

**3rd meeting for 2005
OCEAN HAULING
MANAGEMENT ADVISORY COMMITTEE MEETING
9.30 am, 29th November 2005
AGENDA
Cronulla Fisheries Centre**

1. Welcome and apologies	Chairperson	9:30 – 9:35 am
2. Agreement on agenda	Chairperson	9:35 – 9:40 am
3. Confirmation of previous minutes	Chairperson	9:40 – 9:45 am
4. Correspondence received and sent	Chairperson	9:45 – 9:55 am
5. Business arising	Chairperson	9:55 – 10:00 am
6. Committee member updates, including management, research and compliance	Chairperson	10:00 – 10:30 am
7. Share Management Plan	NSW DPI	10:30 - 10:50 am
<i>Morning Tea</i>		<i>10:50- 11:00</i>
7. Share Management Plan (cont.)	NSW DPI	11:00 – 1:00 am
<i>Lunch</i>		<i>1:00 – 1:30pm</i>
8. Operational issues	NSW DPI	1:30- 1:45 pm
9. Operating more than one fishing business in the OH Fishery	Region 6	1:45 - 2:00 pm
10. Net Registrations	Region 7	2:00 - 2.30 pm
<i>Afternoon Tea</i>		<i>2.30 - 2.45pm</i>
11. Removal of garfish bullring endorsements	NSW DPI	2:45 – 3:00 pm
12. Proposal to create an artificial reef by scuttling a ship off Gordon's Bay	NSW DPI	3:00 – 3:15 pm
13. . Other business	Chairperson	3:15 – 3:45 pm
14. Chairperson's summary and next meeting	Chairperson	Close 4:00 pm

Agenda Item 1**Chairperson****Issue**

Welcome and apologies

Background

The primary purpose of this meeting is to discuss the first draft of the share management plan.

Mr Tony Forster, region 5 representative extends his apologies for his inability to attend the meeting.

The ocean hauling MAC welcomes new compliance representative Mr Ian Stockton. The committee also wishes to thank outgoing compliance representative and former committee chair, Mr John Naughton, for his valuable advice to the committee since its first meeting in September 1997.

Outcomes

For information of the Committee.

Agenda Item 2**Chairperson****Issue**

Agreement on agenda.

Background

A notice of the rescheduled meeting and call for agenda items was circulated to Committee members, co-operatives and coastal fisheries offices on 27 October 2005.

A draft 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 3**Chairperson****Issue**

Confirmation of minutes of OHMAC meeting 12 August 2005

Background.

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

Recommendation

The draft minutes of the OHMAC meeting 12 August 2005 are accepted as an accurate record of the meeting.

Agenda item 4**Chairperson****Issue**

Correspondence received.

Background**Received**

- 25 August News release regarding SA pilchard fishery and its changes to protect dolphins.
- 29 August Invitation to meet with representatives of the Seafood Industry Advisory Council and NSW Seafood Industry Conference.
- 12 September Letter from the Marine Parks Authority with an attached copy of the report entitled 'Broadscale biodiversity assessment of the marine protected areas in the Batemans shelf and Twofold shelf bioregions.'
- September Letter and EIS report from The Ecology Lab Pty Ltd seeking any submissions regarding the EIS for the NSW abalone fishery.
- 29 September Letter to all MAC members from the acting group manager for fisheries planning and operations, regarding a recent review into policies relating to councils and committees.
- 10 October Out of session agenda item for consideration regarding the issue of suspending the upgrade provisions for Commonwealth tuna vessels participating in NSW State Fisheries.
- 12 October The NSW Department of Primary Industries (DPI) Corporate Plan 2005-2008.
- 13 October 'NSW Government's recreational scuba diving fee' discussion paper.
- 9 November Letter from Minister acknowledging receipt of the draft minutes of last meeting.

Sent

- 14 October Letter to the EGMAC chair, Mr Brian Beer, regarding the impact of enabling EG fishers to register additional mesh nets in order to target sea mullet on OH fishers.

Outcomes

Members note correspondence received.

Agenda Item 5**Chairperson****Issue**

Business arising from minutes and action list from previous meeting

Outcomes

For information and discussion.

NEW ACTION ITEMS
OHMAC Meeting 12 August 2005

Agenda Item	Topic	Action	Responsibility	Status
5	The issue of beach access for those fishers in the beach-hauling sector.	Outline beach access issue in chairperson's report including suggestion to convene a meeting with relevant groups.	OH Chair	Complete
		Provide a brief to DDG regarding beach access issues.	DPI/Industry	Complete
6	Concerns over the impact on sea mullet from the EG Fishery allowing new registration of mesh nets on the OH Fishery.	Prepare letter to EGMAC chair regarding this issue.	DPI/Industry	Complete
		Prepare a short presentation on the status of sea mullet fishery within NSW	DPI	See Agenda Item 6
7	Discussion of the several options developed at the Feb. 10 2005 Salmon Working Group meeting re: the closure to prohibit the taking of Australian Salmon by netting methods north of Barrenjoey Headland.	The Department to consider possible mechanisms for distributing and monitoring salmon catch, under catch trigger arrangements.	DPI	Pending
8	Consideration of the draft share management plan for the Ocean Hauling Fishery including the draft rules for trading shares	Develop further options for endorsement structure of the share management fishery	DPI	Ongoing/ see Agenda item 7

9	Consideration of the OH FMS performance indicators.	Comments on performance indicators forwarded to Management Planning (Rebecca Keech) within two weeks of the draft minutes being distributed.	DPI	Complete
11	Discussion on the review of saltwater fish size limits and the implications for the purse seine sector due to current regulations.	Prepare amendment to purse seine legislation in consultation with industry and the Management Planning Branch.	DPI	Pending – See Agenda Item 7
15	Other Business	Discuss use of torches in the Macleay River with Region 3 EGMAC representative. SIAC chairs report be distributed to members.	Region 3 OHMAC representative. DPI	See Agenda Item 6 Pending

Issue

Committee member updates, including management, research and compliance updates

Background***Management*****Seafood Industry Advisory Council (SIAC) MAC Update**

The second meeting of the Seafood Industry Advisory Council was held on 28 July, 2005. It was agreed that the Council's FMS (Implementation) Working Group will report on the implementation of completed EIS/FMS document to Council, and Council will provide advice where appropriate, to the Minister. A draft Communications Strategy is to be prepared for Council consideration. Members representing the commercial fishery MACs are provided with the opportunity to give updates on fishery issues to Council at each meeting.

At the third SIAC meeting on 28th September 2005, Council noted the importance of the North and South Coast visits by the chairperson, executives from DPI and NSW Food Authority and the chairperson of the NSW Seafood Industry Conference. It is likely that there will be further visits of a similar nature.

A high level industry/departmental working group will be set up to investigate the long term viability and profitability of the NSW seafood industry.

The Director-General of the Dept of Environment and Conservation gave a presentation, and offered to follow-up on the issue of beach access for commercial fishing crews, and for information and future consultation to be provided to the MACs.

A Seafood Industry Strategic Plan is to be formulated, coupled with a Communications and Promotions Strategy.

SIAC - Structural Adjustment Working Group update

The first meeting of the working group was held on 27th July 2005. The working group discussed the possibility of achieving commercially viable and sustainable commercial fisheries in NSW through an appropriate structural adjustment framework. The advantages and disadvantages of various adjustment tools were discussed, also share trading and restructuring through minimum shareholdings and the removal of latent effort. MACs will be provided with information on the number of active, part time and inactive fishing businesses in each fishing sector to assist in determining appropriate targets for restructuring to be achieved over the next 10 years.

The Working Group met on 28 September 2005 and discussed five main areas of concern in considering how best to achieve structural adjustment:

Potential for buyouts - general principles, possible sources of funding, share trading and minimum share-holding requirements - restrictions on eligibility provisions, minimum transfer and history requirements, Gear, Marine parks and other closures, and Regulatory requirements.

SIAC – Pricing and Costing Working Group update

The working group met. A review of pricing and costing of Government charges to the seafood industry has been initiated in light of industry's current financial position. Terms of reference will be prepared, and the group will be comprised of a cross-section of industry representatives from SIAC, the Seafood Industry Conference, and well as representatives from DPI, NSW Food Authority, NSW Maritime Authority and NSW Dept of Lands. A representative from NSW Treasury will also join the working group. The terms of reference are expected to include: identification of pricing and costing charges by government, basis of charges, both transactional and management, investigate options to reduce costs on industry; look at possible government inefficiencies; investigate rationalisation options and possible amalgamation of functions to reduce cost impacts.

The outcomes of the most recent meeting held on 28th September 2005 will be available soon.

Fisheries Management Amendment Bill 2005

Following consultation with MACs in February 2005, an amendment bill has been prepared for the *Fisheries Management Act 1994* to make further provision with respect to the management of fishery resources. Changes that may be relevant to the management plan for this fishery include minor modifications to:

- Section 31 Public consultations by TAC Committee,
- Section 32 Review of determinations by TAC Committee
- Section 37 Special permits for research or other authorised purposes
- Section 68 Endorsements on licences
- Section 69 Nomination of commercial fisher by holder of shares
- Section 70 Special endorsements to take fish in share management fishery
- Section 75 Forfeiture of shares for certain contraventions of Act
- Section 76 Management charges
- Section 121 Records to be made by commercial fishers
- Section 122 Records to be made by employers of commercial fishers
- Section 283A Disclosure of information
- Schedule 1 Share management fisheries
- Schedule 7 Savings, transitional and other provisions

Review of fisheries management

Mr Richard Stevens, Government Relations and Fisheries Management Adviser, has been engaged to conduct a review of fisheries management in NSW. Mr Stevens will be meeting with relevant Fisheries staff and stakeholders and is due to provide his report by mid-December. The main purpose of this review is to provide a report, which addresses the key challenges ahead for fisheries management in NSW and to recommend sensible and practical ways to address them. It is hoped that these recommendations will result in the Government and the Department being in

the best position to manage the State's fisheries in accordance with relevant Government legislation and policy.

Research

A verbal update by Mr John Stewart will be given at the meeting that will include a summary of results from monitoring landings of sea mullet.

Compliance

A verbal update by Mr Ian Stockton will be given at the meeting

Conservation

A verbal update by Mr Peter Carter will be given at the meeting

Outcomes

Issue

Share Management Plan

Background

On 25 March 2005 the Minister for Primary Industries, announced that the Limited Access Stage of share management had commenced. During this stage a draft management plan will be prepared for each fishery and applications that were lodged to the Share Appeal Panel will be heard.

During September 2005, a series of small port meetings were held with MAC members and a number of fishers, to discuss issues such as the broad framework for share trading, restructure programs and a demerit system. The issues and options discussed were based on information previously discussed with the MACs and SIAC. It should be noted that the structure of these meetings was aimed at broadening the understanding of the share management process within industry and to identify fishers who will be able to provide MAC members with support during the development of the share management plans. A summary of the main issues raised at each meeting will be discussed.

The OH fishery is currently in Stage 3 of share management when access to the fishery is limited to provisional shareholders. During this stage, appeals are determined and a draft management plan for the fishery is prepared.

Although a restricted fishery ceases to be a restricted fishery when it becomes a limited access fishery, any provisions of the regulations that apply to the restricted fishery apply (with any necessary modifications) to the limited access fishery, until those provisions are repealed.

Preparation of the management plan is now the highest priority for the fishery and embarking on a process of revision, drafting and implementation of new limited access regulations at this stage could not be justified. As such the transfer guidelines as applied to the restricted fishery will continue to apply until the Management plan is introduced. At this stage it is expected that this will occur mid way through 2006.

Drafting of the OH share management plan draft is progressing. The key components of the plan will be provided at the meeting for discussion.

Industry consideration is required in a number of areas to facilitate further drafting of the plan.

Introduction of minimum shareholdings: Once share trading commences it will be administratively difficult and expensive to maintain different minimum shareholdings for individual shareholders depending on which shares were owned at commencement of the plan. Consideration should be given to deciding if a single minimum shareholding should be phased in with existing fishers being provided with a period in which to reach the minimum shareholding.

Collection of bait for own use: Fishers in some areas require bait for their own use in activities such as line fishing and pilchard anchovy & bait (PAB) nets are one method used to capture this bait. Within the fishery there are a number of PAB net shareholdings that do not meet the current minimum level and if traded will most likely require amalgamation to meet the requirements of an endorsement to take bait for sale. Consideration could however be given to allowing these small shareholdings to be traded and remain active with subsequent endorsements authorizing the holder to take fish for their own use as bait only. This option may satisfy the needs of fishers who do not wish to take bait for sale.

Provisions to use “assistants” in the fishery: Mechanisms to provide flexible crewing arrangements where a shareholder has acquired additional ocean hauling (general) shares have been discussed by the committee previously. It is expected to be administratively difficult to allow for more than one person to be endorsed with respect to each fishing business and therefore consideration should be given to alternatives. It is proposed that a system be developed where the shareholder will register a number of licensed fishers he may wish to use as assistants, however these fishers will not be endorsed and it will be the responsibility of the shareholder to ensure that only the correct number of assistants are on the beach. Consideration should also be given to whether these provisions should be restricted to a situation where the business owner holds the endorsement himself or herself.

Requirements to ensure that all ocean hauling catches are reported: OHFMS response 6.1(d) was to "Continue the requirement that fish taken in the fishery are marketed through a registered fish receiver (RFR) or a restricted registered fish receiver (RRFR). It is understood that this requirement is often not adhered to, particularly if the fish are shipped across a state border. This creates difficulty in managing the fishery in a cost effective manner as it limits the ability to cross check reported catches with the RFR records. This also prevents measurement of the accuracy of reported catches as required by the FMS.

It is suggested that the management plan should require ocean hauling fishers to sell their catch (over the prescribed amount) to a person who is registered as a fish receiver, consistent with the FMS.

Outcomes

For discussion by the committee.

Issue

Operational issues

Background

The nature of beach-based hauling is such that interaction with recreational fishers or other beach users is inevitable. Any negative consequences of these interactions are in most cases avoided through sensible, pro-active responses, including those contained in the code of practice.

The following fishery operational issues are raised for consideration.

Shooting nets near other water users eg surfers. The ocean hauling code of practice requires that fishers not shoot nets within 100m or other agreed distance of flagged bathing areas or so as to surround persons swimming or engaged in other water activities. Although not specifically required under the current code of practice Fisheries Officers have requested that fishers adopt a practice of warning other water users in the immediate vicinity, of their intentions to undertake hauling activities.

Actions required if substantial quantities of fish are caught and killed or released in poor condition. Ocean hauling fishers have agreed to use fishing gear and handling practices that minimise impacts on non-retained fish. It is also a requirement that they not bury discarded or spoiled fish in the beach or dune system. In the event that substantial quantities of fish that cannot be marketed are caught and killed or released in poor condition, action is required to dispose of the unsaleable product in a responsible manner. It is requested that where such an event has occurred, fishers notify their local Fisheries Officer of the event and discuss disposal on the product. Unsaleable fish can be disposed of at sea if conditions permit or arrangements made for transport to a land based site. Leaving dead fish on the beach or in a position where they will be washed up should be avoided.

The DPI recommends that the MAC consider if the Code of Practice can be amended to implement this.

Outcomes

For discussion and consideration by the Committee.

Issue

Operating more than one FB in the OH fishery.

Background

The region 6 representative, Mr Barry Aish, has requested that a discussion be initiated on the legality of what is going to be implemented in the coming ocean hauling fishery with regard to working more than one region when share management is applied.

NSW DPI has not given any discussion papers or has not made any changes to the current policy. It is important that fishermen know where they stand before the next beach season.

NSW DPI position

It is proposed that this issue be dealt with under the draft management plan. Provisions for owning and operating more than one FB are already included in the draft management plan for consideration by the MAC.

Zoning was a requirement of the FMS. Within this it is not proposed to remove the zones but allow access to additional zones if appropriate shares are purchased.

Outcomes

For discussion by the committee.

Issue

Net registrations

Background

The Region 7 representative has raised the following issue regarding net registrations.

To remove latent effort in registered nets, it is suggested that the requirement for ocean hauling nets to be registered is repealed and fishing businesses are endorsed for a maximum length of net, which is currently 400 metres. This net must then comply with *Fisheries Management (General) Regulation 2002*.

DPI response:

Clause 22 of the *Fisheries Management (General) Regulation 2002* stipulates the classes of fishing gear that are registrable in NSW waters. Net registration certificates are issued based on the nets original size and under the Department's policies are not increased. In July 1989, there was a freeze placed on the registration of new nets limiting the possibility of increased effort, although the number of net registrations remaining is unknown. OHFMS Response 2.2h stipulates that the current arrangements relating to net registrations would continue under the management strategy.

Although during the travelling season (1 March to 31 July each year) the maximum length of the GP net cannot exceed 400 m, no restriction is in place at other times. Similarly although purse seine, garfish hauling and PAB hauling nets are limited to 1000m, 300m and 300m respectively by regulation, most nets are not registered for the maximum size. The current registration system is believed to provide a measure of limitation on fishing capacity and should be retained until such time as catches in the fishery are effectively controlled or more effective effort (input) controls are developed.

Outcomes

For discussion by the Committee

Issue

Removal of garfish bullring endorsements upon commencement of the management plan

Background

Eastern sea garfish, a valuable species, harvested in both the ocean hauling and estuary general fisheries, has been assessed through the environmental assessment process as 'overfished'.

The approved Ocean Hauling Fishery Management Strategy included a series of remedial actions, including removing the garfish bullring net from the ocean hauling fishery (OHFMS Response 2.5.1e). A closure was introduced on 19 September 2003 prohibiting the use of bullring nets in ocean waters and Clause 28 of the Regulation was partially amended to remove ocean waters from the areas where the net can be used.

Provisional shares in the ocean-hauling fishery have been issued and the fishery is now in the limited access stage, where participation is limited to shareholders. A single type of garfish hauling share has been issued authorising fishers to utilise a Garfish net (hauling). As the use of bullring nets is no longer authorised in the fishery, bullring net endorsements will be removed from ocean hauling fisher's licences upon commencement of the management plan

Several fishers are currently only authorised to use bull ringing nets and are provided with a permit to continue use of this net till commencement of the plan. If these fishers express interest in obtaining a garfish hauling net and commencing operations prior to allocation of endorsements under the plan, it may be possible to authorise this activity via a permit.

Outcomes

For information of the Committee.

Issue

Proposal to create an artificial reef near Sydney.

Background

The Gordon's Bay Scuba Diving Club is assessing the community demand for a decommissioned navy ship to be obtained and scuttled, as a recreational dive, marine research and artificial reef location. From previous experiences both nationally and abroad the development of an artificial reef has stimulated both local and statewide economic activity.

Currently, discussions for the proposed reef location are centred on the 30-metre line on a sandy bottom about 2 kilometres east of Gordon's Bay and about a kilometre north of Wedding Cake Island. (Lat 33° 54', Long 151° 16' 20").

Advice is sought from the committee regarding any potential impacts on the fishery. The appropriate authorities are also being consulted on the risks associated with this area.

Outcome

For information of the committee

Agenda Item 13

Chairperson

Issue
Other Business

Outcomes

Action Items

Agenda Item 14

Chairperson

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

Outcomes