

**1st Meeting for 2008
OCEAN HAULING
MANAGEMENT ADVISORY COMMITTEE MEETING
9.30 am Friday, 15 February 2008
AGENDA
Cronulla Fisheries Centre of Excellence, Cronulla**

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 – 9:50 am
4. Correspondence received and sent	Chairperson	9:50 – 10:00 am
5. Business arising	Chairperson	10:00 – 10:15 am
6. Research strategic plan	NSW DPI	10:15 – 10:45 am
<i>Morning Tea</i>		<i>10:45 – 11:00 am</i>
7. Beach access through DECC estate	NSW DECC	11:00 – 11:45 am
8. Marine Park Zoning review processes and consultation	NSW DECC & Region 6	11:45 – 12:30 pm
<i>Lunch</i>		<i>12:30 – 1:15 pm</i>
9. Update on access to NSW bait fish resources	NSW DPI	1:15 – 1:45 pm
10. PAB net mesh size & Sandy Sprat harvest	NSW DPI	1:45 – 2:15 pm
11. Eastern Sea Garfish Recover Program	NSW DPI	2:15 – 2:30 pm
12. 2007 Mullet season report	NSW DPI	2:30 – 2:45 pm
<i>Afternoon Tea</i>		<i>2.45 – 3.00 pm</i>
13. Committee member updates, including management, research and compliance	Chairperson	3:00 – 3:30 am
14. Licence splitting policy	Region 5	3:30 – 3:45 pm
15. Weekend Closures for the General Purpose net and PAB net in the south of the state, and public education on OH.	Region 7	3:45 – 4:00 pm
16. Other business	Chairperson	4:00 – 4:20 pm
17. Chairperson's summary and next meeting	Chairperson	Close 4:30 pm

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

Welcome and apologies

Background**Outcomes**

For information of the Committee.

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

Agreement on agenda.

Background

A notice of the meeting and call for agenda items was circulated to Committee members on 4 November 2007.

The 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 30 March 2007

Background.

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

Some amendments were requested subsequently. It is recommended that the draft minutes of the OHMAC meeting 30 March 2007 are accepted, as amended, as a true and accurate record of the meeting.

Outcomes

For discussion by the Committee

Agenda item 4

Chairperson

Issue

Correspondence received and sent.

Background

Received 2007 & 2008

20 March	Region 2 Industry Representative, Clarence River Fishermen's Co-operative Ltd, NSW NPWS beach access permit application package 07/08
27 June	Sydney Water, Sydney's Desalination Project, Community Update June 2007
1 August	Sydney Water, Sydney's Desalination Project, Community Update July-August 2007
3 August	Director Wild Harvest Fisheries, Approved Fishery Management Strategy for the NSW Lobster Fishery available
13 August	A/Director Wild Harvest Fisheries, Approved Fishery Management Strategy for the NSW Abalone Fishery available
2 November	Director Wild Harvest Fisheries, MAC procedural matters
21 November	Draft Beach, Boat and Purse Seine voluntary Ocean Hauling industry code of practice for OHMAC support
21 November	Draft "NSW Ocean Hauling – sustainable commercial fishing" vehicle sticker for OHMAC support
21 November	Summary of father-son fishing business split process for OHMAC information
30 November	Sydney Water, Sydney's Desalination Project, Community Update November/December 2007
14 December	Secretary, Taree West Bowling Club, Fishing Club
24 December	Director Compliance Operations, Fisheries Compliance Branch Restructure
22 January	Sydney Water, Sydney's Desalination Project, Community Update January 2008
24 December	Deputy Director General, Fisheries (Qld), Consultation on Queensland East Coast Inshore Fin Fish Fishery
29 January	Executive Officer to the Chief Scientist, Updating priorities in the strategic research plan
Sent	Nil

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.

ACTION ITEMS
OHMAC Meeting 30 March 2007

Action Item	Date Raised	Pending	In Progress	Completed
SIAC update to be provided to MAC members	09-08-06			✓
Review the Code of Conduct/Practice in consideration of information to be provided by the purse seine representative.	09-08-06		✓	
Batemans Marine Park - Industry to develop out of session a submission, to address zoning-activity concerns.	09-08-06			✓
MPA - Review hauling at Wallaga Beach and report back to the committee	09-08-06			✓
Allocation of species shares - Progress by Industry with the Minister and other MACs as appropriate	09-08-06	✓		
Industry to request involvement on any Jervis Bay Marine Park zoning review panel.	09-08-06		✓	
Provide information on level of payment of EIS and fishery monitoring charge.	09-08-06			✓
The MAC considered and agreed to the NSW DPI proposal to split historical partnership and father son businesses prior to the full implementation of share management.	29-11-05			✓
DPI to develop a debt recovery process.	30-03-07			✓
DPI to provide members with a copy of the share transfer guidelines.	30-03-07			✓
DPI to develop discussion paper on demerit/share forfeiture system.	30-03-07	✓		
DPI to develop policy for commercial fishing boat license Tuna condition when operations in other commonwealth managed fisheries.	30-03-07			✓

Industry to update OHMAC on discussions with DECC regarding beach access through NPWS estate	30-03-07		✓	
DPI to write to DECC regarding beach access through NPWS estate	30-03-07			✓
DPI to update OHMAC on progress of Father-Son Business Splitting	30-03-07			✓
DPI to consider proposed trading of Purse Seine shares separate to other OH shares.	30-03-07	✓		
Industry to develop a detailed proposal for the penning of fish taken in purse seine operations.	30-03-07	✓		
Industry to provide DPI with proposal arrangements, for the use of Unlicensed Crew, to be used in the production of a draft discussion paper to take to all OH shareholders.	30-03-07	✓		
Industry to keep the MAC informed of any exemptions to the prohibition of use of petrol engines in beach hauling operations.	30-03-07	✓		

Issue

NSW DPI research strategic plan

Background

On 29 January 2008 the executive officer to the NSW DPI Chief Scientist, wrote to the MAC chairperson regarding priorities in the strategic research plan.

As one of the stakeholder groups that contributed to the priorities listed in the strategic plan, the MAC has been asked to review the plan and provide any necessary updates with respect to priority areas for research.

Currently listed research priorities for the MAC include:

- Stock assessment of target species in the Ocean Hauling fishery*
- Biology and fisheries of sea river and snub-nosed garfish*
- Biology and fishery for sweep
- Reproductive biology abundance and spawning biomass of sea mullet*
- Biology and fisheries of yellowtail kingfish and yellowfin tuna
- Improve catch and effort reporting and develop a daily logbook system in the Ocean Haul, Estuarine Prawn Trawl and Ocean Prawn Trawl fisheries*
- Collect historical/anecdotal information from older fishers regarding the biology and fishery of yellowtail scad
- Examine predatory impacts of Australian salmon on other commercially important fish species
- Observer programmes to monitor by-catches and retained catches for all commercial fisheries*
- Impact of trawling, hauling and other fishing methods on other fisheries biodiversity ecosystems and habitats*
- Describe retention/meshing rates of 28mm garfish hauling nets and determine appropriate mesh size*

Outcomes

For discussion by the Committee.

Issue

Beach access through DECC estate

Background

The National Parks and Wildlife Service (NPWS) as part of the Department of Environment and Climate Change (DECC) has recently conducted a review of vehicle access permits for commercial fishing and aquaculture. Some licensed commercial fishers in New South Wales require access through NPWS parks managed by the DECC in order to conduct licensed commercial fishing and aquaculture activities. Vehicle access is provided through NPWS parks by a range of types of roads, including public roads and locked NPWS managed tracks.

In the past NPWS has managed these arrangements locally with commercial fishing and aquaculture permit holders, resulting in considerable inconsistencies between parks in regards to; the fees payable, the format of access permits, requirements for personal details, public liability insurance requirements, and application timeframes.

The aim of the recent review was to simplify and standardise the application process for fishers. Additionally it will ensure consistency between those commercial fishers and aquaculture permit holders accessing NPWS parks through locked gates and those using public access points.

The draft has recently been finalised and will be presented by a DECC officer to OHMAC noting that the closing date for comments is 14 April 2008.

Outcomes

For discussion by the Committee.

Agenda Item 8

NSW DECC & Region 6 Representative

Issue

Marine Park Zoning review processes and consultation

Background

In 1997, the NSW Government introduced the Marine Parks Act to establish a comprehensive, adequate and representative system of marine parks. The Act aims to conserve marine biodiversity, maintain ecological processes and provide for a range of ecologically sustainable uses of the marine environment. Jervis Bay was one of the first marine parks declared in NSW. The Government committed to reviewing the zoning plans after 5 years of operation and has introduced to Parliament amendments to the Marine Parks Act to establish a clear process for reviewing zoning plans.

The review of the Jervis Bay Marine Park Zoning Plan will commence in February 2008. It will be a staged process that will provide for extensive consultation with the Jervis Bay Advisory Committee, community groups, industry organisations and individuals. The purpose of the review is to assess how effective the current zoning plan is and identify any issues.

A Marine Park staff member will provide a detailed description of the proposed review process, consultation strategies and how committee members and other interested groups can get involved.

Since the Jervis Bay Marine Park zoning plan took effect on 1 October 2002, some of Region 6 endorsed fishers have been unable to work within the marine park by restrictions on who can obtain permits to conduct hauling activities within habitat protection zones of the marine park.

The Region 6 industry representative has been actively attempting to have these restrictions removed and access arrangements consistent with other marine parks implemented that would allow all Region 6 endorsed fishers to work within the marine park. It is proposed that the Committee support this position when the Marine Park reviews the zoning plan regulations for the Jervis bay Marine Park.

Outcomes

For discussion by the Committee

Issue

Update on access to NSW bait fish resources

Background

The NSW Fisheries Commercial Licensing Policy provided for the issue of permits under section 37 of the Fisheries Management Act 1994 to some Eastern Tuna & Billfish Fishery (ETBF) operators to take bait using a purse seine net or lift net for use in their Commonwealth operations, pending arrangements being developed for all NSW fisheries. There are currently thirteen purse seine permits and nine lift net permits issued to ETBF operators, which are due to expire on 30 June 2008.

Currently, no new permits are issued to authorise additional ETBF operators. Further DPI has consistently advised ETBF operators that access to bait in NSW waters is an interim measure, future access cannot be guaranteed and permits may be cancelled at any time.

Baitfish were considered as part of the environmental assessment process for NSW's commercial fisheries. This process resulted in a requirement for longer term access arrangements to be considered.

Outcomes

For discussion by the Committee

Issue

PAB net mesh size and Sandy Sprat harvest report

Background

The *Fisheries Management (General) Regulation 2002*, specify the minimum and maximum mesh size of nets used to take fish in NSW. In particular clause 30 specifies that the minimum mesh size for the Pilchard, Anchovy & Bait (PAB) net is 13mm, while clause 31 does not specify a minimum mesh size for the Purse Seine net.

The *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006* recognises that both net types have the following target species in common; Anchovy (*Engraulis australis*), Blue mackerel (*Scomber australasicus*), Pilchard (*Sardinops neopilchardus*), Yellowtail scad (*Trachurus novaezelandiae*) and Whitebait spp. (Family CLUPEIDAE/GALAXIIDAE).

In response to industry requests, the use of 11mm mesh in Pilchard, Anchovy & Bait (PAB) nets has been tested under a research permit scheme.

In addition to the ongoing monitoring of commercial wild harvest species, Sandy Sprat samples were obtained from catches taken from ocean waters using the 11mm mesh.

Information on the size, age, distribution and value of the NSW commercial catch will be used as the basis for discussion on the most suitable harvest strategy for this species and evaluation of the performance of the smaller mesh nets.

Options for future management include;

- modify the current regulations to allow 11mm as minimum mesh size for use in a PAB net,
- modify the current regulations to allow 11mm as minimum mesh size for use in a PAB net and in a Purse Seine net.
- Not amend the current regulations

It should be noted that the Department has received representation from estuary fishers to allow the use of modified bait nets in the Hawkesbury River to target post larval Sandy Spat and similar species marketed as "Whitebait" or "Nanata". This proposal includes the use of 5mm mesh in the centre of the net.

Outcomes

For discussion by the Committee.

Issue

Eastern Sea Garfish Recover Program

Background

The Eastern Sea Garfish Recovery Program of February 2005 proposed a number of Future Management Responses.

The Recovery Program proposed continuing the closure on taking sea garfish in the estuary general fishery pending the development of alternative long-term management arrangement for the Estuary General Fishery.

Following discussion of the "Observer study in the estuary general sea garfish haul net fishery in NSW" at the 30 March 2007 joint EG-OH MAC meeting, the EGMAC recommended the adoption of the following estuary general fishery management arrangements; harvesting restricted to Port Stephens and the lower reaches of the Hawkesbury estuary, beach based hauling only, maximum net length 300m, with a weekend and public holiday closure. In addition EGMAC recommended that if further management restrictions are required to assist the recovery of this species it would be appropriate to implement them across all fishery sectors.

The Recovery Program proposed identifying the level of active effort for the garfish hauling net and of developing an index of relative fishing power between boat-based and beach-based hauling for the purpose of setting appropriate minimum shareholdings.

Following public consultation the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006* (OH SMP) set the minimum shareholding for garfish net endorsement by ocean hauling region. There is at present no proposal to alter the current shareholding arrangements, noting that the NSW Government's response to the Steven's review is pending.

The Recovery Program proposed developing appropriate actions for the recreational fishery.

Following public consultation as part of the bag and size limit review process the Advisory Council on Recreational Fishing (ACoRF) suggestion of the introduction of a recreational bag limit of 20 Eastern Sea Garfish came into effect on 3 September 2007.

There is ongoing concern 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 Department is committed to closely monitoring the harvest of sea garfish in NSW and ensuring the sustainable harvest of this species through appropriate management actions.

Outcomes

The Committee notes the progress of the recovery program and the Estuary General Management Advisory Committees proposals.

Issue

2007 Mullet season report

Background

As part of the ongoing monitoring of commercial wild harvest sea mullet catches for the 2007 spawning season, samples were obtained from 26 catches of pre-spawning sea mullet (totalling 155t) at the Chinderah processing factory of Markwell Fisheries.

The size and age composition of spawning sea mullet during the 2007 season was consistent with that for previous years. There was a slightly higher representation of larger fish (males greater than 40cm and females greater than 50cm) in catches during 2007, which is consistent with the progression of a stronger cohort through the population. The age composition data also suggest relatively strong recruitment of 3 year old fish in the 2007 season.

The results were compared to the results from sampling conducted during recent years and will form a component of the assessment of the status of the sea mullet stock, to be undertaken as part of the NSW DPI Resource Assessment System.

The 'Status of Fisheries Resources in New South Wales 2006-2007' will be published in early 2008 covering all key commercial species, including sea mullet.

Outcomes

For discussion by the Committee.

Issue

Committee updates, including management, research and compliance

Background

Industry members of the Committee have an opportunity to provide updates on Ocean Hauling issues.

NSW DPI Management

Since the last meeting staff have been focused on addressing the FMS goals and legislation for the Share Management Plan, Supporting plan, Regulation and Act amendments, including reviewing all fishing closures. In particular fishing closures affecting the ocean hauling fishery and net descriptions for the fishery are to be incorporated into the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation*.

Ongoing export approval for the Ocean Hauling Fishery

The OHF was granted a five year exemption from the export regulations of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), in 2003. The exemption expires on 25 April 2008.

In response to an out of session agenda item (December 2007), the Committee advised NSW DPI that a renewal of the export approval for the fishery was required. NSW DPI, on behalf of Industry, is currently preparing a submission in order for the Commonwealth Department of Environment, Water, Heritage and the Arts (DEWH&A) to undertake a reassessment of the fishery in accordance with the Australian Government's Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition. The submission provides a summary report for the OHF detailing changes to management arrangements, progress of implementation of the fishery management strategy, status of performance indicators and providing most recent available catch information. The final submission is expected to be submitted to DEWH&A on 14 February 2008. A copy of this submission will be provided to the Committee at the meeting together with a copy of the aforementioned guidelines for information. The Committee may provide supplementary information in support of the fishery reassessment through the Commonwealth's public comment period. NSW DPI will advise when this period commences.

NSW DPI Research

The Department has been successful in gaining funding from the Fisheries Research Development Corporation for a 3-year project on Australian salmon, in which the key research focus will be on stock structure and biology of the species.

NSW DPI Compliance

Both compliance and management staff were required to respond to a number of complaints about operation of the fishery this season. Issues included interaction with recreational fishers, swimmers and other beach users as well as the public perception of the industry.

Outcomes

For the information of the Committee.

Agenda Item 14**Region 5 Representative****Issue**

NSW "licence splitting" policy

Background

The Commonwealth, States and Territories previously jointly supported a "National Licence Splitting Policy". The Commonwealth and other States have since ceased to apply the policy because these jurisdictions implemented entitlement trading systems which were incompatible. More efficient measures to control fishing mortality, such as tradeable effort units (eg in the QLD trawl fishery) or individually transferable quotas were implemented where required.

NSW has however maintained a policy of preventing business owners from selling the "external" parts of their fishing operation and implemented legislation which allows for a range of actions to be taken where a business owner disposes of an external fishing authority, including cancellation of their NSW fishery shares. NSW business owners who hold entitlements in other fisheries, such as the Commonwealth Tuna fishery, are therefore required to maintain those entitlements, even if they are no longer utilised. This results in substantial ongoing maintenance costs which must be subsidised by their NSW fishing operations. Dual endorsed fishers are also disadvantaged when attempting to restructure their businesses or trade entitlements as they are required to sell their NSW business with the external authority.

The current restrictions are ineffective in limiting fishing effort. The guideline only require that the FB owner retains the external authority and do not require that it is used in conjunction with a NSW business. Tradeable statutory fishing rights such effort or quota units are also not managed, further undermining the effectiveness of the current policy.

New share trading provisions adopted in NSW already allow for the trading of NSW fishery shares between businesses in a way which would have been

considered “licence splitting” a few years ago. It is suggested that OHMAC supports the development of new trading arrangements which allow all NSW fishers to efficiently restructure their businesses. If necessary effective measures to directly control fishing effort should be developed, rather than the current measures which attempt to control fishing effort by restricting the business arrangements of individual fishers.

NSW DPI Position

An initial assessment completed after finalisation of the first round of the Commonwealth buy-out has found that there is considerable risk of increased fishing pressure in NSW waters if dual operator fishing businesses activate their State authorities. The risk is unacceptably high given that the recent Environmental Impact Statements highlight the need to reduce active and latent fishing effort in our key fisheries to achieve biologically sustainable and economically viable commercial fishing.

Outcomes

For discussion by the Committee.

Agenda Item 15

Region 7 Representative

Issue

Weekend Closures for the General Purpose net and PAB net in the south of the state, and public education on the Ocean Hauling Fishery.

Background

Industry on the far south coast of NSW would like the restrictions on the use of the GP net and PAB net changed for Region 7, to allow greater access on weekends and public holidays during the period November to February.

Industry contends that lower numbers of tourists visit the far south coast than the rest of the state during that period and social conflict on many beaches is minimal or non-existent remote beaches.

Industry also contends that the current restrictions have a disproportionate effect on the Region 7 fishers as it coincides with the main south coast hauling season (principally for Australian Salmon) and that inclement weather coupled with a reduction in transport services, flowing from the Commonwealth buy-out, leads to reduced fishing opportunities and adversely effects the value of product caught.

Industry also reports occasions when members of the public have either accidentally or intentionally interfered with commercial fishing activities by disturbing schools of fish. Industry appreciates the actions to date by fisheries officers to address this issue, however industry would like to see the public informed about the fishery and the actions they should take near commercial fishing activities rather than having to involve fisheries officers. Information on

the Ocean Hauling fishery in a booklet or flyer could then be distributed by industry to the public.

NSW DPI Position

Clause 12 of the Ocean Hauling Share Management Plan prohibits the use of the hauling net (general purpose) and pilchard, anchovy and bait net (hauling) on weekends or on public holidays during the months of November, December, January and February for all Ocean Hauling regions.

Time and area closures in the ocean hauling fishery have been implemented to, among other things:

- manage the amount of fishing effort in an area/region
- manage conflicts between stakeholders over the use of the resource and to ensure it is equitably shared

These summer weekend closures have been a part of the ocean hauling fishery for many years and are integral to the Fisheries Management Strategy. They play a major role in sharing the resource between commercial fishers and other stakeholders during peak periods of demand.

The Department would be willing to work with industry to develop educational material on the Ocean Hauling Fishery subject to availability of resources.

Outcomes

For discussion by the Committee.

Agenda Item 16

Chairperson

Issue

Other Business

Background

Time permitting, other Agenda items may be proposed and may be discussed at the discretion of the chairperson.

Outcomes

Agenda Item 17

Chairperson

Issue

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

Outcomes