

MEETING	Recreational Fishing NSW Advisory Council
MEETING NO.	Meeting 9
DATE	7 June 2018
LOCATION	Rowers on Cooks River
ATTENDEES	Steve Samuels (Chair), Max Castle, Vic Levett, Matt Hansen, Matthew Poulton, Paul Lennon, Ray Tang, Stan Konstantaras, Greg Reid, David Rae, Vicki Lear, Karl Mathers, Peter Turnell. The Chair and members of MFAC attended a joint Council session.
APOLOGIES	Johann Bell, Chris Cleaver, Jo Starling

### **1. Chair's introduction**

In the absence of the Chair (Johann Bell) due to a longstanding overseas speaking commitment, the Deputy Chair (hereafter 'Chair') welcomed members to the ninth meeting at 'Rowers' on Cooks River and expressed thanks for the opportunity to chair the meeting. The Chair acknowledged the traditional custodians of the land that RFNSW had gathered on for the day.

### **2. Register of interests**

The Chair requested that members declare any additions to the Register since the last meeting. Karl Mathers advised Council about his involvement in FRDC's National Carp Control Plan – Restoring Native Biodiversity.

### **3. Agreement on the agenda**

RFNSW members agreed on the agenda for the meeting.

### **4. Adoption of the record of the previous meeting**

The draft outcomes of Meeting 8 were accepted without change as a true and accurate record of that meeting.

### **5. Future meeting schedule**

Meeting 10: 30-31 August at Coffs Harbour

Meeting 11: 6 December (date TBC). Council agreed that a potential joint meeting between RFNSW and CommFish, should be arranged during Meeting 11.

A joint meeting with AFAC was proposed for 2019.

### **6. Review of achievements and action items from previous minutes**

Council noted the status of achievements and action items from the previous meeting.

### **7a. Progressing the top 10 priority issues: reviewing status**

Council members have identified details of key issues in their regions, sectors or fields which have been collated into an issues summary document. A 'live' structured RFNSW work plan

with specific actions and responsibilities is being maintained. The status of the various actions was discussed and further actions developed where required.

#### **7b. Top 10 issue: Mulloway Recovery Program**

Council was pleased to note the recommendation by CommFish NSW to remove the daily possession limit for Estuary General commercial fishers of 10 Mulloway between the sizes of 45 and 70 cm, which will provide for application of the minimum length of 70 cm to all fishers.

**Recommendation:** Council recommends that the recreational bag limit for Mulloway be reduced from two fish to one fish over 70 cm, to assist with the rebuilding of Mulloway stocks in NSW.

RFNSW also identified the importance of working with CommFish to undertake the following actions to help ensure the success of the Mulloway Recovery Program:

- Develop research priorities to strengthen the monitoring of the status of Mulloway stock(s) in NSW to gauge the success of the new regulations.
- Share the results of the monitoring programme with all stakeholders on a regular basis, and adapt management of this iconic species, and the habitats on which it depends, as needed until the goals of the recovery program have been achieved.
- Introduce a system for differentiating commercially-caught Mulloway from other Mulloway at the point of landing to help restrict the illegal sale of this species.
- Assess the effects of the removal of the requirement to register nets with a larger mesh size to ensure that the use of nets with larger mesh within the catch and effort regulations that supersede the need for net registration do not have any unintended consequences for the fishing mortality of large Mulloway.
- Conduct more research on the impact of prawn trawling on juvenile Mulloway, including the effects of such mortality on the number of individuals recruiting to the recreational and commercial fisheries.

Council also intends to hold discussions on the Mulloway Recovery Program with the Aboriginal Fishing Advisory Council.

**Action item:** The Chair to write a letter to the Minister to advise him of RFNSW's recommendation regarding the reduction to the recreational bag limit and to explain the need for the actions outlined above.

**Action item:** Distribute copy of the DPI report titled: 'Monitoring and assessment of the impact of management changes under the Mulloway recovery program to members out of session.

**Action item:** Request DPI Fisheries Research to provide a presentation on the monitoring and research on Mulloway currently underway by DPI at Meeting 11 in December 2018.

## 8. Southern Fish Trawl fishery

Dr Nick Rayns, Executive Manager, Fisheries from the Australian Fisheries Management Authority (AFMA) thanked Council for the opportunity to present information to RFNSW on the proposed transition of the NSW Southern Fish Trawl into the Commonwealth Trawl sector, and to discuss issues and concerns raised by the Council.

Dr Rayns provided some clarification about how the proposed transition would work, including the complexity of the current dual management arrangements and how management of stocks by quota under one jurisdiction would remove duplication and reduce the administrative burden.

In addition, Dr Rayns advised that the number of commercial fishing trawlers would not increase and those that operate would have the same boat length restrictions as currently in place. AFMA was also open to implementation of a Memorandum of Understanding which could be written into the statutory fishing rights during the transition process to address any concerns.

During discussion, Council member Stan Konstantaras advised the meeting that the Recreational Fishing Alliance of NSW (RFA) had spoken to SFT operators who represented 22 of the 23 operators in the SFT and that they have indicated in writing their willingness to exit the fishery if they receive appropriate support. Mr Konstantaras also advised that the RFA was preparing to meet with the SFT and prepare a joint position on an exit grant strategy to present to DPI and the Minister's Office. Mr Konstantaras also suggested the exit of commercial trawl fishers from Southern NSW could be potentially funded by contributions from the NSW Recreational Fishing Trust, the NSW Regional Growth Fund and the Federal Government.

Dr Rayns also took the opportunity to advise Council about changes to the Commonwealth Fisheries Management Act 1991 and the Fisheries Administration Act 1991 that improve the capacity for recreational and Aboriginal fishers to contribute to the management of Commonwealth fisheries in a transparent way. This information was welcomed by RFNSW.

Following the discussion, Council considered the available information, the proposal by AFMA, and other potential options.

**Recommendation:** Council supported exploration of an exit grant strategy for commercial fishers in the NSW Southern Fish Trawl fishery.

**Action item:** The Chair to write a letter to the Minister to advise of Dr Rayn's attendance at the meeting and RFNSW's recommendation regarding Southern Fish Trawl activities off NSW.

Dr Rayns also advised RFNSW that AFMA will shortly be advertising for one or more positions for recreational members on the South East Management Advisory Committee and has invited Council to nominate a representative.

## 9. Rock fishing safety

DPI has recently been given responsibility for implementing the Rock Fishing Safety Act 2016. This will involve mandating the use of life jackets in Local Government Areas which opt in to the Act, as well as promoting a suite of other rock fishing safety measures including: staying alert to weather conditions, planning an escape route in case you are washed in, never turning your back on the ocean, wearing appropriate non-slip footwear and light clothing, never fishing alone and not jumping in if someone is washed into the water. DPI is working with other government agencies and stakeholders to review life jacket standards, which is anticipated to result in a wider variety of suitable life jackets becoming available to rock fishers.

A comprehensive communications plan is being developed. This plan will focus on promoting a “holistic” approach to rock fishing safety across the State. The programme and communications plan will be an ongoing process with the end goal of reducing the number of fatalities and incidents associated with rock fishing activities.

## 10. Safeguarding recreational fishing havens (RFHs)

RFNSW had previously requested DPI to investigate options to safeguard the network of RFHs, including increasing recognition of RFHs in various planning processes to provide secure, long-term access for recreational fishing. DPI provided advice that under section 20 of the Fisheries Management Act 1994, the Minister may declare waters protected from commercial fishing as listed in Schedule 3 of Regulation. The current network of RFHs are listed within Schedule 3 and therefore afforded a degree of protection by law under the Act and Regulations. Any additional changes to the way the network of RFHs are defined would likely have to involve legislative change, that is, there is no further provision in the Act. In addition, there would also be native title, cultural fishing and freedom of movement considerations.

**Action item:** The Chair to write to the Minister to request support for the Council's position that all major project proposals and developments that impact RFHs and recreational fishing in general, e.g., the Snowy Hydro Scheme and Botany Bay cruise-ship terminal proposal, be required to be included in the proponent's environmental impact statement (EIS). Such EISs should outline the steps required to maintain recreational fishing amenity, e.g., establishing recreational fishing offsets for impacts on access or local fisheries resources.

## 11. Marine Estate Management update

Peter Gallagher, Program Leader Marine Operations, DPI, presented an update on various issues, including:

- i) Piloting of new management plans for marine parks – commencing with the Batemans Marine Park – existing zoning plans became the management rules for each marine park in 2014. Consultation on the draft management plan for Batemans Marine Park is scheduled to commence later this year (stage 3 & 4), with consultation on the proposed management rules (stages 5 & 6) to commence during 2019.
- ii) Pittwater – Council was encouraged to establish a small working group with recreational fishing representation from Pittwater to recommend how to best deliver

ways to address conflict between recreational and commercial fishers, and enhance recreational fishing amenity, in the Pittwater area.

**Action item:** RFNSW to provide nominations for the Pittwater working group.

- iii) Hawkesbury shelf marine bioregion assessment – RFNSW is still awaiting public consultation on the assessment.

## 12. NSW Bait Security Research Project

In addition to the introduction of a Code of Practice for land-based charter fishing activities in the Tweed River in 2015 to promote professional and environmentally responsible fishing activities, DPI is undertaking a NSW Recreational Fishing Saltwater Trust-funded project entitled 'Bait security – ensuring sustainable and productive NSW invertebrate bait resources'. The project is based on field-based assessments of populations of bait species, and the effects of fishing activity (trampling) on these populations in the Terranora Broadwater.

The bait species under investigation are the burrowing shrimp, commonly known as the Ghost Nipper, and 'King' beachworms. Large-scale population studies have been completed for both species and more specific manipulative experiments have been completed on Ghost Nippers. The DPI bait security research project report is scheduled for completion in July 2018. Local stakeholder meetings are being held in June and July to discuss research findings and consider future arrangements.

**Action item:** Stakeholder feedback and proposed developments to be provided to RFNSW at Meeting 10.

## 13. Top 10 issue: Social Licence Strategy for Recreational Fishing in NSW update

The RFNSW sub group dealing with this issue (led by Jo Starling) has continued to work with the marketing consultant to develop the social licence strategy. On behalf of the sub group, Jim Harnell from DPI updated Council on the development of a 'brand' for recreational fishing in NSW on which future social licence campaigns can be based. Final identifier designs, tag line and the creative concept were presented to RFNSW.

**Recommendation:** Council supports the final social media identifier and tag line which can now be applied for promotion following final endorsement by sub group member, Jo Starling.

## 14. Lake Macquarie – crab traps

The use of crab traps with modified entrances in the waters of Lake Macquarie has previously been supported, noting that this may achieve positive environmental outcomes. When progressing the rule amendment, a number of existing fishing closures in Lake Macquarie also require minor amendment as part of these changes. Specifically, hoop/lift nets are not permitted in Whiteheads Lagoon; Upper Reaches/Mannering Bay; Muddy Lake and Lake Eraring; Lake Petite; and Duck Hole Lagoon, so the method of crab trapping also needs to be included to ensure the integrity of these closures.

**Recommendation:** Council supports the changes listed above as part of the rule amendment to permit crab traps in Lake Macquarie.

### 15. Seafood safety

Ongoing concerns have been expressed by the RFA of NSW relating to 1) sewage discharge, and other pollutants, into the marine environment; and 2) the lack of testing of contaminants dangerous to human health in important recreational and commercial fish species throughout the waters of NSW.

**Action item:** Stan Konstantaras to discuss the issue of seafood safety with the Deputy Director General, DPI Fisheries and report back to RFNSW.

### 16. RFNSW Compliance sub group update

The sub group, comprising of Matt Hansen, Greg Reid, Stan Konstantaras and Peter Turnell recommended that DPI investigate: 1) the option for infringement notices for non-compliance with the fishing fee to be replaced with a requirement to buy a 3-year licence and pay an associated administration fee; and 2) an opt-in renewal subscription, to provide automatic renewal of 1 and 3 year recreational fishing fee receipts, upon expiry.

This issue was also discussed during the joint MFAC/RFNSW session (see below), and was supported by MFAC.

### 17. Correspondence

- a. Letter from the Chair to Minister regarding outcomes of Meeting 8
- b. Letter from the Chair to Minister on transitioning the NSW Southern Fish Trawl
- c. Letter from the Chair to Minister regarding Lake Wallace access
- d. Email from DPI (on behalf of Chair) to Steve Williamson
- e. Response to Chair regarding Batemans Bridge
- f. Letter from the Minister to the Chair regarding CommFish contributions to Mulloway recovery program

### 18. General Business

#### a. Update on Trout Strategy

DPI, Steve Samuels and Ray Tang provided an update on development of the Trout Strategy, including outcomes from three recent local meetings. Anglers attending those meetings heard about the current status of the trout fishery, threats, and DPI suggestions about how to address those threats. The anglers were then invited to provide their views of the threats, and how best to deal with them. The Trout Strategy will be developed based on the feedback from such meetings and ongoing consultation with anglers.

#### b. Recreational fishing access in freshwater

An ANSA NSW Committee Member has requested consolidated information about NSW freshwater reservoirs, impoundments, dams etc., their ownership (councils etc.), and current/future access arrangements, including the types of vessels authorised for use.

**Action item:** Information to be collated, (included a link to a map with instructions on how to see the full list of impoundments marked on the map divided into two categories, ones

currently open and those where DPI is working to gain access) and distributed prior to the next meeting.

c. Delivery of sector representation, consultation and communication services to the recreational fishing sector

The Request for Tender (RFT) for a service provider to deliver sector representation, consultation and communication services to the recreational fishing sector closed on 9 February. A Tender Evaluation Team was established and has assessed the merits of each tender response, in accordance with the requirements of the Tender Evaluation Plan.

d. Break-away fishing floats

Council member Vic Levett has requested consideration of a ban on the use of non-biodegradable break away floats, such as balloons and polystyrene blocks that persist as marine debris.

DPI is including the following text in the saltwater recreational fishing guide:

“Avoid using break-away fishing floats that are non-biodegradable, or persist as marine debris, such as balloons and polystyrene blocks”.

e. Springvale Water/pipeline strategy

This issue was raised by Ray Tang on behalf of CAS Wallerawang Branch. Approval of the Springvale colliery mine extension has been granted and includes a pipeline between Springvale mine to Mt Piper, to be implemented by 2019. With the interest of recreational fishing assets of both Lake Wallace and Lake Lyell, CAS understands that there is a pipeline and pumping system adjoining the two lakes and have requested assistance to work with authorities to ensure the maintenance of adequate water levels in the Lake Wallace system needed to support quality recreational angling at all times, or at the very least, for the duration of the Mt Piper power generation life span.

This issue was also discussed during the joint MFAC/RFNSW session.

f. Aboriginal cultural fishing issues

- i) The development of Local Management Plans (LMP) for Tweed and Port Macquarie have been progressing and now an inland trial of LMP development is commencing – the first facilitated community meeting was held on 18 May at Moama.
- ii) South Coast native title claim – DPI advised that groups with an interest in the claim area can apply to become a party to the application. Any interest in becoming a party needs to be expressed by 29 August.
- iii) Cultural awareness workshops for DPI (Fisheries) staff – 18 workshops run, 350 staff have participated; 2 workshops to be held for the remaining 45 staff to attend.

g. Blowering Dam

Council was briefed on the results of calcein marking of Murray cod and Golden perch stocked into Blowering dam over the past 3 years. Results showed that around 90% or more of sampled fish of the relevant year class were calcein marked meaning the dam is heavily reliant on stocked fish for recruitment. Based on these results, there was discussion as to whether the Murray cod seasonal closure could be removed from this dam, in a similar

fashion to what has already occurred in Copeton Dam, with a significant positive impact on winter tourism.

**Recommendation:** Council supports an amendment to the Schedule to remove the Murray cod closure from Blowering dam to allow for fishing for Murray cod within the size and bag limits during the closed season, consistent with arrangements in Copeton Dam.

#### **19. Baitfish - ETBF**

**Recommendation:** Council supports reconvening the previous ETBF Baitfish Working Group to ensure consultation and discussion on important issues.

#### **20. MFAC/RFNSW joint session**

Mr Richard Stevens OAM, Chair of the Ministerial Fisheries Advisory Council (MFAC), thanked Council for the opportunity to attend the meeting. MFAC members were introduced and their roles explained. The session provided an open forum for members to discuss significant issues affecting the recreational fishing sector and the potential development of strategies to progress major issues.

The topics discussed during the joint meeting included:

- Mulloway Recovery Program – discussion and clarification of issues, e.g., mesh net registrations and methods to distinguish commercially-caught fish from other fish;
- The role of CommFish NSW and the common desire for all fishing sectors to work more closely together on major issues to achieve common goals;
- RFNSW compliance sub group function and current issues;
- Pipeline strategy affecting Lake Wallace
- Overview of important fishing related issues for Aboriginal communities and recent progress relating to Aboriginal cultural fishing recognition and opportunities, led by Associate Professor Stephan Schnierer, member of MFAC and the Aboriginal Fishing Advisory Council;
- Social licence – incorporating commonalities between fishing sectors, particularly cultural fishing; and
- Development of a recreational fishing policy – promoting consultation and increased engagement between fishing sectors, government and community.