

-ESTUARY GENERAL MANAGEMENT ADVISORY COMMITTEE

AGENDA

1st Meeting for 2006,
10th August, 2006 (9:30 - 4:30)

Venue: The Judd Room (upstairs) North Cronulla Surf Life Saving Club, Mitchell Road,
CRONULLA (map to location attached).
Phone 9523 5846 (North Cronulla SLSC)

Attendance

Mr Richard Stevens
Mr Barry Johnson
Mr Geoff Blackburn
Mr Peter Ragno
Mr Jim Drinkwater
Mr Russell Massey
Mr Paul Stanford
Dr Gee Chapman
Mr Malcolm Poole
Mr Phil Duncan
Ms Anne Macready (Estuary General Manager)

Representing

Chairperson
Region 2
Region 3
Region 4 (North)
Region 4 (South)
Region 6
Region 7
NCC
Recreational
Indigenous
NSW DPI

Observers

Ms Dianna Watkins (Manager, Commercial Fisheries)	NSW DPI
Mr Darryl Sullings (A/Senior Fisheries Manager)	NSW DPI
Mr Nathan McNamara (Fisheries Management Officer)	NSW DPI
Mr Mathew Richardson (Compliance)	NSW DPI
Mr Doug Rotherham (Research)	NSW DPI
Mr Allan Lugg (Conservation)	NSW DPI
Ms Shirley Massey	RIC
Mr Glenn Dawson	Industry
Ms Veronica Le Nevez	Marine Parks
Mr Darren Reynolds	NSW DPI

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AGENDA DRAFT

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Venue: The Judd Room (upstairs) North Cronulla Surf Life Saving Club,
Mitchell Road, CRONULLA.
Phone 9523 5846 (North Cronulla SLSC)

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|--|------------------------|
| 1. Welcome and Apologies | Chairperson |
| 2. Agreement on agenda for 10 th August 2006 | Chairperson |
| 3. Confirmation of draft minutes of 21 st October 2005 | Chairperson |
| 4a. Business arising from minutes including action list | Chairperson |
| 4b. Correspondence received and sent | Chairperson |
| 5. a) Estuary General Share Management Plan
b) Licencing Arrangements
c) Share trading | NSW DPI |
| 6. Batemans Bay Marine Park Update | Marine Parks Authority |
| 7. Meeting Updates | |
| a) Seafood Industry Advisory Council Update | Region 4 (South) |
| b) Research and Compliance Update | NSW DPI |
| c) Committee member updates | Committee |
| 8. Other Business. Time Permitting. | |
| a) Outcomes from Out of Session agenda items | NSW DPI |
| b) Bi-annual review of EG Code of Practice | NSW DPI |
| c) Flathead net replacement and new overnight meshing registration timeframe. | NSW DPI |
| d) 10. Proposal to Prawn Seine in rivers adjoining Watson Taylors Lake | Region 3 |
| e) Region 1 Fishers have proposed to authorise unlicensed crew for Prawn Hauling Operations in the Richmond River. | Region 4 |
| 9. Chairperson's summary and proposed meeting date for the next EGMAC meeting | Chairperson |

Agenda Item 1	Chairperson
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Issue Welcome and apologies

Background Mr Terry Haack, Region 5 EGMAC Representative, has resigned from the Committee after accepting an offer in the Port Jackson buyout process. Mr Haack enjoyed his short time as a representative of the EGMAC and said that it's been an interesting, eye-opening experience. Apologies received from Dr Gee Chapman, the NCC Representative, as she will be unable to attend the entire meeting due to prior arrangements. A nomination process for MAC representatives, including EGMAC regions 2, 6, and 7 was recently held and representatives for region 2 and 6 were elected unopposed. The Committee would like to welcome the new Region 2 representative, Mr Glenn Dawson, and congratulate Mr Russell Massey for being elected for another term. Vacancies currently exist on the EGMAC for representatives from Regions 1, 5 and 7. An expression of Interest has been advertised and closes on 11 August 2006. The Committee would also like to welcome Mr Phil Duncan, the newly appointed Indigenous Representative for the Estuary General Management Advisory Committee.
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Outcome

Agenda Item 2	Chairperson
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Issue Agreement on the agenda for 10 th August, 2006

Background A notice advising of the meeting and calling for agenda items was forwarded to all EGMAC members, Fisherman's Co-operatives, coastal Fisheries Offices, and Regional Industry Conveners. The inclusion of agenda items is subject to the Chairperson's approval having regard to items currently and previously listed for discussion. Additional items may be proposed for discussion during other business, subject to approval by the Chairperson. A draft agenda including background papers was sent to all EGMAC members, Fisherman's Co-operatives, coastal Fisheries Offices, Regional Managers, Regional Industry Conveners and fishers who have registered an interest in receiving these papers prior to the meeting.

Outcome

Issue

Confirmation of draft outcomes of 21 October 2005.

Background

Preliminary draft outcomes of the EGMAC meeting held on 21 October 2005 were circulated to all MAC members for comment soon after the last meeting. Amendments were made following comment from the Committee and the draft outcomes are provided in a file for your information.

Outcome

Issue

Business arising from minutes including action list.

Estuary General MAC Rolling Action Status List (Feb 01 to present)

- *Indicates the update*

Action Item	Date Raised	Pending	In Progress	Ongoing	Complete
1. Arrange for appointment of an indigenous representative for EGMAC • The Committee welcomes Mr Phil Duncan	19 Apr 2002				✓
2. Formalise the agreement made between recreational and commercial fishers re: the upper Myall River. • Fishery officers will observe recreational prawning in the area over the summer.	25 July 2003		✓		
3. Investigate streamlining of research permit procedures (discard chutes). • Permits for Engine wells as effective Discard chute are currently available to Estuary General Meshing endorsed fishers. Fishers must have a 'centre well' boat with a gap of 25 cm (same as non-collapsible discard chute) between the engine wall and engine. Note: No s37 permits will be issued to fishers with outstanding catch records.	14 Nov 2003				✓
4. Investigate renewal of Pittwater closure re: mesh net schedule • Currently no change to the closure	1 & 2 July 2004				✓
5. Region 5 rep to supply NCC with information re: Sydney Harbour closure proposal.	1 & 2 July 2004				✓ Not relevant due to current S8 closure
6. Conservation to provide information to DEC re: Coffs Creek sewerage spill closure (Sarah Fairfull) and the MAC seek DPI's input into this action.	26 Nov 2004	✓			
7. NSW DPI & MAC to consider eel trap design with larger mesh (40mm) & smaller mesh (20mm), as well as potential escape rings or other devices for	26 Nov 2004			✓	

smaller eels once the minimum legal size is implemented <ul style="list-style-type: none"> The Department considers that more research needs to be undertaken regarding mesh size and escape rings of eel traps 					
8. Advise the Committee of possible costs associated with the implementation of RFGs at the next meeting as per the FMS.	26 Nov 2004	✓			
9. Industry members to consult constituents regarding industry-funding assistance for buyouts.	26 Nov 2004	✓			
10. Approach local councils to gauge financial support for future buyouts, if feasible.	26 Nov 2004	✓			
11. Investigate Recognised Hauling Ground map previously prepared for Wallis Lake.	26 Nov 2004	✓			
12. DPI to further develop paper for SIAC re: share management workshop	9 June 2005		✓		
13. DPI to review the number of flathead and set mesh nets on a regional basis. Determine flathead net registration time frame for fishers to register new nets.	9 June 2005				✓ (Agenda item 8)
14. Region 4 (north) representative to discuss clover leafing permits with region 4 fishers and update MAC of the constituents of this topic.	9 June 2005	✓			
15. Region 5 representative to meet with local community regarding the use of winches in Pittwater.	9 June 2005	✓			
16. DPI to provide MAC with an update on Palmer report	9 June 2005	✓			
17. DPI to review the number of hoop/lift nets and crab traps that may be used at one time. Also the operation times the hoop/lift nets, and the species that can be retained for mud crab trapping endorsements.	9 June 2005		✓		
18. DPI to investigate the bubble size limit on set mesh nets as the nets are being destroyed when setting in high current waters. <ul style="list-style-type: none"> This issue is being considered as implementation during the SMP process. 	9 June 2005		✓		
19. DPI to investigate the status of the proposed closure for Brooklyn sewerage outfall between bridges and proposed 100 m closure to commercial fishers.	9 June 2005	✓			
20. Committee members to liaise with fellow fishers regarding to standardize hoop net/witches hat identification for recreational and commercial fishers.	9 June 2005				✓ Letter sent to ACoRF
21. DPI to contact DEH and DIPNR regarding the ramification of any change to review objective 2.3a of the FMS and look at the removal of the owner operator rule. Advise MAC once advice has been received.	9 June 2005		✓		

<ul style="list-style-type: none"> The removal of the Owner Operator rule is being considered during the SMP process 					
<p>21. The Department to complete the draft Share Management Plan by mid December and send drafts to Parliamentary Counsel and the Committee out of session.</p> <ul style="list-style-type: none"> The Committee to discuss the EG Share Management Plan at this meeting 	21 Oct 2005				✓
<p>22. DPI to prepare a short discussion paper for out of session for the Committee on the feasibility of linking shares to a measure of effort. Eg. Number of traps.</p> <ul style="list-style-type: none"> 	21 Oct 2005	✓			
<p>23. DPI to continue to investigate issues raised by region 7 meeting. Region 7 fishers to liaise with relevant stakeholder groups regarding the partial opening of certain RFH's to commercial fishing.</p> <ul style="list-style-type: none"> The Department is drafting up a policy for proposals relating to recreational fishing haven amendments. The EGMAC will be consulted on the policy prior to its implementation. 	21 Oct 2005		✓		
<p>24. Recreational Representative to provide the Committee with contact details of local fishing clubs</p> <ul style="list-style-type: none"> The Department is unable to provide the Committee with the contact details of the local fishing clubs due to breaches in the <i>Privacy and Personal Information Protection Act 1998</i>. Fishers wishing to obtain details of fishing clubs can search on the Internet or local phone books. The Department may also write to fishing clubs on behalf of commercial fishers. 	21 Oct 2005				✓
<p>25. DPI to modify COP to include some guidelines on when and where a codend for an eel trap should be required. Implement appropriate eel trapping proposals</p> <ul style="list-style-type: none"> CoP being reviewed this meeting, and the outcomes of the review to be implemented into the CoP 	21 Oct 2005	✓			
<p>26. DPI to advise appropriate fishers of the option to be issued a Section 37 permit to use an engine well as an effective discard chute.</p> <ul style="list-style-type: none"> The Permit was publicised in the RIC newsletter of March 2006 	21 Oct 2005				✓ Applications obtained from local FO's.
<p>27. Industry reps to consult relevant industry members about the proposed licence condition place on Estuary General Handgathering fishers (pipi licence condition)</p>	21 Oct 2005	✓			
<p>28. DPI to consider funding options for the proposed Handgathering stickers and the practicability of using current OH stickers</p>	21 Oct 2005	✓			

29. DPI to consider the removal of restricted licences as part of the development of the SMP	21 Oct 2005	✓			
30. DPI to update Committee at next meeting on progress of Seagrass mapping	21 Oct 2005	✓			
31. Recreational Rep to forward proposal to ACoRF regarding the total ban of all recreational crab traps.	21 Oct 2005	✓			
32. Committee to determine deputy representative for SIAC	21 Oct 2005	✓			
33. DPI to provide Committee the published scientific papers on independent research. Also to provide Committee any proposed future research relating to fish breeding and stocking.	21 Oct 2005	✓			
34. Region 4 South Rep to provide the Committee with a proposal to see a research permit issued to certain fishers.	21 Oct 2005	✓			
35. Region 3 representative to provide the Committee with proposal on the commercial harvest of Australian Bass	21 Oct 2005	✓			
36. DPI to provide Committee at next meeting an update on Marine Parks <ul style="list-style-type: none"> • Update being given by Mr Cameron Westaway 	21 Oct 2005				✓
37. Committee to provide Department on nomination for CEWG deputy.	21 Oct 2005	✓			
38. Chairperson to respond to OTMAC expressing the concerns of the EGMAC. Committee members to approve draft letter.	21 Oct 2005				✓ Sent to OTMAC on 6/2/06
39. Chairperson to forward the Committees agreement to ACoRF regarding the proposal to standardize hoop net/witches hats identification for both recreational and commercial fishers.	21 Oct 2005				✓ Sent to ACoRF on 9/12/05

ONGOING ACTION ITEMS	Date Raised	Pending	In Progress	Ongoing	Complete
1. Assess whether it is practical to reinstate the 1800 general inquiries number. MAC was advised this was not possible on 29/6/01, however asked for it to remain on the action list <ul style="list-style-type: none"> • There is an Information – Advisory number if you are uncertain who to speak to or have a general enquiry: 1300 550 474 	1 & 2 Feb 01			✓	
2. Provide MAC with most recent fisher numbers at each meeting	22 Mar 01				✓ (Listed in Attachment 1)
3. Consider permitting an additional 10 mud crab traps in other estuaries in line with the Port Stephens and Wallis Lake areas when the Strategy is next reviewed.	25 July 2003			✓	
4. The number of traps permitted to be used by recreational fishers to be considered as part of the development of the recreational fishing fisheries management strategy with a view to decreasing numbers permitted.	25 July 2003			✓	
5. Follow up with NPWS re: request to haul in penguin CH between 10pm and 4am.	½ July 2004	✓			
6. Provide register of closures scheduled for renewal to Committee annually.	½ July 2004	✓			
7. MAC to provide suggestions re: info to be presented at future share mgt workshops. Establish register to keep information requested by MAC for share management workshops.	½ July 2004			✓	
8. Consider feasibility of issuing a fishing business card.	26 Nov 04			✓	
9. DPI to review and update the Committee on the Caulerpa Closure from Careel Bay to Barrenjoey (region 5) every 12 months	21 Oct 2005			✓	

Outcome:

It is recommended the Committee note the outstanding items on the action list, however given the priority of the meeting is to discuss development of the Share Management plan, time will be given to discussion at the next meeting

Issue
 Correspondence received and sent.

The Committee should note:

1. In late 2005, the Ocean Hauling MAC raised their concerns through correspondence to the EGMAC chairperson regarding the impacts of the newly introduced overnight meshing arrangements. The OHMAC believe that with the implementation of 95mm mesh nets, estuary general fishers are targeting large female mullet, resulting in a mass decline of spawning mullet and recruitment. Comment is sought from the EGMAC.
2. Ms Anissa Lawrence from Ocean Watch Australia Ltd (OWA) has written to the Chairperson requesting approval from the EGMAC for OWA to obtain details of all EGMAC members. Comment is sought from the EGMAC.

Correspondence Sent			
Date	Issue	To	From
09-Nov-06	Outcomes and the Chairpersons report of the Estuary General Management Advisory Committee (EGMAC) meeting of 21 st October 2005	Minister	EGMAC
09-Dec-05	Letter regarding EGMACs approval of ACoRFs proposal on the standardisation of hoop net/witches hat identification for recreational and commercial fishers in estuarine waters.	ACoRF	EGMAC
06-Feb-06	Letter regarding juvenile prawn harvest in estuarine systems proposals.	OTMAC	EGMAC
Correspondence Received			
Date	Issue	To	From
14-Oct-05	Regarding the impacts of the increased mesh sizes for Overnight meshing nets (clause 41 of the <i>Fisheries Management (General) Regulation 2002</i>).	Chairperson	OHMAC
06-Dec-05	The implementation of a new marine park in the Batemans Shelf Marine Bioregion.	Chairperson	NSW Marine Parks
09-Dec-05	Requesting the chairperson review the strategic research plan and provide any necessary updates with respect to the priority areas of research.	Chairperson	NSW FRAB
20-Dec-05	The government's announcement to construct a 125ML/day desalination plant at Kurnell. A CD and an information booklet came with the package and is available upon request.	Chairperson	Sydney Water

21-Dec-05	The Port Stephens Great Lakes Marine Park. An information booklet is available upon request.	Chairperson	NSW Marine Parks
22-Dec-05	Requesting the contact details of all the EGMAC representatives.	Chairperson	Ocean Watch
Dec-05	Commercial Fishers Newsletter: Volume 3. December 2005.	Fishers	RIC
06-Jan-06	The Australian Seafood Industry Council inviting EGMAC industry representatives to join the 2006 Seafood Industry Training Champions project.	EGMAC	Australia Seafood Industry Council
13-Jan-06	The Recfishing Services inviting 1-2 keen EGMAC industry representatives to participate in a national workshop to discuss research and development R&D priorities relating to use of stock enhancement as a management tool.	EGMAC	Recfishing Services
13-Jan-06	Letter to the Chairperson from the Clarence River Fishermen's Co-Operative Board of Directors regarding a new industry representative, Mr John McGuren.	Chairperson	Clarence River Fisher Co-op
24-Jan-06	Letter received regarding the outcomes of the EGMAC meeting held on the 21 October 2005.	EGMAC	Minister
24-Jan-06	Media Release regarding the temporary closure of Commercial fishing in Sydney Harbour.		
08-Feb-06	Report released from NSW DPI regarding "Arresting the decline of the commercial and recreational fisheries for Mulloway".		
09-Feb-06	Out of Session agenda item regarding the renewal of the Yarrahapinni Wetland Reserve closure.	EGMAC	Department
27-Feb-06	Letter inviting EGMAC representatives to attend an inspection and planting of trees at the Eurabalong Reserve in Cronulla. Forwarded to relevant EGMAC representatives.	EGMAC	Ocean Watch
08-Mar-06	Letter inviting EGMAC representatives to attend the Tide to Table program focusing on restoring fish habitat across the Sydney metropolitan area. Letter forwarded to Chairperson and Region 5 representative.	EGMAC	Ocean Watch
11-May-06	Information received regarding the Draft Zoning Plan Overview and Submission Form.	EGMAC	NSW Marine Parks
30-May-06	Two Out of Session agenda items regarding the closure renewal of the Australian Salmon and Tailor closure and a new proposed closure prohibiting more than 3 hour meshing for selected areas of the Shoalhaven and Tweed Rivers.	EGMAC	Department
31-May-06 18-Jul-06	Proposed agenda items including: the retention of Kingfish in the EG Fishery, Prawn Seining in the Rivers of Camden Haven, & Removing Crab Traps from the Recreational Fishery, review of all closure, and update on the Recreational EIS and the infrequency of EGMAC meetings	Chairperson	Region 3 EGMAC rep
13-July-06	Proposal forwarded from Region 1 EG fishers proposing the Department to authorised unlicensed crew when conducting prawning hauling operations (i.e. same exemption as prawn seiners)	Chairperson	Region 4 EGMAC rep

Outcomes

Agenda Item 5**NSW DPI****Issue**

Estuary General Share Management Plan

Background

The Department is currently developing the Estuary General Share Management Plan. Issues for discussion will include:

- Share Management Plan
- Share trading
- Licensing arrangements.

Background papers on the above issues will follow.

Outcomes**Agenda Item 6****Marine Parks****Issue**

Marine Parks Update

Background

The draft Zoning Plan for the Bateman's Marine Park has been released for a three month public exhibition period.

The development of the Draft Zoning plan has been based on habitat mapping as well as advice from the community, fishers and the Advisory Committee on activities conducted in the Park. Approximately 40,000 brochures have been distributed and commercial fishers have been sent a registration of interest form for the voluntary buyout.

Staff from the Marine Park Authority will give a briefing on the specifics of the draft-zoning plan and take advice back from the MAC on its potential impacts on the fishery.

Outcomes

Agenda Item 7a**Region 4 Industry Representative/DPI****Issue**

Seafood Industry Advisory Council Update

Background

Mr Jim Drinkwater is the nominated EGMAC representative on the Seafood Industry Advisory Council (SIAC). Two SIAC meetings have been held since the previous EGMAC meeting.

An update on the recent SIAC meetings will be provided to the Committee at the meeting.

Outcomes**Agenda Item 7b****NSW DPI****Issue**

Research and Compliance update

Background

The Committee will be provided with a verbal update

Outcome**Agenda Item 7c****NSW DPI****Issue**

Updates by Committee Members

Background

Opportunity is provided for updates from the Committee members on estuary general fishery issues.

Outcome

Agenda Item 8

Issue

Other business items are listed below. Time permitting.

Agenda Item 8a

NSW DPI

Issue

Outcomes from Out of Session Agenda items

Background

Since the last EGMAC meeting held in late 2005, there have been four out of session agenda items relating to closures that have been forwarded to the committee representatives for their consideration. Outcomes from the out of session agenda items are listed below:

Yarrahapinni Closure

The Yarrahapinni closure has been renewed as of 21 July 2006, prohibiting the taking of fish by all methods in the waters of the Yarrahapinni Wetland Reserve. The Yarrahapinni Wetland Rehabilitation Project aims to remove or mitigate drainage works and rehabilitate the 600 hectares to its former seagrass, mangrove and salt marsh communities. This closure aims to improve habitat protection and restoration of the area. The closure has been renewed for 5 years.

Yellowtail Kingfish

The Yellowtail Kingfish closure was reviewed in early 2006. This closure prohibited the retention of Kingfish by the means of all methods other than the hauling net (general purpose), set lines, hand held lines, drift lines and spears. This closure was primarily implemented to prevent the capture of Kingfish in pelagic fish traps. Clause 59 (d) of the Regulation now prevents pelagic fish trapping by requiring the fish trap to be secured or weighted so that the trap rests on the seabed. As such, the closure has not been renewed and the Department will be closely monitoring the catches of Kingfish.

Australian Salmon and Tailor Closure

The Department is currently reviewing this closure, which is due to expire on the 31 August 2006. The Department will advise the Committee of the outcomes from the review, once available.

Overnight meshing Closure for selected areas of the Tweed and Shoalhaven Rivers

The Department has received comment from the Committee representatives on the proposed closure. The general position from the Committee representatives was to support the position of the MAC representatives in the relevant zones of the proposed areas, i.e. Regions 1 and 6. The Department is currently reviewing the closure in light of comments received.

Outcomes

Issue

Review of the Estuary General Code of Practice.

In April 2005, the Estuary General Code of Practice was finalised and introduced following extensive consultation led by Ocean Watch. It was determined that the Code of Practice should be reviewed in consultation with the EGMAC every two years, with appropriate amendments implemented. The current Code of Practice (CoP) is provided at Attachment 2.

The following issues are provided for consideration:

1. The eel consultation paper recommended that codends be required in eel traps to minimise damage to eels and allow for water rats to chew through the soft mesh, if captured. At the last EGMAC meeting it was recommended that codends should be optional in eel traps and a set of guidelines on when and where codends should be required be included in the Code of Practice.
2. Minimise noise associated with fishing operations (condition 34 of the CoP). The Department has received numerous calls from the general public complaining about noise associated from splashing operations during general sleeping hours. It is proposed to add to condition 34 of the CoP 'Especially when conducting splashing operations during general sleeping hours from 10pm – 5am.

Outcome

For discussion

Issue

Flathead net replacement and new overnight meshing registration time frame.

Background

In January 2005, the new flathead net and overnight meshing net Regulations were implemented, and fishers were given a few months to register a replacement flathead net and additional overnight meshing net that meet the new specifications. After this timeframe fishers were advised to make an appointment with the local district fisheries officer to exchange/register a new net. No time period was identified for completion of this arrangement.

Departmental response

Compliance Officers have raised concerns with this infinite timeframe. The Department proposes a cut-off date of **30 June 2007**, for fishers to replace their flathead net registrations and obtain a new overnight meshing registration. If supported, a letter will be sent to all meshing endorsed fishers notifying of this date.

Outcome

Issue

Request to Prawn Seine in the two Rivers adjoining Watson Taylors Lake

Background

The Laurieton Fishermen's Co-operative has requested the Department consider amending the table to Clause 37 of the Regulation, to allow prawn seining in the Rivers adjoining Watson-Taylors Lake. The two Rivers of concern are the Camden Haven and Stewarts River.

Clause 37 of the Regulation provides for the use of seine nets when taking prawns, and the table to the clause authorises the areas for that prescribed operation. The requested amendment relates to table 3(a) of the clause.

The Co-operative requested that 'Rivers' be implemented into the Regulation because fishers have worked these areas unbeknown that it is illegal and the reading of the current table 3 (a) in the Clause is ambiguous. The Co-operative also claims that there is little conflict with other stakeholder groups in the proposed area.

Departmental Response:

The current terminology of Clause 37 prohibits the use of prawn seining in Rivers. The water in the table have not been amended since the *Fisheries and Oyster Farms (General) Regulation* 1985. Furthermore, fishers currently have the opportunity to target prawns in these rivers through other fishing methods i.e. prawn hauling and may target prawns by prawn seine nets in the Lake.

Outcomes

Issue

Region 1 Fishers have proposed to authorise unlicensed crew for Prawn Hauling Operations in the Richmond River.

Background

Under clause 146 (c) of the *Fisheries Management (General) Regulation 2002*, a prawning endorsed fisher may have an unlicensed crew member on the boat when the boat is used to take prawns from estuary waters (but not from the shore) by the use of a seine net (prawns). The Region 4 (South) EGMAC representatives, on behalf of the prawn haulers in the Richmond River (Region 1) has requested the Department consider allowing unlicensed crew (or licenced commercial fishers without a prawning endorsement) on onboard boats during prawning hauling operations in the Richmond River.

Reasons for the request are:

- There are limited numbers of prawning endorsed fishers to double up in the Region since the Cape Byron Marine Park buyout
- A crew person increases safety during the operation

Department Response.

Departmental records indicate that there are 22 fishers with Estuary General prawning endorsements in Region 1. The Department notes that this proposal will allow for an increase in effort, illegal activity and issues for compliance. The possibility of allowing licenced (but not prawning endorsed) commercial fishers onboard a vessel when conducting prawning operations has also been considered. Again this has the potential to increase effort and impact on compliance.

Outcomes**Issue**

Chairperson's summary and proposed meeting date for the next EGMAC meeting.

Outcome

Attachment 1. For ongoing action item number 2.

Estuary General Entitlements per Fishing Business as at 9/06/06 (additional access included)								
Share Class Description	Region							Totals
	1	2	3	4	5	6	7	
Estuary General Category One Hauling	8	26	10	63	15	17	11	150
Estuary General Category Two Hauling	7	26	18	55	12	15	13	146
Estuary General Eel Trapping	8	41	29	58	12	17	18	183
Estuary General Hand Gathering	17	3	31	41	2	13	5	112
Estuary General Handline and Hauling Crew	42	139	67	228	65	51	48	640
Estuary General Meshing	39	110	53	195	52	49	41	539
Estuary General Mud Crab Trapping	17	50	44	98	14	3	4	230
Estuary General Prawning	22	104	30	184	9	39	40	428
Estuary General Trapping	4	20	30	100	29	5	9	197
Totals	165	521	315	1026	215	215	196	2653

Estuary General Figures as a 9/6/06 (including Additional Access)	
Region	Fishing Businesses
1	52
2	143
3	88
4	236
5	67
6	55
7	50
Total:	There are 661 Fishing Businesses with provisional shares in the Estuary General Fishery

Attachment 2: For Agenda Item 7, review of the Estuary General CoP

NSW Estuary General Fishery Fishers Code of Practice for use of fishing methods other than prawn trawling nets in NSW estuaries

The NSW Estuary General Fishery is subject to rules as specified in the *Fisheries Management Act 1994*, the *Fisheries Management (General) Regulation 2002* as well as closures and licence conditions under the Act, which allow enforcement of the operating standards in the fishery. Fishers are also required to comply with a range of other Local, State and Commonwealth statutory requirements. For further details refer to *NSW Estuary General Fishery Management Strategy*.

In addition to these regulations and conditions, many commercial fishers have expressed their commitment to take on greater responsibility and accountabilities for sustainable fisheries management.

The Estuary General Code of Practice summarises the broad principles under which fishers operate. This Code applies to fishers using a variety of fishing methods in NSW estuaries (see *NSW Estuary General Fishery Management Strategy* for further details).

Please note that the term “fish” refers to all organisms that may be taken, or interacted with, by estuary general fishers, including finfish, prawns, crabs, pipis, beach worms, eels, invertebrates and sessile creatures.

As a person participating in the NSW Estuary General Fishery I will:

1. Conduct fishing operations in a way that minimises disturbance to nesting and feeding sites of migratory and resident shorebirds.
2. Minimise the need to tie up to mangroves and other riparian vegetation.
3. Responsibly dispose of any litter or derelict fishing gear, either generated or collected in fishing operations.
4. Conduct fishing operations, and maintain fishing boats and vehicles, in a manner that minimises emissions, and water pollution.
5. Obtain all permits required by the local Council, NPWS or private land owners for accessing fishing grounds, use only authorised access points (if designated), and comply with any agreements relating to the use of keys, gates and closures.
6. Work with local Councils to signpost entry and exit points used to access fishing grounds.
7. Avoid using prawn hauling nets, hand hauled prawning or prawn seining nets over areas of seagrass.
8. Avoid using hauling nets over areas of Strapweed seagrass (*Posidonia australis*).
9. Observe all size limits for permitted species as set out in the regulations.
10. Ensure that true and accurate records of fish landed for sale are maintained and submitted in accordance with the Act.
11. Ensure that all permitted fish landed for sale are marketed in an authorised manner.
12. Conduct fishing operations in areas, at times, and in a manner, that minimises levels of bycatch.
13. Use equipment (such as swim tanks or exclusion devices) or methods (such as sorting catch while the net is still in the water or giving immediate priority to return bycatch to the water) that minimise bycatch levels, mortality and stress, and minimise the opportunity for scavenging by birds.
14. Promptly return the unwanted portion of any prawn catch to the water uncooked as soon as practicable, ensuring the least possible harm.
15. Use any implement necessary to ensure crew safety when sorting catch (such as large tongs), but not implements (such as a spike or club) that could pierce, beat or otherwise injure any fish or animal taken in the catch.
16. When using mesh nets or flathead nets, return bycatch to the water using an approved design of discard chute during specified hours.
17. Be familiar with the list of, and methods of identifying, protected species and threatened species, populations and ecological communities that might be encountered during fishing operations.
18. Conduct fishing operations in areas, at times, and in a manner that minimises the potential for any interaction with protected species or threatened species, populations and ecological communities.

19. Report the location, time and date, in the comment section of the estuary general monthly catch return, or other appropriate logbook, of any interaction with, or sighting of, individuals of marine protected species or threatened species, populations and ecological communities or any interactions with threatened or protected sea birds.
20. Return any captured individual of a protected species or a threatened species, population or ecological community to the water with the least possible harm.
21. Suspend the fishing operation if a cetacean (whale or dolphin) or turtle is captured, and allow the release of the animal from the net with the least possible harm.
22. Deploy and retrieve gear in accordance with regulations.
23. Ensure fishing operations are conducted with an acceptable level of safety for fishers and the public.
24. Comply with the instructions of the NSW Food Authority regarding the handling of fish and effective icing and storage to maximise the quality of product and minimise food safety hazards.
25. Be licensed by the NSW Food Authority, and have in place a Food Safety Plan to minimise food safety hazards associated with the harvest of all fish for human consumption.
26. Recognise and abide by the priority rights among commercial fishers as set out in regulations or any other guideline approved by the Estuary General Management Advisory Committee (EGMAC).
27. Be courteous to other waterway users when exercising priority rights.
28. If necessary, produce my fishing license, or authority to fish, to ensure the required number of endorsed fishers for priority determination are present.
29. Unless otherwise authorised, abide by a limit of 30 km/hr on beaches, and a limit of 5 km/hr when passing within 10 metres of other beach users or flagged areas.
30. Operate flashing lights or hazard lights on the vehicle while travelling on ocean beaches.
31. When travelling, or engaging in commercial fishing, on ocean beaches, display a NSW Department of Primary Industries authorised information sign containing my name, commercial licence number, vehicle registration number, endorsement type and region.
32. Avoid driving vehicles on frontal sand dunes or other sensitive shoreline areas such as wetlands and mangroves and minimise, as far as practicable, any physical impact on the environment.
33. Keep hand held lights at water level so that they are not shone into residential areas.
34. Minimise noise associated with fishing operations.
35. Respect the public amenity of boat ramps by avoiding cleaning fish and gear in their vicinity and ensuring that access for other users is not unduly restricted.
36. Be aware of any changes to the *NSW Estuary General Fishery Code of Conduct* or regulations applicable to the fishery, and keep a current copy and any applicable regional supplements in my vehicle or boat.
37. Be aware of Indigenous culture in my area of operations, and respect the customs of the local Indigenous people.
38. Be pro-active, cooperate and assist with investigations relating to:
 - Identification and mapping of significant habitat and areas of environmental sensitivity
 - Gear modification for bycatch reduction
 - Sustaining fish stocks
 - Minimising interactions with threatened and protected species
 - Efficiency of fishing gear and operations
 - Any other relevant research programs
39. Inform the relevant authority of any pollution incident or significant environmental impact.
40. Comply with the by-laws and regulations of relevant local Councils, NPWS, NSW Food Authority and Waterways Authority, and any codes for fishers prepared by these organisations that are supported by the EGMAC.
41. Be courteous and cooperative with any public official or member of the community.

Appendix 1 Regulations and Acts relevant to the codes and the fishery

Abbreviations used

FM Act *Fisheries Management Act 1994*

FM Reg Fisheries Management (General) Regulation 2002

TSC Act Threatened Species Conservation Act 1995

EPBC Act Environmental Protection and Biodiversity Conservation Act 1999

NPW Reg National Parks and Wildlife Regulation 2003

POEO Act Protection of the Environment Operations Act 1997

Code	Enforcement	References and/or comments
1	Voluntary	Originated from EGFMS management response 1.2c(ii)
2	Regulatory	FM Reg clause 339A – Activities harmful to marine vegetation FM Act Part 7 Division 4 FM Act 220B – Definitions (including “harm”) NPW Reg clause 7(1)(m) – persons must not tie vessels to vegetation in National Parks
3	Regulatory	POEO Act Part 5.6A – Littering Marine debris recently declared a key threatening process
4	Voluntary and Regulatory (emissions)	POEO Act Part 5.4 – Air pollution [note that the terms “plant” and “premises” both include fishing vessels] Phasing out of Tributyltin hull treatment by 2006 outlined in <i>Australia’s Oceans Policy</i> (vol. 2, p 17)
5	Voluntary and Regulatory	NPW Reg Part 2 Division 2 – Regulation of traffic [in National Parks] Endorsed fishers must ensure they are aware of, and abide by, arrangements with landowners and relevant local Councils. Issuing of keys is likely to be accompanied by some kind of legally binding agreement. Endorsed fishers must ensure they are aware of, and abide by, such agreements.
6	Voluntary	
7 & 8	Regulatory	Estuary General Fishery Management Strategy, Objective 1.2a(i). FM Act section 205B – Activities harmful to marine vegetation FM Regs clause 58B – Prohibition on use of certain nets in vicinity of seagrass (part (d) in particular) FM Reg clause 339A – Activities harmful to marine vegetation (part (c) in particular)
9	Regulatory	FM Act Part 2, Division 2 – Prohibited size fish, bag limits and protected fish FM Reg Part 2 – Protected fish, protected waters, prohibited size fish and bag limits
10	Regulatory	FM Act Part 4, Division 5 – Fish records FM Reg Part 9, Division 2 – Fish records
11	Regulatory	FM Reg Part 9, Division 1 – Fish receivers FM Reg clause 291 – Records of sale and possession of fish – prescribed quantity
12	Voluntary and Regulatory	FM Reg clause 58 – Method of dragging or drawing nets [prohibits methods of dragging or drawing any net in a way that prevents prohibited size fish escaping]
13	Voluntary	
14	Regulatory	FM Reg clause 58A – Sorting of prawns caught in certain nets
15	Regulatory	FM Reg clause 79A – Certain implements prohibited
16	Regulatory	FM Act section 8 – Fishing closure Chute design details are outlined at http://www.fisheries.nsw.gov.au/gen/closures/general/egf-discarded-chutes-

		guidelines.htm
17	Voluntary	Note: the term “threatened” encompasses “endangered” and “vulnerable”. Note: listings in the FM Act (schedules 4 and 5) cover all marine plants and animals except marine mammals. Listings in TSC Act (schedules 1 and 2) cover all terrestrial plants and animals and marine mammals. FM Reg clause 6 and FM Act section 19 – fish protected from all fishing FM Reg clause 7 and FM Act section 20 – fish protected from commercial fishing
18	Regulatory	FM Act section 220ZA – Harming threatened species, populations and ecological communities FM Act section 220B – Definitions [including “harm”]
19	Regulatory	Estuary General Fishery Management Strategy, Objective 3.1
20	Regulatory	FM Act section 220ZA – Harming threatened species, populations and ecological communities FM Act section 220B – Definitions [including “harm”] FM Act section 19 – Protected fish [taking and possession]
21	Regulatory	EPBC Act sections 229-232
22	Regulatory	FM Reg Part 3 – Fishing gear Various fishing closures – see http://www.fisheries.nsw.gov.au/gen/closures/home_closures.htm
23	Voluntary	
24	Regulatory	Food Act 2003 Part 4 – Inspection and seizure powers
25	Regulatory	Food Production (Seafood Safety Scheme) Regulation 2001 Part 3 – Licensing of seafood business Food Production (Seafood Safety Scheme) Regulation 2001 Part 4 – Food safety program
26	Regulatory	FM Reg Part 4 – Priorities in the use of fishing gear
27	Voluntary	FM Reg clause 82 – Rights of priority between fishers on recognised fishing grounds FM Reg clause 109 – Lawful interference with set fishing gear [on recognised fishing grounds] FM Reg clause 111 – Interference with commercial fisher using line
28	Regulatory	FM Act section 257 – Power [of a fisheries officer] to require production of fishing authority
29	Voluntary and Regulatory	NPW Reg Part 2 Division 2 – Regulation of traffic [in National Parks] While fishers are often exempt from permit fees and 4WD closures of beaches, all other regulations, including speed limits, generally apply.
30 & 31	Voluntary	
32	Regulatory	While fishers are often exempt from permit fees and 4WD closures of beaches, all other regulations, including driving vehicles in environmentally sensitive areas, generally apply. NPW Reg Part 2 Division 2 – Regulation of traffic [in National Parks]
33 to 39	Voluntary	
40	Regulatory	Subject to conditions of relevant regulations, by-laws and codes supported by EGMAC
41	Regulatory and voluntary	