

FINAL OUTCOMES, OTLMAC, 28 & 29 AUGUST 2006.

| Agenda Item | Outcome | Action | Time | Responsibility |
|---|---|---------------|-------------|-----------------------|
| Welcome and Apologies | The Chairperson welcomed all members and observers to the meeting. Apologies – Megan Kessler (NCC Representative) Peter Goadby (Recreational Representative) | | | |
| Agenda | The Committee agreed on the agenda for 28 and 29 August 2006. A number of additional items were also tabled for discussion under Agenda Item 10 - Other Business. | | | |
| Draft Minutes | Draft minutes of 5 June 2006 accepted as a true and accurate record. | | | |
| Correspondence | The Committee noted correspondence received and sent. | | | |
| 1. Business arising from previous minutes | SIAC representative – The Committee confirmed nominations for their representative on the Seafood Industry Advisory Committee. Preferred nomination – Garry Braithwaite Second nomination – Paul Sullivan Escape panel – The Committee were concerned with the reference to a 50 x 87 mm mesh panel in the previous minutes, claiming that this size escape panel mesh would destroy the NSW trap fishery and should not be considered as an option. The Committee noted that a 50 x 75 mesh panel | | | |

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| | <p>would be implemented together with seasonal closures.</p> <p>The Committee put forward that some areas identified as grounds where undersize snapper reside might already be closed under marine park zoning plans.</p> | | | |
| <p>2. OTL Share Management Plan</p> | <p>The Committee noted changes to commercial management staff and roles whilst share management plans are being developed. Peter Turnell has been appointed to the position Manager, Commercial for a six-month period.</p> <p>The Committee was presented with an overview of the development of Share Management Plans (SMPs) including the content of the plans, proposed timeline for the implementation of SMPs and consultation process (both with MACs and at port meetings). The Committee were supportive of port meetings, advising that the meetings should be open and that relevant information be distributed before the meetings to ensure they are focussed on SMPs.</p> <p>Information on development of the draft Ocean Trap and Line Share Management Plan was provided to the Committee. The following issues emerged:</p> <p>1. <u>Minimum shareholding</u> – It was noted that the minimum shareholding for a new entrant is 40 shares. The Committee suggested that consideration also be given to providing a minimum shareholding of 40 shares for nominating a fisher.</p> | | | |

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| | <p>2. <u>Maximum allocation of shares</u> – The Committee again raised the concern regarding the maximum allocation of shares in the fishery. The Committee do not support that a fisher may acquire 50 shares by amalgamating two fishing businesses with 25 shares, resulting in a greater number of shares than those fishers with much larger fishing business’ (and associated validated catch history) that were originally allocated 40 shares during the provisional allocation of shares.</p> <p>The Committee are concerned with how shares may be used in the future, for example an increase to the minimum shareholding for existing operators or effort controls allocated based on shareholdings. Industry members believe this would create an inequitable situation whereby existing operators would need to increase their shareholding to a greater extent than those that have amalgamated smaller businesses.</p> <p>The Committee agreed that further discussion will be required with regard to how shares will be used. To ensure equity between existing fishers (with 40 shares) and those that have amalgamated FBs (50 shares), the Committee suggested consideration be given to the following:</p> <ul style="list-style-type: none"> • re-issue shares allocating 50 shares to those fishers whom originally met the criteria for 40 shares, or • any increase to the minimum shareholding should be by a percentage or set amount (for example 10 shares) for those shareholders with 40 or 50 | <p>Chairperson to write to the Minister regarding the maximum allocation of shares and the Committee’s request to re-issue shares allocating 50 shares to those fishers whom originally met the criteria for 40 shares.</p> | | <p>Chairperson</p> |

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| | <p>shares.</p> <p>The Committee recommended that a letter be sent to the Minister regarding the maximum allocation of shares in this fishery.</p> <p>3. <u>Maximum shareholding in the fishery</u> – The Committee noted that the share management plan proposes a maximum shareholding of 40% of shares in the fishery. The Committee noted that this did not apply to specific share classes and raised particular concern with not having a maximum for the spanner crab share class.</p> <p>4. <u>Proposed share trading rules</u> – The Committee were supportive of the proposed share trading rules.</p> <p>5. <u>Proposed licensing arrangements</u> – The Committee were supportive of the proposed changes to the licensing arrangements with the following exceptions:</p> <ul style="list-style-type: none"> • Fishing business card – concern that rapid approval time for nominating fishers may result in potential increase in effort in the fishery • Boat licensing arrangements – The Committee were concerned that allowing the transfer of boats licences separate to fishing businesses may result in an increase in effort in the fishery. | | | |
| <p>3. Marine Parks Update</p> | <p>Marine Park Planner, Veronica Le Nevez, presented the Committee with an overview of the draft zoning plan for the Batemans Marine Park, advising the plan is currently on public exhibition and will be until 15 October 2006.</p> | | | |

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| | <p>A number of proposed restrictions impact on the Ocean Trap and Line Fishery including limits on the number of hooks and lines that can be used and a prohibition on setlining within the marine park.</p> <p>The Committee questioned the prohibition on setlining in the marine park yet allowing trawling to continue in some areas of the park, highlighting the significant impact on school and gummy shark fishers.</p> <p>The Committee outlined the environmental assessment process the fishery has recently been subject to and a number of changes proposed as part of this, including gear restrictions, to ensure the fishery is sustainable.</p> <p>The Committee were encouraged to provide a submission outlining the proposed changes to the fishery as a result of the environmental assessment process and provide options or alternatives to the current draft plan that may reduce the impact on the fishery.</p> <p>The Committee considered the area of proposed sanctuary zones too large and that the budget for buying out commercial fishers does not appear to cater to the size of the sanctuary zones and required reduction of commercial fishing effort.</p> <p>The Committee questioned the formula used to determine fishers' buyout figure and were advised that an information sheet would soon be available.</p> | <p>Manager (Fisheries Information and Buyout) to be invited to the next Committee meeting.</p> | | |

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| | <p>The Committee again raised the concern regarding the shift in recreational fishing effort as a result of the marine park and the potential for increased competition and conflict between the commercial and recreational fishing sectors. The Committee were advised that there has been significant consultation with recreational fishers regarding the draft zoning plan and that the draft plan ensures a number of safe recreational fishing areas so as to prevent any shift in effort from that sector.</p> <p>The Committee noted that they were not directly consulted during the early stages of the planning process and requested that marine parks issues be placed on all future meeting agendas.</p> | | | |
| <p>4. Draft OTL Fisheries Management Strategy</p> | <p>The Committee noted the table of management responses identified with an immediate or short term implementation time frame. The Committee agreed that progress on these items should commence as soon as possible in order to be considered thoroughly prior to implementation.</p> <p>The Committee were advised that the proposed implementation of 130cm minimum size limit for wobbegongs would be delayed pending outcomes of research currently being undertaken. Survival of wobbegongs caught in traps is believed to be high therefore it may be recommended that, under a code of conduct, trap fishers release wobbegongs less than 130cm.</p> <p>The introduction of a trip limit for wobbegongs is to be implemented immediately upon approval of the finalised</p> | <p>Time frames to be provided to the MAC with respect to management responses.</p> | | <p>NSW DPI</p> |

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| | <p>Fishery Management Strategy.</p> <p>With regard to the spatial and/or temporal closures for undersize snapper are to be discussed at a regional level. The Committee encourages cross fishery co-operation with any proposed closures this fishery identifies. The Committee noted that closures are to apply to the fish trap part of the ocean trap and line fishery.</p> <p>The Committee also agreed that grey nurse shark closures around key habitats should be discussed at a regional level.</p> <p>The implementation of the some management responses such as the banning of spikes and the introduction of escape panels requires further consideration by the Committee.</p> | | | |
| <p>5. Proposal for 2 protection zones over submarine cables off Narrabeen and Tamarama / Clovelly beaches</p> | <p>The Committee were provided with a copy of the discussion paper and information sheet regarding the Australian Communications and Media Authority's (ACMA) proposed protection zones, prohibitions and restrictions and detailed maps. The Committee were requested to provide information to assist in preparation of a submission from the Committee.</p> <p>Submission should be sent to ACMA by 10 November 2006.</p> | <p>The Committee to provide comment regarding proposed protection zones, prohibitions and restrictions.</p> | | <p>MAC members</p> |
| <p>6. National review of high frequency (voice) monitoring of</p> | <p>The Committee advised this would not impact on the Ocean Trap and Line Fishery.</p> | | | |

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| safety and distress frequencies | | | | |
| 7. Section 37 permit for the use of a lift net to take live bait for own use to target tuna in NSW waters | <p>The Committee questioned why the use of lift nets is considered under the Ocean Haul Fishery. The Committee highlighted that OTL fishers were initially the major harvester of bait species, prior to the rise of the purse seine fishery.</p> <p>The Department advised that lift nets are not defined gear in OH fishery. The OTLFMS provides for the development of a policy, in cooperation with the OH fishery, to manage the taking of bait using lift nets in the fishery.</p> <p>Currently, the taking of bait to target tuna is permitted through a section 37 permit and will continue to be permitted upon implementation of share management plans.</p> | | | |
| 8. Options available to dual Commonwealth and NSW endorsed fishers with respect to their NSW fishing entitlements | <p>The Committee questioned how the Department proposes to manage the potential impact of escalation in effort following the Commonwealth buyout process. The Committee noted particular concern for the line fishing (eastern zone) sector of the fishery.</p> <p>The Department advised of legislative amendments introduced to increase powers to cancel shares. The Department is currently undertaking a process 'determining' fishing businesses (FBs). This process will identify FBs holding external authorities including Commonwealth, allowing the Department to later identify those FBs who have participated in the Commonwealth buyout. A future review of the displacement of effort in</p> | | | |

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| | <p>NSW waters can target necessary management actions at the relevant FBs. The Committee supports cancellation of shares / entitlements if there is an increase in effort in NSW fisheries.</p> <p>It was noted that until the Department has been advised of the result of the Commonwealth buyout it is difficult to know the level risk.</p> <p>The Committee were concerned with those FBs that may transfer between taking the Commonwealth buyout and the outcome of any Departmental review. The Committee recommends that some flag be put on those FBs and transferees made aware.</p> <p>For those dual endorsed FBs who take a Commonwealth buyout, and who were permitted to upgrade their boat under the tuna boat replacement policy, the Committee recommends that they be required to downgrade to their original boat length to continue to operate in state waters.</p> | | | |
| <p>9. Management Planning, Research and Compliance Update</p> | <p><u>Management Planning</u> It was noted that the conditions attached to the Declaration of an Approved Wildlife Trade Operation for the fishery were those that were previously sent to the Committee (as draft).</p> <p>The Committee were advised that the finalised Fishery Management Strategy is expected to be complete by November.</p> <p><u>Compliance</u> A summary of compliance activities relating to the Ocean</p> | | | |

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| | <p>Trap and Line Fishery was provided. It was noted that compliance rate in the fishery was high.</p> <p>The Committee questioned whether slipper lobster may be retained. Compliance representative will confirm and advise the Committee.</p> <p><u>Research</u> A written research update provided to the Committee.</p> <p><u>SIAC</u> There has been no meeting of SIAC since the last OTLMAC meeting.</p> <p><u>Commonwealth</u> A written update was provided.</p> | <p>DPI to confirm whether slipper lobsters may be retained by fishers in the Ocean Trap and Line Fishery.</p> | | <p>NSW DPI Compliance Representative</p> |
| <p>10. Other Business</p> | <p><u>Fishery managers and sea time</u> The Committee were concerned that information provided by fishers is referred to as anecdotal evidence. In an attempt to validate this information the Committee recommends that fishery managers should be required to spend some time at sea with relevant fishers.</p> <p><u>Fishing businesses and catch history</u> The Committee questioned the formula used to determine fishers' buyout figure, particularly for those fishers who have recently re-invested in the industry.</p> <p><u>Evans Head Fishing Classic</u> The Committee expressed concern regarding how long this fishing competition goes for and number of fish taken during the event. The Committee recommended that competition organisers should be promoting catch and</p> | <p>Recommendation by the Committee that fishery managers need to work up some sea time</p> <p>Manager (Fisheries Information and Buyout) to be invited to the next Committee meeting.</p> | | <p>NSW DPI</p> <p>NSW DPI</p> |

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| | <p>release. Additional concerns that require further investigation include the auctioning of fish (caught during the competition) for charity and the loss of commercial fishing gear.</p> <p><u>Renewal of a fishing closure in waters adjacent to Bouddi National Park</u> The Committee requested further information as to the reason for the closure before any comment can be provided.</p> <p><u>Proposal for listing gem fish as an endangered species</u> Submission to be drafted from the Committee.</p> <p><u>Boarding commercial fishing boats</u> The Committee were advised that the Department permits certain procedures regarding boarding boats and must ensure a safe working environment.</p> <p><u>Complementary commonwealth and state size limits</u> Part of ongoing negotiations with the Commonwealth. The Department to provide an update pending any outcomes.</p> <p><u>Licensing Proposal</u> The Department has received a proposal requesting approval to increase the length of a boat to allow for the use of sails as a means of propulsion (sail rigging requires more deck space). The proponent has also proposed to decrease engine power.</p> | <p>Department to follow up conditions regarding auctioning of fish.</p> <p>Department to provide additional information regarding the renewal of the Bouddi Fishing Closure.</p> <p>Members to provide submissions for collation.</p> <p>Department to investigate insurance requirements and liability.</p> | | <p>NSW DPI – Compliance representative</p> <p>NSW DPI</p> <p>MAC members</p> <p>NSW DPI</p> |

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| | <p>The Committee does not support the proposal as they are concerned that there will not be a decrease in 'working' deck space but in fact there will be increased capacity for trap / gear storage. The Committee suggested the proponent could surrender a boat licence or other entitlement (remove some form of effort in the fishery) to assist the proposal.</p> <p>The Department advised that due to the changes being considered as part of the development of share management plans and the associated supporting plan, these types of surrender proposals are not encouraged.</p> <p><u>Onboard observer programs</u> The Committee questioned who may access to information taken by observers. The Committee proposed that the fisher (skipper) should be able to view the data recorded from their LFB to deem it is a true and accurate record.</p> <p>The Department noted that observers are independent and the integrity of information collected is critical. The Committee queried whether the skipper should get a copy of the information, and are the observers limited to collecting certain types of information.</p> <p>The Committee and Department agreed that any photographs taken on board during observer program should not be used for publication unless approval is given.</p> | <p>The Department to provide the Committee with further information regarding observer programs.</p> | | <p>NSW DPI</p> |
| <p>11. Next meeting date</p> | <p>Joint MAC meeting scheduled for 26 September 2006.</p> | | | |