

Advisory Council on Recreational Fishing

Final Minutes

31st MEETING (03/2004)
9:30am, 28 September 2004

NSW Department of Primary Industries
CFC Conference Room
202 Nicholson Parade, Cronulla

Attendance

Chair

Bruce Schumacher

Members

Elaine Garvey	Estuary, Offshore Fishing
Jim Harnwell	Offshore Fishing
John Dunphy	Tackle Industry
Lionel Jones	Estuarine Habitat
Neil Ryan	Recreational Fishing Media
Margaret Dodson	Charter Boat Fishing
Terry Maloney	Freshwater Fishing
Mel Brown	Underwater Harvesting
Ann Lee	Freshwater Fishing
Departmental nominee	

Observers

Dr Nick Rayns, Director, Fisheries Management Branch
John Diplock, Principal Manager Recreational Fisheries
Bryan van der Walt, Senior Manager Recreational Fisheries
Cameron Westaway, Senior Manager Recreational Fisheries
Nick James, Manager Recreational Fisheries
Susan Wildgoose, Management Officer Recreational Fisheries

Business

Welcome by Chair

Apologies

Lisa Terry, Anthony Moore, Scott Mitchell

Absent

Graham Moore

Minutes of previous meeting

Recommendation

The minutes are a true and accurate record of discussions at the 30th meeting, held 8 July 2004.
Moved: Lionel Jones Seconded: Mel Brown **Carried**

Business arising from the minutes

Nil.

Agenda Items

1. Recreational Fishing Trusts report (Bryan van der Walt) – for information.
2. Recommendations from the freshwater and saltwater trust expenditure committees (Bryan van der Walt) – for recommendation.
3. Allocation of funds to the Recreational Fishing Freshwater Trust (Bryan van der Walt).
4. Update on the Fisheries Management Strategy for recreational and charter fishing (Doug Ferrell) – for information.
5. Commercial fishing update (Commercial Management) – for recommendation.
6. Freshwater fishing update (Cameron Westaway) – for information.
7. Amendment to the General trout notification – Marsden Weir to Rossi Weir (near Goulburn) (Cameron Westaway) – for recommendation.
8. Compliance update (Glenn Tritton) – for information.
9. The Cape Byron Draft Planning Scheme (Andrew Page) – for information.
10. Clarence Pilot Habitat update on programs (Sharon Molloy) – for information.
11. Proposal to extend the Hastings River spearfishing closure at Port Macquarie (Nick James) – for recommendation.
12. Baitfish update (Michael Lowry and Darryl Sullings) – for information.
13. Luderick research update (James Haddy) – for information.

Other Business

- An update on the recent integration of NSW Fisheries into the Department of Primary Industries (NSW DPI) – for information.
- Draft pro-forma for proposed spear fishing closures– for recommendation.
- An update on the Striped Marlin Economic Survey – for information.
- Southern Cross University Trust funded programs – for information.
- Closures due for renewal in November and December 2004 – for information.
- Eastern (Freshwater) Cod (*Maccullochella ikei*) Recovery Plan – for information.
- Update on EOI for February 2005 membership expiries – for information.

Out of session items

- Renewal of the Brooms Head Beach fishing closure due to expire on 17 September 2004.
- Renewal of the Deep Creek, Wallaga Lake and Whittakers Creek fishing closures which are due to expire in October 2004.
- Draft Environmental Impact Statement (including the draft fishery management strategy) for the Lobster Fishery.

Correspondence received Around the table

Next meeting – Thursday 9 December at the Premier's Conference Room, Level 40 Governor Macquarie Tower, 1 Farrer Place, Sydney.

Meeting ends.

3pm-4pm Council training session with Dominion Consulting.

Issue
 Recreational Fishing Trusts report.

Background
Current Trust Fund Position
 Total income received from licence sales in 2003/04 was nearly \$9 million, which is over \$500,000 more compared to 2002/03 (\$8,394 million). The funding level to the Freshwater Trust will remain at \$2.5 million in 2004/05.

The saltwater expenditure committee has allocated a total of \$6.9 million to a range of compliance, research, management and education programs to improve recreational fishing in 2004/05 based on carryovers from 2003/04. Based on predicted income levels for 2004/05, a balance of over \$700,000 is available for new programs. The freshwater expenditure committee has allocated a total of \$2.56 million in 2004/05 to a range of inland programs leaving a balance of \$600,000 for new programs. The Trust financial table is included for the Council's information.

Reminder notice
 Reminder notices continue to be sent to one and three year licence holders as their licences expire. The system was implemented in April 2004 and results of an analysis of licence sales for the first three months of the program (April, May and June) will be provided at the meeting to determine whether the reminder system has resulted in more licences being renewed as they expire.

Outcomes
Status of the Saltwater and Freshwater Trusts
 The Trust financial tables, including the forward planning table were provided to the Council for their information. The Council were advised that as of 30 June 2004 (end of the 2003/04 financial year), the balance of the Trust was \$1.66 million. Predicted income for the 2004/05 financial year is \$6.08 million.

The Council noted that the balance of the Trust for the next 3 years, which is calculated using predicted allocations for ongoing programs, will be reduced over time but remains positive. This positive balance is mainly due to some research programs finishing this year such as the baitfish ecology, survival of line-caught fish and the impacts of mulloway stocking programs. The Department reminded the Council that at their April 2004 meeting the saltwater expenditure committee provided in-principle support to fund a second recreational mobile squad, when sufficient funding of \$355,000 per year was available.

Reminder notice
 The results of an analysis of licence sales to determine whether reminder letters had resulted in more licences being renewed was presented to the Council. The Department noted that in 2003/04 total income from licence sales increased by \$600,000 possibly due to increased compliance, greater acceptance of the licence and where the fees go, improved fishing from the creation of recreational fishing havens, expiry of three year licences and reminder notices.

The Department noted that the sale of 3-year licences was much higher in March and April 2004 compared to previous years, which coincides with the three year anniversary date of implementation of the general licence. This apparent renewal of 3-year licences accounted for a large proportion of the increase in total income in that financial year. Reminder notices could also potentially account for some of that increase in April, May and June of this year. It was also noted that for the first 3 months of the reminder notice system in April, May and June 2004, more 1-year licences were sold compared to previous years, which may have been the result of anglers renewing their licences immediately after receiving their reminder letter. The Department proposed undertaking a small phone questionnaire survey of anglers to provide more information on the effectiveness of the reminder notice system.

Completed Programs

The Council was informed that further trust funded programs have been completed including the Eurobodalla Shire Council fish cleaning tables at Batemans Bay and Malua Bay, which will receive water connection once the current water restrictions are lifted. The weed tank on Kooragang Island is also complete and working very well in achieving protection of the wetlands with anglers reporting to enjoy the convenience of the service. Additionally, the 2002/03 Gamefish Tournament Monitoring Report is currently being printed and copies will be sent to all Council members, gamefishing clubs and other major stakeholder groups when available.

Information noted.

Issue

Recommendations from the freshwater and saltwater trust expenditure committees.

Background

The Recreational Fishing Saltwater Trust Expenditure Committee met on 21 September 2004. Trust expenditure recommendations from this meeting will be presented to Council for their consideration.

The Recreational Fishing Freshwater Trust Expenditure Committee met on 10 August 2004 and the following four programs were supported for funding:

Inland programs**Large Grants**Inland Advisory Trailer

Proponent: NSW Department of Primary Industries

Funds will be used to design and build an inland advisory trailer, similar to the three coastal trailers funded through the saltwater trust in 2003, to improve education and advisory services for inland anglers. The three existing trailers have been an outstanding success as an eye-catching, versatile communication tool along the coast. The new trailer will be managed by the inland trust funded education officer and used at angler events such as survey days, fishing competitions, schools, fishing clinics and field days.

Small GrantsTracking Fish Associations with Structural Woody Habitat (SWH)

Proponent: NSW Department of Primary Industries / Griffith University

This fish monitoring project aims to use radio transmitters to track fish associations with structural woody habitat. The project will provide a better understanding of how fish respond to and use these important habitat components.

Spawning Behaviour of the Endangered Eastern Freshwater Cod

Proponent: Southern Cross University

The project will use fixed underwater cameras to study pre-spawning, spawning and post-spawning behaviour of eastern freshwater cod (*Maccullochella ikei*) and investigate the potential impacts of angling on nesting sites. The study will also quantify the nesting site requirements of eastern freshwater cod using mobile underwater cameras and construct a model for the spawning behaviour of *Maccullochella* spp.

Freshwater Mussels Enhancement

Proponent: University of Western Sydney

This project aims to reintroduce the native endangered freshwater mussel *H. depressa* in the Nepean catchment (Penrith Lakes) to improve ecosystem health and water quality for recreational fish species. Evidence indicates that these mussels act as 'scrubbers' in local freshwater systems and improve water quality and fish habitat. This trial will test this hypothesis and provide basic data that will underpin reintroductions of this endangered species elsewhere within its historical range.

Successful applicants will be required to report to the relevant expenditure committee on a regular basis in the approved format. The Department seeks the endorsement of the Council to proceed with funding for these programs as summarised in table 1 below.

Table 1: *Expenditure from the Recreational Fishing Freshwater Trust Fund, for new programs, 04/05 financial year as approved by RFFTEC.*

Programs	Proponent	2004/05
Large Grants		
Inland Advisory Trailer	Department of Primary Industries	\$27,300
Small Grants		
Tracking Fish Associations with Structural Woody Habitat	Department of Primary Industries / Griffith University	\$5,000
Spawning Behaviour of the Endangered Eastern Freshwater Cod	Southern Cross University	\$4,995
Freshwater Mussels Enhancement	University of Western Sydney	\$5,000

Outcomes

The Department provided the Council with an overview of each of the following programs supported for funding by the saltwater expenditure committee at their 14th meeting held on 21 September 2004.

Saltwater Programs

Large Grants

Disability Access Ramp

This capital works program proposed by Port Stephens Council involves the rehabilitation and extension of the existing wharf at Little Beach, Victoria Parade, Nelson Bay, and the installation of a fishing platform. The works will enable people with disabilities to pass over a sandy beach and fish from a platform into saltwater. Matching funding for the program will be provided from Port Stephens Council, Shoal Bay Game Fishing Club and local sporting and community clubs. In addition an application for funding has been lodged through the Waterways Asset Development and Management Program (WADAMP).

Angel Rings Project 2005

The Recreational Fishing Saltwater Trust has contributed \$32,410 since January 2001 to the Angel Rings program run by the NSW branch of the Australian National Sportfishing Association (ANSA NSW). The program aims to improve angler safety at rock fishing black spots along the NSW coast. The project involves the installation of Angel Rings (or life buoys) at known rock fishing black spots.

Funds are sought to further expand this important fishing safety initiative. This project not only contributes to saving lives but also identifies regional rock fishing black spots and encourages community awareness. The project also aims to target ethnic communities who are highly represented in rock fishing fatalities, by installing signage in specific targeted languages and maintaining and distributing a register of angel ring locations to all rescue services. ANSA was unsuccessful in their application for grant funding for the program through the Safewaters Taskforce. The Council noted that the saltwater expenditure committee was very supportive of the program.

Council members were informed that ANSA works with their affiliated clubs to identify rock fishing black spots. The Council's charter boat fishing representative was advised to contact ANSA to discuss the identification of further regional rock fishing black spots.

Action Item – The Department to provide the Council's charter boat fishing representative with contact details of ANSA.

Small Grants**Fish Cleaning Tables at Gordan Park, Stuart Island and Riverside Drive Boat Ramps**

The Nambucca Shire Council proposes to build three fish cleaning tables at different locations in the local area. The aim of the project is to provide updated, standardised, quality fish cleaning facilities where recreational fishing is a major attraction to both local and visiting anglers and where there are no existing tables. The Nambucca Head Lions Clubs and local fisherman have supported the proposal. The Shire Council will provide matching funding for the project.

The Council was informed that as a result of the trust's capital works check list, developed to ensure timely completion of works, additional information was requested from the proponent that is now included with their application.

The Department sought the endorsement of the Council to proceed with funding for these saltwater programs as summarised in table 2 below.

Table 2: *Expenditure from the Recreational Fishing Saltwater Trust Fund, for new programs, 04/05 financial year as approved by RSFTEC.*

Programs	Proponent	2004/05
Large Grants		
Disability Access Ramp	Port Stephens Council	\$6,720
Angel Rings Project 2005	ANSA NSW	\$38,550
Small Grants		
Fish Cleaning Tables at Gordan Park, Stuart Island and Riverside Drive Boat Ramp	Nambucca Shire Council	\$3,750

Freshwater Programs

The Council discussed the programs that were supported for funding by the freshwater expenditure committee at their meeting of 10 August 2004. Due to the success of the three saltwater advisory trailers the Department has sought trust funds to build an inland trailer. The Council noted the merits of the saltwater trailers in attracting anglers to education and advisory displays and providing a base area for Education Officers and volunteers and gave their support for funding an additional advisory trailer designed for inland use. The Council was also supportive of the three small grants programs recommended for funding by the freshwater expenditure committee.

Recommendation

That funding from the saltwater and freshwater trusts, as recommended by the expenditure committees, be supported.

Moved: Lionel Jones

Seconded: Elaine Garvey.

Carried

Issue

Allocation of funds to the Recreational Fishing Freshwater Trust.

Background

In accordance with Division 3 of the *Fisheries Management Act 1994* the Minister for Primary Industries is required to make a determination as to the amount of funds collected through the general recreational fishing fee (implemented in 2001) that should be allocated to the Recreational Fishing Freshwater Trust Fund.

Freshwater anglers were assured many times during consultation over the implementation of the general fee that the freshwater trust would receive a guaranteed allocation of \$2.5 million dollars per annum for five years (based on previous income from the freshwater licence implemented in 1998). This was outlined in the General Recreational Fishing Fee Position Paper and in other public documents and meetings. Accordingly, the Council supported the annual allocation to the freshwater trust of \$2.5 million for the years 2000/01, 2001/02, 2002/03, 2003/04 and 2004/05.

Annual allocation to the freshwater trust has not been determined for the year 2005/06 and beyond. The Department would like the Council to consider new strategies for the annual allocation of funds to the freshwater trust.

Outcomes

To date, the first \$2.5 million raised by the general recreational fishing fee has gone directly to the freshwater trust with the remainder of funds going to the saltwater trust. On average over the last three years the saltwater trust has received its predicted allocation of \$6 million per year. However, the exact amount of funds to be received annually is inconsistent making forward planning extremely difficult for the saltwater trust. The Council noted that Victoria has one trust fund and allocates funds to fresh and saltwater programs on a case by case basis.

Council members discussed various strategies for the annual allocation of fees between the two trust funds. The Council noted that the use of percentages would result in uncertain annual allocations and associated difficulties in forward planning for both trusts. The Council believed that a strategy, which set a known allocation for each trust fund with additional funds split using a percentage method, would be fair and workable. A possible increase in funds allocated to the freshwater trust for the next 5 years was also raised as a means of addressing drought and habitat degradation impacts on freshwater systems.

The Department advised that the Council could make further suggestions on this issue out of session. The Department will develop proposals based on these discussions, which will be presented to the Council at their next meeting.

Action Item - The Department to develop proposals for the annual allocation of fees between the two trust funds for consideration by the Council at their next meeting.

For discussion.

Issue

Update on the Fisheries Management Strategy for recreational and charter fishing.

Background

Doug Ferrell, Senior Manager - Management Planning, will provide an update to the Council on the development of the Fisheries Management Strategy (FMS) for recreational and charter fishing.

Outcomes

The Department's Environmental Impact Statement team has completed a preliminary risk assessment of the top 200 important recreational fishing species. This preliminary assessment produced a list of 80 species for consideration in the recreational FMS and highlighted the key issues for inclusion in the series of public discussion papers. This was done in order to gain public feedback on all key issues prior to the development of the FMS.

The Council was informed that the commercial fishery Management Advisory Committees are being asked to respond to a range of issues that were identified in the preliminary risk assessment and by the recreational Management Planning Committees, rather than to the specific proposals put forward by the planning committees. The Council discussed their concerns with this approach and suggested that commercial fishers need to provide feedback on the specific proposals to allow the public discussion papers to include both recreational and commercial views and appropriate options. The Council was advised that significant issues raised by the commercial fishing sector will be addressed in the papers, however, it is not planned to include sectoral views on each topic. The discussion papers are being drafted and will be finalised in the near future.

Information noted.

Issue

Commercial Fishing update.

Background**Maximum Size Limit for Eastern Rock Lobsters**

At the meeting on 11 December 2003, ACoRF discussed the maximum size limit of eastern rock lobster. Changes to the maximum size limit were deferred to allow for the lobster research program to expand its standardised survey of spawning grounds, providing further information with respect to the magnitude and range of the spawning stock, and to enable broader discussion of the issue.

The Total Allowable Catch and Setting Review Committee (TAC Committee), in their determination for 2004 / 2005, identified a serious loss of spawning stock over the last three years and referred to the spawning stock as "being both small and severely depleted". In an effort to both protect and rebuild the spawning stock, the total allowable commercial catch (TACC) for the 2004 / 2005 fishing period was set at 102 tonnes down from 135 tonnes.

The TAC Committee also noted that additional protection measures were required if the spawning stock is to have an acceptable chance to rebuild. A discussion paper was sent to all shareholders in the Lobster Share Management Fishery in August 2004 seeking comment on, among other things, a reduction to the maximum size limit.

The discussion paper noted that eastern rock lobsters reach spawning size (maturity) at an average of 167 millimetres carapace length (mmCL). The current maximum size limit for eastern rock lobster is 200mmCL. A reduction in the maximum size limit to 180mmCL was discussed with industry and supported by the Lobster MAC at its meeting in September 2003. Taking into consideration the most recent resource assessment for the fishery, and to maximise protection of the breeders, any proposal for a maximum size limit above 165mmCL would need to be carefully assessed in terms of its effectiveness in providing sufficient protection, and an effective rate of rebuilding, for the spawning stock.

A Commercial Management staff member will discuss the eastern rock lobster proposal with the Council and present a general update on the commercial fishing sector.

A) Maximum Size Limit for Eastern Rock Lobsters**Outcomes**

The Council was advised that a reduction in the maximum size limit for eastern rock lobster from 200mmCL is now necessary to protect and rebuild the spawning stock of this species. In response to the TAC Committee's 2004 / 2005 recommendation the Department is currently discussing a proposal with the Lobster MAC to reduce this maximum size limit to 170mmCL. The Department invited submissions from the Council on this proposal.

The Council's Underwater Harvesting representative expressed concern that, in light of the current TAC Committee recommendation, previous increases to the TAC of eastern rock lobster should not have occurred. However, the Underwater Harvesting representative advised that reducing this limit to 170mmCL would have little impact on recreational fishers as they rarely catch a lobster this size. Based on the representative's advice and associated discussions, the Council gave their support for the proposal.

B) General Update On The Commercial Fishing Sector

Outcomes

Commercial Management provided the Council with the following update on the commercial fishing sector.

Share Management / Allocation

All major restricted fisheries have been defined as share management fisheries and applications for shares closed on 2 July 2004. Operators were advised of the Department's preliminary assessment of their application in early August. After this time fishers had until 3 September to apply for a free desktop review. Approximately 200 applications for review have been received. Fishers will be advised of their "provisional" allocation of shares later this year and, if still dissatisfied with their allocation, they may appeal to the statutory Share Appeal Panel.

Before full share management starts, a management plan must be developed for the fishery. The share management plan will include the objectives for the fishery, the area and time of operation, the use of boats and gear, the species that can be taken and other rules for the fishery such as share trading and minimum and maximum shareholdings.

Estuary General

Seagrass management

There are two action items relating to seagrass in the Estuary General (EG) FMS:

1. "Protect key fish habitat, specifically prohibit the use of all hauling nets used in the EG Fishery over beds of Strapweed seagrass (*Posidonia australis*): The Strapweed seagrass has been identified in seven estuaries in NSW. The Department is working with groups of local fishers and the relevant Committee member to determine which closures to hauling should be implemented.

Update: The draft closure maps for seagrass areas for Port Stephens, Pittwater and Sydney Harbour are currently out for comment with commercial fishers.

2. "Reduce bycatch by identifying areas of seagrass (of any species) which should be closed to prawn hauling and prawn seining methods": The Department is working with local fishers and the relevant Committee members to determine where closures are required.

Pipi Biotoxin management plans - NSW Food Authority

The NSW Food Authority is preparing to implement the NSW Shellfish Program across the wild shellfish sector of the seafood industry. The administration and management of the Pipi Biotoxin Management Plans have been transferred to the Food Authority. The Wild Shellfish Harvest Committee (comprised of NSWFA, DPI and fishers) is meeting regularly to progress implementation of the NSW Shellfish Program. Next meeting is scheduled for mid October. The Department does not anticipate that this management change will affect the current recreational regulations for pipis.

Regulation amendment to prawn hauling in the Manning River

The regulated method of prawn hauling in the Manning River had been prohibited for the past 3 seasons. Instead, fishers were conducting prawn hauling under a permit system that required hauling mid stream rather than back to the bank and over seagrass. The modified method of prawn hauling in the Manning River has now been formalised into Regulation. A complete description of how lawful prawn hauling in the Manning River is to occur can be found in cl.33 of the *Fisheries Management (General) Regulation 2002*.

Estuary Prawn Trawl

Incidental Catch Ratios

The Estuary Prawn Trawl (EPT) FMS (finalised last year) required an incidental catch ratio (ICR) system to be implemented in each estuary of the fishery. An ICR is the ratio of the target species to all other species in the catch of a trawl.

An incidental catch ratio system has been implemented for the Clarence River EPT. For the remaining estuaries (Hunter and Hawkesbury Rivers, and Port Jackson) an ICR system has been discussed with the EPTMAC and closures will be implemented for these estuaries progressively over the next few months.

'Point of sale' and 'cod end' counts

The EPT FMS also requires the implementation of maximum 'point of sale' prawn counts and 'cod end' counts to minimise trawling at times and areas where prawns are below optimum size. 'First point of sale' and 'cod end' (unsorted catch) prawn counts have been implemented for the Clarence River EPT Fishery at 180 and 200 prawns per half kilogram respectively.

Prawn counts for the remaining estuaries have been subject to consultation with the EPTMAC and port meetings have been held in the Hunter and are planned for Port Jackson. Closures covering prawn counts (and ICRs) will be implemented for these estuaries progressively over the next few months.

Code of Conduct

Ocean Watch has completed a code of conduct for the EPT Fishery and will be submitting it to the Department for formal approval soon.

Ocean Trawl

FMS/EIS

The closing date for comments on the Environmental Assessment of the Ocean Trawl (OT) Fishery was 10 September 2004. The Department and the OTMAC will review the submissions and amendments to the FMS before it is referred for formal consideration.

Bycatch reduction devices

The ocean prawn trawl MAC is reviewing the specifications for big-eye bycatch reduction devices (BRDs). The purpose of the review is to improve the effectiveness of these devices and to compliment the suite of BRDs in Queensland so that dual licensed fishers can use the same device under both jurisdictions.

Ocean Haul

Proposed restricted fishery for access to bait resources in NSW waters by tuna vessels

A regulation for the new restricted fishery is currently being drafted. Once finalised, an expression of interest process will be conducted to determine eligibility to the fishery. A logbook was introduced for the holders of bait permits in late July 2003 and fishers have now been submitting returns since mid August 2003. Catches for the 29 vessels that have submitted returns total approximately 130 tonnes for the first year.

Ocean Trap and Line

FMS/EIS

Environmental Assessment of the Ocean Trap and Line (OTL) Fishery is currently being prepared. Public exhibition of this document is expected sometime in the new year. The next meeting of the OTLMAC is Monday 11 October.

OCS Working Group

The NSW DPI has formed a working group to discuss issues important to NSW fishers with regards to the Offshore Constitutional Settlement (OCS) agreement with the Commonwealth. Advice has been sought from the working group on a number of OCS related matters including tuna and tuna like species, bycatch arrangements and fish trawling south of Barrenjoey Headland.

Kingfish traps

The Council raised concerns over persistent rumours that the Department was discussing the re-introduction of kingfish traps for a trial period. The Department advised the Council that they were not aware of any discussions of this nature. However, the Council requested confirmation from the Minister that kingfish traps will not be re-introduced under his jurisdiction.

Action Item – The Council to write to the Minister to request confirmation that kingfish traps will not be re-introduced under his jurisdiction.

Recommendation

The Council gave their support for the proposal to reduce the maximum size limit for eastern rock lobster from 200mmCL to 170mmCL.

Moved: Mel Brown

Seconded: Elaine Garvey.

Carried

Issue

Freshwater fishing update.

Background

Cameron Westaway, Senior Manager, Recreational Management will present a general update on freshwater fishing to the Council, including an the proposal from the Australian Bass Association (ABA) and Tweed Council to implement a seasonal closure in Doon Doon Creek, for the period of August to October inclusive.

The ABA and Tweed Council have sought a catch and release only closure in Doon Doon Creek below Clarrie Hall Dam, to protect post spawning and post spill congregations of Australian bass, which become stranded in the pools below the dam wall. As the Department seeks a full closure for compliance reasons they have written to the ABA and Tweed Council to request consideration of this proposal and is awaiting their responses.

This issue was first considered by the Council at their meeting of 29 April 2004. Although the Council acknowledged the reasoning for a total fishing closure in the area, they were not supportive of a total fishing ban. The majority of members believed that a catch and release fishery, in conjunction with relocation efforts, would be more appropriate. Council members requested further consultation with the ABA, Tweed Council, and regional Fisheries Officers on the issue. This feedback/consultation will be discussed at the meeting.

Outcomes

The Council noted the passing of Percy Hoffman, a well respected recreational fisher whom made a considerable contribution to freshwater angling over his lifetime. Mr Hoffman served on a number of Departmental committees and was a life member of the NSW Council of Freshwater Anglers and the Greenwells Fishing Club. Council noted that Mr Hoffman was always a very levelling influence at committee and club meetings and appreciate his contribution to recreational fishing in NSW.

Proposed seasonal closure in Doon Doon Creek

The Council were advised that the Department gained consensus from the ABA and Tweed Council to implement a seasonal total fishing closure in Doon Doon Creek from August to October inclusive, for a two year trial period. The Council were satisfied with this outcome and gave their support for the introduction of the proposed seasonal closure.

Australian bass stocking

The Department met with local angling clubs from Newcastle to Kempsey to discuss their bass stocking proposals. The Council was informed that the Department would not be undertaking bass stocking in open water systems unless a need has been demonstrated through research. As such, a number of stocking proposals were declined.

Results from the Tournament Monitoring Program (TMP) have shown good population levels of bass in many of the open systems where stocking was requested by local anglers, with the exception of the Hastings River System. Research indicates that this open system has low to moderate numbers of Australian bass, possibly due to drought conditions. Consequently, the Department may undertake stocking in the Hastings if the need to do so is supported by research.

The Council's Freshwater Fishing representatives informed the Department that they had received representation from Hastings Fly Fishing Club at Port Macquarie in regard to their

application for a stocking permit. The club was uncertain as to why they were refused a stocking permit from the Department when Local Council permission had been obtained. The Department confirmed that the permit was refused at this stage, as the system appears to contain sufficient numbers of bass. However, it was recommended that funding be applied for from the Freshwater Trust to undertake a research program, in conjunction with the Department, to further assess the need for stocking bass in the system.

Action Item – The Department to assist Hastings Fly Fishing Club to apply for the dollar for dollar funding from the freshwater trust to undertake a research program, in conjunction with the Department, that would further assess the need for stocking bass in the system.

Freshwater Stocking FMS

The Council was informed that the Freshwater Stocking FMS has not been finalised. Currently included within the FMS is a ban on stocking within 5kms of known threatened frog populations. This proposal excludes stocking from the Styx River, a significant trout fishery and the New England Trout Acclimatisation Society (NETAS) are quite concerned about losing this water. The Department is currently negotiating with NPWS frog experts to gain a permit to stock in the area and are looking into funding research to address the issues.

Recommendation

The Council supported the introduction of a total fishing closure in the area of Doon Doon Creek from the Clarrie Hall Dam wall down to the Tweed River, for the period of August to October inclusive, for a two year trial.

Moved: Lionel Jones

Seconded: Elaine Garvey.

Carried

Issue

Amendment to the General Trout Notification – Marsden Weir to Rossi Weir (near Goulburn) and Coolumbooka Weir (near Bombala).

Background

A proposal has been received from Goulburn Council to include the waters between Marsden Weir and Rossi Weir (near Goulburn) on schedule D of the General Trout Notification (attached), to allow fishing during the closed season. The area is a 3km stretch of waterway locked between Marsden Weir and Rossi Weir on the Wollondilly River. At present all waters upstream of Tarlo River (see attached map) are closed between June and October.

Marsden Weir has become a very popular recreational fishing spot due to its high quality water and easy access, with trout stocks regularly replenished with both fry and surplus from Jindabyne brood stock. For this reason there has been a very strong call from local anglers for the Marsden Weir area to be open to recreational fishing all year round.

The same issue applies to the backed up waters of Coolumbooka Weir, which are stocked with juvenile and adult rainbow trout, with the intent of making them accessible to angling during the closed season. Coolumbooka Weir is an important trout fishery for the local community.

The Department requests the Council's consideration of this proposed amendment to schedule D of the General Trout Notification, to allow fishing at these sites during the closure period.

Outcomes

The Council was advised that these waters are very good recreational fisheries and despite the current drought are well stocked and have good access for anglers of all ages. The Council were in support of the proposal provided that adequate signage be erected advising the public that the area is open to recreational fishing during the closed season.

Recommendation

The Council supported the proposal to amend schedule D of the General Trout Notification, to allow fishing in the waters between Marsden Weir and Rossi Weir and within the backed up waters above Coolumbooka Weir, during the closure period.

Moved: Terry Maloney Seconded: Elaine Garvey. **Carried**

Issue
Compliance update.

Background
The illegal capture and sale of fish for commercial gain or profit is accepted as a significant issue in NSW. For a long time it has been known that abalone and rock lobster in particular have formed the basis of a significant illegal trade, but other species are becoming increasingly involved as the demand for fresh seafood, and the price of quality product, have risen.

Various compliance strategies have been implemented over time to increase compliance capacity and effectiveness, with varying degrees of success. Accurate and timely information has traditionally been difficult to obtain and, consequently, even targeted compliance operations have frequently proven to be extremely resource and time intensive.

In an attempt to better understand the nature and causes of the problem and to identify possible solutions, the NSW Minister for Agriculture and Fisheries (now the Minister for Primary Industries) commissioned a review of illegal and black market fishing in NSW. The review aimed to analyse the extent of illegal harvesting and sale of fish and to recommend the means and resource priorities necessary to optimise compliance and create effective deterrents.

Glenn Tritton, Manager, Fisheries Compliance will provide the Council with an update on the review of illegal and black market fishing in NSW and a report on compliance outcomes for the period 1 January to 30 June 2004.

Outcomes
The following recreational fishery compliance outcomes, for the period 1 January to 30 June 2004, were presented to the Council.

Program	Anglers Checked	Compliance Rate
Marine Recreational	25,335	87%
Freshwater Recreational	9,875	94%
TOTAL	35,210	90%

These figures are for recreational licence and regulations checks and indicate good compliance rates for both marine and freshwater anglers. The Council was informed that during 03/04 there has been an increase in infringement notices, written precautions and prosecutions resulting from recreational checks compared to 02/03. This has been achieved through a refocus of efforts toward targeting illegal activity.

Habitat Compliance Program
The Habitat Compliance Program is located within the Fisheries Management Branch with links to Fisheries Compliance Operations. This program enforces Part 7 (aquatic habitat protection) & 7A (threatened species) of the *Fisheries Management Act 1994* and utilises 16% of inland Fisheries Officer workload and five Fisheries Conservation Officers based at:

- Ballina – covering North West & North Coast;
- Port Stephens – covering Central & Lower North Coast;
- Sydney – covering Sydney region;
- Huskisson – covering South West & South Coast; and
- Wellington – covering Central West and Far West.

During January to June 2004, 43 habitat breaches were investigated through this program. Of these there were:

- four that are proceeding to court where remediation will be sought;
- three incurring a \$5,500 fine & remediation order;
- two incurring a remediation order only;
- one resulting in a negotiated remediation;
- seven resulting in formal cautions; and
- 26 which are pending or resulted in no further action.

These figures appear low, however, habitat compliance involves large scale investigations of major environmental damage. For example, the program recently investigated illegal dredging works in a section of Lake Talbot, near Narrandera. The illegal works, which were undertaken to increase water skiing access, involved the removal of approximately 410 cubic metres of sand and silt from the lake bed, which was stockpiled at the edge of the lake. The works also involved the removal of snags from the lake and the destruction of shoreline vegetation. A \$5,500 penalty notice has been issued as well as a significant remediation order for corrective works to be undertaken within 60 days. The remediation aim is to return the area to its previous condition, particularly in relation to fish habitat.

The Council was advised that the Department is undertaking an audit of all NSW waterways to document habitat features and breaches of the *Fisheries Management Act 1994*. This audit is a large but essential project, which aims to produce a baseline database used to determine if a new habitat breach has occurred.

Court Outcomes, Significant Prosecutions & Seizures

- Pipi gathering on NSW south coast near Gerroa where 3 people were fined for illegally gathering more than 3,000 pipis. Two of the people were issued with \$12,000 fines each and ordered to pay court costs.
- Manning River where approximately 200kg of long-finned eels were seized. The poacher was fined \$5,000 (had a significant record of fisheries offences) and had his boat forfeited.
- Two men were fined \$7,000 for set lining on the Murray River. Eight setlines seized with a total of 170 hooks attached. Three Murray cod were seized and returned to the water alive.
- A fisher was found guilty of using 400m meshing net with undersized mesh (55-60mm) on the Clarence River. The mesh net was seized and a fine of \$2,500 imposed.
- A Tweed Heads licensed commercial fisher, who was not authorised to use fish traps, was convicted for unlicensed commercial fishing and fined \$1,000.

Prosecutions Pending

- Two men are to face court for illegal trout fishing. Using night vision equipment, Fisheries Officers observed the men using scoop nets and torches to catch trout in the Eucumbene River.
- A man was apprehended at Kioloa with over 260 abalone. The car transporting the abalone was seized.
- North coast eel thieves were caught on the Clarence River. Fisheries Officers seized a boat and motor, and seven eel traps. Over 70 kilograms of eels were also seized and returned to the water alive.

The Council were advised that the recreational mobile squad had maintained an extensive high profile presence in all recreational fishing havens following the delivery of the new boat, a 5.7 Cobia Enforce Rigid Hull Inflatable with twin 4 stroke motors. The Council was invited to meet the members of the squad and see the new boat when the squad travelled into their

area. The recreational mobile squad has carried out special patrols and operations between South West Rocks and Lake Conjola focussing on areas of known high levels of fishing activity and maintaining an advisory presence at fishing events on the Hawkesbury River and in Sydney. A breakdown of the mobile squads recent actions and activities from January to June 2004 was presented to the Council. Some of the activities included coastal vehicle and boat patrols, attending fishing club meetings, fishing clinics and court attendance. The squad had undertaken 399 recreational boat inspections and 2,653 angler inspections. From these inspections, 1,576 fish were seized, fishing equipment was seized from 39 persons and there have been 465 enforcement outcomes.

A copy of the review of illegal and black market fishing in NSW was distributed to Council members for their information. The Council was advised that this report recommends increasing the advisory and education of recreational and commercial fishers to gain better compliance results. The Council discussed the issue of illegal charter fishing boats operating in NSW waters. The Department advised members to contact Mr Glenn Tritton directly when reporting the presence of unlicensed operators to ensure that immediate action is taken.

Issue

The Cape Byron Draft Planning Scheme.

Background

The Cape Byron Marine Park (CBMP) was declared on 1 November 2002 as part of the NSW Government's commitment to the development of a representative system of marine protected areas. The Marine Parks Authority is currently developing management arrangements for the CBMP through zoning and operational plans. A draft planning scheme has been prepared to give everyone a chance to have a say about zoning and related management issues for this Marine Park.

Comments on the draft zoning plan (and draft regulation) and the draft operational plan will be accepted, by the Marine Parks Authority (MPA), over a three month period closing on 12 November 2004. Following consideration of public submissions and advice from the Cape Byron Marine Park Advisory Committee the final zoning plan and management arrangements will be prepared by the MPA.

A copy of the draft plan will be distributed to Council members at the meeting for their information. Andrew Page, Manager, CBMP, will discuss these issues the Council at the meeting.

Outcomes

The Council was informed that the CBMP Draft Zoning Plan was prepared from a variety of information sources, including research and responses to the CBMP Issues and Options for Management Discussion Paper. The marine park extends from Lennox Head to Brunswick Heads and includes a number of estuaries up to their mean high water mark. CBMP is located within the Tweed-Moreton Bioregion, as is the Solitary Islands Marine Park.

Before the declaration of the CBMP, a survey of the Tweed-Moreton Bioregion determined mature barrier estuary and sub-tidal and offshore reef habitats to be insufficiently represented in the Solitary Islands Marine Park. Additionally, the sub-tidal reefs north of Ballina are considered different to those south of Ballina. As a result, nearly 60% of CBMP sub-tidal offshore reef has been included within sanctuary zones in the Draft Zoning Plan. At Cape Byron and in the Brunswick River and Tyagarah Beach region of the marine park, the MPA has balanced sanctuary zone protection of beach areas with the inclusion of a 100m wide habitat protection strip along high use areas to ensure continued angling access to beach fishing and rock fishing.

The Council was advised that the plan also includes two surface fishing only zones at Wilsons Reef and Mackerel Boulder, to mitigate impacts on Grey Nurse Sharks and bottom fishing communities, whilst allowing continued surface fishing in these areas. The Council noted that this surface fishing only zone would be difficult to enforce. The Council's Underwater Harvesting representative expressed concern that spearfishers are also excluded from this surface fishing only area and believed this to be a misuse of the habitat protection zone. Additionally, Council members were concerned that the CBMP Advisory Group (CBMPAG) does not currently have a designated spearfishing representative. Members believed this necessary to ensure spearfishing issues are properly considered and recommended that a recognised spearfishing representative be appointed to the CBMPAG.

Action Item – The Council to write to the Minister to request that a recognised spearfishing representative be appointed to CBMPAG to ensure spearfishing groups have direct input into the planning process.

It was highlighted that the trust funded Fish Attraction Device (FAD) north of Julian Rocks, along with a local fishing club FAD, are located within the Julian Rocks sanctuary zone. Therefore, the current draft plan effectively excludes spearfishing from these FADs.

Additionally, the Council was advised that there has been some contention over the extent of the Lennox Head sanctuary zone. The Authority has spoken to a number of recreational groups in this area and was able to include their concerns in the draft plan. The Council's Charter Boat Fishing representative stressed the importance of entering into discussions with the MPA to negotiate better outcomes. Council members were encouraged to make a submission on the Draft Zoning Plan.

Information noted.

Issue

Clarence Pilot Habitat update on programs.

Background

The Saltwater Trust has provided \$120,000 over 2 years to improve fish habitats in the Clarence catchment. The first round of grants awarded in the 2002/03 financial year totalled \$60,000 and resulted in some innovative projects to improve the local aquatic environment and will ultimately benefit recreational fishing. The grants have been made available to help rehabilitate fish habitats, remove barriers to native fish movement, plant native trees, remove exotic vegetation along waterways and to undertake research to determine the effectiveness of rehabilitation methods. Estuarine fish such as bream, flathead, prawns and mullet will directly benefit from the work being done to rehabilitate the areas where fish feed, breed and live. Projects are being undertaken by individuals, angling clubs, community groups, local councils, Rivercare and Landcare groups.

At their twelfth meeting the Recreational Fishing Saltwater Trust Expenditure Committee made recommendations on the allocation of funding of the remaining \$60,000 for a further six Clarence Habitat Rehabilitation applicants for 2004/05. These recommendations were supported by the Council.

It is timely that the Department provide an update to the Council on the status of the six projects that received funding in 2002/03. A summary of these six programs is provided in the following table.

Program	Organisation	Funds	Status
Eatonville Reserve-Removal of Cattle, Revegetation and Weed Management of River	Pristine Waters Council	\$5,160	Progressing
Iluka Coastal Vegetation-Regeneration of Downgraded areas	Iluka Landcare	\$5,000	Refunded
Little Broadwater-Wetland Rehabilitation, Fish Passage	Wetland Care Australia	\$9,860	Finalised
Micalo Island Fish Passage, Mangrove/Saltmarsh Rehabilitation	Rob Schafer	\$10,000	Finalised
Oyster Channel-Restoration of Flows, habitat and Fish Passage	L & R Vance	\$9,980	Finalised
Shark Creek/Harwood Bridge Riverbank Riparian Rehabilitation	Macleay Shire Council/ Clarence & Shark Creek Landcare groups	\$10,000	Progressing
Wooloweyah Lagoon Mangrove/Saltmarsh Rehabilitation	Wetland Care Australia	\$10,000	Refunded

Outcomes

The Council was advised that the first round of 2003/04 habitat programs funded by the Saltwater Trust had been matched with over \$220,000 of external funding. This round of projects helped to restore tidal flows, habitat and fish passage to 37 hectares of estuarine wetlands; remove a section of a levee and restore natural tides to 50 hectares of former estuarine wetland; open a floodgate to 171 hectares of wetland; fence 1.4 hectares of riverbank; and rehabilitate 3 hectares of river frontage. Before and after photographs of each of the programs were provided to the Council.

The Eatonville Reserve fish habitat restoration project on the bank of the Clarence River involved the fencing of 1.4 hectares of the reserve to protect the riverbank, by excluding stock and vehicle access. Floodgates were modified and a levee constructed for the Little Broadwater wetland rehabilitation fish passage project, to restore tidal flow and fish passage to 100ha of wetland. The project also included the installation of tidally operated floodgates and an automatic water quality meter. Species caught historically in this area (such as catfish, bream, mullet, prawns, and various juvenile species) are again being caught. These catches are being monitored.

The Micalo Island fish passage, mangrove/saltmarsh rehabilitation project involved the removal of floodgate pipes, installation of a new culvert under a crossing and the cutting of holes into levees. The Oyster Channel fish habitat and passage restoration project involved the removal of part of the northern levee to allow water exchange and fish passage into the first pond of the drainage network. A timber bridge was installed to allow continued access and habitat islands were created with mangroves and reeds. Shark Creek/Harwood Bridge riverbank rehabilitation project involved weed removal to regenerate an area of mangroves.

The Council was advised that the Wooloweyah Lagoon Mangrove/Saltmarsh Rehabilitation project was terminated due to the landholder withdrawing from a signed agreement following an additional requirement for an easement over the new levee. Wetland Care Australia (WCA) has selected an alternate site for rehabilitation and on-ground works. The alternate project is titled: *Oyster Channel: Fish Habitat and Passage Restoration* and will be a collaboration between WCA, R & L Vance and Edward Spears. This project combines proposals from the 2004 Pilot Habitat Project round that were ranked highly but missed out on receiving funding. The alternate project is stage two of the completed Oyster Channel project and will remove part of the second earth levee and install a culvert to allow water exchange and fish passage to over 1km of former fish habitat. Riparian planting will complement and enhance fish habitat at the site. RFSTEC approved the variation of this project at their 13th meeting on 29 June 2004.

In addition, the Council was advised that the Department had secured \$120,000 through the Upper North Coast Catchment Management Board (now Northern Rivers Catchment Management Authority) to match the direct funding from the pilot program for ongoing works in the Clarence. Therefore, a total of approximately \$700,000 will be expended on aquatic habitat rehabilitation in the Clarence catchment area, which includes funding of \$120,000 from recreational fishers.

It was noted that countless enquiries are being received from Catchment Management Authorities and land rehabilitation organisations outside the Clarence region seeking funding for fish habitat rehabilitation projects. At their 13th meeting the Recreational Fishing Saltwater Expenditure Committee advised it will consider a proposal to continue the program on a statewide basis in the next financial year.

Information noted.

Issue

Proposal to extend the Hastings River spearfishing closure at Port Macquarie.

Background

At the last meeting, held on 8 July 2004, the Council considered the proposal by the Hastings Fisheries Office to extend the Hastings River spearfishing closure upstream for about five hundred metres to the Settlement Point ferry crossing (see attached map). The current closure boundary extends from an imaginary line from the Old Coal wharf (which no longer exists) to the eastern extremity of Park Street (which has been extended since the closure was introduced), and easterly to the end of the break walls. This proposed closure extension aims to address:

1. The high level of complaints over the past two years the Hastings Fisheries Office has received from the general public and the Waterways Authority regarding spearfishing in the Hastings River marina and back channel, adjacent to the current spearfishing closure.
2. Perceived safety issues resulting from spearfishing in the high boat traffic area around the west port boat ramp, the west port marina, back channel and Pelican Island.
3. Confusion by the general public regarding the exact line of the current closure, which is poorly defined.

To properly consider the proposal the Council requested further information on the number of complaints and statistics on boating incidents with spearfishers in the affected area. This information has been requested from the NSW Maritime Authority (previously the Waterways Authority of NSW) and will be provided to members either at or prior to the meeting.

Consultation on this proposal, undertaken by the Hastings Fisheries Office in June 2004, received a submission from the Port Marina Pty Ltd, a local resident, the Waterway's Authority, Andrew's Sports Store, the Mid-North Coast Freediving Club and NPWS.

The submission received from the Mid-North Coast Freediving Club details the clubs opposition to the proposed extension and instead requests a reduction in the closed area. Additionally the NSW Spearfishing & Freediving Association, who discussed the proposal prior to the last Council meeting, have indicated their opposition toward the proposed extension of this closure. One submission from a local resident supported the extension but requested that the rock wall at Settlement Point also be included in the closure. All other submissions were in support of the extension as proposed and believed it would adequately address the safety issues and provide a clear closure boundary. All submissions are attached.

The Department requests the Council's consideration of the proposal to extend the Hastings River spearfishing closure upstream for about five hundred metres to the Settlement Point ferry crossing in light of the additional information provided.

Outcomes

The Council was informed that the Department received a written submission from the NSW Spearfishing & Freediving Association who discussed the proposal at their recent state meeting. The Association believes that safety issues resulting from spearfishing in the proposed closure area have been exaggerated, as the majority of this area is subject to a 4-knot speed limit. Additionally, extending the closure to the Settlement Point ferry crossing would increase conflict between anglers and spearfishers on the western side of the rock

wall, an area heavily fished by anglers. If the closure were to proceed the western side of the rock wall would be the only remaining area open to and viable for spearfishing in the Hastings River system. The Council noted that the proposal may unjustifiably exclude spearfishers from the area and set a dangerous precedent.

The Council was advised that, as with past disputes of this nature, successful resolution could be reached through a local stakeholder meeting facilitated by the Department. The Council agreed that such action may be necessary in this circumstance and supported the coordination of a meeting with local angling and spearfishing clubs, the local Fisheries Office, the NSW Maritime Authority and the Port Marina. The outcome of this meeting should be considered by the Council out of session.

Action Item – The Department to facilitate a local stakeholder meeting seeking resolution of this issue and present the meeting outcomes to the Council, out of session, for their consideration.

Issue

Baitfish update.

Background*a) Baitfish Program Update*

The Saltwater Trust is funding a three-year study to assess the stocks of blue mackerel in NSW and determine patterns of bait collection by recreational fishers. Little information exists on blue mackerel stock structure or patterns of age, growth and reproduction. Blue mackerel, like other small pelagic fish, provide the food source for many large predators such as seals and dolphins and premier recreational angling species such as tuna, sharks and marlin.

Dr Michael Lowry will provide a presentation outlining progress and preliminary results, including patterns of catch with bait use and the reproductive ecology, distribution of blue mackerel population by size and sex. Fishcare Volunteers, recreational fishermen, commercial fishermen and charter boat operators have played a vital role in the project and it is hoped that the continuing support of recreational anglers will help to build on the initial findings to provide a comprehensive picture of blue mackerel ecology and use, providing the basis for developing management arrangements to ensure the long-term sustainability of these stocks.

b) Longliner Baitfish Use

Under the Ocean Hauling Fishery Management Strategy, new bait access arrangements for Commonwealth and State tuna fishers are being developed. The strategy requires that the number of participants in the fishery is limited to an appropriate level and that provisions are available so that the number can be varied as needed.

To meet these objectives, the NSW Government announced that a restricted fishery would be created to replace the current permit system, which covers the taking of blue mackerel, yellowtail scad and pilchards from NSW waters with purse seine or lift nets for use as live bait in Commonwealth Tuna operations.

Options for development of a restricted fishery covering the collection of bait for tuna fishing were discussed at the last Baitfish Working Group meeting. Following this meeting and previous discussions with the Ocean Hauling Fishery MAC, drafting instructions for the new regulation have been prepared.

A logbook was introduced for the Tuna Bait Fishery in July 2003 and fishers have now been submitting returns since August 2003. Catches so far for the approximately 29 vessels that have submitted returns, have totalled around 120 tonnes.

Darryl Sullings, Fisheries Manager, Commercial, will update the Council on these developments.

Outcomes*a) Baitfish Program Update*

Due to time constraints, the Baitfish Program Update was rescheduled for meeting 32 of the Council, scheduled for 9 December 2004.

b) Longliner Baitfish Use

The Council was advised that the 311 Commonwealth operations in the Eastern Tuna and Billfish Fishery are authorised to take bait from NSW waters outside 3nm but require a lift net or purse seine permit to conduct this activity within 3nm. Of these authorised operations only 30 vessels have a lift net permit, 21 have a purse seine permit and 4 have both permit types. Each baitfish species has individual annual trigger points set on catch levels. The restricted fishery the Department is currently developing to replace this permit system will remain under State control. Creation of the restricted fishery will result in a capping of the number of operators. The Department is collecting data through a logbook program supplementary to the AFMA run observer program for Commonwealth Tuna boats.

The Council advised that inshore NSW reef systems have traditionally provided anglers with a very good supply of live bait. However, the Council believes these stocks to now be in decline, with previous large schools no longer found. The Council expressed concern that current commercial baitfish catch rates in these systems are producing local depletions and will prove unsustainable in light of the observed decline.

The Council noted that AFMA set an annual trigger catch level of 3,500 tonnes for slimy mackerel in waters adjacent to NSW (more than 6 times the current total NSW catch) after an assessment of the stock. However, members stated that recreational anglers fish locally and inshore where baitfish stock decline is most prominent. The Council expressed particular concern over the decline in yellowtail scad (*Trachurus spp*) stocks, which are susceptible to local depletions, and requested age and growth information for this species. It was noted that although there is limited historical information available it is not sufficient in nature to provide a basis for the sustainable management of this species. The Council requested copies of the existing age and growth research information for yellowtail scad but suggested that further research should be funded through the saltwater trust.

Action Item – The Department to provide the Council with existing age and growth research information available for yellowtail scad.

Action Item – The Department to submit an application for funds from the recreational fishing saltwater trust to gain sufficient information for the sustainable management of yellowtail scad (*Trachurus spp*). This application is to be marked “as recommended by ACoRF”.

Council members discussed the importance of baitfish species to many other species including dolphins, seals, tuna and billfish. The Council advised that, due to the observed problems with the baitfish biomass, the recreational sector is calling for a significant decrease in commercial access and harvest. The Council believes that a lack of information should not be a reason to continue the current harvest levels and recommended that the precautionary principle be followed, whilst sufficient data is being obtained, to prevent a collapse in this essential fishery.

Specifically, the Council recommended that the Minister call a moratorium on the commercial taking of baitfish until sufficient data is available.

If this is not possible, Council recommended the introduction of restrictions to reduce the commercial take of baitfish.

Recommendation

The Council to write to the Minister to request a moratorium or severe restriction on the commercial taking of baitfish until sufficient data is available.

Moved: Jim Harnwell

Seconded: Elaine Garvey.

Carried.

Issue

Luderick research update.

Background

Project Title: Biology and population structure of Luderick (Girella tricuspidata) in NSW

Principal Investigator: Dr Charles Gray

Funding Sources: NSW DPI and the Recreational Saltwater Trust

Objectives:

The overall aim of the study is:

- 1 To collate and synthesize all existing information on luderick; and
- 2 To obtain basic biological information on the reproductive biology, age and growth dynamics of luderick in NSW.

Specific Objectives:

1. To collate all available biological information on luderick & compile into a single, accessible document and provide information to recreational fishers and other interested groups. Use this review to assess the current state of knowledge & recommend areas for future research.
2. To assess the results of previous tagging studies on luderick and develop a 'recreational fisher-based' tagging program for luderick in NSW.
3. To determine the growth rates & age/length compositions of populations in northern, central & southern estuaries in NSW. Data collected will be compared with similar data collected by NSW DPI in the same estuaries in 1995-97.
4. To determine the size and age at sexual maturity, the timing and locations of spawning and fecundity of luderick in NSW.
5. To provide advice to recreational fishers and managers of the implications of research results.

Luderick is a key recreational fish species, yet there have been few dedicated studies concerning the biology and ecology of this species. There is therefore only limited information on which to base management decisions concerning luderick. In this project, existing biological information on luderick will be collated and synthesized to provide relevant background for assessing future management options and research strategies for the species.

Some very important gaps in knowledge are already apparent for luderick. In particular, there is virtually no information about reproduction (size/age at maturity, spawning times/locations, fecundity, etc), age, growth, migration rates and how these things vary among different estuaries and coastal zones. Such information is essential to test alternative management strategies for the species such as appropriate size limits and seasonal closures to protect spawning stock.

This study aims to collect this necessary biological and fisheries-related information for luderick and to synthesize this and all other available information to advise fisheries managers, recreational fishers and other relevant groups of the biological status of the species and alternative management strategies for the species.

Scientific staff will sample populations of luderick in several estuaries in NSW on a regular basis for 2 years to determine the size, sex, age and reproductive composition of populations. Information on rates of recruitment, mortality and growth will also be collected.

Populations will be sampled using a variety of methods, including hook and line, gill and seine nets. Many fish will also be tagged in order to study the movement patterns of luderick and recreational fishers will be extensively involved in all these studies.

Mr James Haddy, Scientific Services, will present further information on these research programs.

Outcomes

The Council was presented with the following update on black bream and luderick research, which is jointly funded by the saltwater trust and the Department.

The objectives of these research projects are to: investigate life history biology (including size/age at maturity, fecundity, spawning locations/time, environmental conditions and growth rates); assess migration and movement patterns; and provide sound scientific advice and recommendations to stakeholders. Fish samples are being obtained by various methods including gill net, seine, traps and rod and line. Environmental data is also recorded for each sample. The projects now have approximately 12 months of data.

Black Bream Research Update

The Council was advised that black bream samples are being collected from Lake Coila, currently brackish, and Lake Brou, which is currently hypersaline. After 12 field trips, 637 black bream from Lake Coila and 242 from Lake Brou have been obtained. Results so far for Lake Coila show seasonal changes in the reproductive condition of female black bream. Samples indicate that the period crucial to spawning extends from late winter to early summer, with the majority of spawning occurring in September and October. The Council noted that these initial results support the findings of previous studies.

Using plankton nets for sampling the project has measured the distribution and abundance of pelagic fish eggs in Lakes Coila and Brou. In the Lake Coila system the vast majority of eggs were found concentrated in an area of Coila Creek, indicating that black bream spawning is largely restricted to the narrow riverine sections of the estuarine environment. An algal bloom and a high density of copepods and prey were also found in the spawning area of Coila Creek. These environmental factors may be useful in identifying important spawning habitat. The project has found Lake Brou to be a month out of phase with Lake Coila and may currently be too salty to provide good spawning conditions.

The Council was informed that current age and growth data indicates Lake Brou had good recruitment from last years spawning events, however, Coila does not have the numbers of larger fish that are present in Lake Brou. This data raised concerns over last year's recruitment success and current fishing exploitation levels in Lake Coila. Additionally, this data shows black bream to be slow growing, long lived and that they mature at a small size (15-20cm TL). The Council noted that the current legal size for bream is set well above the size at first maturity.

Based on these findings, commercial and recreational fishing in Coila creek in spring is targeting a spawning aggregation of black bream. As a result, a seasonal spawning closure on the taking of black bream in Coila Creek is being progressed (supported by the Council at their 28th meeting on 11 December 2003). These findings will also have implications on the statewide management of this species. Further estuary closures in southern NSW will be considered in the development of the Recreational Fisheries Management Strategy.

Luderick Research Update

The Council was advised that, during this season, pre-spawning and/or spawning luderick have been scarce, with no reproductive fish found outside of the Clarence. Local consultation with anglers suggests that it has been a bad year. Despite this, winter spawning in the Clarence is consistent with previous findings, which indicate luderick are likely to spawn in winter/spring, but that specific times may vary with latitude.

The Council noted that the smallest mature female luderick found was 267mm TL and the smallest mature male luderick caught was 246mm TL. This suggests that the legal length for luderick may be too small at present.

Tagging Program

Recreational tagging workshops have been held in Bermagui, Tuross Heads, Laurieton & Yamba. To date approximately 500 bream and 340 luderick have been tagged across NSW. The luderick tag retention study is also underway with 230 fish being held in a 25,000 litre brood stock tank. This study is comparing the luderick retention rates of the t-bar tag and the dart tag. Many tagged luderick are showing ulceration of the tag site, indicating chronic irritation. The Council noted that in previous studies bream have not shown irritation to tagging.

There have been 12 reported recaptures of bream and 3 of luderick. The recaptured bream have been at liberty between 5-160 days and the majority of fish movements have been small. Most recaptured bream appear to have shrunk, which is probably due to variability in measurements and/or post-mortem shrinkage. The recaptured luderick have been at liberty between 10-29 days and the largest movement was 30km in 29 days.

Information noted.

Other Business

- *An update on the recent integration of NSW Fisheries into the Department of Primary Industries – for information.*

The Department of Primary Industries, incorporating NSW Agriculture, Fisheries, Mineral Resources and State Forests, commenced on 1 July 2004. Due to concerns within the angling community Council members have requested an update on the impacts this integration will have on the management of recreational fishing in NSW.

Dr Nick Rayns, Director, Fisheries Management (Agriculture and Fisheries) presented the Council with an update on the integration of the former NSW Fisheries into the NSW Department of Primary Industries (NSW DPI). Council was informed that under the new Departmental structure NSW Fisheries falls under five of the seven divisions including *Primary Industries Agriculture and Fisheries; Strategy and Policy; Primary Industries Science and Research; Biosecurity, Compliance and Mine Safety; and Corporate Services*. Mr Richard Sheldrake is one of three DPI Deputy Directors General and heads the Primary Industries Agriculture and Fisheries division.

Dr Rayns also spoke about his previous role in the Department and his previous experience and employment with other state, Commonwealth and overseas agencies. Dr Rayns advised that in his current role as Director of Fisheries Management, he oversees management of recreational fishing, commercial fishing, aquaculture and fisheries conservation.

The Council was assured that the integration of these functions into a single Department would provide an appropriate balance between profitability and protection of our natural resources, including our recreational fisheries. Under this new structure the former NSW Fisheries has continued access to the Minister for Primary Industries.

The Department is currently undertaking a voluntary redundancy process. Dr Rayns confirmed that all Fisheries Officers positions will be retained. Additionally, trust funded positions cannot be made redundant, as redundancies must come from positions that are funded by consolidated revenue.

- *Draft pro-forma for proposed spear fishing closures – for recommendation.*

At their last meeting the Council expressed concern that without a formal streamlined process for implementing new closures specific interest groups, such as spearfishers, may be alienated through frequent, ad-hoc closure requests. To address this the Council requested the development of a pro-forma detailing the level of information required for the Council's consideration of new spearfishing closures.

The draft pro-forma was distributed to the Council and members were requested to provide comments out of session.

- *Update on the Striped Marlin Economic Survey – for information.*

The survey is currently being reviewed by the Minister for Primary Industries and will be released soon.

The Council noted that the saltwater expenditure committee is writing to the Minister to request the release of the Striped Marlin Economic Survey report. The Council was assured that the Minister is concerned about the results of the survey and does not want to see this very high value resource decline. The Council requested that a meeting be convened between the Minister for Primary Industries and the Council Chairperson to discuss the survey findings and other important recreational fishing issues. Additionally, the Council requested that the Minister attend their next meeting.

Action Item – Dr Nick Rayns to arrange for the Council Chairperson to meet with the Minister for Primary Industries prior to the next Council meeting.

- *Southern Cross University Trust funded programs.*

Mr Anthony Moore, Southern Cross University, distributed the first draft of the fish tagging pamphlet and the publication 'Stock Enhancement Workshop Proceedings' to the saltwater expenditure committee for consideration at their last meeting. The Committee requested a number of changes to the fish tagging pamphlet and the Department is now liaising with Southern Cross University to ensure that appropriate and accurate information is included. The Council were advised that following final formatting, the 'Stock Enhancement Workshop Proceedings' publication will be printed and distributed to members of the saltwater expenditure committee and to workshop attendees. The publication will also be available for stocking groups, Universities and the general public.

- *Closures due for renewal in November and December 2004 – for information.*

All recreational fishing closures due for renewal in November and December 2004 will need to be considered by the Council out of session.

- *Eastern (Freshwater) Cod (*Maccullochella ikei*) Recovery Plan – for information.*

The Minister for Primary Industries approved the Eastern (Freshwater) Cod (*Maccullochella ikei*) Recovery Plan on 22 June 2004. A copy of the plan was distributed to Council members at the meeting.

- *Update on EOI for February 2005 membership expiries – for information.*

The terms of appointment for four Council members expire in February 2005. An expression of interest (EOI) will be advertised in late 2004 to fill the impending vacancies. A new EOI process has been developed to improve the rigour and transparency of the selection process for all recreational advisory committees.

- *Proposed introduction of a fishing closure in Penrhyn Estuary and Port Botany.*

The Council was informed that ORICA, a chemical storage company in Banksmeadow near Botany, has had a major toxic chemical leak from the chemical plant into the local groundwater aquifer, which is affecting local residential and Council properties that access bore water. There is also evidence that the large toxic groundwater plume is heading towards Penrhyn Estuary and Botany Bay, with indications that the front end of the plume has already reached Penrhyn Estuary. This plume potentially poses a very serious threat to public health and the surrounding aquatic environment.

ORICA has developed a Groundwater Cleanup Plan and is currently attempting to contain the spill. The company is spending \$50 million on the clean-up program – including the installation of pumps, pipes and 40 extraction wells around Foreshore Drive. They are also building a pipeline to pump the toxic chemicals to a detoxification plant at Southlands.

There are indications that toxic chemicals are already present in Penrhyn Estuary. On 26 August this year, the Department was advised by Dr Klaus Koop, Department of Environment and Conservation, of the results of testing for contaminants in oysters collected from Penrhyn Estuary. Although sampling was limited, the results indicated that oysters contained levels of hexachlorobenzene - a toxic chlorinated hydrocarbon and possible carcinogen. The oysters also contained high levels of metals, including mercury that could not be attributed to urban stormwater contamination alone. Dr Koop considered it appropriate to restrict the collection of shellfish in the upper estuary. ORICA have hired a

consultant to undertake their own sampling and testing of oysters and the study report will be released soon.

As a result of the potential threat that the chemical contamination poses and in the interest of protecting public health and safety, the Department proposes to introduce a fishing closure, which prohibits the taking of all shellfish species by all methods within Penrhyn Estuary and Port Botany. The proposed closure includes that part of Port Botany north of a line drawn from the south-eastern extremity of the third runway to Molineaux Point. The Department also recommends prohibiting the taking of finfish by all methods in the estuary as a precaution. A copy of the draft proposed closure was distributed to the Council for their consideration.

Botany Bay Council has erected signs around the estuary warning people not to take marine life due to contamination. If fishing closures are introduced, then the Department will issue media releases in local and Sydney-based newspapers (including those for non-English speaking background communities) to advise the community of the restrictions. Signage will be displayed to advise fishers of the restrictions, in addition to the signs already erected by Botany Bay Council.

Due to the seriousness of pollution in the estuary, the Council supported implementation of a the closure in the interests of protecting public health and safety from potentially contaminated marine life. As Penrhyn Estuary and Port Botany are part of the Botany Bay Recreational Fishing Haven (RFH), the Council believes that compensation should be received from ORICA for loss of fishing access in this area due to the contamination event. To expedite this the Council requested that the Minister seek compensation from ORICA, on behalf of the recreational fishing licence trust, for loss of fishing access in the RFH.

Action Item – The Council to write to the Minister, following implementation of the closure, to request that he seek compensation from ORICA, on behalf of the Recreational Fishing Licence Trusts, for loss of fishing access in a RFH.

Recommendation

The Council supports the proposed fishing closures that prohibit the taking of all shellfish species by all methods within Penrhyn estuary and Port Botany and the taking of finfish by all methods within Penrhyn estuary.

Moved: Jim Harnwell

Seconded: Neil Ryan.

Carried

- *Update on the freshwater bag and size limit discussion papers.*

The Department advised the Council that the freshwater bag and size limit papers are currently being developed.

- *Update on the Lake Illawarra (including Macquarie Rivulet) Closure.*

At their last meeting the Council requested that the Lake Illawarra closure be amended to prohibit the use of meshing nets in Mullet Creek in addition to Macquarie Rivulet, to protect bream and mullet.

The Department advised the Council that this proposed amendment would go to the Estuary General Management Advisory Committee for consideration at their next meeting in late November 2004. The Council noted that local commercial fishers must also be consulted before any changes can be made to the Mullet Creek closure.

Out of session items

- Renewal of the Brooms Head Beach fishing closure due to expire on 17 September 2004.
- Renewal of the Deep Creek, Wallaga Lake and Whittakers Creek fishing closures which are due to expire in October 2004.
- Draft Environmental Impact Statement (including the draft fishery management strategy) for the Lobster Fishery.

Recommendation

The Council ratified its out of session support for these items.

Moved: Mel Brown

Seconded: Ann Lee.

Carried

Correspondence received

- Letter from the Newcastle Neptunes Underwater Club regarding the conduct of angler fish auctions for donation to charity.
- Written submission from the NSW Spearfishing and Freediving Association regarding the proposal to extend the Hastings River spearfishing closure at Port Macquarie.

Around the table

The Council's Offshore Fishing representative informed the Council that he recently toured Gaden Trout Hatchery and was impressed with the good quality and large numbers of fish that the hatchery is producing. The Council noted the representative's comments and commended Gaden Trout Hatchery on the success of their operations.

Proposed agenda items for next meeting (requested by members):

- An update on the state of *Caulerpa taxifolia* in NSW estuaries.
- An update on the Grey Nurse Shark issue.

Next meeting – Thursday 9 December at the Premier's Conference Room, Level 41 Governor Macquarie Tower, 1 Farrer Place, Sydney.

Meeting ends.

3pm-4pm Council training session with Dominion Consulting.