

FINAL OUTCOMES of the OHMAC Meeting 29 November 2005

Attendees:

A/Chairperson

Mr Richard Stevens

Management Advisory Committee Representatives

Mr Ron Prindable	Region 2
Mr David Mitchell	Region 3
Mr Alfie Patane	Region 4
Mr Tony Forster	Region 5
Mr Barry Aish	Region 6
Mr Geoff Collet	Region 7
Mr Denis Brown	Purse Seine representative
Mr Bill Harvey	Recreational representative
Ms Roberta Dixon	Nature Conservation Council of NSW
Vacant	Indigenous representative
Dr John Stewart	Research representative
Mr Ian Stockton	Compliance representative
Mr Peter Carter	Conservation representative
Mr Darryl Sullings	Department of Primary Industries, Management
Miss Laura Best	Department of Primary Industries, Management

Observers:

Ms Sonya Errington	Department of Primary Industries, Management
Ms Miriam Vanderberg	Department of Primary Industries, Management
Ms Greer Howarth	Department of Primary Industries, Management
Mr Brad Hiles	Department of Primary Industries, Intern

Apologies:

Mr David Smith	Region 1
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DRAFT OUTCOMES of the OHMAC meeting held on 29 November 2005.

Agenda Item	Outcome	Action Item	Time	Responsibility
1	The Chairperson welcomed all members and observers to the meeting. Apologies were received from the Region 1 representative. A new compliance representative was welcomed.			
2	Members agreed on the agenda for 29 November 2005. A number of additional items were also put forward for discussion during general business.			
3	Members approved the draft minutes of 12 August 2005 without change. Moved by Region 2 representative and seconded by Region 4 representative.			
4	Members noted correspondence received and sent. The Chairperson briefly discussed correspondence regarding the closure of the South Australian pilchard fishery in response to dolphin mortalities and the research project being conducted off the coast of Tasmania to develop a dolphin excluder device. The purse seine representative noted that NSW has been proactive in the area of reducing incidental capture of marine mammals.			
5	Business arising Discussion was had on the perceived lack of communication and timely feedback from SIAC meetings to industry. Members agreed that the Chairperson prepare a letter to the SIAC Chairperson requesting that a Chairperson’s summary be supplied to the MAC following SIAC meetings. Wide discussion was also held on the issue of beach access for vehicles used in the beach-haul sector. Members conceded that it is an ongoing issue that is affecting beach hauling activities up and down the coast of NSW. The Chairperson noted that this is a highly complex issue that required whole of government, industry and compliance contribution. It was	Chairperson to prepare a letter to the SIAC Chairperson about keeping industry engaged on things happening at that meeting in a more timely fashion.		Chairperson

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	<p>also mentioned that this issue was discussed at the 28 September 2005 SIAC meeting where the Director-General, Department of Environment and Conservation (DEC) Lisa Corbyn, advised that the ocean hauling access issue would be investigated within the DEC. The Department's representative noted that at this stage they had not received any correspondence from the DEC on this matter.</p> <p>In regard to the issue of torches on the Maclay River, the region 3 representative provided a report on his meeting with the region 3 representative for the Estuary General Fishery. The EG representative advised that he believes nothing can be done about the issue and noted that it was once in the code of practice but was taken out, as it could not be policed. The MAC agreed not to pursue the issue further.</p>			
6	<p>Committee member updates:</p> <p>MANAGEMENT UPDATE:</p> <p>Members questioned why they were not notified personally about the review of fisheries management that is currently being undertaken. The Chairperson clarified this saying that the NSW DPI Director General did indeed send notification to all MAC Chairpersons however individual members were not notified. The OHMAC Chairperson gave a brief overview of what the review entails</p> <p>RESEARCH:</p> <p>The Committee was presented with a short paper and presentation on monitoring and status of the sea mullet fishery within NSW. From monthly catch returns and age structure monitoring undertaken annually at the factory in Chinderah, NSW DPI research indicates that catches in the sea mullet fishery are stable at this time</p> <p>Members were advised of the recent stock assessment of the QLD/NSW sea mullet fishery undertaken by the QLD DPI, which suggests that the</p>	<p>Examine stock estimates provided in the QLD DPI sea mullet stock assessment and provide an indication of the recommended</p>		NSW DPI

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	<p>stock is heavily exploited and the annual combined NSW/QLD catch should be reduced to around 3620 tonnes as a conservative response given the large uncertainties in the stock estimates. The NSW DPI research representative indicated that, although very comprehensive and important, conclusions of the recent QLD research on the status of sea mullet were probably a worst-case scenario. A reduction in estuarine catches, presumably due to the impact of recreational fishing areas was also noted.</p> <p>Members requested that NSW DPI re-examine the available data to determine the confidence intervals surrounding the stock assessment model used in QLD and its conclusions with a view to presenting those finding at the next OHMAC meeting.</p> <p>Members also asked that NSW DPI provide them with the outcomes of the beach hauling observer program at the next meeting.</p> <p>The Committee commended Dr John Stewart on the information presented on sea mullet.</p>	<p>harvest level under other catch strategies.</p> <p>Provide outcomes from the beach hauling observer program</p>		
	<p>COMPLIANCE:</p> <p>The Committee was advised that several successful prosecutions had been undertaken in relation to unlawful use of nets and aiding and abetting unlawful activity in the ocean hauling fishery.</p> <p>The Committee asked if the Chairperson could write to outgoing compliance officer Mr John Naughton thanking him for his time spent on the OHMAC.</p> <p>Members discussed issues surrounding the behaviour of a small number of fishers. It was agreed that attempting to prosecute fisher's for inappropriate behaviour is difficult, however members believed that a friendly 'tap on the shoulder' might alleviate the situation. It was suggested that to overcome this issue show cause letters could be sent to the fisher involved, if a complaint was received from another fisher about their inappropriate/illegal behaviour.</p>	<p>Chairperson to prepare a letter to outgoing compliance member, John Naughton thanking him for his time on the MAC.</p> <p>Prepare a draft show cause letter for comment at next MAC meeting.</p>		<p>Chairperson NSW DPI</p>

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	<p>CONSERVATION:</p> <p>There are currently a number of issues being dealt with in regard to marine conservation. A resident of Yamba has been charged with smothering a large amount of sea grass; a resident of Georges River has been charged with cutting down a number of mangroves and the issue of fishing for Great White Sharks, particularly off Stockton beach, is also being investigated.</p> <p>Also, members discussed and questioned the progress of the Batemans Shelf and Twofold Bay Bioregions. The DPI representative notified members that the assessment is currently in progress and an interim draft report would be forthcoming in the near future. Members asked that the DPI arrange for a staff member from the Marine Parks Authority (MPA) to give a short presentation on the bioregional assessment process at the next MAC meeting.</p>	<p>Arrange MPA staff to give a short presentation on the bioregional assessment process at the next MAC meeting.</p>		<p>NSW DPI</p>
<p>7</p>	<p>Share Management Plan</p> <p>Extensive discussion was had on the draft share management plan. The Chairperson stressed that the MAC should have an opportunity to comment on the next draft before the plan is sent out for wider community consultation. The MAC endorsed the Chairperson's position and noted the normal 30 days notice period would not apply. An OHMAC meeting will be convened on short notice to discuss the draft, so as not to unreasonably delay the process.</p> <p>Other issues discussed with regard to the draft share management plan included:</p> <ol style="list-style-type: none"> 1. Difficulties in defining trigger points related to when a species has been classified as overfished. The Committee was advised that most definitions require information on mortality and stock information, which is not available for most NSW fisheries. 2. Members did not support requiring existing fishers with small share holdings to come up to the minimum over a defined period of time. 	<p>An OHMAC meeting will be convened on short notice to discuss the next draft of the management plan, probably in January or February</p>		

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	<p>3. Members were presented with a minimum shareholding model using recent activity levels in the fishery, which caters for free trading and setting minimum shareholding levels on a regional basis. Members disagreed with the varied minimum shareholdings across the regions. Members agreed that minimum shareholdings for general purpose hauling nets should be consistent across all regions and should be set at 40 shares.</p> <p>4. Rather than using the existing shares, other than to provide endorsements, the Industry members of the MAC advised that they were dissatisfied with the proposed approach and wished to have new shares issued reflecting each component of validated catch history. Industry members of the MAC advised that the effort of each business could then be managed according to these shares rather than through numbers of endorsements. The DPI representative indicated that the issue of recognising catch history could be accommodated through a provision to issue additional classes of share, in the plan if required, however catch history had already been utilised to a significant extent in the existing allocation.</p> <p>5. Members did not agree to impose a maximum shareholding for the fishery although it was noted that the MAC had previously been very strongly opposed to monopoly or large corporate ownership of the fishery. The Committee recommended that in the absence of any Government policy on the ownership of shares, the management plan should provide for a business to purchase enough shares/ licences/ businesses in order for it to optimise its return from the fishery. The Committee recognised that there may need to be compensatory controls on the amount of fishing effort in the absence of a total allowable catch (TAC). The MAC was reminded that the trigger points under the FMS for the fishery would be activated if this became an issue.</p> <p>6. Members supported consideration of creating "bait for own use</p>			

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	<p>endorsements” for persons who purchased one of the smaller PAB net shareholdings. Consideration of specifying who could hold this endorsement was also suggested i.e. trap and line fishers.</p> <p>7. It was agreed that no owner operator requirements with respect to crew nomination procedures are necessary.</p> <p>8. Beach based only endorsements be limited to less than 500m from shore rather than 200m as proposed.</p> <p>9. Public liability requirements apply to operation on beaches only.</p> <p>10. Concern over what would happen if a person were endorsed for 2 shareholdings in the fishery simultaneously was raised and inclusion of provisions to manage any compliance issues will be considered.</p> <p>11. The Committee supported the nomination provisions as outlined in the draft including nomination using the FB card concept.</p> <p>12. The Committee supported a requirement to produce the appropriate fishing business card, to another ocean hauling fisher on request, replacing the current OH ID card.</p> <p>13. The MAC reserved its position on prohibiting possession of a net adjacent to waters of the fishery unless the person is endorsed, pending the wording of the draft regulation.</p> <p>14. Purse seine trading rules to be developed.</p> <p>15. The MAC requested that the section of the plan dealing with target species be revisited, as there appears to be a number of errors or omissions in the list as contained in the current regulations.</p> <p>16. Composition of the MAC be amended to include one position for OH crew members and require an Independent chairperson</p>			
8	<p>Operational Issues</p> <p>Industry MAC members agreed that they would attempt to let other water users know when they are about to take the shot. It was suggested that</p>	Prepare amendment to code of practice for		NSW DPI

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	<p>some sort of agreed signal could be developed, such as those used currently by purse seine fishers. It was also suggested that a similar flagged signal, that could be easily removed once fishing is completed, could be displayed on vehicles used by the beach hauling sector.</p> <p>In regard to the proper method for disposal of unsaleable bycatch, the compliance representative asked that fishers call their local fisheries officer and let them know the situation before discarding any substantial quantity of fish. Methods of disposal including transporting the unwanted catch to the local “tip” were discussed.</p> <p>Members agreed that the code of practice could be amended to reflect these issues.</p>	discussion		
9	<p>Operating more than one fishing business in the OH Fishery</p> <p>It was noted that whilst it is currently not possible to for fishing business owners to actively work businesses across regions, this could be provided for under the share management plan if the appropriate number of shares are held with respect to each business.</p> <p>It was requested that a mechanism be put in place for this season so that existing operators with more than one business could commence operating before the management plan. MAC suggested using permits provided for under Section 37 of the Act. The DPI representative advised that drafting the share management plan was the highest priority however this option would be considered, time permitting.</p>	Examine ways to allow an operator to operate in more than one zone in the fishery, prior to gazetting the management plan.		NSW DPI
10	<p>Net Registrations</p> <p>Members discussed the current requirement for registration of nets and whether this could be simplified. Various suggestions were discussed including restricting maximum net length through endorsement conditions or setting a simple maximum length in regulation. It was agreed that</p>	Consider alternate effort management mechanisms as part of the SMP		

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	registrations served a purpose and no preferred replacement of the net registration requirement was found. It was agreed however, that registrations might not continue to be necessary if alternative effort controls on the fishery are developed.			
11	<p>Removal of garfish bullring endorsements</p> <p>Members noted that garfish bullring endorsements would be removed from licences. Members also noted that several fishers who had previously only held bull-ringing endorsements had been issued shares that enable them to use garfish hauling nets if they hold the appropriate number of shares.</p>	Garfish bullring endorsements to be removed upon implementation of the management plan.		
12	<p>Proposal to create an artificial reef by scuttling a ship off Gordon's Bay</p> <p>Industry MAC members advised that they are not aware of any problems with this site however requested further consultation once details on the size and type of ship have been finalised. Members also indicated that they would not support restrictions on commercial fishing being imposed if the artificial reef was created.</p>			
13	Other business:			
	<p>Partnership businesses</p> <p>The MAC considered and agreed to the NSW DPI proposal to split historical partnership and father son businesses prior to the full implementation of share management. The Committees advice was also sought on any provisions necessary with respect to the allocation of shares and validated catch history between resulting businesses. The MAC suggested an arbitrary 50-50 split of shares and validated catch history between resulting businesses.</p>	DPI to further consider this issue.		NSW DPI
	<p>Requirement to use diesel engines</p> <p>A NSW Maritime representative answered questions regarding the use of jet boats and petrol engines in the OH fishery. The Committee was advised that vessels are required to meet survey requirements. Whilst there</p>	DPI to consider alternatives to current 41kw requirement for inclusion in the		

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	<p>appears to be some scope for seeking exemptions with respect to carrying radios and other equipment, the Committee was advised that the use of diesel engines was not one of the requirements that could be waived. The general feeling among the members was that safety would be reduced, and some form of provision or exemption for ocean haulers was required. It was agreed that irrespective of the outcome, the 41 Kw engine power requirements should be resolved so that fishers could replace their engines if necessary.</p>	management plan		
	<p>Payment of EIS levy and monitoring charges.</p> <p>The MAC requested information on the percentage of environmental levy payments made to date. NSW DPI advised that reminder notices regarding late payments are being generated and final figures would be available at that time. Members requested that they be notified of the level of payment as soon as the information was available.</p> <p>Commonwealth buyout</p> <p>The Region 2 representative raised concern over the recently announced \$220 million dollar commonwealth fisheries buyout scheme and the implications this may have on State fisheries. It was indicated that unless State entitlements are removed along with the Commonwealth, there is the potential that the level of activity in the state fisheries will be increased. The NSW DPI representative informed members that State and Commonwealth ministers will be meeting on this, however at this stage nothing has been resolved.</p>	Provide information on level of payment of EIS and fishery monitoring charges		NSW DPI
	<p>Commercial Fishing Advisory Committee</p> <p>Members were advised of the NSW Maritime Authorities newly created Commercial Fishing Advisory Committee, of which Mr Denis Brown is a representative.</p>			

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	<p><i>Other issues</i></p> <p>Other issues were noted however were not dealt with due to time constraints. These included Mr Geoff Collett's suggestions for developing a code of conduct for all water users and Mr Tony Forster's comments regarding suspension of upgrade provisions for Commonwealth tuna vessels participating in NSW State fisheries. The Chairperson suggested that any urgent issues requiring resolution prior to the next meeting be set out in writing to the Chairperson.</p>			
14	<p>The Chairperson expressed his wish for another MAC meeting early in the new year to discuss the next draft of share management plan for the fishery. The Chairperson closed the meeting at 4:45pm.</p>			