

**Estuary General/Ocean Hauling Management Advisory Committee Meeting
FINAL OUTCOMES
Wednesday 30 March 2007
Cronulla Fisheries Research Centre of Excellence**

Agenda Item	Outcome	Action Item	Time	Responsibility
1	Preliminaries			
	<p>Welcomes and Apologies The Chairperson opened the meeting and welcomed all members and observers to the meeting.</p> <p>Attendance:</p> <p>Chairperson: Bill Nagle</p> <p>Management Advisory Committee Representatives: Mr Glenn Dawson Mr Geoff Blackburn Mr Peter Ragno Mr Jim Drinkwater Mr Edward Allan Prof Gee Chapman Mr David Smith Mr Ron Prindable Mr David Mitchell Mr Steven Rosskelly Mr Tony Forster Mr Barry Aish Mr Dennis Brown Ms Roberta Dixon Mr Darren Reynolds Mr David Makin</p>			

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	<p>Observers: Ms Dianna Watkins Mr Darryl Sullings Mr Nathan McNamara Mr Mathew Richardson Mr Ian Stockton Mr Robert Loring Dr Doug Rotherham Dr John Stewart Ms Sarah Fairfull Mr Eddie Douglas</p> <p>Apologies: Ms Julie Fourter, Mr Russell Massey Meeting starts: 9:35AM</p>			
	<p>Agreement on Agenda for 30 March 2007 The committee agreed on the agenda for the 30 March 2007 meeting and to postpone the confirmation of final draft outcomes from the previous MAC meetings, and the committee reports, until the separate estuary general and ocean hauling fishery sessions in the afternoon.</p>			
2	<p>Share management update A general update was given by the Department on the current status of share management plan implementation. The Department is currently focussing on moving commercial gear provisions and closures from the <i>Fisheries Management (General) Regulation 2002</i> into the relevant fishery management plans.</p> <p>Share appeals are awaiting the finalisation of the marine park voluntary buyout process and the formation of the Share Appeals Panel. Share appeals will be heard following the formation of the panel.</p>			

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	<p>A presentation on the procedures involved with processing share transfer applications was given by representatives from the Department's Fishing Business Services Unit.</p> <p>Concerns were raised in relation to stamp duty being payable before the completion of the share transfer. The Department advised that stamp duty must be paid prior to the share transfer being processed. This is consistent with the process of transferring other property. The Department clarified that fishers can contact Fishing Business Services to obtain guidance on the share transfer application requirements prior to submitting an application.</p> <p>Questions were raised by Industry representatives regarding specific share trading rules. The Department clarified the rules pertaining to share trading and transfers.</p> <p>The issue of drafting a demerit point/share forfeiture system was raised by Industry representatives. The possible development of a demerit point/share forfeiture system would involve consultation with the relevant MACs.</p> <p>Ocean Hauling Purse Seine representative raised concerns regarding fishing boat licences and fishing operations in commonwealth managed fisheries.</p>	<p>DPI to provide members with a copy of the share transfer guidelines</p> <p>DPI to develop discussion paper when necessary.</p> <p>DPI to develop policy options for discussion.</p>	<p>ASAP</p> <p>TBD</p> <p>ASAP</p>	<p>DPI Fishing Business Services</p> <p>DPI</p> <p>DPI</p>

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3	<p>Proposed regulation amendments relating to both Committees Hauling net (General Purpose). The Department clarified that it proposed to increase the maximum mesh size in the centre piece of the bunt from 50 to 57mm, and increase the minimum mesh size in the remainder of the bunt from 50 to 57mm in Estuary waters and in Jervis Bay. It was noted that the net description for ocean waters and Jervis Bay during the travelling season was already consistent with this proposal.</p> <p>The committee agreed that the EGMAC would have further discussion on this matter in the Estuary General session.</p>			
4	<p>Management update The fishery specific management updates were deferred to the individual fishery sessions in the afternoon.</p>			
5	<p>Research update The fishery specific research updates were deferred to the individual fishery sessions in the afternoon.</p>			
6	<p>Compliance update The fishery specific compliance updates were deferred to the individual fishery sessions in the afternoon.</p>			

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7	<p>Conservation update An update was provided and the presentation is available to interested representatives.</p>			
8	<p>Observer study in the Estuary General sea garfish haul net fishery in NSW overview. Representatives were provided with a report on the observer study in the Estuary General sea garfish haul net fishery and a summary of the research findings were presented to the MACs. Since the implementation of the recovery program for sea garfish there has been a prohibition on the harvest of this species in the Estuary General fishery with the exception of a limited number of fishers authorised under s37 permits to take sea garfish to assist in the research project.</p> <p>The research concluded that the beach based Estuary General fishery for sea garfish:</p> <ul style="list-style-type: none"> (a) had only limited bycatch; (b) was a minor component of the total sea garfish fishery; (c) did not target juveniles or spawning aggregations; (d) had no record of interactions with threatened species; and, (e) was unlikely to have any major ecological impacts. <p>The report summary highlighted that analyses of catch records indicated several areas of concern. More specifically, (i) sea garfish being taken during the closed season, and (ii) the misreporting of sea garfish taken in the Estuary General fishery.</p> <p>The Department remains concerned that sea garfish are classified as overfished and the fishery is predominantly harvesting one year old fish with no sign of increasing abundance of fish 2 or more years old. The</p>			

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	<p>Department noted that it was committed to closely monitoring the harvest of sea garfish in NSW.</p> <p>Other Business – Update on elevated dioxin levels in fish and prawns from Port Jackson</p> <p>The Department provided an update on the elevated levels of dioxin detected in fish and prawns in Port Jackson and clarified the role of the NSW Food Authority’s expert panel in providing advice on the quantity of Port Jackson seafood that can be consumed in a given time frame.</p> <p>The Region 5 EGMAC Representative raised concern about the lack of information that has been provided to commercial fishers since the implementation of the closure. The Department noted that fishers have been sent numerous letters concerning the closure of Port Jackson and further information is available on the Department’s website.</p> <p>NCC Representative raised concern regarding the lack of signage provided to the public relating to the elevated dioxin levels in fish and invertebrates from Port Jackson. The Department noted that it has provided all Recreational Fishing License holders information regarding the consumption of fish from Port Jackson.</p> <p>(Note that signage has been erected at multiple sites around the Port)</p>			

<p>2</p>	<p>Proposed Estuary General specific regulation amendments A draft paper of the proposed regulation amendments was provided to all the EGMAC representatives at the meeting.</p> <p>Hauling net (general purpose) The EGMAC supported the Department's proposal to increase the maximum mesh size in the centre piece of the bunt from 50 to 57mm and to increase the minimum mesh size in the remainder of the bunt from 50 to 57mm.</p> <p>The NCC representative was unable to provide comment on the proposal as no research results were provided to substantiate the amendment.</p> <p>Square mesh codends The EGMAC Industry representatives raised concern regarding sourcing the square mesh material.</p> <p>Prawn net (set pocket) The EGMAC supported implementing a square mesh codend constructed of mesh between 27-32mm hung on the bar. There was concern from Industry representatives regarding the size of the proposed alternative diamond mesh (35-45mm) codend. Industry advised that this mesh size was too large and supported increasing the minimum size of diamond mesh in the codend from 30 to 32mm and retaining the maximum mesh size at 36mm. The Region 2 Representative did not support increasing the minimum diamond mesh size in the codend.</p> <p>The EGMAC supported no change in the body of the prawn set pocket net.</p> <p>The EGMAC supported an amendment to the regulated provisions that determine the rights of priority between fishers using a prawn set pocket net. It was agreed that if a priority determination (ballot)</p>			
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for any given month fell on a weekend or public holiday it should be bought forward to the immediately preceding weekday.

The Department noted concern from some industry representatives regarding the potential for the priority determinations to be the responsibility of industry. The Department will consult further with industry regarding priority determinations in the near future.

Prawn hauls and seines

There was a general agreement amongst the EGMAC that there should be an alternative available to fishers to use either (i) a diamond mesh codend (32-36mm) or (ii) a square mesh codend (27-32mm).

The Committee recognises that there is an issue with the retention of small prawns when using current lawful prawn catching gears, particularly in certain estuaries. For example, knotless mesh used in some prawn haul nets are inappropriate as they do not allow small prawns and unwanted fish to escape. The EGMAC Industry representatives recommend that knotless mesh (when hung on the diamond) be prohibited in Estuary General prawning operations.

Seine net (prawns) – Clover Leafing

The EGMAC supported the modified method of prawn seining known as clover leafing, utilised in Wallis Lake only, to be regulated. The Department noted that it will be mandatory to use a square mesh codend (mesh size: 27-32mm) when clover leafing.

Prawn Seining - Smiths Lake and Prawn set pocket net – Lake Innes

The EGMAC supported that prawn seining in Smiths Lake and prawn set pocket netting in Lake Innes (currently authorised under s37 permits) be regulated.

	<p>Meshing and flathead nets</p> <p>Industry representatives rejected the Department's proposal to limit fishers to the possession of one mesh net and one flathead net. The EGMAC supported (i) a limit of three set mesh nets with a total combined length not exceeding the maximum length of net for specified waters, and (ii) a limit of two flathead nets. The Department noted that the restriction regarding the combined length of net when using a flathead net and mesh net (clause 41(7) and 43(1)(g)) will remain.</p> <p>The EGMAC supported the proposed extended flathead net season and permitted species that can be retained.</p>			
3	<p>Crab trapping</p> <p>The EGMAC agreed that further consultation is required to resolve issues with respect to crab trapping. More specifically, the number of traps that a fisher can use at any one time, the species that can be retained under trapping endorsements, the possibility of linking trap numbers to share numbers, the marking of traps and strategies to reduce illegal trapping activity.</p> <p>Buoy size increase (Region 2)</p> <p>It was requested by the Region 2 representative that the Department regulate a larger buoy size with respect to marking crab traps in Region 2. Following discussion by the EGMAC it was recommended that industry in Region 2 resolve issue independent of the Department. The Department noted that the regulated buoy size is a minimum size and fishers can use buoys of a larger size if desired.</p> <p>The Region 3 representative proposed that EGMAC write to ACORF regarding the removal of the crab trap as a lawful recreational gear type to assist on fisheries compliance. It was agreed that this proposal be considered when resolving the numerous issues with respect to crab trapping in the Estuary General fishery.</p>	Representatives to consult with constituents and respond to Department.	ASAP	Representatives and DPI

4	<p>Closures The Department reiterated that closures are being regulated and placed into the relevant fishery Share Management Plan except where closures are redundant due to other arrangements eg Marine Parks. The Region 4 (South) representative proposed that each industry representative review individual closures specific to their region and respond to the Department out of session. This was supported by the EGMAC.</p>	Members to provide advice on high priority closures for consideration by SIAC	ASAP	Industry representatives and DPI
5	<p>Committee member updates</p> <p>DPI Management 1. Seagrass Mapping The Committee was shown the draft seagrass maps for Pittwater, Port Stephens and Wallis lake. The EGMAC agreed to the boundaries of the seagrass closures as set out in the maps. The Region 4 (South) representative raised concern regarding one of the proposed closure areas in Port Stephens. Also the prohibition on garfish bullringing in the seagrass closures was queried.</p> <p>The Department does not propose to amend the gear types that are currently prohibited to use over seagrass beds and is committed to protect the seagrass habitats as outlined in the draft maps.</p> <p>2. Bivalve harvest classification The EGMAC noted that the Department is working in close liaison with the NSW Food Authority in order to initiate the classification of all bivalve harvest areas in NSW.</p> <p>DPI Research The sea garfish observer study was discussed further. It was noted that the Estuary General fishery takes approximately 10% of the total sea garfish harvest. An important consideration is the fact that the status of the sea garfish stock remains as overfished and has shown no improvement under the current arrangements of the recovery program. The EGMAC recommended that further</p>			

<p>management restrictions across all fishery sectors may assist the recovery of this species, eg. A spawning closure and recreational bag limit.</p> <p>The EGMAC supports the continuation of sea garfish harvest in the Estuary General fishery for 2007 via the current s37 permit system with additional permit conditions including (i) restricted to beach based hauling (ii) weekend and public holiday closure (iii) spawning closure and (iv) maximum net length of 300m.</p> <p>DPI Compliance A compliance report was distributed to the EGMAC. It is noted that the most frequent fisheries offences are unlawful use of net/trap and fail to send catch record to the Director.</p> <p>Region 2 The Region 2 representative raised concern regarding the use of unlicensed crew during prawn seining methods. The Department is currently reviewing the s37 permit policy (including unlicensed crew permits) and notes that unlicensed crew have been historically permitted in prawn seine operations under regulation.</p> <p>The Region 2 representative requested that the Department review the overnight setting months to include September. The Department does not support this proposal.</p> <p>Region 3 The Region 3 representative did not believe the joint MAC meeting was of any benefit and raised concern about the number of EGMAC meetings being held each year. The Department responded that this is the first meeting of the year and there would be opportunity for further meetings with the relevant MACs throughout the remainder of the year.</p> <p>NCC The NCC representative advised that she was resigning from the NCC position and thanked the EGMAC for the opportunity to</p>			
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	contribute to the MAC process during recent years. The EGMAC was extremely grateful for the valued contribution that the NCC Representative has given over the previous 6 years.			
7	Chairperson's summary The Chairperson gave a verbal summary of the meeting and thanked everyone for attending. Meeting closed 3:55pm.			

Ocean Hauling Session

Agenda Item	Outcome	Action Item	Time	Responsibility
1	<p>OHMAC session starts 1:20pm</p> <p>Confirmation of the draft outcomes from the 9 August 2006 OHMAC meeting. The OHMAC approved the final draft minutes of 9 August 2006.</p> <p>Moved: Purse seine representative. Carried.</p> <p>Business Arising from minutes including action list</p> <p>The chair noted that there is a level of frustration within industry about the time taken for share transfers to be processed. Recognising that share transfer is a complex process with many individual components needing to be completed for the transfer to be successful. It was further noted that this process is new and is currently being streamlined.</p> <p>1. SIAC The SIAC delegate provided the committee with a brief verbal update with regards to the last SIAC meeting, noting that the outcomes are on the DPI web site.</p> <p>2. Code of Conduct See Agenda Item 2.</p>			

	<p>3. Batemans Bay Marine Park The Purse seine representative has made a submission to Marine Parks regarding the zoning plan in the Batemans Bay Marine Park. This submission was successful and a sanctuary zone has been altered.</p> <p>4. Wallaga Beach Wallaga beach (ocean waters) is zoned General Use under the Marine Parks zoning, thus Ocean Hauling is permitted on the ocean beach in accordance with the Marine Park zoning legislation.</p> <p>5. Allocation of species shares Industry members are still intending to contact the Minister regarding the allocation of species share. Industry will provide the committee with an update at the next MAC meeting.</p> <p>6. Jervis Bay The region 6 representative has contacted the Jervis Bay Marine Park Management and has requested involvement in the Jervis Bay Marine Park zoning review panel. Region 6 representative will provide an update of his progress at the next MAC meeting.</p> <p>7. EIS overdue Management provided an update of EIS and fishery management charges that are overdue. An aged debt analysis of the 30-03-07 identified that approximately \$331,000 was overdue for the 5 new share management fisheries, the EIS component of that being approximately 35 to 40%. Committee members did not have any major concerns with the amount overdue as DPI is currently developing a debt recovery process.</p>	<p>Industry to update OHMAC on progress.</p> <p>Industry to update OHMAC on progress.</p> <p>DPI to develop a debt recovery process.</p>	<p>Next meeting</p> <p>Next meeting</p> <p>ASAP</p>	<p>Industry</p> <p>Industry</p> <p>DPI</p>
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	<p>8. Father son Business Splitting Industry members requested an update on the progress of the Department on this issue.</p> <p>The majority of the effected Fishing Businesses have been split, some opted not to split and a few are currently discussing their options with the Department.</p>	DPI to update OHMAC on progress.	Next meeting	DPI
	<p>Correspondence sent and received</p> <p>The region 2 OHMAC representative to meet with DEC in the near future regarding beach access.</p> <p>The MAC supported DPI approaching DEC to have industry and DPI consultation with Marine Parks and DEC, so fishers' beach access guidelines can be finalised.</p> <p>No other major concerns were raised by the committee regarding any of the correspondence received and sent apart from items listed on Agenda or added to 'Other Businesses'.</p>	<p>Industry to update OHMAC on progress.</p> <p>DPI to write to DEC regarding beach access.</p>	<p>Next meeting</p> <p>ASAP</p>	<p>Industry</p> <p>DPI</p>
2	<p>Code of Practice</p> <p>A revised draft of the Code of Practice has been drafted. It was agreed that rather than a detailed discussion at this meeting, a copy of the CoP will be made available for the OHMAC to review out of session.</p> <p>The purse seine representative commented that a separate purse seine Code of Practice could be developed based on</p>	DPI to finalise the draft for the OHMAC to review out of session.	ASAP	DPI

	<p>the Commonwealth's Small Pelagic Fishery Code of Conduct.</p> <p>The Department will consider if a separate Code of Practice is required for purse seine fishers.</p>			
3	<p>The trading of purse seine shares</p> <p>The purse seine representative proposed that purse seine shares to be traded separately to other ocean hauling shares, arguing they are completely separate from other ocean hauling operations thus they should be traded separately. Further, it was contended that the ability to trade purse seine shares separate to other ocean hauling shares would not generate management issues in regards to spatial conflict or gear conflict.</p> <p>Industry representatives were concerned that purse seine fishers are not restricted to a particular zone. The concern being that the lack of zoning in the purse seine fishery may result in increased effort in areas over historical levels.</p> <p>The Department queried the priority of this issue compared with progress on other issues given that Departmental resources, especially the legal branch, were limited.</p> <p>The chairperson noted that in general the committee was in support of the proposal, however given that the issue was not viewed by the committee as a high priority it was suggested that it be considered when Departmental resources became available.</p>	<p>DPI to consider the proposal as resources become available.</p>	2008	DPI

<p>4</p>	<p>Penning of fish after capture</p> <p>The purse seine representative suggested that penning is required to produce high quality produce in large scale purse seine operations.</p> <p>Concern was however raised by the committee that penning may result in an increase in fishing effort.</p> <p>The region 5 representative noted that in some areas of the state the penning of fish would result in an increased in fishing effort thus putting more pressure on fish stocks.</p> <p>The purse seine representative noted that there are three main conditions that could be applied to restrict penning and limit the potential for an increase in fishing effort:</p> <ol style="list-style-type: none"> 1. Penned fish need to be fed 2. Fish will only survive in pens for a maximum of 7 days 3. Penning is not permanent <p>The majority of regional representatives noted that this practice would not be suitable for beach based operations for numerous reasons including reduced quality of product, increased effort and potential for poor public perception. It was agreed that such a practice may be suitable for purse seining provided that suitable restrictions were enforced (e.g. penning should be limited to a single shot and that multiple shots were not allowed to be penned).</p> <p>The purse seine representative noted that due to environmental conditions penning could only occur in a small number of areas throughout state waters.</p> <p>The committee agreed that penning was not suitable for</p>	<p>Industry to develop a detailed proposal for the penning of fish taken in purse seine operations</p>		<p>Industry</p>
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	<p>beach based fishing and that such a practice would not be considered. The committee however had no in principle objection to individual purse seine operators forwarding proposals that (1) addressed the committee's concerns of an increase in effort and (2) satisfied relevant planning and environmental requirements.</p>			
5	<p>Committee member update</p> <p>Management The Department noted that increased NSW Maritime compliance with regards to petrol engines in fishing operations would be occurring.</p> <p>Compliance There were no major compliance issues relating to the ocean hauling fishery so far this season. Targeted compliance on illegal fishing gear will be occurring this year and that as a result fishers may have their nets measured more frequently throughout this fishing season. Fisheries officers will also ask to see fishing business cards and commercial fishing licences: noting that it is an offence to fish without being able to represent these cards on request.</p> <p>Purse Seine The purse seine representative noted that the cold water has affected catch rates and that pilchards have just started turning up recently.</p>			
6	<p>Other Business</p> <p>Salmon Update Some industry members noted their aspirations to start</p>			

	<p>harvesting salmon again and requested an update on the progress of the salmon research.</p> <p>Management stated that funding has been approved for a three year salmon project and that this project was to begin in the near future.</p> <p>Note: The project will give a rough stock assessment of the species assisting DPI in determining suitable harvest conditions for the future.</p> <p>Use of Unlicensed Crew Industry members were generally in favour of greater unlicensed crew involvement in ocean hauling operations. It was suggested that unlicensed crew should be allowed to assist licensed fishers to remove fish from the net once fish had been landed on the shore. As this would reduce the processing time and result in a higher quality product capable of competing in international markets. It was suggested that if unlicensed crew were to be allowed to assist licensed fishers in this way that certain conditions should apply. For example licensed fishers must be present and may not start another shot until all fish are removed from the net. This would reduce the risk of increased fishing effort.</p> <p>The level of involvement of unlicensed crew would also need to be clearly stated as some MAC members were concerned that there would be an increased effort in the fishery as more shots by more hauling crews could be undertaken and that their would be a negative economic impact on OH general only endorsement shareholders (i.e. "crew"), both their viability and the value of their shares. Further concerns were raised with regards to duty of care and public liability issues</p>	<p>Industry to provide DPI with proposed arrangements, that can be used to produce a draft discussion paper to take to all OH shareholders.</p>	<p>Pending</p>	<p>Industry</p>
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	<p>involved in unlicensed crew.</p> <p>The compliance representative raised concern that the above proposals would be extremely difficult to enforce and that very specific rules would need to be developed if unlicensed crew were to be allowed to assist in ocean hauling operations.</p> <p>Share management arrangements Concern was raised by the committee regarding the new share management arrangements and whether they would result in an increase in fishing effort. The committee was also concerned that these new arrangement might cause further conflict within industry.</p> <p>Zoning Conflict Industry members commented that following the implementation of share trading and the new nomination provisions there may be increased conflict between some fishers, due to fishers being able to buy into multiple regions or be nominated to work in multiple regions in a season.</p> <p>Use of petrol engines Industry representatives were concerned that the NSW Maritime ban on petrol engines in commercial vessels would decrease safety of operators.</p> <p>The purse seine representative noted that this issue cannot be addressed by the committee as it is under NSW Maritime regulation. He further noted that this issue has been investigated exhaustingly by industry seeking an exemption with no success.</p> <p>The committee is in support of a letter to NSW Maritime for a</p>	<p>Industry to keep the MAC informed of any exemptions.</p>	<p>Pending</p>	<p>Industry</p>
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	<p>general exemption to the use of petrol engines if anyone is successful in getting an individual exemption.</p>			
7	<p>Chairperson's summary and proposed meeting date for the next OHMAC meeting</p> <p>The Chairperson noted that the afternoon session covered more issues in detail than expected and thanked the committee members for their participation.</p> <p>The chairperson proposed that the next Ocean Hauling Management Advisory Committee meeting take place after the mullet travelling season has finished (August – September). Further that the following meeting occurs well before the next mullet travelling season starts (January – February 2008).</p> <p>Meeting Closed 4.05pm.</p>			