

**OCEAN TRAP & LINE MANAGEMENT ADVISORY COMMITTEE MEETING**  
**Final Minutes**  
**Meeting 29 & 30 June 2005**  
**9:00 am to 5:00 pm**  
**2nd meeting for 2005**  
**Cronulla Fisheries Centre**  
**Cronulla, NSW 2230**

**Chairperson**

Dr Julian Amos

**Management Advisory Committee Representatives**

Allen Hicks	Line fishing (eastern zone) north
Matthew Creek	Line fishing (eastern zone) south
Vacant	Demersal fish trap north
Paul Sullivan	Demersal fish trap south
Vacant	Line fishing (western zone) north
Garry Braithwaite	Line fishing (western zone) south
Megan Kessler	Nature Conservation Council of NSW
Sonya Errington	Director-General's nominee

**Observers**

Dianna Watkins	Department of Primary Industries, Management
Phil Bolton	Department of Primary Industries, Management
Anne Macready	Department of Primary Industries, Management
Bill Talbot	Department of Primary Industries, Threatened Species
John Timmins	Department of Primary Industries, Compliance
Veronica Silberschneider	Department of Primary Industries, Management Planning
Graham Levitt	Department of Primary Industries, Management Planning
Philip Gibbs	Department of Primary Industries, Environmental Assessment
Marcel Green	Department of Primary Industries, Environmental Assessment

**OTLMAC AGENDA  
29 & 30 June 2005**

Welcome and Apologies	Chairperson
Agreement on agenda for 29 & 30 June 2005	Chairperson
Confirmation of draft minutes of 10 & 11 March	Chairperson
Correspondence sent and received	Chairperson
1. Business arising from the minutes	Chairperson/ NSW DPI
2. Consideration of the draft Environmental Impact Statement for the Ocean Trap and Line Fishery including the draft Fishery Management Strategy	NSW DPI
3. Brief overview of risks associated with setline (includes setline and trotline) fishing in the Ocean Trap and Line Fishery	NSW DPI
4. Development of the Share Management Plan	NSW DPI
5. Management and Compliance update	NSW DPI
6. Other Business	Chairperson
7. Chairperson's Summary and next meeting date	Chairperson

OTLMAC CORRESPONDENCE LIST

<b>Date</b>	<b>In/Out</b>	<b>From</b>	<b>Issue</b>	<b>To</b>	<b>Action</b>
15 March 05	Out	OTLMAC	Marine Park Buyouts	Minister	FYI
31 March 05	In	DPI, Director, FM	Delay to the Monitoring Program Fee	MACs	FYI
1 April 05	Out	DPI, Commercial Management	Share Management Workshop Summary & revised Silver Trevally Data	MAC	FYI
7 April 05	In	Seafood Services Australia	Industry Workshop – Environmental Management Systems, Coffs Harbour 5 May 2005	MAC	FYI
26 April 05	In	NSW FRAB	FRDC Funding Priorities	Chair	FYI
10 May 05	In	DPI, DDG, Ag and Fish	Renewal of the SBT Closure	Chair	FYI
19 May 05	In	Minister	Minutes of the OTLMAC Meeting of 10 & 11 March	Chair	FYI
24 May 05	Out	DPI, PM Commercial	Resignation of Chris Judd	Chair	FYI
25 May 05	In	DPI, GM Fish Ecosystems	Draft EIS including the draft FMS	MAC	Item 3
2 June 05	In	Minister	Response to Marine Park Buyout Correspondence	Chair	FYI
3 June 05	Out	DPI, Media Release	World's first "test tube" sharks to be bred in NSW laboratories	MAC	FYI

<p>Welcome and Apologies</p> <ul style="list-style-type: none"> <li>The Chairperson noted the resignation of Chris Judd and Grahame Clarke and proposed to write to both Chris and Grahame thanking them for their contributions. An EOI for the positions has been mailed to line fishing western zone and demersal fish trap endorsement holders north of Barrenjoey Headland and nominations close 22 July 2005.</li> <li>The Chairperson noted that the current fisheries manager, Ms Sonya Errington would be temporarily leaving commercial management. New fisheries manager, Mr Phil Bolton was introduced to the MAC. The demersal fish trap south representative raised concern regarding continuity in management and disappointment in the change of managers, noting that it was not about the capability of any of the managers. It was noted that information transfer was very important between managers and stakeholders. The Chairperson recommended that new managers have an induction process in the fishery and encouraged port visits and liaison with commercial fishers.</li> <li>The Department advised that managers are always encouraged to undertake port visits to work with industry directly, this is however contingent on competing priorities</li> </ul>	<p>Chairperson</p>
<p>Agreement on agenda for 29 &amp; 30 June 2005</p> <ul style="list-style-type: none"> <li>Agreed. Line fishing western zone south representative noted some issues that may need to be raised from the last meeting and continue to the next meeting.</li> </ul>	<p>Chairperson</p>
<p>Confirmation of draft minutes of 10 &amp; 11 March</p> <ul style="list-style-type: none"> <li>Minutes accepted.</li> </ul>	<p>Chairperson</p>
<p>Correspondence sent and received</p> <ul style="list-style-type: none"> <li>The Committee was disappointed with the response given by the Minister to the previous letter on Marine Park buy-outs. The Chairperson to draft a further letter to the Minister on the issue.</li> </ul>	<p>Chairperson</p>
<p>Item 1. Business arising from the minutes</p> <ul style="list-style-type: none"> <li>Update on new and outstanding action items – pages 5 and 6</li> </ul>	<p>Chairperson/ NSW DPI</p>

**OUTSTANDING ACTION ITEMS  
OTLMAC Meeting 10 & 11 March 2005**

<b>Agenda Item</b>	<b>Topic</b>	<b>Action</b>	<b>Responsibility</b>	<b>Status</b>
2	Research Update	Further update on NSW DPI acquiring fish from SFM prior to auction	NSW DPI	Pending
6	Coastal Shipping	<ul style="list-style-type: none"> <li>• Contact the Australian Seafood Industry Council (ASIC) regarding current arrangements with the shipping industry.</li> <li>• Liaise with LobMAC in providing trapping coordinates to the Spirit of Tasmania.</li> </ul>	NSW DPI  NSW DPI and Industry	Complete (waiting response)  Pending

**OUTSTANDING ACTION ITEMS  
OTLMAC Meeting 11 October 2004**

<b>Agenda Item</b>	<b>Topic</b>	<b>Action</b>	<b>Responsibility</b>	<b>Status</b>
2	Department Update	<ul style="list-style-type: none"> <li>• Industry requested a budget breakdown for the monitoring charge and existing management charges and associated expenditure.</li> <li>• Snapper data to be updated and evaluated</li> </ul>	NSW DPI  NSW DPI	<b>Item 5</b>  Ongoing
6	Tuna Longline Upgrade Policy	Amend the Commercial Licensing Policy to provide for the Committee's recommendation.	NSW DPI	Pending FMS
8	Tax Payable on Sale of Shares	Liaise with the ATO regarding the payment of capital gains tax on sale of FBs under share management.	NSW DPI	Pending (To be referred to SIAC)
9	Size Limits	Discuss the implementation of complementary size limits with the Commonwealth.	NSW DPI	Ongoing
14	Other Business	Coordinate with LobMAC to provide coordinate details to the Spirit of Tasmania.	NSW DPI/Industry	Pending

**Issue**

Consideration of the draft Environmental Impact Statement for the Ocean Trap and Line Fishery including the draft Fishery Management Strategy

**Background**

A draft EIS (including a draft FMS) for the Ocean Trap and Line Fishery was mailed to MAC members prior to the meeting. Comments are now being sought on the draft EIS by the Ocean Trap and Line MAC, the Seafood Industry Advisory Council and the Advisory Council on Recreational Fishing (the latter two out of session), prior to finalising the EIS for public exhibition.

Subsequent stages include public exhibition, analysis of the public submissions, preparation of a preferred strategy report, determination of the activity by the Fisheries Minister, and referral of the EIS and preferred strategy to the Commonwealth Minister for the Environment and Heritage for export approval.

A full copy of the EIS will be forwarded to each MAC member during the public exhibition stage and the MAC will be consulted on the development of the preferred strategy report after the public submissions have been received.

**Outcomes**

The Committee reviewed the draft Environmental Impact Statement (EIS) (including the draft Fishery Management Strategy (FMS)) in detail and suggested a number of changes to wording and formatting. These suggestions will be considered in conjunction with the comments received from other Advisory Councils and working groups (i.e. SIAC and ACoRF) and the draft EIS will be amended as appropriate prior to public exhibition of the document.

Detailed textual changes suggested by the MAC were recorded directly on the draft documents by the management planning and environmental assessment teams during the meeting.

The major FMS/EIS issues discussed by the MAC included:

The Grey Nurse Shark (GNS) Species Impact Statement (SIS) was noted to be absent. The draft GNS Recovery Plan cannot be included in the EIS until Ministerial determination and therefore cannot be released for public comment. The Chairperson proposed to send a letter to the Minister to advise that the MAC was concerned that the GNS Recovery Plan may delay the EIS process.

The Committee expressed their concern over the lack of consultation into the development of the draft GNS Recovery Plan. It was noted that the SIS is likely to be provided to OTLMAC out of session, for discussion at the next meeting.

NCC stated that they were pleased to see the document, however were concerned that there were a number of proposed actions that will have an impact on the fishery that won't necessarily minimise the risks to the fishery. NCC noted that there is a need to shape the management responses to reduce risks, rather than spending time implementing ones that don't address the issues. Industry was encouraged to consider this when reviewing the document.

There was discussion about specific fishing methods applied in the fishery and industry expressed concern about the apparent lack of knowledge of gear used in the fishery by the department and the impact this may have on the overall assessment. The fishing method descriptions are to be rewritten by the Environmental Assessment team after additional detail has been provided by the Committee.

There was discussion about circle hooks and their effectiveness in unattended and attended line methods. A DPI representative advised that a review of research into the effectiveness of circle hooks had recently been completed by Cooke and Suski, a copy of the report will be provided to the Committee.

Industry suggested that shifts in effort that have affected the fishery positively should be highlighted, this particularly related to the reduction in numbers of commercial fishers over the last 20 years.

The Chairperson proposed to write a letter to the Minister stating the need for a recreational EIS to complement the commercial strategies.

The Committee discussed mapping of fishing grounds however Industry members were not convinced about the benefits it could bring to management of the fishery.

The Industry MAC members generally support the use of escape panels, however were concerned about the use of 50mm x 75mm escape panels and suggested that escape panel requirements should differ depending on the region fished. This should be supported by further research.

After extensive discussion, the Committee agreed to implement an interim 130cm minimum size limit for wobbegong sharks. Based on the biological information provided with regarding to size at maturity of the different species, the NCC representative did not believe that 130cm is sufficient.

There was significant concern raised about snapper and the economic impact of increasing the size limit to 32cm.

There was discussion about the impact of ocean trawling and the quantity of discards, especially juvenile snapper. The Chairperson proposed to write a letter to the Minister stating the MAC's concern for the time taken to produce the Ocean Trawl FMS and the need for management techniques to reduce by-catch.

Economic benefits of commercial fisheries to the community were discussed. It was stated that fishermen's co-ops are very important to the local fishing economy and their loss would have huge repercussions on the businesses that used them.

Baitfish lift net permits were discussed. The Chairperson is to write to Ocean Haul MAC to ensure there is a co-ordinated policy in the provision of permits.

The use of VMS was discussed and whilst it was agreed that there are benefits to their use, the associated costs are prohibitive at this point in time.

General concern was raised about; the impact of Commonwealth fisheries, potential future catch limits, and effort shift relating to marine parks and critical habitat areas. These areas were discussed, however no specific actions were forthcoming.

### **Actions**

The Chairperson to write a letter to the Minister to inform him of the Committee's concern that the GNS Recovery Plan may bring delay to the EIS process.

DPI to provide Cooke and Suski report on circle hooks to the Committee.

The Chairperson to write a letter to the Minister requesting that an EIS/FMS be written for recreational fishing.

The Chairperson proposed to write a letter to the Minister stating the MAC's concern for the time taken to produce the Ocean Trawl FMS and the need for management techniques to reduce by-catch.

The Chairperson to write to Ocean Haul MAC to ensure there is a co-ordinated policy in the provision of lift net permits for baitfish catching.

MAC members to provide DPI with a written description of the methods of fishing used in the OTL Fishery.

DPI to send revised copies of the FMS/EIS to MAC members.

### **Agenda Item 3**

**NSW DPI**

#### **Issue**

Brief overview of risks associated with setline (includes setline and trotline) fishing in the Ocean Trap and Line Fishery

#### **Background**

The NSW Government is committed to addressing the risks associated with fishing methods in this fishery. An overview paper has been prepared in relation to the risks associated with the use of setlines and may be found at **Appendix A**. The paper also highlights the relevant sections within the EIS for the benefit of members.

#### **Outcomes**

For information only.

### **Agenda Item 4**

**NSW DPI**

#### **Issue**

Development of the Share Management Plan

#### **Background**

Final shares cannot be issued until the FMS process is complete and a management plan implemented. Over the coming months the department in consultation with the MAC and broader industry will be drafting the management plans for each commercial fishery. A supporting plan that will include cross fishery issues, such as licensing arrangements will also be developed.

#### ***Demerit Point Scheme***

It is a requirement of the approved FMSs, and has been included in the draft FMS for the OTL fishery, that a demerit scheme be implemented.



At the last meeting, Industry was asked to prioritise the severity of offences within this fishery and across Industry for discussion as part of the development of the demerit point scheme.

Based on information provided, offences have been ranked as high, medium and low for further discussion. Based on these rankings, offences have also been ranked as either a demerit point offence or share forfeiture point offence for further consideration by the MAC.

Further background on the demerit point scheme is at **Appendix B**.

### ***Share Modelling***

At the request of the MAC, the Department is finalising initial modelling based on the number of returns to differentiate between latent (inactive), part time and full time effort, including the revised numbers as recommended by industry members of the MAC. Activity levels of FBs with 40, 25 and 20 shares have also been considered. These will be provided at the meeting for consideration and progression (**Appendix C**)

### **Outcomes**

*Demerit Point Scheme* – Industry members on the Committee again expressed their disapproval of any demerit scheme that includes share forfeiture. Industry believes that there should only be a demerit point system and licence cancellation provisions rather than share forfeiture. A table listing offences and preliminary rankings was worked through with the Committee. Rankings were amended and penalties for different offences were adjusted accordingly to the advice provided by the Committee. A redraft of the table is to be provided with the draft minutes.

*Share Modelling* – Interim modelling results of FB activity were discussed. There was some discussion as to the impact on other fisheries if there was a buy-out of currently inactive endorsements. The Chairperson requested that numbers of FBs inactive in other fisheries be included. A table giving activity of all fishing businesses in NSW is attached. The table provides a breakdown of FBs that are recorded as being inactive within fisheries, it also presents FBs recorded as inactive across all fisheries.

*Validated Catch History (VCH)* – under the Share Management Plan it is proposed to provide greater flexibility for existing operators to “adjust” their business i.e. it is proposed they will be able to buy and sell share classes as separate entities rather than having to buy or sell an entire FB. If the “splitting” of businesses is to occur, a decision is required on what to do with VCH. Options considered included; requiring operators to allocate VCH to individual endorsements and then transfer VCH with the shares, trade the shares only, with the VCH remaining with the original business, or “retire” VCH i.e. retain on file but not used in business trading. The MAC advised VCH was old, had been used in the share allocation process, and should be “retired” on the understanding that DPI will retain VCH on file. It was noted that any future share allocations if required should be based on more recent catch history.

*OG1 issues* – There was some discussion as to how FBs with OG1 'offshore fishing' licence conditions will be managed under the share management plan. It was suggested that the DPI should look into these issues and prepare a paper for consideration at the next MAC meeting.

### **Actions**

A redraft of offences table to be provided with the draft minutes (**Appendix B**).

A table giving activity of all fishing businesses in NSW is attached (**Appendix C**).

DPI to prepare a background paper regarding FBs with OG1 'offshore fishing' licence conditions for consideration at the next OTLMAC meeting.

## **Agenda Item 5**

**NSW DPI**

### **Issue**

Management and compliance update

### **Background**

#### ***Management - Sonya Errington***

- The first meeting of the new Seafood Industry Advisory Council (SIAC) was held earlier this month. Unfortunately a representative of this Committee was not available to attend however the major outcomes of the meeting were:
  - Formation of a Structural Adjustment Working Group and Share Trading sub-committee Working Group;
  - Formation of a Pricing and Charging Working Group to consider and advise on issues such as the importance of Government pricing and charging issues to the future commercial viability of the NSW seafood and aquaculture industries;
  - Formation of an Industry Development Working Group to advise on the importance of industry development issues to the NSW seafood and aquaculture industries, and the role of DPI in helping industry address profitability and training related issues;
  - Formation of a Fisheries Management Strategy (Implementation and Review) Working Group to advise on the implementation, monitoring and review of fishery management strategies and, given that all fisheries are facing similar issues, to ensure a coordinated response across fisheries.
- A further draft of the Tuna Bait Fishery regulation has been provided to the Department. Further information is required by Parliamentary Counsel prior to the draft regulation being available for comment by industry; and
- Commercial management branch has recently recruited three new managers and welcomed back Fiona McKinnon from other duties. Greer Howarth, Phil Bolton, and Anne Macready recently joined the commercial management team. While fishery responsibilities have been tentatively allocated to staff, these are yet to be finalised and industry will be advised of contacts in the near future.

#### **1. Commonwealth Activities Update**

A verbal update with handout will be provided at the meeting and will include:

- Charter boats with ETBF Permits
- Setline Permits in the SESSF
- Small Pelagic Fishery

#### ***Compliance - John Timmins***

A verbal update at the meeting.

### **Outcomes**

SIAC minutes to be circulated to all MAC members.

Further consultation with the MAC will occur prior to the final tuna bait regulation being drafted.

**Actions**

Provide SIAC minutes to MAC when available.

Commonwealth fishery activity update to be provided with the draft minutes (**Appendix D**).

**Agenda Item 6****Chairperson****Issue**

Other Business

**Outcomes**

None

**Agenda Item 7****Chairperson****Issue**

Chairperson summary and next meeting date

**Outcomes**

Request for terms of reference for SIAC to be provided for next OTLMAC meeting.

A copy of the updated EIS/FMS document will be provided to the MAC. It is not considered necessary at this stage to hold another focused meeting to discuss the changes.

Next meeting to be scheduled at a date adjacent to Seafood Directions (12-15 September 2005).

**Brief overview of risks associated with setline (includes setline and trotline) fishing in the Ocean Trap and Line Fishery**

The NSW Government is committed to addressing the risks associated specifically to setline fishing within the Ocean Trap & Line Fishery and, as such, the FMS/EIS is the mechanism through which this issue is being addressed. Therefore, the purpose of this overview paper is to draw the attention of the MAC/AC members to this matter and to direct them to the relevant sections of the FMS/EIS.

Line fishing methods can be divided into active and passive methods. Active line fishing methods are those attended fishing techniques that involve the immediate landing of fish as they are hooked. Active line methods reported by commercial fishers include: handline, jigging, poling, and trolling. Passive line fishing methods are those unattended techniques that involve the setting of gear so that the fish hook themselves. The landing of hooked fish into the fishing vessel is often delayed because the fish may be hooked much earlier than the time at which the set-gear is checked. Passive line methods reported by commercial fishers include the use of driftlines, droplines, setlines, and trotlines (FMS Section B2.4.2.5).

The highest risk levels attributable to the effects of setline fishing (FMS Section B2.2.3.2) occur as a result of:

- (a) harvesting fish for sale (eg. Primary, key secondary and other secondary species); and
- (b) discarding unwanted catch (eg. Undersized fish, unwanted non-commercial species, and protected species such as grey nurse shark).

The harvest of setline/trotline fishing is dominated by shark species that include sharks (mixed species), wobbegong (carpet) sharks and gummy sharks (Table 1, attached).

Sharks tend to have slow growth rates, long life spans and their life history strategy is not conducive to rapid recovery after populations have been depleted. This means that sharks may have a high risk of becoming overfished as a result of commercial setlining.

Snapper, bar cod and rubberlip morwong are the three most important finfish taken during setline fishing (Table 1, attached). The exploitation status of snapper, bar cod and rubberlip morwong in the Ocean Trap and Line fishery has been assessed as being “growth overfished”, “undefined” and “undefined” respectively (FMS Table D4.4).

Recently, the Fisheries Scientific Committee has listed hook and line fishing in areas important for the survival of threatened fish species (i.e. grey nurse shark and black cod) as a key threatening process. This listing acknowledges that grey nurse sharks and black cod are highly vulnerable to impacts from hook and line fishing at many important aggregation sites within NSW waters. Grey nurse sharks and black cod are known to be caught incidentally outside their known aggregation areas by fishers that use bottom-set lines. Even if all incidentally caught grey nurse sharks and black cod are returned to the water alive there will still be some mortality (possibly small) associated with the stress of capture and handling. The risk of this fishery-related activity causing an ecologically unsustainable impact on the populations of these protected species has been assessed as being “High risk” (FMS Table B2.33).

The range of management responses in the Ocean Trap and Line draft Fishery Management Strategy to minimise the risk of setlining on non-retained fish are:

- Implement the exclusive use of circle hooks for all unattended line fishing methods to reduce gut hooking of prohibited size and other non-retained fish (FMS Section D3.3-Response 1.2f).
- Implement changes to reduce or prevent the impact of the Ocean Trap and Line Fishery on grey nurse sharks (FMS Section D3.3-Response 3.1c), including:
  - i) the exclusive use of circle hooks for all unattended line fishing methods
  - ii) prohibiting the use of wire trace on bottom setlines
  - iii) investigating the effectiveness of the use of circle hooks for all attended line fishing methods, and
  - iv) working with Ocean Trap and Line fishers to develop appropriate arrangements to close key grey nurse shark areas to commercial fishing, consistent with broader management arrangements for grey nurse sharks
- Implement minimum size limits for wobbegong sharks (at 100 cm total length), pending research results (FMS Section D3.3-Response 2.1g)
- Design and implement an industry funded scientific observer program to document the degree of interaction of commercial designated fishing activities, including the Ocean Trap and Line Fishery, with non-retained and threatened species (FMS Section D3.3-Response 1.2a)
- Implement the following limits on gear use in the fishery (FMS Section D3.3-Response 2.3a):
  - i) maximum use at any one time of 10 set lines with 6 hooks each line inside 3 nm (except when shark fishing south of Moruya when hooks of size 9/0 or greater are being used)
  - ii) a maximum use at any one time of 1000 hooks by an endorsement holder using any line fishing methods outside three nautical miles
- Use fishing closures to control fishing activities within the Ocean Trap and Line Fishery (FMS Section D3.3-Response 1.1c)
- Modify, in consultation with Ocean Trap and Line MAC, the mandatory reporting arrangements to enable the collection of information on interactions with, or sightings of, threatened or protected marine species and interactions with other threatened or protected species (FMS Section D3.3-Response 3.1a).
- Map all major trap and line fishing grounds and associated geological features, assess the level of use of the Ocean Trap and Line Fishery on each ground and define the areas in NSW ocean waters open for trap and line fishing (taking account of marine protected areas) (FMS Section D3.3-Response 1.1a)
- Utilise onboard observers to collect additional biological information, including size at maturity and fecundity/brood size data, for the important

elasmobranch species taken by the fishery (FMS Section D3.3-Response 2.1k).

**Table 1.** Estimated weight (kg) of the top 50 retained species taken by setline and trotline methods in the Ocean Trap and Line Fishery in 2001/02.

<b>Species name long</b>	<b>Total weight (kg)</b>	<b>Species name long</b>	<b>Total weight (kg)</b>
Shark (mixed species)	111985.45	Morwong, Jackass	114.5
Shark, Carpet/Wobbeong	42725.64	Latchet/Sharp-beaked Gurnard	111
Shark, Gummy	32197.95	Ling	106.2
Snapper/Red Bream	10884.17	Sergeant Baker	86
Cod, Bar/Grey-Banded	2898	Flathead, Sand & Blue Spotted	78.3
Morwong, Rubberlip	2661.7	Eel, Southern Conger	74
Kingfish, Yellowtail	2400.1	Samson	70.1
Hapuku/Hapuka	1706.2	Mulloway/Jewfish	70
Mackerel, Slimy/Common/Blue	1374	Teraglin/Trag	47.3
Stingray/Ray/Flaps Mix/Unspec	1278	Cod, Red Rock	46.7
Trevalla, Deepsea/Blue Eye	1125.7	Trumpeter	43
Perch Ocean/Coral Cod	951.2	Bass groper	41.8
Yellowtail	940	Cobia/Black Kingfish	30
Trevally, Silver	738.5	Wrasse, Maori	28
Fish, Ocean Mixed/Unspecified	599.1	Dolphin fish	26.1
Perch, Pearl	476.4	Oilfish	25
Bonito	426.5	Cod/Mixed/Unspecified	23
Redfish/Nannygai	320.5	Squid, Mixed/Unspecified	22.7
Leatherjacket (mixed species)	301.45	Wrasse, Crimson Banded	17.5
Tuna, Skipjack/Striped	259	Ribbonfish/Southern Frostfish	16.5
Wrasse, mixed	257.5	Wirrah	16
Tuna,Mackerel	195	Tailor	12
Eel, Mixed/Unspecified	167	Gurnard, mixed/unspecified	9
Sweep	153.7	Rosy Job Fish	7
Pigfish	123	Snapper, queen	6

## DRAFT FOR DISCUSSION ONLY

### Demerit Point Scheme

#### Introduction

The Estuary General, Ocean Hauling and Estuary Prawn Trawl fishery management strategies and draft Ocean Trap and Line and Ocean Trawl fishery management strategies include a management response that requires the implementation of an endorsement suspension and share forfeiture scheme based on a demerit point scheme. The outstanding strategies will have a similar requirement.

#### Main Features

The intention of the scheme has been discussed with some industry at a general level. Industry has raised a number of issues regarding the scheme as follows:

- Shareholders should not be responsible for the actions of their nominated fishers.
- That share forfeiture represents a loss of property right and as such it should only be considered for serious offences and as a last resort.
- Offences such as tampering with gear (or other serious offences) should constitute immediate share forfeiture.
- That share forfeiture it is a solid deterrent to thieves – it may take 10 years to catch someone, and when you do the sanction should be severe.
- People who do the right thing should not be concerned – similarly those who get caught for minor one off offences should not be concerned.
- That the cost of compliance will decrease over time as thieves will no longer be in the industry.
- That an across fishery scheme should be considered.
- That share forfeiture is not supported in some instances.

#### *Things to consider*

- The scheme will apply across all fisheries.
- The scheme will address both minor and major offences.
- The penalty for shareholders (or Fishing Business owners) and skippers will be identified and kept separate for both minor and major offences.
- The number of demerit points or share forfeiture points attributed to each offence will vary according to severity.
- Offences will be linked to shareholdings via the share register.
- The scheme will operate at the fishing business level.
- The most **serious forfeiture offences** may incur immediate share forfeiture. These offences will be identified in each fishery's management plan.
- For serious forfeiture offences, share forfeiture points may be accumulated for 10 years, for minor offences, demerit points may be accumulated for 5 years. On expiry points will be cancelled.

## DRAFT FOR DISCUSSION ONLY

### *How it could work*

#### *Minor Offences (demerit points)*

- Demerit points will apply for minor offences. Not all offences will necessarily attract demerit points.
- If a determined level of demerit points are reached, suspension of commercial fishing licenses (if a skipper) and/or suspension of endorsements (if endorsement/shareholder holder) may occur.
- For skippers; if the CFL has been suspended 3 times; cancellation of the CFL will occur and will be unable to be hold a CFL for 5 years.
- For endorsement holders/shareholders; if endorsements or CFL are suspended twice, then **share forfeiture points** will accrue.
- Suspension of endorsements will occur at the fishing business level, eg all share classes will be suspended.

#### *Major Offences (share forfeiture points)*

- Share forfeiture points will only accrue for **major offences**. Not all offences will necessarily attract share forfeiture points.
- If a determined level of share forfeiture points is reached, share forfeiture may occur.
- If a skipper commits a share forfeiture offence, an immediate suspension of the CFL for 6-12 months will occur. If the offence can be tracked back to the shareholder (fishing business owner), share forfeiture points will accrue.
- If the shareholder (fishing business owner) commits a share forfeiture offence, share forfeiture points will accrue until the determined level of share forfeiture points is reached where share forfeiture may occur.
- Shares will be forfeited across all fisheries and classes of shares
- The amount of shares forfeited will be determined on an individual fishery basis.

#### *For example:*

- Each demerit point offence is equal to one demerit point.
- 5 demerit points will result in licence/endorsement suspension for a period of 6 months.
- 10 demerit points will accrue 1 share forfeiture point, and suspension of the licence/endorsement for 12 months.
- Greater than 10 points will result in a cancellation of the CFL, in addition to the above provisions in reaching 10 demerit points.
- Demerit points will have a 3 year tenure from the period received.
  
- Each share forfeiture offence is equal to one share forfeiture point.
- 5 share forfeiture points will result in share forfeiture across all fisheries and classes of shares.
- Share forfeiture points will have a 5 year tenure from the period received.



**Offences created by the Fisheries Management Act 1994 (ranked by OTLMAC)**

<b>Rank</b>	<b>Demerit Point /Forfeiture Point</b>	<b>Section</b>	<b>Short title</b>	<b>Maximum penalty</b>
H	Demerit Point	14(1)	Take fish contrary to fishing closure	Corporation \$110000 Other \$22000 and/or 6 months imprisonment
H	Demerit Point	14(2)	Possess fish taken contrary to fishing closure	Corporation \$55000 Other \$11000and/or 3 months imprisonment
M	Demerit Point	16(1)	Possess prohibited size fish	Corporation \$55000 Other \$11000and/or 3 months imprisonment
M	Demerit Point	16(2)	Sell prohibited size fish	Corporation \$55000 Other \$11000and/or 3 months imprisonment
H	Demerit Point	19(2)	Take protected fish	Corporation \$55000 Other \$11000and/or 3 months imprisonment
H	Demerit Point	19(3)	Possess protected fish	Corporation \$55000 Other \$11000and/or 3 months imprisonment
H	Demerit Point	20(3)	Sell commercially protected fish	Corporation \$220000 Other \$110000and/or 6 months imprisonment
M	Demerit Point	22(2)	Use unregistered fishing gear	Corporation \$5500 Other \$2750
H	Demerit Point	24(1)	Unlawful use of net or trap	Corporation \$110000 Other \$22000 and/or 6 months imprisonment
M	Demerit Point	25(1)	Possess fishing gear in / on / adjacent to closed waters when use of that gear or taking of fish is prohibited.	Corporation \$110000 Other \$22000and/or 6 months imprisonment
H	Demerit Point	35(1)	Possess fish illegally taken	Corporation \$55000 Other \$11000 and/or 3 months imprisonment
H	Demerit Point	102(1)	Take fish for sale when unlicensed	Corporation \$220000 Other \$11000
M	Demerit Point	104(7)	Contravene condition of a commercial fishing licence	\$11000
M	Demerit Point	107(1)	Use unlicensed boat to take fish / land fish for sale	\$11000
M	Demerit Point	108(7)	Contravene condition of boat licence	\$11000
L	Demerit Point	110(9)	Carry unregistered crew	\$5500
L	Demerit Point	121	Fail to make catch record	\$22000
L	Demerit Point	122	Fail to send catch record to Director	\$1100
M	Demerit Point	219(1)	Obstruct fish in bay / inlet / river / creek / flat	\$110000
H	Demerit Point	247(1)	Resist or obstruct a fisheries officer	\$22000 and/or 3 months imprisonment
H	Demerit Point	248(4)	Fail to assist in boarding and search of boat	\$5500
H	Demerit Point	249(3)	Fail to comply with requirement to remove gear from water	\$5500
H	Demerit Point	256(4)	Fail to comply with requirement to produce records or answer questions	\$5500
H	Demerit Point	257(4)	Fail to comply with requirement to produce authority	\$2750
H	Demerit Point	258(2)	Fail to comply with requirement to provide information	\$5500
H	Demerit Point	259(1)	Provide false information	\$22000 and/or 3 months imprisonment

**Offences created by the Fisheries Management (General) Regulation 2002  
(ranked by OTLMAC)**

<b>Rank</b>	<b>Demerit Point /Forfeiture Point</b>	<b>Clause</b>	<b>Short title</b>	<b>Max penalty</b>	<b>Fishery</b>
H	Demerit Point	20A	Use of certain fishing gear prohibited in vicinity of critical habitat of grey nurse shark	\$11000	ALL
H	Demerit Point	66 (1, 3 & 6)	Set lines and hand held lines	\$11000	OTL
H	Demerit Point	68 (1 & 2)	Illegal use of drift line	\$11000	OTL
M	Demerit Point	69	No markings on set gear	\$5500	OTL/EG
M	Demerit Point	80	Fish contrary to priority	\$5500	ALL
M	Demerit Point	81	Fish contrary to manner prescribed	\$5500	ALL
H	Demerit Point	108	Interfere with set fishing gear	\$5500	EG/OTL
H	Demerit Point	112	Use explosives	\$11000	ALL
H	Demerit Point	114	Use electrical device	\$11000	ALL
M	Demerit Point	131(1)	Mutilate fish	\$5500	ALL
H	Demerit Point	132(1)	Take and sell/possess crabs and bugs that are carrying ova	\$5500	ALL
M	Demerit Point	133B	Contravention of condition of permit under section 37 of Act	\$11000	ALL
L	Demerit Point	159(4)	Make false boat registration application	\$2750	ALL
M	Demerit Point	160	Display LFB on unlicensed boat	\$5500	ALL
L	Demerit Point	165	Fail to keep/make crew record	\$2750	ALL
L	Demerit Point	166	Crew fail to make record	\$2750	ALL
L	Demerit Point	167	False information about crew	\$2750	ALL
H	Demerit Point	340B (3)	Restrictions on certain fishing	\$11000	ALL

## Appendix C

**Fishing business activity table.** The following table gives an indication of the number of inactive, part time and full time businesses in the industry, and can be used by the committee to help identify suitable targets for restructuring.

	# FBs	# Non-active FBs	# Part Time FBs	# Full Time FBs
<b>FB</b>	<b>1284</b>	<b>115</b>	<b>364</b>	<b>805</b>
<b>OT</b>	326	63	74	189
Ocean prawn trawl	311	68	82	161
Ocean fish trawl	99	33	27	39
Inshore prawn trawl	266	45	71	150
Offshore prawn trawl	238	36	50	152
Deepwater prawn trawl	64	37	21	6
Northern fish trawl	64	18	16	30
Southern fish trawl	46	21	8	17
<b>OT&amp;L</b>	<b>520</b>	<b>105</b>	<b>175</b>	<b>240</b>
Trap	284	86	94	104
Line (w)	491	116	179	196
Line (e)	110	26	28	56
Sch/Gummy Shark*	30	2	8	20
Spanner (n)	56	10	24	22
Spanner (s)	8	1	5	2
<b>EG</b>	699	62	50	587
Handline/haul*	679	501	111	67
Hand gathering	114	13	16	85
Mesh	573	101	50	422
Prawning	447	90	64	293
Fish trap	207	101	43	63
C trap	240	45	32	163
Haul 1	165	35	16	114
Haul 2	155	56	35	64
Eel	187	60	27	100
<b>EPT</b>	216	49	69	98
Clarence	110	21	25	64
Hunter	28	2	3	23
Hawkesbury	61	35	11	15
Pt Jackson	21	5	2	14
<b>OH</b>	319	41	66	212
Skipper	165	16	58	91
Crew	171	42	74	55
Purse	15	0	5	10
Purse (north)	0	-	-	-

Data: Annual average using the 5 financial years 1998 / 1999 to 2002 / 2003  
 Data prepared in Nov 2004 and is incomplete due to outstanding catch returns.

## Active/ Latent Effort Definitions

### Criteria years

Annual average using the 5 financial years 1998 / 1999 to 2002 / 2003

### Criteria for Non-active / Part Time / Full time FBs

Non-active = 0 return

Part time = See table below

Full time = See table below

		Part time	Full-time	Other criteria	Comments
<b>FB</b>		1-6	7-12	-	Seasonal issue
<b>Fishery</b>	Ocean Trawl	1-5	6-12	-	
	Ocean Trap & Line	1-5	6-12	-	
	Estuary Prawn Trawl	1-4	3-12	Prawns	
	Estuary General	1	2-12	-	
	Ocean Haul	1	2-12	-	
<b>Endorsement</b>	Inshore Prawn Trawl	1-3	4-12	Prawns	
	Offshore Prawn Trawl	1-3	4-12	Prawns	
	Deepwater Prawn Trawl	1	2-12	Prawns	Secondary
	Northern Fish Trawl	1-3	4-12	-	
	Southern Fish Trawl	1-3	4-12	-	
	Demersal trap	1-4	5-12	-	
	Line (west)	1-4	5-12	-	
	Line (east)	1-3	4-12	-	
	School & Gummy	1-3	4-12	-	
	Spanner (n)	1-4	5-12	-	
	Spanner (s)	1-3	4-12	-	
	Handline / haul crew	1	2-12	-	
	Mesh	1	2-12	-	
	Prawning	1	2-12	Prawns	
	Fish trap	1	2-12	-	
	C trap	1	2-12	-	
	Haul 1	1	2-12	-	
	Haul 2	1	2-12	-	
	Eel	1	2-12	Eels	
	Clarence	1-2	3-12	Prawns	6 month fishery
	Hunter	1-2	3-12	Prawns	8 month fishery
	Hawkesbury	1-3	4-12	Prawns or squid	
	Pt Jackson	1-2	3-12	Prawns	6 month fishery
	Skipper	1-2	3-12	-	
	Crew	1-2	3-12	-	
	Purse	1-3	4-12	-	

**Share model table to demonstrate the degree of activity of FBs within OTL with different share allocations.**

Trap Shares	Number of FBs		
	Full Time	Part Time	Inactive
20	7	3	1
25	39	15	8
40	132	26	24

Line West Shares			
20	2	2	2
25	78	33	20
40	172	58	43

Line East Shares			
20	5	-	-
25	5	3	-
40	57	7	18

School & Gummy Shark Shares			
20	-	2	-
25	6	1	1
40	13	2	2

	Number of FBs		
	Full Time	Part Time	Inactive
<b>Spanner (North)</b>			
5	12	2	2
10	2	1	2
15	3	1	-
20	3	-	-
30	1	2	-
35	3	1	1
40	3	-	-
45	2	-	-
55	2	1	-
60	1	-	-
65	2	-	-
85	-	1	-
90	-	1	-
95	-	1	-
100	1	1	-
105	1	-	-
180	1	-	-

Spanner (South)			
25	1	-	-
40	7	-	-

Full Time - an average of 5 to 12 catch returns per year between 1998 and 2003

Part Time - an average of 1 to 4 catch returns per year between 1998 and 2003

Inactive - less than 1 catch return (on average) per year between 1998 and 2003

\* Catch returns - the number of records submitted in the given year reporting catch. Nil returns not counted Information is incomplete due to outstanding catch returns.

Full Time - an average of 5 to 12 catch returns per year between 1998 and 2003

Part Time - an average of 1 to 4 catch returns per year between 1998 and 2003

Inactive - less than 1 catch return (on average) per year between 1998 and 2003

\* Catch returns - the number of records submitted in the given year reporting catch. Nil returns not counted. Information is incomplete due to outstanding catch returns.

**Commonwealth Update  
OTLMAC 29-30 June 2005****Southern Bluefin Tuna**

The Australian Government, Department of Agriculture, Fisheries and Forestry has authorised Commonwealth licensed fishing receivers to validate SBT Trade information scheme (TIS) documents on behalf of the Government for all exports of SBT. Commonwealth licensed fish receivers, registered with AFMA, will replace fisheries and Australian Quarantine and Inspection Service (AQIS) officers as validators of TIS documents. The new validation arrangements for the TIS took effect on 1 May 2005.

AFMA has announced the latest arrangements for conserving southern bluefin tuna (SBT) stocks off the East-Coast of Australia. Each year AFMA draws on the latest scientific data to establish the 'zones' in which precautionary management measures are applied to avoid the accidental catch of SBT. The arrangements are triggered when SBT are first caught off the south coast of NSW. The initial location of the zones means that operators fishing in waters below the latitude 34 degrees south will require a minimum SBT quota holding of 2 tonnes with 100% observer coverage. Operators fishing in waters below 33 degrees south will require a minimum quota holding of 500 kg with 25% observer coverage. The location of zones is based on a range of scientific information and data, industry information and the use of a sophisticated CSIRO model which analyses data such as sea temperatures and the movements of 'tagged' SBT. To ensure the impact on the fishing industry is minimised as much as possible, AFMA undertakes a full review of the location of the zones every two weeks from May to October. The new management arrangements will take effect from 21 June 2005.

**Small Pelagic Fishery**

AFMA has decided to retain the trigger catch limits in the Small Pelagic Fishery for the 2005/06 fishing season at the same level as 2004/05. The AFMA Board has also decided to retain the existing boat nomination freeze in the fishery until it makes a decision on the allocation of Statutory Fishing Rights (SFRs) under a Management Plan for the fishery, which is now being developed.

**ETBF Fishery**

The AFMA Board has determined management plans for the Eastern Tuna and Billfish Fishery and the Western Tuna and Billfish Fishery that will lay the foundations for a sustainable fishery and a more secure future for fishers. The Eastern Tuna and Billfish Fishery will be managed by an individually tradable effort unit system. Fishing effort will be managed by limiting the number of hooks that fishermen can set each fishing season. The result for fishermen will be secure access to the fishery through transferable Statutory Fishing Rights allocated as a portion of the total allowable fishing effort or catch. Following formal acceptance by the Minister, implementation of the plan is expected to commence in July 2005

## **General**

New high-tech video equipment capable of automatically monitoring fishing operations is being trailed by AFMA in an effort to improve the collection of fisheries data and reduce costs for fishermen. The trial will assess the effectiveness of specially designed 'on-board' video cameras in collecting fisheries data and will examine their potential for reducing the number of human observers placed on-board fishing vessels. The equipment, which is currently used in several fisheries in the United States, Canada and New Zealand, can be used for gathering both setting and haul information. It can record target species and bycatch taken on a 'hook by hook' basis. The videos use sensors attached to fishing equipment to record when fishing operations begin and end. At the end of fishing, the recorded data is collected and analysed.

## **Setline Permits**

There are currently 15 automatic longline permits in the Gill net, Hook and Trap Fishery, 11 boats have the gear on, but only about 4 use it full time. The AFMA Board has agreed to allow any scalefish hook operator (120 in total) to use it once other management measures are in place. In real terms there is approximately 600t of ling quota and 500t of blue quota available to automatic longliners, the majority of which will be taken by 4 boats. It should be noted that most blue eye quota is now taken by these auto boats which has forced a lot of Commonwealth dropliners out of the fishery