

Marine and Estuarine Recreational Charter Management Advisory Committee Draft Outcomes from 22nd meeting St George Rowing Club, Sydney

19 August 2014

Attendees

Brian Beer (Chairperson), Mark Flanagan (Region 2 - Mid North Coast), Roland Persson (Region 4 - Sydney), John Paton (Region 4 - Sydney), Ann Garard (Region 5 - Illawarra), Keith Appleby (Region 7 - Far South Coast), Attila Kaszo (Conservation), Sanchia Glaskin (Recreational Fishing).

1. Welcome

The Chair welcomed committee members and declared the meeting open.

2. Apologies

Scott Thorrington (Region 3 – Central Coast), Shirley Massey (Commercial Fishing).

3. Confirmation of minutes from previous meeting

Motion: The committee accepts the outcomes as a true and accurate record of discussions from the 21st MERCMAC meeting, held 29 January 2014. Moved: Ann Garard. Seconded: Sanchia Glaskin. **Carried.**

4. Business arising from the minutes

The department confirmed consultation will occur with operators regarding the status of charter fishing exemption certificates i.e. whether they should be mandatory for all CFB licence holders.

DPI advised the council of developments associated with meeting administration processes and that the majority of issues have been resolved, however, one remaining issue relating to Superannuation payments is still being investigated. It was suggested that if a Merchant fee is charged for any transaction then it should be stipulated on the statement.

5. Recreational and Indigenous Fisheries Management update

a) Review of NSW Recreational Saltwater and Freshwater Fishing Rules

A total of 5,440 submissions, incorporating over 30,000 comments, were received as a result of the public exhibition of the review of NSW fishing rules discussion paper. Following a comprehensive analysis of this feedback, a summary of submissions report was prepared and is currently being considered by the Government. The committee will be advised of developments.

b) Consultative arrangements

i) Ministerial Fishing Advisory Council (MFAC)

MFAC has been formed to consider high level strategic policy issues and directions relating to the state's aquatic environments and fisheries resources, in order to provide consolidated cross-sector fisheries advice to Government. It was suggested the MFAC recreational fishing representative be invited to future meetings to assist communication between the charter fishing industry and broader recreational fishing sector.

ii) Advisory Council on Recreational Fishing

The NSW Government is currently considering changes to existing recreational fishing consultative structures. As previously advised, it is proposed for current consultative processes to remain in place until any new consultative body is set up and becomes fully functional.

iii) DPI Working Groups

The committee was informed that DPI Fisheries has also been using task based working groups on an as needs basis to provide advice on specific issues. Working group members can be appointed by the Executive Director, Fisheries NSW based on skill and expertise relevant to the tasks assigned (as opposed to a formal election process conducted by the Electoral Commission NSW for Management Advisory Committees) and may be established for a short term or in an ongoing capacity, if required. Consistent with current arrangements, consideration is being given to restructure MERCMAC into a charter fishing working group, to consult with the Government on behalf of NSW charter fishing operators on an ongoing basis. The committee will be advised of developments.

c) Cultural Fishing

NSW DPI, in association with the Aboriginal Fishing Advisory Council (AFAC), released a consultation paper to assist development of an Aboriginal Cultural Fishing Regulation, which will formally recognise cultural fishing activities, including bag limits. The consultation documents are available on the DPI website at: <http://www.dpi.nsw.gov.au/fisheries/aboriginal-fishing/cultural-fishing/regulation>. Submissions close 9am Monday 15 September 2014.

d) Southern Bluefin Tuna (SBT)

SBT is classified as Endangered in NSW and a Ministerial order is required to enable continued recreational fishing for the species. Consultation on the proposed Ministerial order and Species Impact Statement (SIS) for SBT resulted in approximately 40 submissions. Submissions are currently being reviewed and a summary of submissions document will be developed.

The committee was advised that ACoRF reconsidered its position regarding recreational fishing access to SBT and had recently recommended a recreational bag limit of 2 (with no boat limit for either recreational or charter fishers). The previous recommendation was a recreational bag limit of 1; recreational boat limit of 2; and a charter fishing boat limit of 6.

e) Fisheries enhancement programs update

i) Prawn stocking

Approximately 4 million post-larval size Eastern King Prawns are proposed to be stocked in 10 NSW estuaries, including 4 recreational fishing havens, commencing mid-late December 2014. Monitoring will occur throughout the program to, for example, assess the contribution of stocked prawns to the fishery.

ii) Fish aggregating devices (FADs)

There are now 29 FADs distributed throughout NSW coastal waters. This includes 4 new FADs that have to be deployed off Yamba, Nambucca Heads, Shellharbour and Ulladulla this year.

iii) Offshore artificial reefs (OARs)/recreational fishing reefs

a) Sydney - Research and monitoring of the Sydney OAR undertaken by Professor Iain Suthers has now observed more than 2,000 boat-hours in the second year of the study. Prof. Suthers refers to the reef as an ecological wind farm – providing habitat for fish and invertebrates. Further information is provided at: <https://www.science.unsw.edu.au/news/analysis-sydney's-artificial-reef-ecological-wind-farm>.

b) Shoalhaven – The recreational fishing reef off Shoalhaven will be made of multiple purpose-built concrete artificial reef modules, which is designed to support species such as snapper and mulloway. It is quite different to the Sydney reef, which is regarded as a pinnacle style reef. The total reef volume will be around 1600m³ (double the volume of the Sydney reef) and will be deployed over an area of 250 metres by 250 metres. It is proposed that installation of the Shoalhaven reef will commence in mid-January 2015. It is expected that the sea dumping permit will be issued soon.

c) Port Macquarie – local stakeholder consultation is planned to be undertaken in October 2014 to outline the project scope for the Port Macquarie recreational fishing reef and discuss potentially suitable sites.

Similar to the Shoalhaven reef, it is proposed to construct the reef using multiple purpose-built concrete artificial reef modules.

d) Port Botany Boating and Fishing Infrastructure Program – ANSA NSW has been instrumental in gaining support for 2 artificial reefs structures off Port Botany to improve fishing access in and around Port Botany. Preliminary site selection process indicates Bate Bay (Kurnell/Cronulla) is a likely site for the OARs.

6. Research Strategic Plan

The Fisheries NSW Strategic Research Plan 2014-2018, distributed to members' for information, provides a broad framework for current DPI fisheries research activities, which have been organised into seven priority programs:

- Threats to fishery resources
- Sustainable fish harvest
- Ecosystem assessment
- Aquatic biodiversity
- Sustainable aquaculture
- Fishery enhancement
- Fish habitat improvement

Recreational and charter fishing advisory groups have been encouraged to examine current and new priorities to develop a consolidated recreational and charter fishing list of research priorities. Other existing research priority areas from FRDC and RecFishing Research were provided for member's information.

The committee was advised there are 13 Recreational Fishing Trust funded research projects currently being carried out by the DPI Fisheries Research branch. From a research perspective, it has been confirmed that charter fishing is considered to be a recreational fishing activity. It is also important to note that DPI cannot provide the scientific research required to address all knowledge gaps about aquatic environments or fisheries resources. Effective collaborations with other research groups within state agencies, universities and the community will continue to be essential in the future for sound management.

The committee identified the following potential recreational and charter fishing research priorities in the context of DPI's seven program areas:

1) Sustainable fish harvest

- Snapper – Biological benefit of a slot limit (and appropriate maximum size limit); determination of genetic population structure and regional genetic variations.
- Gemfish – Justification of boat limit for CFBs.
- Pearl Perch – Age and growth; post-release mortality.
- Kingfish – Determination of genetic population structure and regional genetic variations; biological benefit of increasing MLL.
- Blue Morwong – Barotrauma/post-release mortality.
- Southern Bluefin Tuna – Stock status (endangered species, but no status in NSW due to distribution).

2) Fisheries enhancement

- Programs considered well planned and resourced already.

3) Habitat restoration and protection

- Reducing impact on marine (ocean and estuarine) habitats and important fishing grounds e.g. expansion of ports - dredging, dumping of spoil, increasing numbers of ships anchoring nearby, use of anchorages to wait for backloads (sometimes for months); submission of quality HAP applications relating to ocean/offshore habitat issues

4) Ecologically Sustainable Development

- EIA for charter fishing as part of recreational fishing EIA – Distinguish between fisheries e.g. recreational – no limit on number of participants; charter fishing – capped sector/limited entry arrangements already in place.

- Reasons why anglers undertake catch and release practices – adhering to bag and size limits; sport; incidental catch/bycatch; tournaments.

5) Value from and benefits of recreational (charter) fishing

- Refine methodology of existing economic studies relating to charter fishing to improve process, operator input and associated results.

6) Recreational fishing leadership

- Development of suitable orientation programs.
- Assessment of suitable compensation for stakeholder representatives.

7) Extension

- Proposed development of DPI web portal e.g. Atlas of living Australia.
- Emphasis on social media e.g. DPI Facebook page; YouTube videos.
- Feedback to anglers - DPI Mulloway research program; Newscast emails.

7. Commercial fishing update

i) Reform program for NSW commercial fishing

The Advisory Council on Recreational Fishing lodged a submission on the commercial fisheries reform program on behalf of recreational and charter fishers on 30 May 2014. A copy of the ACoRF submission was distributed at the meeting for information.

ii) Policy Review – Access to baitfish for Commonwealth Eastern Tuna and Billfish Fishery operators

A detailed background paper 'Policy Review – Access to baitfish for Commonwealth Eastern Tuna and Billfish Fishery operators', relating to bait for own use permits for tuna longliners, was distributed to members for information and review prior to the meeting. The proposal is an interim (12 month) arrangement while a further review is undertaken. Further information was provided by DPI. John Paton, recreational fishing representative on the Baitfish Working Group, also provided his perspective relating to tuna bait permits.

MERCMAC indicated support for the proposed interim policy direction subject to some minor variations and comments being:

- Monitoring of the catch and accurate catch reporting is essential – a condition of the permit should be that operators must report (on a quarterly basis) the quantity of each species taken (including date/time information) in that 3 month period; reporting to be at the existing commercial fisheries records grid reference level.
- Acknowledgement of major recreational fishing tournaments (e.g. Port Stephens Interclub and Bermagui Yellowfin tournaments) and recognition of gentleman's agreements i.e. limit bait collection in that area (up to 1 week) before and during major events.

The committee also supported ACoRF's views that there may be opportunity for additional bait FADs for recreational use to be implemented under any new proposed policy arrangements.

8. Land-based and spearfishing charter fishing activities

Limited fishing activities are permitted as part of an authorised charter fishing business to be conducted off the vessel e.g. land-based bait collection in estuaries and on ocean beaches and spearfishing activities conducted off the boat in ocean waters. Clause 80 of the NSW *Fisheries Management (General) Regulation 2010* states:

- (1) For the purposes of section 34C (2) (h) of the Act, the following recreational fishers are exempt from paying a fishing fee:
 - (a) a fisher who holds a current pensioner concession card,
 - (b) a fisher who is of or over the age of 18 years of age and is only assisting a fisher under 18 years of age to take fish by means of a single dip or scoop net (prawns),
 - (c) a fisher who is engaged in bait gathering, shore-based fishing or other activities ancillary to guided recreational charter fishing (within the meaning of Part 13), if:

- (i) a fishing fee exemption certificate under section 34I (3) (b) of the Act is already held in respect of the charter fishing boat, and
- (ii) the fisher is in the immediate vicinity of the charter fishing boat.

There is an ongoing issue with land-based nipper pumping in the Tweed River, with a small number of local stakeholders continuing to express concern about potential habitat damage and impact on the marine environment from land-based charter fishing activities in an area of the Tweed River. There are currently two large-scale estuary charter fishing businesses that conduct nipper pumping activities as part of the charter fishing trip. Specifically, concerns relate to vessels remaining under power when run aground and the observed shifting of sand and formation of sand bars in narrow channels; the number of clients that disembark the vessel to participate in saltwater nipper (yabby) pumping activities; the frequency of these activities; and the affect that continual trampling of these areas may be having on the benthic environment. Local stakeholder consultation is continuing. These types of activities must occur within the immediate vicinity (i.e. within sight) of the charter fishing vessel.

Motion:

- i) The committee provides in-principle support for land-based and spearfishing activities to be undertaken within the immediate vicinity of the authorised charter fishing vessel;
- ii) Formal recognition of these activities, to complement existing legislation relating to the use of exemption certificates when undertaking these practices, could be included in fisheries legislation as part of the broader charter fishing industry development process; and
- iii) Greater business flexibility and opportunities for charter fishing operators generally is strongly supported.

Moved: John Paton. **Seconded:** Keith Appleby. **Vote:** 7 for, 0 against. **Carried.**

9. Charter fishing logbook monitoring program

There is a legislative requirement for charter fishing operators to submit catch returns for fisheries monitoring purposes. Additionally, charter fishing sector catch and effort data is considered the most feasible and cost effective option to get ongoing time series catch data for the recreational fishery. It is therefore a high priority for comprehensive charter fishing logbook data to feed into the department's resource assessment process.

DPI provided an overview of data obtained from operators via the logbook program 2011-2013, including number of charter fishing trips conducted each year, average number of passengers, fishing trip duration and catch and effort estimates. The committee was also advised about the strategies being developed to identify ways to improve the effectiveness of the logbook program, including simplifying reporting mechanisms and increasing the quality of information received.

Information noted.

10. Compliance update

An overview of major compliance operations, including recreational and charter fishing related actions, during the 2013/14 year was provided to the committee.

It was confirmed that an overview of compliance activities and contacts with members of the public is provided on the DPI website, however, specific details about major operations, convictions etc. are generally announced via targeted media releases.

Recreational fishers and charter boat operators are encouraged to report illegal fishing activity by phoning: 1800 043 536 or completing the online report form at:
<http://www.dpi.nsw.gov.au/fisheries/compliance/report-illegal-activity>.

11. Economic Survey of the Charter Fishing sector in NSW and NSW Statewide Recreational Fishing Expenditure Survey project (final report by Dominion Consulting)

i) Economic survey of the charter fishing sector in NSW

This project aimed to evaluate the economic expenditure related to, and contribution of, the charter fishing sector in NSW and determine the most cost effective approach for future expenditure surveys. It was confirmed that past studies are limited and therefore this project may provide a platform for further, more detailed economic assessment of the NSW charter fishing sector over time. In turn, it also provided a

better understanding of the value and importance of the NSW charter fishing industry to operators, regional and metropolitan communities and the NSW fishing public.

Dr Alistair McIlgorm, Dominion Consulting, provided an overview of this project at the previous meeting. A copy of the final report 'Economic Survey of the Charter Fishing sector in NSW' was provided for information.

The charter fishing sector was estimated to provide a total economic output of \$50.17m to the NSW economy in 2012, including \$12.36m in household incomes and a total of 188 fulltime jobs, from charter operator expenditure and recreational charter fishers' expenditure on travel and accommodation related to these fishing activities.

The outcome of this survey highlights the benefits that flow from the recreational fishing community that participate in authorised NSW charter fishing activities. The NSW Government is supportive of both the commercial and recreational fishing sectors, and this snapshot shows how valuable the charter fishing sector is to NSW communities. Members were encouraged to review these findings and consider whether there is a need for supplementary economic research on the NSW charter fishing sector.

ii) NSW Statewide Recreational Fishing Expenditure Survey

An independent statewide survey was undertaken using funds from the Recreational Fishing Trust, which determined that recreational fishing brings around \$3.5 billion to the NSW economy each year and that fishers spent more close to \$1.6 billion on fishing related expenses, including travel, fishing tackle and boat related items, in NSW during 2012. The survey also found employment benefits of 14,254 full-time jobs; \$877.3 million injected into household income; and interstate visitors contributed \$186.1 million.

Recreational fishers spent \$502 million in the North Coast; \$511 million in the Sydney region; \$360 million in the South Coast; and \$251 million in the inland region.

12. Fisheries regulation amendments

The committee was advised that some changes to fisheries rules were recently introduced through the *Fisheries Management Legislation Amendment (Miscellaneous) Regulation 2014*. This regulation commenced on 13 June 2014 and includes a range of mostly minor amendments across various sectors including Commercial Fisheries, Recreational and Indigenous Fisheries and Aquatic Habitat Protection.

Many amendments are administrative in nature and will not change existing fishing activities. The amendments are not related to the reform program for NSW commercial fishing or the review of freshwater and saltwater recreational fishing rules.

An Information Paper – for Fisheries Council and Committee members, which provides information about the changes, was distributed to members. A factsheet, which outlines amendments relating to recreational fishing, has been placed on the DPI recreational fishing homepage and was provided to members.

Information noted.

13. Correspondence

Nil.

14. Out of session issues

i) Recreational Fishing Trust application

Proposed study "First implementation of an independent observer program for the Charter Boat Industry of NSW: data for industry-driven resource sustainability".

RSFTEC provided conditional support for the project application "First implementation of an independent observer program for the Charter Boat Industry of NSW: data for industry-driven resource sustainability" (submitted by WildFish Research) and referred the application to MERCMAC out of session for endorsement and consideration of a funding contribution from the Charter Trust. Information was sent to MERCMAC members on 18 June 2014.

MERCMAC provided majority support for the application (including revised project methodology), as well as a 30% funding contribution from the Charter Fishing Trust (MERCMAC out of session voting: 7 members supported the project application and a 30% contribution from the Charter Fishing Trust; 1

member supported the project application with nil contribution from the Charter Fishing Trust; 1 member abstained).

The total amount requested for the project is \$159,300. Based on the recommendation from MERCMAC, the funding breakdown is 70% (\$111,510) from the Saltwater Trust and 30% (\$47,790) from the Charter Fishing Trust.

ACoRF stated that, as part of the funding approval, WildFish Research be requested to also obtain otolith samples from charter catches according to an agreed sampling protocol, including priority species and frequency of sampling (to be agreed between WildFish Research and DPI), which should be provided to DPI for processing. Council also recommended that project set up include an appropriate data and sample transfer and sharing agreement between DPI and WildFish.

Motion: The committee confirms the out of session support for this funding application, as outlined.

Moved: John Paton. Seconded: Mark Flanagan. Vote: 7 for, 0 against. **Carried.** (Note: Keith Appleby supported the funding application, but not the 30% contributing funding from the Charter Fishing Trust).

15. General business

The committee requests an update on DPI's shark management programs and land-based aquaculture proposals at the next meeting.

Next meeting

TBC.