

**1st Meeting for 2009
OCEAN HAULING
MANAGEMENT ADVISORY COMMITTEE MEETING
6th & 7th April 2009
AGENDA
Cronulla Fisheries Centre of Excellence, Cronulla**

| | | |
|---|-------------|----------------------|
| 1. Preliminaries | Chairperson | 10:00 – 10:30 |
| 1.1 Welcome and apologies | | |
| 1.2 Agreement on agenda | | |
| 1.3. Confirmation of previous minutes | | |
| 1.4. Correspondence received and sent | | |
| 1.5. Business arising | | |
| 2. Structural adjustment and future direction for the Ocean Hauling Fishery | NSW DPI | 10:30 – 12:30 |
| <i>Lunch</i> | | <i>12:30 – 13:00</i> |
| <i>2 Continued.</i> | NSW DPI | 13:00 – 15:00 |
| <i>Afternoon Tea</i> | | <i>15:00 – 15:20</i> |
| <i>2 Continued.</i> | NSW DPI | 15:20 – 16:20 |
| 2.1 Summary and close day 1 | Chairperson | 16:20 – 16:30 |
| <i>Day 2</i> | | |
| 3. Maximum mesh size for hauling nets | | 9:00 – 9:30 |
| 4. Revised catch reporting arrangements | | 9:30 – 10:30 |
| 5. Overfished species recovery program | | 10:30 – 10:50 |
| 6. Update on Current Compliance Issues | | 10:50 – 11:10 |
| <i>Morning Tea</i> | | <i>11:10 – 11:30</i> |
| 7. Update on Current Research Issues | | 11:30 – 12:00 |
| 8. NSW DPI research strategic plan | | 12:00 – 12:10 |
| 9. Prioritisation of key species | | 12:10 – 12:30 |
| <i>Lunch</i> | | <i>12:30 – 13:30</i> |

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|---|-----------------|----------------------|
| 10. Education program for marine pests | NSW DPI | 13:30 – 13:40 |
| 11. Committee Update on Management Issues | | 13:30 – 13:40 |
| 12. Export approval for the Ocean Hauling Fishery | | 13:40 – 13:50 |
| 13. NSW DPI “licence splitting” policy | | 13:50 – 14:20 |
| 14. Interaction with public in Nambucca shire | | 14:20 – 14:30 |
| 15. Trial Bay bait fishing closure | | 14:30 – 14:50 |
| <i>Afternoon Tea</i> | | <i>14.50 – 15.10</i> |
| 16. Codes of Practice | | 15:00 – 15:30 |
| 17. NSW Maritime requirements for vessels | NSW Maritime | 15:30 – 16:00 |
| 18. Other business | Chairperson | 16:00 – 16:20 |
| 19. Chairperson’s summary and next meeting | Chairperson | Close 16:30 |

Agenda Item 1.1

Chairperson

Issue

Welcome and apologies

Background

Welcome new appointments:

Mark-Dean Oestmann – Region 2 Industry representative

Joseph Morgan – Region 5 Industry representative

David Mitchell – OH Industry representative on SIAC

Outcomes

For information of the Committee.

Agenda Item 1.2

Chairperson

Issue

Agreement on agenda.

Background

A notice of the meeting and call for agenda items was circulated to Committee members on 18 February 2009.

The agenda has been circulated to all Committee members, co-operatives and coastal fisheries offices. Additional items may be proposed for discussion during other business, subject to approval by the Chairperson.

Outcomes

For information of the Committee.

Agenda Item 1.3

Chairperson

Issue

Confirmation of minutes of OHMAC meeting 15 February 2008

Background.

Draft minutes were sent to MAC members for comment after the last meeting.

Some amendments were requested subsequently. It is recommended that the draft minutes of the OHMAC meeting 15 February 2008 are accepted, as amended, as a true and accurate record of the meeting.

Outcomes

For discussion by the Committee

Agenda item 1.4**Chairperson****Issue**

Correspondence received and sent.

Background***Received 2008 & 2009***

| | |
|--------------|--|
| 7 August | DPI, public education OH brochure |
| 11 September | Sydney Water, Sydney's Desalination Project, Community Update 2008 |
| 18 September | Minister for Primary Industries, advising of appointment of Mr David Mitchell to SIAC. |
| 13 November | Sydney Water, Sydney's Desalination Project, Community Update 2008 |
| 1 December | Sydney Water, Sydney's Desalination Project, Community Update 2008 |
| 29 January | Executive Officer to the Chief Scientist, Updating priorities in the strategic research plan |

Sent 2008 & 2009

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| 7 May | Taree Bowling club, Ocean Hauling in the Manning Valley |
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Outcomes

Members note correspondence received.

Agenda Item 1.5**Chairperson****Issue**

Business arising from minutes and action list from previous meeting

Outcomes

For information and discussion.

ACTION ITEMS
OHMAC Meeting 30 March 2007

| Action Item | Date Raised | Pending | In Progress | Completed |
|--|-------------|---------|-------------|-----------|
| Yearly review the Code of Conduct/Practice. | 09-08-06 | | ✓ | |
| Allocation of species shares - Progress by Industry with the Minister and other MACs as appropriate | 09-08-06 | ✓ | | |
| Industry to request involvement on any Jervis Bay Marine Park zoning review panel. | 09-08-06 | | ✓ | |
| DPI to develop discussion paper on demerit/share forfeiture system. | 30-03-07 | ✓ | | |
| DPI to consider proposed trading of Purse Seine shares separate to other OH shares. | 30-03-07 | ✓ | | |
| Industry to develop a detailed proposal for the penning of fish taken in purse seine operations. | 30-03-07 | ✓ | | |
| Industry to provide DPI with proposal arrangements, for the use of Unlicensed Crew, to be used in the production of a draft discussion paper to take to all OH shareholders. | 30-03-07 | ✓ | | |
| Industry to keep the MAC informed of any exemptions to the prohibition of use of petrol engines in beach hauling operations. | 30-03-07 | ✓ | | |
| DPI to publish Code of Conduct/Practice on Web as amended. | 15-02-08 | | | ✓ |
| Chairperson to reply to Taree Bowling club. NSW DPI to provide background information. | 15-02-08 | | | ✓ |
| Notify DPI Science & Research of priorities. Committee to notify DPI of any additional research priority for the OH fishery. | 15-02-08 | | | ✓ |
| NSW DPI to circulate draft DECC access arrangements to Committee members as soon as available. | 15-02-08 | | | ✓ |

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|---|----------|---|--|---|
| Prepare submission to Solitary Islands and Jervis Bay Marine Park review. | 15-02-08 | | | ✓ |
| DPI to develop discussion paper on use of shares within the ocean hauling fishery to provide for access to live bait for own use. | 15-02-08 | ✓ | | |
| Committee comments/submissions to DEWH on export approval | 15-02-08 | | | ✓ |
| DPI to Develop option paper for Committee discussion to be taken to ACORF for comment on weekend closures. | 15-02-08 | ✓ | | |
| Industry to develop a communication strategy. | 15-02-08 | ✓ | | |
| Committee to provide comments on draft codes of practice | 15-02-08 | ✓ | | |
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| | | | | |

Issue

Structural adjustment and alternate management frameworks for NSW Commercial Fisheries

Background

The NSW commercial fishing industry continues to face significant challenges as a result of changes in access, increasing operational costs, competition from imports, and excess catching capacity.

There are many options to promote structural adjustment and/or for alternate management frameworks, each with their own advantages and disadvantages.

Issues related to industry structure and alternate fishery management regimes have been discussed by the Ocean Hauling Fishery Management Advisory Committee since its inception and were particularly considered during the restricted fishery process, as well as when developing the framework for allocation of shares in the fishery.

The Seafood Industry Advisory Council and its working group on structural adjustment has been working closely with the Department to explore ways of effectively addressing fishery issues, and in particular the need for long-term structural adjustment.

The Government has indicated support for a restructure of the commercial fishing industry that would make it more viable, and for undertaking legislative changes if necessary. A number of potential options exist and advice is being sought from the Management Advisory Committees for each fishery to assist development of a well thought-out and workable proposal that will provide a business environment that promotes a strong, healthy commercial fishing industry in NSW.

Outcomes

For discussion by the Committee.

Issue

Maximum mesh size for General Purpose Hauling nets during the “Mullet Travelling Season”

Background

Ocean hauling fishers targeting aggregations of “ground fish” (yellowfin bream, luderick and tarwhine) often encounter substantial numbers of individuals under the legal minimum size.

For ocean waters the description of the hauling net (general purpose) during the “travelling season” requires that the mesh size of bunt must be between 50 and 65 mm and the mesh size of the wings must be between 65 and 86 mm. During any other period the mesh sizes of the bunt must be not less than 50 mm and the wings not less than 80 mm. The prescription of a maximum mesh size, particularly in the wings, was implemented to prohibit the use of “strangler nets”.

The Ocean Hauling Fishery Management Strategy indicates an intention to modify fishing practices to reduce the impacts of the fishery on non-retained fish using best available knowledge and appropriate technology.

Industry-initiated research conducted between April and June 2008 examined the utility of using larger than regulated mesh sizes to minimise the capture of undersized target species in the Ocean Hauling Fishery. The study compared catches taken in a conventional hauling net with that taken in a net of comparable length and dimensions constructed of 102 mm (4 inch) mesh.

Preliminary results indicate that the net was effective in minimising the capture of undersized yellowfin bream, tarwhine and luderick.

The Ocean Hauling MAC has previously discussed several proposals to utilise nets containing, or constructed entirely of, larger size mesh. In summary potential options include:

1. In addition to the current hauling net authorised for use in ocean waters from 1 March to 31 July, the option to use a net constructed entirely of 102 mm (4”) mesh to target ground fish could be provided. Please note that, if adopted, issues arising from the need to limit use of the net to operations targeted at ground fish would need to be addressed.
2. Within the description of the hauling net authorised for use in ocean waters from 1 March to 31 July, fishers could be provided the option of using either the current 50 - 65 mm bunt or one constructed of 102 mm (4”) mesh. Specifications for wings would remain as currently prescribed.

Outcomes

For discussion by the Committee.

Issue

Revised Catch Reporting Arrangements

Background

NSW DPI is introducing revised catch and effort reporting arrangements for the NSW commercial fishing industry commencing from July, 2009.

The revised reporting arrangements have been developed to address requirements for finer scale (spatial and temporal) information and are expected to provide an improved information base to support fishery management and planning processes and to enable more robust stock assessments to be completed. The revised arrangements also allow for more efficient administration processes and align reporting with the new share management fisheries arrangements which commenced in February 2007.

A draft document titled 'Business Requirements Specification – Revised Reporting Arrangements' was sent to all MAC members and other stakeholder group representatives in April 2008, seeking comment. In addition, NSW DPI staff met with a cross section of industry participants seeking advice on the new arrangements for catch and effort reporting.

A summarised list of the issues raised by stakeholders along with, a brief description of the Departments response to each issue is available on the website. <http://www.dpi.nsw.gov.au/fisheries/commercial/catch-effort>

NSW DPI completed a pilot program in February, 2009 to refine the new arrangements and this will be followed by an education and information campaign leading up to the commencement of the arrangements in July, 2009.

An update on progress of the catch records reform project and the outcomes of the recent pilot program will be provided for the committee's information

Outcomes

For discussion by the Committee

Issue

Overfished species Recovery Program development process

Background

If a species taken in a NSW commercial fishery is determined as over fished the Fishery Management Strategies (FMS) approved for NSW's major commercial fisheries require implementation of, or assistance in developing, a recovery program for that species. Some FMS require drafting of a recovery program for consultation within a short timeframe, e.g. six months, of a species being determined as over fished.

The process of developing a recovery program for an over fished species initially involves NSW DPI preparing a summary of the known factors that have led to the determination and identifying a range of management options. Please note that a formal recovery program is not required for species that are determined as 'growth overfished' if the Director-General, NSW DPI, considers that the combination of the existing harvest strategy and life history characteristics of the species provides sufficient protection.

If developed, a recovery program must include a description of the actions proposed to return to acceptable levels those parameter(s) that have led to the determination of the species being overfished. The recovery program also sets out a timeframe for that process and may specify further appropriate action should recovery targets not be met.

There are however currently 11 species taken in NSW fisheries which are over fished to some extent and require assessment and/or development of a recovery program. With the exception of Abalone, these species are taken at various life history stages across several fisheries, using a range of methods.

Given the number of species involved and the complexity of interaction between various fisheries, it is desirable that a consolidated process be introduced for evaluating the factors leading to over fishing and identifying appropriate management responses. This will provide consistent decision making and facilitate development of management options which provide benefit to multiple species and consider the cumulative social and economic impacts of the proposed arrangements.

To facilitate coordinated consultation it is proposed to use of the Resource Assessment Review Committee as a point of contact for initial discussion rather than any one individual fishery Management Advisory Committee (MAC). Consultation with relevant MACs and advisory bodies will occur after a consolidated recovery program has been drafted.

Outcomes

The Committee notes the proposed recovery program development process.

Agenda Item 6

NSW DPI

Issue

Report on compliance issues relevant to the Ocean Hauling Fishery

Background

Both compliance and management staff were required to respond to a number of complaints about operation of the fishery this season. Issues included interaction with recreational fishers, swimmers and other beach users as well as the public perception of the industry. A report will be provided on compliance activities relevant to the Ocean Hauling Fishery.

Outcomes

For discussion by the Committee

Agenda Item 7

NSW DPI

Issue

Report on research relevant to the Ocean Hauling Fishery

Background

Monitoring of the reported landings, sizes and ages of primary species has been ongoing. A verbal update will be provided on the progress of various research projects that are related to the ocean hauling fishery. Species to be covered include sea garfish, mullet, Australian salmon and pilchards.

Outcomes

For discussion by the Committee.

Issue

NSW DPI research strategic plan

Background

Each year the NSW Department of Primary Industries updates its research priorities which are available on the web site http://www.fisheries.nsw.gov.au/_data/assets/pdf_file/10896/Planning-Strategic-Research.pdf and are regularly updated as priorities change in the light of new research being completed, new questions being formulated and new feedback being received from stakeholders.

As one of the stakeholder groups that contributed to the priorities listed in the strategic plan, the MAC has been asked to review the plan and provide any necessary updates with respect to priority areas for research. Comments were requested out of session and were due on 1 March 2009

Currently listed research priorities for the MAC include:

- Stock assessment of target species in the Ocean Hauling fishery
- Biology and fisheries of sea river and snub-nosed garfish
- Biology and fishery for sweep
- Reproductive biology abundance and spawning biomass of sea mullet
- Improve catch and effort reporting and develop a daily logbook system in the Ocean Haul, Estuarine Prawn Trawl and Ocean Prawn Trawl fisheries
- Collect historical/anecdotal information from older fishers regarding the biology and fishery of yellowtail scad
- Review the trophic level of catch by the Ocean Haul Fishery and trophic interactions with other fisheries
- Examine predatory impacts of Australian salmon on other commercially important fish species
- Observer programmes to monitor by-catches and retained catches for all commercial fisheries
- Impact of trawling, hauling and other fishing methods on other fisheries biodiversity ecosystems and habitats
- Describe retention/meshing rates of 28mm garfish hauling nets and determine appropriate mesh size

Outcomes

For discussion by the Committee.

Issue

Suggested prioritisation for the key species harvested by the OH Fishery.

Background

The key species for each of the share managed fisheries are included in the Department's Resource Assessment Program. For the Ocean Hauling Fishery, the key species include the target species (16 species) and the conditional target species (8 species).

Within the OH target species list, there are some species caught in very significant quantities (e.g. sea mullet, ~2000 tonnes) and others caught in relatively minor quantities (Dart, ~5 tonnes). There is a need to prioritise these species in terms of importance for resource assessment. The idea of "importance" includes biological and socio-economic considerations.

The Wild Fisheries Research Program proposes that the key species be prioritised into three groups: high, medium and low. The suggested priorities are listed below. The consequences of these priorities will be that greater assessment resources will be allocated to the high priority species, and fewer resources for low priority species. In many cases, lower priority species are a significant part of another fishery, and may be assessed with a higher priority.

Recommendation

OHMAC endorse the suggested prioritisation for key species.

| Common Name | Scientific Name | Harvest Type | Priority |
|-------------------------|---------------------------------|--------------------|----------|
| Australian Salmon | <i>Arripis trutta</i> | Target | High |
| Australian Sardine | <i>Sardinops neopilchardus</i> | Target | High |
| Eastern Sea Garfish | <i>Hyporhamphus australis</i> | Target | High |
| Sea Mullet | <i>Mugil cephalus</i> | Target | High |
| Blue Mackerel | <i>Scomber australasicus</i> | Target | Medium |
| Luderick | <i>Girella tricuspidata</i> | Target | Medium |
| Sand Whiting | <i>Sillago ciliata</i> | Target | Medium |
| Whitebait - Sandy Sprat | <i>Hyperlophus vittatus</i> | Target | Medium |
| Yellowfin Bream | <i>Acanthopagrus australis</i> | Target | Medium |
| Yellowtail Scad | <i>Trachurus novaezelandiae</i> | Target | Medium |
| Frigate Mackerel | <i>Auxis thazard</i> | Conditional Target | Medium |
| Mulloway | <i>Argyrosomus japonicus</i> | Conditional Target | Medium |
| Australian Anchovy | <i>Engraulis australis</i> | Target | Low |
| Bonito | <i>Sarda spp.</i> | Target | Low |
| Common Jack Mackerel | <i>Trachurus declivis</i> | Target | Low |
| Dart | <i>Trachinotus spp.</i> | Target | Low |
| Silver Trevally | <i>Pseudocaranx georgianus</i> | Target | Low |
| Sweep | <i>Scorpius lineolatus</i> | Target | Low |
| Diamondfish | <i>Monodactylus argenteus</i> | Conditional Target | Low |
| Longtail Tuna | <i>Thunnus tonggol</i> | Conditional Target | Low |
| Mackerel Tuna | <i>Euthynnus affinis</i> | Conditional Target | Low |
| Spanish Mackerel | <i>Scomberomorus commerson</i> | Conditional Target | Low |
| Tarwhine | <i>Rhabdosargus sarba</i> | Conditional Target | Low |
| Yellowfin Tuna | <i>Thunnus albacares</i> | Conditional Target | Low |

Issue

Education program to help keep marine pests out of NSW waters

Background

'Marine pests' are animals or plants that are not native to our coastline and can have serious impacts on the environment and the people who use coastal areas – including commercial fishers. For example, they can foul hulls and equipment, prey on native creatures or entangle in nets leading to increased sorting times.

There are many ways that marine pests can be carried from place to place – on the hulls of boats and ships, in seawater systems such as ballast tanks and internal pipes, or entangled in nets or anchors. Once introduced to Australian waters, pests can spread along large areas of the coastline on local boats or in currents.

Caulerpa is an example of a marine pest (seaweed) that has overtaken many estuaries in NSW and easily spreads from fragments .

NSW DPI is working with the other States and Territories and the Commonwealth government to reduce the number of marine pests entering and spreading in Australian waters – which will help protect your industry.

People who use the coastal environment – including commercial fishers as well as recreational fishers, boat users and fish farmers – are being asked to help. The most important ways you can help are:

- (1) Look after your boat and gear – by keeping them clean you'll help avoid giving pests a free ride; and
- (2) Keep a lookout for anything new and unusual and report suspected pests to the Department.

NSW DPI has produced a short brochure summarising the actions you can take as well as laminated 'marine pest identification cards' showing some of the major marine pests. These are available FREE to NSW commercial fishers by calling Aquatic Biosecurity staff on (02) 4982 1232 or visiting your local Fisheries Office.

Outcomes

For information of the Committee

Agenda Item 11

Chairperson

Issue

Report on management and administration issues relevant to the ocean hauling fishery

Background

Since the last meeting staff have been focused on addressing the FMS goals and legislation for the Share Management Plan, Supporting plan, Regulation and Act amendments, including reviewing all fishing closures. In particular fishing closures affecting the ocean hauling fishery and net descriptions for the fishery are to be incorporated into the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation*.

Outcomes

For the information of the Committee.

Agenda Item 12

Chairperson

Issue

Fishery Management Strategy and ongoing export approval for the Ocean Hauling Fishery

Background

In February 2008, the NSW Department Primary Industries (DPI) provided a submission to the Department of the Environment, Heritage, Water and the Arts (DEWHA) on behalf of the NSW fishing industry seeking ongoing export approval for the NSW Ocean Hauling Fishery.

An assessment was conducted and a decision made, for a period of 5 years, to exempt the fishery from the export controls of the EPBC Act, providing the fishery continues to operate in accordance with the *Fisheries Management Act 1994* and does not harvest and export specimens listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

DEWHA concluded that “the OHF is a relatively low impact fishery that is appropriately precautionary. The combination of management arrangements, research and progress in implementing recommendations from the initial OHF assessment allows confidence that the fishery managers will manage the fishery in an ecologically sustainable way, including maintaining low by-catch levels, minimising interactions with protected species and managing impacts on the wider ecosystem”.

A number of recommended actions were also outlined, focusing on addressing key issues, which should be implemented before the next Australian Government review of the OHF in 2013.

There recommendations are that:

1. Operation of the OHF will be carried out in accordance with the management regime in force under the NSW Fisheries Management Act 1994.
2. NSW DPI to advise DEWHA of imminent and substantive changes to the OHF management arrangements that may affect the assessment of the fishery against the criteria upon which the EPBC Act decisions are based.
3. NSW DPI to produce and present annual reports to DEWHA as per Appendix B of the Guidelines for the Ecologically Sustainable Management of Fisheries.
4. NSW DPI to develop and implement recovery strategies for species determined as overfished or recruitment overfished, within 6 months of the species being so classified. For species categorised as growth overfished, the status of the stocks will be reviewed and specific measures implemented, as required, within 12 months to prevent the stocks from becoming recruitment overfished.
5. By April 2009, NSW DPI to implement additional measures identified in the Eastern Sea Garfish Recovery Program, or effective alternatives, to halt the stocks decline and further promote the rebuilding of stocks to ecologically sustainable levels.
6. NSW DPI in collaboration with industry to identify ongoing research and monitoring priorities in the OHF and incorporate these within the work plan for the cross-fishery Scientific Observer Program or other research and monitoring mechanisms. Results of any relevant research or information should inform the management of the fishery and changes made to management arrangements where required.
7. NSW DPI to continue to develop and implement a new catch information management system for the major NSW commercial fisheries (including OHF) to introduce finer scale catch and effort reporting and improve data analysis. A robust system to validate catch and effort logbook data should be included as part of the implementation of the catch information system.
8. NSW DPI to continue to collaborate, where appropriate, with other jurisdictions to actively pursue consistent and/or complementary research needs and management arrangements for target species.
9. NSW DPI to continue to monitor and assess bycatch in the major NSW commercial fisheries (including OHF) under NSW DPI's Resource Assessment Framework and scientific observer program, to ensure that changes in quantity and/or composition can be monitored and verified over time.
10. NSW DPI to ensure that fishery assessment processes and management arrangements, for primary and secondary OHF species, take account of all removals, including best estimates of recreational, Indigenous and illegal catch.

Outcomes

For the information of the Committee.

Issue

NSW DPI "licence splitting" policy

Background

The (voluntary) surrender of Commonwealth fishing authorities as part of the Federal Government's *Securing Our Fishing Future* buy-out was in breach of the long standing national licence splitting policy and NSW's fishing business transfer rules. A breach occurs as the external authorities have been separated from the business' NSW fishing authorities.

The Seafood Industry Advisory Council previously advised the Government to take strong action to prevent the displacement of fishing effort into NSW fisheries as a result of the separation of dual licences. In May/June 2007 the Minister approved six actions to help reduce the risk of additional fishing pressure moving into NSW waters. These included:

1. Cancelling any permits issued to former Commonwealth tuna longline fishers (ie. those who surrendered Commonwealth tuna longline or poling permits) which authorised the taking of bait from NSW waters;
2. Deleting the policy provision to grant "new" permits to take bait from NSW waters for businesses that hold or acquire a Commonwealth tuna longline permit;
3. Requiring boats (and licences) previously upgraded above the standard boat replacement rules because the owner held a tuna longline permit, to return to their original NSW boat length if the owner surrendered that tuna longline permit;
4. Amending NSW DPI policy to remove provision to grant new approvals for the use of longer boats in NSW fisheries above the standard boat replacement rules;
5. Cancelling the relevant NSW fishing authorities of former dual licensed operators who have no recorded catches in NSW waters between the years 2000-2005;
6. Undertaking a review of the risk of increased fishing effort in NSW waters following the completion of the Commonwealth Government's buy-out and the recent NSW marine park buy-outs and development of a methodology for further action, if necessary, to mitigate the risk.

Actions 1 to 5 have been implemented. The review foreshadowed in the 6th action has also now been finalised and the Minister has approved a new methodology for action which minimises the risk of fishing effort shifting into NSW managed fisheries.

The methodology, which takes account of the risk posed by each individual business in breach of the transfer rules, is in the final stages of being applied to each former Commonwealth/NSW dual operator. It involves a proposal to take no action or to cancel some or all of the NSW fishing authorities of the

businesses in question depending on their past level of NSW activity compared with all other State-only operators, subject to a 'show cause' process. The relevant business owners will be notified of the outcome in the near future.

The Minister has also approved application of the methodology to any other future cases where a dual operator fishing business splits their entitlements. This means that the previous 'blanket' licence splitting policy has been superseded by the new risk-based approach. NSW DPI will be writing to all dual operators shortly to advise them of the new arrangements.

Out of the ~115 dual operator fishing businesses, 16 hold one or more shares in the Ocean Hauling Fishery.

The licence splitting policy will remain until such time as the Minister is satisfied the broader fishery management arrangements in place in NSW nullify the risks and thus eliminate the need to continue the policy.

Outcomes

For information of the Committee.

Agenda Item 14

NSW DPI

Issue

Interaction with general public in Nambucca shire

Background

In 2008 Council received considerable negative feedback on the Ocean Haul operations at Scotts Head and Valla Beach. Council undertook a survey of Scotts Head residents in an effort to determine the cause of the negative acceptance of the operation. Some 200 surveys were distributed and 64 replies received. A total ban was favoured by 39 (61%) and 25 (39%) would accept the operation if the fishermen worked in harmony with other beach users.

The complaints covered a range of issues such as:

Vehicle speed

Vehicles parking on the beaches

Environmental damage

Fires on beaches (not permitted in this shire)

Camping on the beach

Domination of the beach

Attitude of the fishermen

Nambucca Shire Council is seeking an improvement in "behaviour" of the Ocean Hauling Operators this season to improve the relationships between all parties. At the same time Council will work with DPI and the local media to provide background information on Ocean Hauling as some of the concerns relate to a lack of knowledge of the industry and how it works and is regulated.

Contact:

Bruce Redman

Director Engineering Services

Nambucca Shire Council

Ph: 02 6568 0230 Fax: 02 6568 2201

Outcomes

For the information of the Committee.

Agenda Item 15

NSW DPI

Issue

Trial Bay bait fishing closure

Background

Representations have been received regarding commercial fishers harvesting bait species in Trial Bay.

The current arrangements regarding use of purse seine nets within Trial Bay are contained in the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006* and a closure for purse seine and pilchard anchovy & bait nets covers "the whole of the waters within a 100 metre radius of any Maritime Authority of NSW emergency buoy situated at or near the following point at Trial Bay: 30°52.645'S, 153°03.175'E and 30°52.664'S, 153°03.106'E;"

These arrangements were negotiated several years ago in an attempt to resolve issues regarding access to the baitfish which aggregate around the emergency mooring buoys at Trial Bay. These negotiations resulted in a separate buoy, paid for by the local commercial fisher's co-operative, being installed nearby for use by commercial fishers.

It is understood that the "recreational" safety buoys are not currently in place however, NSW Maritime has advised that they intend to replace the emergency buoy moorings as soon as possible.

Requests have been received that the closure should be amended to refer to a GPS point rather than the buoy, to ensure that closure remains effective when the buoys are not in place. Separate requests have also been made to

expand the area covered by the closure from 100m to 500m around the buoys or location.

Outcomes

For consideration by the committee

Agenda Item 16

NSW DPI

Issue

Codes of Practice

Background

The Ocean Hauling Fishery Codes of Practice have been updated to reflect changes in the legislative framework governing the fishery. Specifically the implementation of the Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006 and Fisheries Management (Supporting Plan) Regulation 2006 has necessitated minor amendments

Outcomes

For consideration by the committee

Agenda Item 17

NSW DPI/NSW Maritime

Issue

Operating requirements for ocean hauling vessels

Background

All commercial vessels are required to comply with certain safety standards depending on the type of vessel and area of operation. Under the Commercial Vessels Act 1979 all commercial vessels operating in NSW are required to have either a Certificate of Survey issued by NSW Maritime; or operate in accordance with an Exemption Notice.

A Certificate of Survey indicates that the vessel has been inspected and found to comply with the standards set out in NSW maritime legislation, which primarily refer to the Uniform Shipping Laws (USL) Code.

A number of lower risk vessels are exempt from compliance with certain aspects of the Act including the need to hold a Certificate of Survey provided alternate safety requirements are met. For example Class 3D/3E fishing vessels.

Class 3C fishing vessels less than 7.5 metres in length are exempt from periodic survey provided they do not carry any fare-paying passengers and comply with other conditions specified in the Exemption. These vessels are still required to undergo initial survey and hold a Certificate of Survey.

The National Marine safety committee with the collaboration of the states, the Commonwealth and the Northern Territory, is in the process of developing a national legislative and administrative framework for the regulation of commercial vessels. This framework will require the majority of commercial vessels in Australia to comply with the National Standard for Commercial Vessels (NSCV).

The national implementation of the NSCV will ensure that marine law is consistent across Australia. It will also facilitate the recognition of commercial vessel certificates and licenses throughout Australia, regardless of where they are issued. In order to ensure the latest standards apply, a 'hybrid' USL Code – the Combined USL/NSCV 2008 – has been created through amendments to the USL Code. These amendments replace existing USL Code sections with the equivalent, approved NSCV standard.

Outcomes

For discussion by the Committee.

Agenda Item 18

Chairperson

Issue

Other Business

Background

Time permitting, other Agenda items may be proposed and may be discussed at the discretion of the chairperson. Suggestions include

Region 1

Salmon

Four inch net

Region 4

Delegates: Should region 4 have two delegates the same as the estuary general MAC.

Fishing closures: Are there any fishing closures that Mac members feel should be reversed.

Sustainability of fishers: With regards to marine park buyouts and the reduction of fishers available to participate in ocean haul fishery this needs to be addressed possible crew assistance as permitted in other fisheries.

Weekend closures: Many fishers are finding these restraints to be restrictive.

Petrol engines: Outcome re-exemption for the use in jetboats.

Operation of beach haul net: Definitions as per the regulations need to be addressed as they are too restrictive and are creating bad public relations.
SIAC: Proposal to have a vote of no confidence put forward

Region 7
Weekend closures
Reinstatement of beaches
Recreational malice
Appeals

Purse seine
Penning of fish

Outcomes

Agenda Item 19

Chairperson

Issue

Chairperson's summary of meeting, next meeting and close.

Outcomes