus settlement and subsequent recruitment to the fishery on the north coast of NSW but not on the south coast, an understanding of any difference in energy reserves could help to explain this difference. Understanding of any differences in the energy reserves of pueruli that settle early versus late in the season could also improve our ability to predict future recruitment. Endorsement from LOBMAC is sought on this potential project and the small associated budget.

Opportunity to establish a mutually beneficial relationship with the New Zealand lobster fishery and assessment team

At the recent National Lobster Congress in Adelaide, discussions with Mr Daryl Sykes and Dr Paul Breen (NIWA) resulted in the opportunity to establish a closer relationship between the NSW and New Zealand lobster fisheries and the agencies involved in managing, monitoring and assessing these fisheries. Discussions among Mr Sykes, Dr Breen, Dr Liggins and members of LOBMAC concluded that (i) a review of the New Zealand monitoring programs, modelling and assessment procedures by Dr Liggins and (ii) a review of the NSW monitoring programs, modelling and assessment procedures by Dr Breen; would be beneficial to both fisheries. In addition to these scientific issues, it could also be beneficial to us to understand more about the different management structures that exist for the New Zealand lobster fishery. Endorsement from LOBMAC is sought on the progression of building up a professional relationship with New Zealand representatives.

Outcomes

Issue

Research, Management, Compliance, and Committee member updates

Background**(a) Research***Catch Update*

There was some concern, at the time of the TAC Committee meetings in April, that the commercial catch of lobsters for the 2008-09 quota year could fall well short of the 128 t TACC. Following spectacular catches and catch rates from the deep-water fishery on the north coast of NSW during April - June, approximately 95% of the TACC was taken during the 2008-09 quota year. A brief summary of the final catch and CPUE statistics for 2008-09 will be presented and the consequences for the current 2009-10 season and the next TACC determination will be discussed.

Ghost fishing project

The research project "Study of Ghost Fishing in the NSW Rock Lobster Fishery" commenced in July, following final negotiations with the funding body FRDC. Objectives of this project are to: 1. Assess the mortality of lobsters due to ghost fishing of traps in the deep-water component of the fishery; 2. Develop and test alternative methods for the setting of traps and deployment of head-gear to reduce mortality of lobsters resulting from ghost fishing and theft; 3. Design and test modifications to traps that facilitate the escape of lobsters from lost traps prior to mortality. A summary of the project timetable, budget and the experimental methods being used to address each of the project objectives will be discussed.

(b) Management*Budget and Management Charge*

I&I NSW has a statutory responsibility to ensure that the fishery is operating consistently with the Act, the Plan and FMS. An annual budget for expenditure on the lobster fishery and a resultant management charge is developed having regard to management, research and compliance projects and responsibilities. Subject to approval, a copy of the 2009/2010 lobster share management fishery budget and resultant management charge will be provided at the meeting.

Share Forfeiture

Currently 14 shares are held by I&I NSW as a result of the share forfeiture. The public tendering process of these shares will commence shortly.

10 Year Statutory Review

Section 63 of the *Fisheries Management Act 1994* prescribes that the Director-General is to review each share management fishery before the term of the shares in the fishery are due to expire. Shares for the lobster fishery were issued for 10 years on 8/2/2000. Section 63 also requires that the Director-General establish a representative group of persons to assist in the conduct of the review. Further information on the review will be provided at the meeting.

Wobbegong Sharks

A closure restricting the take of wobbegong sharks in the OTL and Lobster fisheries to a total of 6 carcasses in any one trip combined with minimum legal lengths came into effect in May 2008.

OTL fishers have requested that alternative measurements for the size limit be explored considering the operational difficulties caused by the need to measure and release undersize wobbegongs at sea.

The current trip limit of 6 wobbegongs is considered sufficient to prevent the targeting and overfishing of wobbegongs. An additional size limit is considered unnecessary at this stage and I&I NSW is preparing legislation amendments to remove the minimum size limits.

It should also be noted that in the lobster fishery, wobbegong species are a byproduct from lobster trapping operations and may only be retained in waters greater than 10 metres.

FMS Update

A table providing an update on the FMS management responses will be provided at the meeting.

(c) Compliance

A verbal update will be provided at the meeting

(d) Committee members

Australian Salmon for Bait

It has become apparent that lobster fishers north of Sydney are having increasing difficulties in obtaining trap bait at a low cost. Industry representatives have requested the review of a closure issued under section 8 of the Act restricting the take of Australian Salmon by netting methods in waters north of Barrenjoey Headland.

I&I NSW position

Under current NSW Government policy, a commercial ocean hauling fishers may apply for a permit to harvest Australian Salmon for use as own trap bait. Lobster fishers may be eligible for a permit to be in possession of up to 2 tonnes of Australian Salmon, if they hold either an Ocean Hauling – Hauling net (General Purpose) or a Ocean Hauling - General endorsement. Application forms are available by contacting Fishing Business Services on (02) 9527 8411.

Offshore Drilling Exploration

Advent Energy is preparing to commence a gas exploration programme off the Sydney coastline. A pamphlet from the Company providing answers to frequently asked questions is available upon request.

Outcomes

Agenda Item 11

Chairperson

Issue

Other business

Outcomes

Agenda Item 12

Chairperson

Issue

Chairperson's summary and next meeting date

Outcomes