

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

FINAL MINUTES

**3rd MEETING, 1/03
9:30am, Thursday 8 May, 2003**

<p>Conference Room, Cronulla Fisheries Centre 202 Nicholson Parade, Cronulla</p>

Attendance

Chair

Dr Michael Sargent

Members

Mr Peter Bolic
Mr Allan Ross
Mr Peter Sayre
Mr James (Jim) Lumb
Ms Ann Garard
Mr John Stevens
Mr Keith Appleby
Ms Barbara Radley
Mr David Taylor
Mr Patrick Lock

Representative

Far North Coast
Central Coast
Sydney
Sydney
Illawarra
Mid South Coast
Far South Coast
Commercial Fishing
Recreational Fishing
Aboriginal Culture

Observers

John Diplock, Principal Manager Recreational Fisheries
Nick James, Manager Recreational Fisheries
Susan Wildgoose, Fisheries Management Officer Recreational Fisheries

Business

Welcome by Chair

The Chair welcomed members and introduced Mr Pat Lock, Aboriginal Culture representative, to the committee.

Apologies

Margaret Dodson
Maria Schreider

Minutes of previous meeting

- Agenda item 2 – Charter Fishing Boat licence abeyance provisions

With regards to late licence renewals, a total grace period of up to 90 days (up to 60 days after expiry plus 28 days to respond) is provided.

- Agenda item 7 (Other Business) – Out of Session item update

The committee requested an opportunity to review the draft regulation, if possible, prior to gazette.

Recommendation:

The minutes of the 2nd MERCMAC meeting, including the amendments recorded above, are a true and accurate record of discussions at the meeting.

Carried

Business arising from the minutes

- The committee requested a copy of the regulation amendment related to the Charter Boat Review Panel guidelines [cl.315(2)(d)], for information.
- MAC procedures
 - agenda/minutes timeframe
 - provide updated copy of procedures manual to members.

Action item: The Chair suggested that the committee write to the Minister, the Hon Ian McDonald, MLC, to welcome him to the Fisheries Portfolio and to clarify meeting procedures.

Action item: Send current MAC contact list and advisory committee procedures to members.

Action item: Obtain catch and release mortality paper from NCC representative and forward to members.

Agenda Items

1. Cross cultural awareness training – Caspinal Consultants
2. Baitfish survey of charter fishing boat operators
3. Fish Aggregating Buoys program
4. National Parks Service proposal to introduce licensing arrangements for tour operating activities – Geoff Coleman

5. Licensing issues
 - Review Panel guidelines/late applications
 - request to pay licensing fees by instalments
 - leasing of licences
6. Compliance update
7. Commercial fishing update
 - gemfish management arrangements
8. Consideration of industry development issues to be addressed in the Fishery Management Strategy and Environmental Impact Statement process for recreational and charter fishing.

Other business

- *Charter boat monitoring program and deepwater species catch information*
- *Surveys of charter fishing activities*
- *Progress of code of conduct for charter fishing activities*

Correspondence received

Next meeting – September/October 2003

Issue

Cross Cultural Awareness Training.

Background (provided by NSW Fisheries)

An important outcome of the Indigenous Fisheries Strategy is the need for NSW Fisheries to conduct cross cultural awareness training for staff, in particular those who have or are likely to have need to be in contact with indigenous people/communities.

Background (provided by Caspinal Consultants)

Dear participant,

Caspinal Consultants Pty Ltd are very excited at being given the opportunity to provide Cross Cultural Awareness Training for NSW Fisheries representatives and associated Advisory Committee/Council members.

Your trainers will be Craig Aspinall and Phil Duncan – we are experienced Aboriginal trainers from very diverse backgrounds. We aim to provide an informative and entertaining session using an interactive ‘team delivery’ that has proven a highly successful method of training delivery for Cross Cultural Awareness Training. Our style is non-confrontational and we are not ‘blame-layers’. Whilst we follow a formal agenda incorporating various activities, we also provide some entertaining story-telling and encourage group discussion on any related issue that is of interest to the participants.

The following outcomes will be achieved from the training:

- Participants will be able to understand, respect and consider the wisdom and views of Aboriginal people with respect to fisheries management decisions.
- Participants will be able to follow acceptable protocols in engaging Aboriginal people and community representatives.
- Participants will recognise and adapt appropriate, best practice information delivery methods and communication strategies in dealing with Aboriginal communities.
- Participants will be able to foster better working relationships between NSW Fisheries and Aboriginal communities.

I encourage you to attend the NSW Fisheries Cross Cultural Awareness Training and both Phil and I look forward to meeting you.

Yours sincerely,

Craig Aspinall
Managing Director

Outcomes

The consultants apologised for not being able to attend this meeting - Cross Cultural Awareness Training will be held at the next meeting.

Pat Lock, Indigenous representative, expressed the need for consultation/training protocols to be followed and requested further information about the proposed training.

Action item: Tom Smith, Project Manager, Indigenous Fishing Strategy, will be asked to contact Pat to discuss these issues further.

Issue

Baitfish survey of charter fishing boat operators.

Background (provided by NSW Fisheries)

NSW Fisheries has been successful in obtaining funding from the Recreational Fishing Saltwater Trust Fund and the Fisheries Research & Development Corporation (FRDC Project 2002/061) for a new research project on "Recreational harvest of baitfish in NSW marine waters". The aim of the project is to provide accurate estimates of recreational baitfish use with a focus on blue mackerel, one of the primary baitfish species.

Charter operators have a statutory requirement to provide catch information in the form of logbook returns. These returns will provide the basis for the catch information required to estimate baitfish use by this sector. Operators have indicated that they would like to contribute to the project by providing information regarding local patterns of baitfish distribution and abundance. It is proposed that all operators be contacted by phone to explain the importance of recording catch of bait species in the context of the objectives of the program and that during each phone call the opportunity is taken to survey operators regarding their knowledge of seasonal / spatial patterns of baitfish distribution. It is hoped that this information may provide a useful basis to explain findings resulting from the sampling work.

The primary aim of the project is to develop a greater understanding of slimy mackerel biology, in particular their age, growth and reproduction. The project also aims to estimate the numbers and sizes of baitfish species targeted by the recreational fishery, as the present harvest of the species is largely unknown.

To accurately determine the harvest of baitfish by charter boat operators we would appreciate the recording in your logbooks of the number of baitfish you use, along with your catch for the day. We are also looking to collate the knowledge of charter boat operators who fish for bait on a regular basis. In particular, we are looking to discuss any patterns you have noticed in your experiences in relation to slimy mackerel movement, availability and size. Operators will be asked the following questions:

1. What is the general location of operation?
2. Do you regularly fish for bait? What species?
3. Within your local area, have you noticed there to be any difference in the size or availability of slimy mackerel between different months of the year?
4. Within your local area, have you noticed there to be any difference in the size or availability of slimy mackerel between inshore and offshore areas?
5. Have you noticed any physical factors such as water temperature, current speed or time of day to affect the availability of slimy mackerel?
6. Do you have any additional information regarding movement and distribution of bait species?

Outcomes

Michael Lowry, Scientific Officer, provided an update on the baitfish study and extended his thanks to charter fishing operators who have assisted with the collection of slimy mackerel samples to date.

During the collection of slimy mackerel samples at the commencement of the baitfish study, operators provided many interesting thoughts/observations relating to the baitfish stocks in their area. This feedback has led to the development of a questionnaire/telephone survey, to obtain this information from all/the majority of operators.

Slimy mackerel samples and survey data for this study are being obtained from various sources, including charter boat operators, the gamefish tournament monitoring program and trailer fishing boat surveys. It was highlighted that all information will appear as regional data only (collated into three regions along the NSW coast) – it will not be released as individual operator/port data.

NSW Fisheries requested the committee's support to undertake the telephone survey of all operators, as proposed. Committee members expressed strong support for the continuation of the current study, including the collection of samples and the proposed telephone survey.

The committee was asked to assist NSW Fisheries by informing operators of the telephone survey component of the study. Following the survey of operators, a comparison of sample and survey information will be undertaken to provide detailed information on baitfish patterns (size, distribution/movement, abundance etc) between areas.

Recommendation

The Committee strongly support the proposed consultation with charter fishing boat operators to obtain further information regarding baitfish.

Issue

Fish Attraction Buoys – program overview

Background (NSW Fisheries)

Fish attraction buoys have been installed along the NSW coast under a \$230,000 project funded by the NSW recreational fishing licence. The buoys, to be trialed over two years, have been installed at 10 sites along the coast with the aid of charter fishing operators and local recreational fishing clubs, to provide better fishing for recreational sport and game anglers. The trial will include surveys to monitor what species anglers are catching near the devices.

Fish attraction buoys are well known around the world to assist in attracting various pelagic fish species including tuna, dolphin fish, kingfish and billfish. These surface dwelling fish are drawn to the structure of the buoy and the mooring rope, which they use as a reference point in clear ocean water.

Fish attraction buoys have been installed at Byron Bay, Coffs Harbour, Port Stephens, Forster, Terrigal, Jervis Bay, Narooma, Batemans Bay, South West Rocks and Sydney. Because the buoys attract large quantities of fish during the summer months, they'll be installed for the summer fishing season and serviced during the winter months to ensure longevity.

Locations GPS CORDINATES (WGS84) of fish attraction buoys

Byron Bay	28.35.122 S	153.38.336 E
Coffs Harbour	30.14.843 S	153.21.625 E
Forster	32.14.270 S	152.36.950 E
Port Stephens	32.46.021 S	152.15.253 E
Terrigal	33.26.933 S	151.34.206 E
Jervis Bay	35.05.535 S	150.50.987 E
Batemans Bay	35.44.574 S	150.20.315 E
Narooma	36.06.915 S	150.09.816 E
South West Rocks	30.50.988 S	153.06.940 E
Sydney	33.58.915 S	151.21.134 E

The location of the fish attraction buoy may fluctuate slightly depending on wind, swell and current direction. The buoys are not designed as mooring devices - tying off to the buoy may cause the anchor to drag or the buoy to break free. Fines of up to \$5500 apply.

An overview of the program will be provided at the meeting.

Outcomes

An update of the program was given detailing the deployment of the ten buoys, their locations and success of the program to date.

Concern was raised as to the possible conflict between recreational and commercial fishers using the FADs. A decision was made not to exclude commercial fishers from using the FADs, as their exclusion could cause further animosity between recreational and commercial fishers. It was explained that commercial fishers were consulted prior to the deployment of all ten buoys to

limit the possibility of the buoys being placed in areas where they may impact upon commercial fishing practices. To date there has not been any documented case of conflict between commercial and recreational fishers in relation to the FADs.

The position of the Narooma FAD was queried, in particular its proximity to shore and high probability of attracting large numbers of juvenile yellowtail kingfish. This issue has been raised by a number of members from local clubs and there is a possibility that the buoy may be relocated. A position north east of Montague Island was suggested as a possible alternative. Concern was raised by the indigenous representative that traditional people had not been consulted as to the locations of the buoys. It was stated that consultation should occur prior to moving the Narooma FAD due to the significance of Montague Island to Aboriginal people.

The committee discussed the impact of FADs on dolphin fish (mahi mahi), in particular the lack of bag and size limits for the species. It was confirmed that dolphin fish do have a bag limit of 20 per person per day, however no legal size limit currently exists. A reduction in the bag limit was suggested. Size and bag limits for dolphin fish, as well as other species, will be addressed in the Recreational FMS.

Safety concerns were raised regarding excessive use of the FADs, such as the increased possibility of an accident (for example, a collision between vessels). It was highlighted that no such incidents had been reported to date. Further, the Manly Hydraulics waverider buoys have been used as FADs by anglers for a number of years without major incident, which led to the introduction of a regulation allowing the use of waverider buoys as fishing grounds.

Issues regarding the design of the radar reflector and the cost of the program were raised. The design of the radar reflector will be reviewed, to limit its use for mooring purposes and increase its effectiveness. The full cost of the program was explained, emphasising that funding for the program covers the salary of the program coordinator, travel, consumables, printing (logbooks, envelopes etc) and marine running costs, in addition to the purchase of the actual buoys.

It was mentioned that a number of charter operators use subsurface FADs. Heath Folpp would appreciate the opportunity to dive on the subsurface buoy to assess its effectiveness.

The annual removal of the FADs was raised with concern expressed regarding the loss of growth on the structure and rope, hence loss of effectiveness of the buoys. It was explained that to limit the loss of the buoys, they would be removed annually and replaced with a new buoy. This process will be completed through the winter months when the buoys are not regularly fished, giving time for the mooring lines and buoys to attract significant growth by the following summer fishing season.

It was explained to the committee that a number of charter operators were instrumental in the initial selection of sites and the deployment of the FADs. Charter operators who use these FADs have been requested to log their catch data for the monitoring purposes of the program. In order to limit the excessive use of logbooks by charter operators, the committee decided they would support the monitoring of the buoys, provided operators are able to record the data in their charter fishing logbooks.

Recommendation

The Committee noted the information presented.

Issue

Proposal to introduce licensing arrangements for tour operating activities.

Background (provided by NSW Fisheries)

The Marine and Estuarine Recreational Charter Management Advisory Committee considered a proposal by the National Parks and Wildlife Service to introduce licensing arrangements for tour operating activities at the last meeting. Advice has been received from the Hon Bob Debus, MP, Minister for the Environment, in response to correspondence requesting his consideration of the issues raised by the committee.

Minister Debus has advised that following extensive stakeholder consultation in October and November 2002, a final regulatory proposal is being developed by the National Parks Service. It is anticipated that this proposal will be put to a second round of community consultation in the near future. The Marine and Estuarine Recreational Charter Management Advisory Committee is encouraged to participate in this consultation.

Minister Debus has explained that while charter boat operators are already licensed under the *Fisheries Management Act 1994*, to permit fishing, it is not adequate for a whale watching endorsement to be attached to operator's fishing licences. However, consultation is taking place between NSW Fisheries, the National Parks Service and the Marine Parks Authority to streamline the licensing process and to eliminate any potential duplication of licensing. These issues will be addressed in the regulatory proposal.

Minister Debus also advised that the purpose of the proposed passenger levy is to raise funds necessary to conduct research into the conservation needs of marine mammals, to develop educational and promotional material for tour operators, and to assist in the enforcement of the regulations. This issue will also be addressed in the regulatory proposal.

Mr Geoff Coleman, A/Senior Policy Officer, National Parks Strategic Policy Division, will be attending the meeting to provide an update on the proposed arrangements and discuss issues with the committee.

Outcomes

As a result of a restructure within the NPWS, Ms Alison Schumacher was recently appointed to the A/Senior Policy Officer position, which was previously held by Mr Geoff Coleman. Ms Schumacher sent her apologies for not being able to attend the meeting, however, provided a brief update (via email) on the current status of the consultation process and development of the final regulatory proposal.

Ms Schumacher stated that the NPWS is currently analysing the submissions and issues raised during the initial consultation period, which was conducted late last year. The Service is planning to undertake a second round of consultation with stakeholders in June, with the intention of finalising the regulatory proposal by early Spring. Any proposed regulatory scheme and associated arrangements would not commence until 2004. Given that the next committee meeting is not proposed until September/October 2003, the Service would appreciate an opportunity for 'out of session' discussions with the committee, to ensure issues affecting the NSW charter fishing sector are considered prior to the finalisation of the proposal.

The committee re-confirmed its position that:

1. Recognised charter fishing boat operators (ie NSW CFB licence holders) should not have to go through another detailed assessment process – access to this activity should be automatically offered to these operators, and
2. Charter fishing boat operators should not be subject to a passenger levy on a particular day if charter fishing is their primary activity that day.

The committee queried the intention of the levy with regards to shore-based observers (for example, viewing whales from headlands). The point was raised that the proposed passenger levy may discriminate against boat-based participants if land-based observers do not have to contribute funds, as outlined by Minister Debus, that are necessary to conduct research, develop educational and promotional material and to assist enforcement of the regulations.

With regards to charter fishing boat access to Marine Parks, NSW Fisheries has held preliminary discussions with the Marine Parks Authority to confirm that licensed charter fishing boat operators have gone through a rigorous assessment process to be recognised under NSW Fisheries legislation and therefore should be considered for any exemptions that may be available as part of the modified permit system.

NSW Fisheries is working with these agencies to minimise any duplication with the assessment processes. There will be ongoing input from the committee and industry to avoid duplication.

Recommendation

Information noted by the MAC.

Issue

Licensing issues.

Background (provided by industry)

1. Payment of fees by instalments - is it possible for NSW Fisheries fees to be paid by instalments? Some operators who have their licence renewals come at the same time as other large accounts have expressed their desire to pay their bill in smaller amounts.
2. Leasing arrangements for charter fishing boat licences – how does the Department propose to handle leasing of licences? If a lease occurs the ownership does not change so perhaps a person other than the original applicant could use a non-transferable licence.

Background (provided by NSW Fisheries)

1. Clause 415 (Payment by Installments) of the *Fisheries Management (General) Regulation 2002* provides the opportunity for fisheries related fees, such as charter fishing boat licence fees, to be paid by instalments if approved by the Minister for Fisheries. Clause 415 states:

(1) Despite any other provision of this Regulation, but subject to the Act, the Minister may approve the payment by instalments of any fee, charge or other sum of money payable under the Act or this Regulation.

(2) An approval may establish guidelines in accordance with which instalments are to be paid.

(3) An approval may require interest to be paid on late instalments, at a rate not exceeding the rate payable on judgments of the Supreme Court.

(4) If a person fails to pay an instalment on or before the due date, the total amount of all instalments unpaid on that date, together with any interest, becomes due and payable.

The consideration of provisions for charter fishing boat licence fees to be paid by instalments must be developed in line with this regulation.

2. It is proposed to address leasing arrangements for charter fishing boat licences during the development of the FMS/EIS for recreational and charter fishing. However, it is not envisaged that non-transferable licences will be able to be leased to another operator in the future. The use of skippers on boats that hold non-transferable licences should also be considered at that time.

An update of licensing issues, including the current status of the Review Panel and submission of late charter fishing boat applications will be provided.

Outcomes

There are 237 active licences as at 7 May 2003. This figure does not include people who may have recently submitted a renewal application that is not yet in the system and those who have not forwarded renewal applications. The number of active licences is changing regularly at present due to the results of Review/ADT matters.

Of the 237 active licences, 202 are transferable, 31 are non-transferable and 4 are operating with an interim licence whilst under review – the status of these licences (ie transferable or non-transferable) will be determined through the review process. The current number of authorised endorsements is as follows:

- 170 Estuarine
- 198 Nearshore bottom fishing and sportfishing
- 187 Gamefishing
- 159 Deep sea bottom fishing

The Review Panel will consider outstanding review matters on 22-23 May 2003. Seven applications are currently subject to ADT determinations, which may go back to the review panel. All review matters that have recently been finalised are being published in the Government Gazette and will be forwarded to operators in the near future.

Some members expressed concern with the processing time for licence fees and exemption certificates. Wayne Currie explained that the delays being experienced are primarily due to a number of Licensing staff being involved with the ADT process at present.

With regards to the acceptance of late applications, it was confirmed that the Minister thoroughly considered the committee's recommendations not to accept further applications. However, the Minister decided to retain his discretion, as outlined in cl.304(2) of the regulation, to accept late applications until 30 June 2003, to ensure all potential operators have a chance to submit an application. Please note that late applications are not accepted unless the applicant provides good reasons why the application was not submitted earlier. No applications will be accepted after 30 June 2003.

Between 30 April 2001, the initial cut-off date for applications, and 8 May 2003, the department received a total of 12 late applications. Some of these have been accepted and are at various stages of the assessment process, while a number of others have not yet been accepted. To date, one applicant has been advised that their application will not be accepted and one applicant was successful in gaining a transferable charter fishing boat licence.

Action Item: NSW Fisheries to provide the history of the charter boat regulation, including recent amendments, to MERCMAC.

Payment of fees by instalments - there is an opportunity for some fees to be paid by instalments. NSW Fisheries is currently investigating avenues to streamline and improve the current payment system and associated database. Licensing will provide an update on this issue at the next meeting.

Leasing arrangements to be considered in the industry development component of the FMS.

Recommendation

The committee believes that all potential operators have had ample opportunity to apply for a charter fishing boat licence and have recommended that the 30 June 2003 deadline be confirmed as the final cut-off date for applications.

Moved: Ann Garard; Seconded: Margaret Dodson **Carried**

Issue

Compliance update.

Background (Industry)*Fisheries Officers' availability on weekends*

Weekends and public holidays tend to be the most popular days for people to go fishing. Are enforcement officers rostered on each weekend to enable them to be available when most people go fishing?

Background (NSW Fisheries)*(Information provided by Tony Andrews, Principal Manager Compliance Policy & Review)*

Fisheries Officers are required to work a certain number of weekends and public holidays throughout the year. District work programs and rosters are scheduled in such a way so as to spread staff resources to deliver compliance services during times of peak fishing activity.

An overview of compliance issues and activities related to the charter fishing sector will be presented at the meeting.

Outcomes

A vessel Boarding and Inspection policy was recently released, which outlines the protocols to be followed by compliance officers and charter fishing boat operators when boarding boats and inspecting catches. There is an expectation of reasonable cooperation from the master of the vessel when these activities occur.

The committee expressed concern that some unlicensed operators are still conducting and advertising charter fishing activities. It was confirmed that all reports of illegal fishing activities are documented and investigated by the Fisheries Investigation Unit (FIU). Operators are encouraged to report any suspect charter fishing activities to NSW Fisheries.

Unlicensed Operators

- NSW Fisheries, Waterways and Police are working together to investigate matters;
- NSW Fisheries is currently seeking legal advice from the NSW Crown Solicitor's Office regarding the strategies and tactics that can be implemented to assist in the detection of unlicensed operators;
- NSW Fisheries' is looking into potential legislative changes to the definition of a charter fishing operation to assist compliance efforts and the removal of unlicensed "charter fishing boats" from competing with legitimate licence holders.

Recommendation

The Committee note the issues.

Issue

Commercial fishing update.

Background (NSW Fisheries)

Ms Dianna Watkins, Principal Manager, Commercial, will provide an overview of current commercial fishing issues.

Information regarding management arrangements for gemfish, including the nomination to list the eastern population of gemfish (*Rexea solandri*) as endangered under the *Environment Protection and Biodiversity Conservation Act 1999* will be distributed at the meeting.

Outcomes***Fishery Management Strategies***

- An FMS/EIS has been completed for Estuary General, Estuary Prawn Trawl and Ocean Haul fisheries and management responses are being implemented.
- Commencement of FMS/EIS for Ocean Trawl (fish and prawn trawl combined), Ocean Trap and Line, Lobster and Abalone (outsourced to a consultant at request of abalone industry). EISs are due for public exhibition in 2003.
- Management responses to be applicable to all fisheries including Codes of Conduct (develop or revise) and threatened species reporting.

Recent developments in key commercial fisheries***Estuary General***

The management responses identified in the FMS have been implemented. Regulation amendments (commenced 17 January 2003) have:

- prohibited the use of spikes, clubs etc that harm fish when sorting catch.
- prohibited discarding of cooked (riddled) prawns.
- prohibited the use of hauling nets over strapweed seagrass beds.
- reduced the maximum allowable length of General Purpose hauling nets to 500m (previously allowed to use up to 1000m nets in some estuaries) and use of the net is limited to 1 shot per day.
- Species that can be taken in the estuary general fishery are now specified.
- Implemented zoning scheme and confirmed which estuaries are open to commercial fishing in each zone.

A freeze on new nominations in the Estuary General fishery was introduced on 31 January 2003 to control effort, other than for deceased estates, short term illness and partnerships/companies.

Estuary Prawn Trawl

The management responses identified in the FMS have been implemented. Regulation amendments (commenced 17 January 2003) have:

- Prohibited the use of spikes, clubs etc that harm fish when sorting catch.
- Prohibited discarding of cooked (riddled) prawns.
- Prohibited trawling over seagrass beds (*Zostera* and *Posidonia*).

- Prohibited trawling in all EPT estuaries (Port Jackson, Hawkesbury, Hunter and Clarence Rivers) on weekends and public holidays.

It is now mandatory for by-catch reduction devices (BRDs) to be used in all estuaries (including the Hawkesbury) other than in the lower Hawkesbury (Broken Bay), where squid are targeted on weekdays (sunrise to sunset) – any prawns taken are to be released alive.

Ocean Hauling

The management responses identified in the FMS have been implemented. Regulation amendments (commenced 17 January 2003) have:

- Prohibited the use of general purpose hauling nets over strapweed seagrass beds.
- Prohibited the taking of garfish on weekends (midnight Friday to midnight Sunday) and public holidays (midnight to midnight).
- Implemented new zoning rules for garfish fishers (removed multi-zone access).
- Restricted hauling within 200m of certain beaches (over 50 NSW beaches now closed to ocean hauling activities).
- Restricted the use of the general purpose hauling net so that it must be deployed from, and hauled to, a beach.

Major tasks for 2003:

- Develop and implement a policy to manage the harvest of bait for the Commonwealth Tuna fishery in NSW waters.
- Develop a garfish recovery plan.

Ocean Trap and Line

- Operators who use a lift net to take bait to target tuna in state waters, now require a permit to use the lift net for this purpose. Bait caught by use of a lift net can only be used for targeting tuna. The taking of bait is an issue for both commercial and recreational fishers, and that a collaborative approach is needed across fisheries and jurisdictions.
- Mapping of fishing grounds is considered a priority by industry and will be part of the FMS implementation (with industry assistance).
- Gemfish have been nominated for listing as endangered under the *Environment Protection and Biodiversity Conservation Act 1999*. The public comment period has now closed and the Threatened Species Scientific Committee will consider the nomination.
- Environment Australia has recently released a discussion paper on protection of grey nurse sharks at the Cod Grounds site (near Laurieton).
- Negotiations between NSW Fisheries and AFMA regarding jurisdictional arrangements for tuna and tuna like species under the Offshore Constitutional Settlement arrangements are continuing. Industry are supporting NSW Fisheries in retaining management for tuna and tuna like species in waters inside 3nm. The Commonwealth is considering removing size restrictions on vessels in the Eastern Tuna and Billfish fishery.

Ocean Trawl

- Development of a trawl whiting fishery is being considered under FMS. This is an attempt to minimise the impact that ongoing improvement of BRDs in prawn trawl nets would have on the catch rates for red spot and stout whiting. Whiting consultation paper to be drafted.
- The Angourie Point juvenile king prawn closure has been renewed for a further 12 months until 1 March 2004. Consultation will take place with local fishers on opening part of the closure for the taking of school prawns should a flood occur.

- NSW Fisheries is collating and considering industry's responses to the OCS consultation paper on jurisdiction for Fish Trawling south of Barrenjoey Headland. Proposed transfer to Commonwealth with closed areas within 3nm.
- A recovery plan for silver trevally will be developed as a part of the Ocean Trawl FMS. A minimum legal length of 30cm (total length) has been suggested. A review of bag and size limits is to be addressed in the Recreational and Charter FMS.

Category 2 Share Management

- The six main restricted fisheries were included in Schedule 1 of the Fisheries Management Act as category 2 share management fisheries in March 2001.
- Two industry consultation papers were distributed seeking industry views on options for eligibility of category 2 shares.
- Shares will be the primary tool to manage effort levels and restructure at the fishery and/or endorsement level.
- Submissions to these papers indicate a majority support for an equal allocation of shares or a combination of equal allocation and additional shares based on Validated Catch History (VCH), with preservation of VCH for possible use at a later date if required.
- NSW Fisheries is considering industry's responses to the most recent consultation paper on share allocation criteria and undertaking preparatory work to allocate shares.

Website – Commercial Fisheries

New updated commercial fishery home pages are being progressively placed on the NSW Fisheries website.

The commercial fishing sector continue to express concern regarding the use of spider wire and electronic winches by recreational fishers.

Members are encouraged to read the commercial fishing fisheries management strategies as they are produced and be directly involved in the consultation process. Strategy and overview papers will be available as produced.

The committee expressed support for a NSW charter fishing boat representative to be involved in the baitfish working group discussions.

Action item NSW Fisheries to advise on the composition of the working group, including opportunities for representation of the charter fishing sector.

The committee requested clarification of the roles of NSW Fisheries and AFMA in managing charter fishing activities.

Action item: NSW Fisheries to provide the committee with an update on the OCS negotiations at the next meeting.

Recommendation

The Committee note the issues.

Issue

Consideration of industry development issues to be addressed in the Fishery Management Strategy and Environmental Impact Statement process for recreational and charter fishing.

Background (NSW Fisheries)

The FMS/EIS for recreational and charter fishing provides an opportunity for the charter fishing sector to consider issues for future development and expansion of the industry. As a preliminary step to the formal FMS/EIS consultation process, committee members are invited to consider where they envisage the charter fishing sector will be in the medium term, including how the industry will respond to changing fishing activities and possible development in tourism over that time.

Issues for consideration include: licence splitting and the transfer of fishing capacity between vessels; purchase of existing licences and amalgamation of licences to provide additional seats without increasing the total number of permitted passengers in the industry; increases in fishing capacity for vessels, for example, changing the permitted number of passengers; the tradeability of licences between ports and zones; and catch and release only licences for low impact methods such as fly fishing and gamefishing. The requirements of the Commonwealth Government's National Competition Policy must also be considered during this process.

Outcomes

The committee held preliminary discussions of industry development issues and was encouraged to consult with charter fishing operators to ensure a broad range of issues are identified.

Recommendation

The Committee to consider industry development issues that should be addressed in the FMS.

Other business

- *Charter boat monitoring program and deepwater species catch information*

Industry has requested consideration of a more streamlined logbook system. *NSW Fisheries discussed issues associated with the consolidation of logbooks and will progress in line with the committee's comments.*

The committee requested information regarding catches of deepwater species by charter fishing boat operators. Information for the 2001 calendar year is attached. *The committee requested confirmation of the recreational fishing regulations relating to gemfish. The current rules stipulate a bag limit of two gemfish per person per day, as part of the deepwater species bag limit of five. A boat limit of ten gemfish also exists at present. It was noted that these rules will be subject to change if the eastern population of gemfish (*Rexea solandri*) is listed as endangered under the Environment Protection and Biodiversity Conservation Act 1999.*

- *Surveys of charter fishing activities*

NSW Fisheries has commissioned Ernst and Young to undertake a detailed study of the economic impact that both recreational and commercial striped marlin fishing are having on the NSW economy. The survey of charter boat gamefishing activities is an important part of the study and will provide information about the nature and extent of the striped marlin resource to the charter fishing sector. As a result, an expenditure survey form for the charter fishing sector is currently being prepared by Ernst and Young and will be distributed, along with the standard striped marlin survey, to gamefishing operators in the near future. All operators who conduct gamefishing charters are encouraged to complete the questionnaire and return it to NSW Fisheries as soon as possible.

Issue raised by industry - apparently some operators have been asked to participate in a survey about charter boat interaction with fisheries managed by the Commonwealth. Does NSW Fisheries have any knowledge of this survey or had any recent discussions with the relevant agencies about charter boats?

Information provided by Mr David Galeano, Fisheries Economist, Australian Bureau of Agricultural and Resource Economics (ABARE)

The Department of Agriculture, Fisheries and Forestry - Australia (AFFA) has provided funding for ABARE to conduct a survey of charter fishing operators targeting tuna and billfish species off the east coast of Australia. The background to this is the recognition that tuna and billfish caught off the east coast are targeted by both commercial and recreational fishers and that management needs to take into account this resource sharing. While the charter fishing sector will continue to be managed by the relevant state authority, sound management of the commonwealth managed eastern tuna and billfish fishery will require that other users of the resource be adequately accounted for. Currently ABARE do an economic survey of the commercial 'Eastern tuna and billfish fishery' (since 1989-90), but there is little (if any) information of the economic value of charter game fishing operations off the East Coast. The purpose of this survey is to get an idea of the economic value of this charter sector.

The survey will be carried out by face to face interviews, and in some cases by phone. The interviewer will ask some questions relating to the boat operations, labour, receipts, costs and capital. Being an economic survey, the receipts and costs are the most important part of the survey. All information collected will be strictly confidential and the results will be presented in a report which will only show aggregated results (perhaps broken up by state). ABARE would greatly appreciate the assistance of NSW charter fishing boat operators with this study.

- *Progress of code of conduct for charter fishing activities*

At the last meeting the committee was asked to consider topics to be addressed by a code of practice for charter fishing. These issues will be discussed at the meeting.

Action item: Code of practice information to be forwarded to members for further consideration of issues.
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Next Meeting: Thursday 30 October 2003 proposed – subject to the Minister’s availability and FMS timetable.