

# Advisory Council on Recreational Fishing

## Final Minutes

**32<sup>nd</sup> MEETING (04/2004)**  
**9:00am, 9 December 2004**

**NSW Department of Primary Industries  
The Premier's Conference Room  
Level 41, Governor Macquarie Tower  
1 Farrer Place, Sydney**

### Attendance

#### **Chair**

Bruce Schumacher

#### **Members**

Elaine Garvey	Estuary, Offshore Fishing
Jim Harnwell	Offshore Fishing
Lionel Jones	Estuarine Habitat
Lisa Terry	Marine Biology
Scott Mitchell	Freshwater, Tackle Sales
Terry Maloney	Freshwater Fishing
Mel Brown	Underwater Fishing
Ann Lee	Freshwater Fishing
Megan Kessler	Nature Conservation Council (on behalf of Anthony Moore)
Nick James	Departmental nominee

#### **Observers**

Dr Nick Rayns, Director, Fisheries Management Branch  
John Diplock, Principal Manager Recreational Fisheries  
Bryan van der Walt, Senior Manager Recreational Fisheries  
Mandi McKaig, Management Officer Recreational Fisheries

### Business

*Welcome by Chair*

#### *Minister's Address*

Mr Don Stewart, a representative from Minister Macdonald's Office, apologised for the Minister's absence due to urgent commitments. Mr Stewart discussed various issues with the Council on behalf of the Minister. These discussions are outlined in the Around the Table section of these minutes.

### *Apologies*

John Dunphy, Neil Ryan, Anthony Moore (Megan Kessler represented NCC), Margaret Dodson, Graham Moore  
Minutes of previous meeting

### **Recommendation**

The minutes are a true and accurate record of discussions at the 31<sup>st</sup> meeting, held 28 September 2004.

Moved: Mel Brown

Seconded: Lionel Jones

**Carried**

### *Business arising from the minutes*

Nil.

### **Agenda Items**

1. Recreational Fishing Trusts report (Bryan van der Walt) – for information.
2. Recommendations from the freshwater and saltwater trust expenditure committees (Bryan van der Walt) – for recommendation.
3. Allocation of funds to the Recreational Fishing Freshwater Trust (Bryan van der Walt) – for recommendation.
4. Commercial fishing update (Commercial Management) – for recommendation.
5. Freshwater fishing update (Craig Watson) – for information.
6. Proposal to extend the Hastings River spearfishing closure at Port Macquarie (Bryan van der Walt) – for recommendation.
7. Closure renewals (Nick James) – for recommendation.
8. Baitfish update (Michael Lowry) – for information.
9. Fish Aggregating Devices and Artificial Reefs: programs update (Heath Folpp) – for information.

### *Other Business*

- Discussion paper: “New opportunities for the Seafood Industry in the Management of Commercial Fisheries and Aquaculture, October 2004” – for discussion.
- An update on the Aquatic Ecosystems program including the state of *Caulerpa taxifolia* in NSW estuaries – for information.
- Update on the Grey Nurse Shark issue – for information.
- Update on the Fisheries Management Strategy for recreational and charter fishing – for information.
- An update on the Lake Illawarra (including Macquarie Rivulet) Closure.
- Pro-forma for proposed spear fishing closures– for information.

### *Out of session items*

- Notification of the Bermagui River fishing closure due to expire on 18 November 2004.

- Notification of the amendment to the Cooks River Fishing closure to prohibit all forms of fishing in Alexandra Canal for the protection of public safety.
- Renewal of the garfish NSW tidal waters fishing closure due to expire on 18 November 2004.
- Renewal of the Cathie Creek, Cathie Lake and Merimbula Lake fishing closures due to expire in December 2004.

*Correspondence received*

- Responsible Fishing Association – spawning fish protection in Lake Macquarie.

**Next meeting** – Tuesday 12<sup>th</sup> April 2005.

*Meeting ends.*

**Issue**

Recreational Fishing Trusts report.

**Background**Current Trust Fund Position

Total income received from licence sales in 2003/04 was nearly \$9 million, which is over \$500,000 more compared to 2002/03 (\$8,394 million). The funding level to the Freshwater Trust remains at \$2.5 million in 2004/05.

At previous saltwater expenditure committee meetings in 2004, the committee has supported a total budget of \$8.23 million for a range of compliance, research, management and education programs to improve recreational fishing in 2004/05, including programs with predicted carryovers from 2003/04. Total allocation from the Saltwater Trust is \$6.95 million. This leaves a predicted balance of over \$700,000 available for new programs.

At previous freshwater expenditure committee meetings in 2004, the committee has supported a total budget of \$3.231 million for a range of freshwater programs. Some programs had substantial carryovers this financial year resulting in a total transfer of \$2.607 million from the Freshwater Trust for the 2004/05 programs. This leaves a predicted balance of \$550,000 available for new programs. This includes the increase in the Small Grants Program budget from \$20,000 to \$40,000 and funding for the freshwater advisory trailer.

The 2004/05 trust financial tables have been updated and are attached for the Council's information.

External Grants

A summary of all external grants approved by the saltwater expenditure committee, including the current status of each program, will be provided at the meeting. The demographic breakdown of small grant funding has been updated and will be provided at the meeting.

**Outcomes**

The Trust financial tables showed a breakdown of the budgets for all of the 2004/05 Trust funded programs, including the programs recommended for funding at the previous expenditure committee meetings in August and September 2004. These tables are compiled so that the expenditure committees can track expenditure from the Trusts and monitor progress of programs. Expenditure reports for each cost centre are also given to the expenditure committee at each meeting. A summary of all external grants and small grants approved by the expenditure committees, including the current status of each program, was also provided to members for their information.

The Council was advised about recent developments with the licence sales system. The Department is preparing specifications for a tender for the conversion of the current manual licensing system to an outsourced electronic system. This new electronic system would allow for automatic, direct funds transfer, which would minimise the risk of fraud, speed up the sale of licences, ease the administrative burden on agents and staff, and provide for plastic licences and a renewal system. The Department advised Council that there was strong agent and community support for an improved licence sales system. The Department was also investigating 3 other options for the licence system, namely 1) linking licence fees to the Consumer Price Index; 2) removing the Tweed concession; and 3) removing the 3 day licence.

**Recommendation**

The Council support the implementation of three of the four options proposed to improve the recreational licence system, as outlined:

- New electronic licensing system - ***supported***
- Linking licence fees to the Consumer Price Index - ***supported***
- Removing the Tweed concession - ***supported***
- Removing the 3 day licence option – ***not supported***

Moved: Lionel Jones

Seconded: Terry Maloney

**Carried**

## Agenda Item 2

Bryan van der Walt

### Issue

Recommendations from the freshwater and saltwater trust expenditure committees.

### Background

The Recreational Fishing Saltwater Trust Expenditure Committee will be meeting on 2 December 2004 and the Recreational Fishing Freshwater Trust Expenditure Committee on 7 December 2004. New saltwater and freshwater applications for funding from the trust have been received and will be considered by the relevant expenditure committee at these meetings. Trust expenditure recommendations from the saltwater and freshwater committee meetings will be presented to Council for their consideration.

### Outcomes

The Department provided details of the 2 saltwater small grants programs supported by the Expenditure Committee for funding from the Saltwater Trust. The Australian Volunteer Coast Guard Association of Port Kembla proposes to establish a VHF and 27mHz Radio Link between Mount Pleasant at Gerringong and Coast Guard Port Kembla to improve radio communications to the recreational boating community. The funding from the NSW State Council (Coast Guard) was also acknowledged.

The Watersafety Taskforce aims to increase the current education program for rock fishing safety for persons of non-English speaking backgrounds. The Department of Sport and Recreation, a member of the task force, requested funding from the Saltwater Trust to re-print the rock fishing safety brochure in Chinese, Korean and Vietnamese and distribute to bait and tackle shops.

The funding amounts are outlined below:

<b>Saltwater small grants program</b>	<b>Proponent</b>	<b>2004/05</b>
Mt Pleasant 27mHz – VHF Radio Link.	Australian Volunteer Coastguard Association	\$5,000
Rock Fishing Safety Awareness Campaign	NSW Department of Tourism, Sport and Recreation	\$1,800

The Department also advised that Hastings Council had applied for funding of \$4,600 from the Freshwater Trust to undertake a program to investigate the population structure of bass populations in the Hastings River. The Freshwater Committee supported the program and advised that it should be incorporated as part of the Tournament Monitoring Program, which is currently funded by the Trust. No formal approval is therefore required from ACoRF. The Hastings Program will involve an independent assessment of bass populations using the methods adopted in the Tournament Monitoring Program.

### Recommendations

That funding from the saltwater and freshwater trusts, as recommended by the expenditure committees, be supported.

Moved: Lionel Jones

Seconded: Scott Mitchell.

**Carried**

**Issue**

Allocation of funds to the Recreational Fishing Freshwater Trust.

**Background**

In accordance with Division 3 of the *Fisheries Management Act 1994* the Minister for Primary Industries is required to make a determination as to the amount of funds collected through the general recreational fishing fee (implemented in 2001) that should be allocated to the Recreational Fishing Freshwater Trust Fund. To date, the first \$2.5 million raised by the general recreational fishing fee has gone directly to the freshwater trust with the remainder of funds going to the saltwater trust. However, annual allocation to the freshwater trust has not been determined for the year 2005/06 and beyond.

At their last meeting the Council discussed various strategies for the annual allocation of fees between the two trust funds. The Council noted that the use of percentages would result in uncertain annual allocations and associated difficulties in simple planning for both trusts. The Council believed that a strategy that allocated a set amount to each trust fund, with additional funds split using a percentage method was worth further investigation.

The Department has developed proposals based on these discussions, which will be presented to the Council at the meeting for their consideration. The freshwater and saltwater trust expenditure committees will also be considering these proposals at their December 2004 meetings.

**Outcomes**

Members were advised that prior to the introduction of the general recreational fishing fee, the Advisory Council supported the annual allocation to the Recreational Fishing (Freshwater) Trust of \$2.5 million based on the income from freshwater licence sales between 1998 and 2000. In 2001/02, 2002/03 and 2003/04, this allocation represented 30.9%, 29.8% and 27.8% of the total licence sales income, respectively. The Council was also presented with an analysis of freshwater and saltwater fishing effort based on the National Recreational and Indigenous Survey conducted in 2000/01. The analysis showed that approximately 76% (or 982,727 anglers) fished in saltwater habitats and 24% (or 312,366 anglers) fished in freshwater habitats.

The Department advised that the Saltwater Expenditure Committee had recommended that 25% of licence sales income in each financial year should be allocated to the Recreational Fishing (Freshwater) Trust based on this analysis of the National Angling Survey. On the other hand, the Freshwater Expenditure Committee had requested an increase in the \$2.5 million allocation to \$2.8 million to provide more funding for fish habitat restoration. Currently, about 15% of the total Freshwater budget is spent on habitat restoration.

The Council noted that the system of allocating \$2.5 million to the Freshwater Trust, with the remaining funding going to the Saltwater Trust, had worked well in the past. The Department advised that it is difficult to base allocations on a percentage basis because currently Council approves expenditure based on predicted income in that financial year.

It was noted that an Expenditure Committee could apply for additional funding from the other respective Trust, if funds had been fully committed from that Committee's Trust in a financial year.

**Recommendation**

The Council supports the ongoing allocation of funding from the fishing licence at \$2.5 million for the Freshwater Trust, with the remainder of funds going to the Saltwater Trust. This system will be reviewed annually.

Moved: Scott Mitchell

Seconded: Lisa Terry

**Carried**

**Agenda Item 4****Commercial Management****Issue**

Commercial Fishing update.

**Background**

At their July 2004 meeting the Estuary General Management Advisory Committee (EGMAC) proposed a closure to recreational fishers using 20 foot hand held prawn nets and push or scissors nets between Sandy Point and Stony Point in the Broadwater of the Myall River.

The EGMAC region 4 (south) representative believes that the recreational use of these types of nets in the Myall River is causing an issue of conflict between commercial and recreational fishers. The representative advised that there are concerns for the safety of fishers operating in this area, in particular, that someone could be accidentally run over by the recreational boats using these net types in the Broadwater. The Department requests the Council to consider this proposal.

A Commercial Management staff member will discuss the Myall River proposal with the Council and present a general update on the commercial fishing sector.

**Outcomes**

Commercial Management provided the Council with the following update on the commercial fishing sector.

**Share Management / Allocation**

Fishers in Category one share managed fisheries will shortly be advised of their "provisional" allocation of shares and have 90 days to submit an appeal to the statutory Share Appeal Panel if they are dissatisfied with their share allocation.

The Share Management Plans for Estuary General, Estuary Prawn Trawl and Ocean Haul fisheries are currently being drafted and consultation with industry will be undertaken as they develop.

**Combined MAC Workshop**

Approximately 80 representatives from the Commercial and Charter Boat Management Advisory Committee's attended a combined MAC Workshop on 15-16 November 2004. The aim of the workshop was to provide a forum, whereby committee members and chairpersons from all commercial fishery management advisory committees (MACs), could discuss issues facing their industry and participate in various training exercises.

The focus of the workshop was on Government/Industry relationships and on developing the capacity of members to represent their industry. A number of training exercises, designed to improve committee members' skills and an understanding of their roles, was facilitated by *Leading Industries*, who have extensive experience in providing training for rural and primary industries. Additionally, Departmental staff provided presentations on contemporary issues facing industry.



## **MAC Elections**

At least half of the MAC positions are set to expire in February 2005 and accordingly, elections will be held for these positions and any vacant positions.

## **Lobster Fishery**

### *Maximum Size Limit*

The Council was advised that the maximum size limit for eastern rock lobster has been reduced to 180 millimetres carapace length (mmCL) from 200mmCL. The size reduction took effect on 12 November 2004. Departmental staff and Fishcare volunteers will be focussing on advising and educating recreational fishers to ensure that individuals have a reasonable opportunity to become aware of the reduction in the maximum size limit for eastern rock lobster to 180mmCL.

### *FMS/EIS*

The Environmental Impact Statement for the Lobster Fishery (incorporating a draft Fishery Management Strategy for commercial lobster fishing in waters under NSW jurisdiction) will be on Public Exhibition from 4th December 2004 to 4th February 2005.

Copies of the EIS have been sent to all Lobster Fishery shareholders as well as a variety of other stakeholders, advisory groups and Government Departments. The EIS will be on display at Fisheries Offices, local government offices, DIPNR offices and relevant libraries. The full EIS will also be available on the DPI/Fisheries Internet site. Locations of exhibition places are being advertised in the Sydney and regional press from Saturday 4th December 2004.

## **Estuary General**

### *Changes to fish and crab trapping*

The following changes to the use fish and crab traps are effective from 1 December 2004: Fishers with a mud crab endorsement and/or fish trapping endorsement may use hoop nets (previously only fish trappers could use them).

These fishers are still restricted to using a total of 10 traps or hoop nets.

Crab trap and hoop net buoys will now be marked with the fisher's licence number rather than the LFB number. This is to facilitate compliance of trap numbers.

Hoop nets are now permitted for use during day light hours only.

### *Changes to meshing and flathead nets*

The following changes to the use of the meshing and flathead nets will be effective from 1 February 2004:

#### *Flathead net*

Minimum mesh size increased from 70 mm to 80mm.

Net to be in the process of being retrieved by sunrise.

No day setting in Wallis Lake, Smiths Lake, Tuggerah Lakes (*previously they were allowed 5 months of day setting*).

Setting season for Wallis Lake, Smiths Lake, Tuggerah Lakes will be April to October inclusive (*this is a reduction in 3 months*).

Nets will be a maximum of 16 meshes deep, corks optional (*Previously it was 25 meshes deep*).

Net to be marked with "F" for flathead net as well as "FL" for fishing licence number.

#### *Meshing net*

Minimum mesh size in overnight set meshing net has increased from 80mm to 95mm.

Overnight setting season for regions 4, 5,6 & 7 will be June to September (*season has been shifted one month back due to cooler water temperature*).

Net to be in the process of being retrieved by sunrise.

Net to be marked with "M" for meshing net as well as "FL" for fishing licence.

### **Estuary Prawn Trawl**

#### *Incidental Catch Ratios*

An incidental catch ratio system has been implemented for the Clarence River, Hunter River, Hawkesbury River and Port Jackson Estuary Prawn Trawl Fishery. Incidental catch ratio is the ratio of the target species to all other species in the catch of a trawl.

#### *'Point of sale' and 'cod end' counts*

The EPT FMS also requires the implementation of maximum 'point of sale' prawn counts and 'cod end' counts *to minimise trawling at times and areas where prawns are below optimum size*. 'First point of sale' and 'cod end' (unsorted catch) prawn counts have been implemented for the:

Clarence River EPT Fishery at 180 and 200 prawns per half kilogram respectively.

Hawkesbury River EPT Fishery at 180 prawns per half kilogram.

Hunter River EPT Fishery at 180 and 130 prawns per half kilogram respectively.

Port Jackson EPT fishery at 180 and 150 prawns per half kilogram respectively.

Permits have been issued to Clarence River, Hunter River and Hawkesbury River EPT fishers to trial square mesh cod-ends for the 2004-2005 EPT season.

With regards to prawn count trials as an indicator to whether prawn size per kilo is sufficient, the Council was concerned how this would be monitored in the Hawkesbury River, as there is no prawn trawling closure in place in this river - will the Hunter River be used as a guide?

**Action item:** Commercial Management to provide information on the method of prawn counts in the Hawkesbury River.

### **Ocean Trawl**

The Ocean Fish Trawl and Ocean Prawn Trawl MACs have now been amalgamated to form the Ocean Trawl MAC.

### **Ocean Haul**

The OHMAC met on 16 November 2004, primarily to discuss implementation of the fishery management strategy, the bag and size limit information paper and other responses required by the fishery management strategy. In particular the Committee discussed:

The revised code of practice. Members suggested that the revised codes of practice be circulated more broadly within the community, i.e. local councils and surf clubs.

The bag and size limit review paper.

Scientific observer program - A study will be done to collect information on discarding and by-catch in the commercial ocean beach haul fishery. The proposed sampling strategy is to have trained observers accompany commercial fishers during normal fishing operations and to sample landed catches. It is proposed that the Department outsource this sampling strategy. Accordingly, an Expression of Interest is being sought from organisations or individuals with suitable expertise and capabilities to provide these independent scientific observer services.

An education strategy for fishers and Departmental contact officers is being developed to improve public understanding of the ocean hauling fishery and of the resources upon which the fishery relies. Part of this strategy includes upgrading catch returns with the aim of improving the reliability and accuracy of catch information.

A draft Garfish recovery program has been prepared, which outlines a number of actions that have been implemented for the ocean haul sector to date, together with future actions foreshadowed in the fishery management strategies and associated monitoring arrangements. The recovery program will be refined over time in response to the results of current research and future monitoring. Relevant provisions will be included in the share management plans for these fisheries. At this stage the recovery program only notes that the recreational sector will develop appropriate actions to contribute to the recovery program during development of the recreational fishery EIS.

### **Ocean Trap and Line**

The last meeting of the OTLMAC was on 11 October. Key issues discussed included: Development of the share management plan for the fishery, including trading rules, Amendment to the Tuna Longline Upgrade Policy to provide for vessel size restrictions in the ocean trap and line fishery and effort containment, Bounty Oil and Gas Community Consultative Committee update regarding the proposed offshore exploratory oil drilling site off Newcastle, and The proposed size limit review discussion paper.

### *FMS/EIS*

The Council was advised that the draft OTL FMS/EIS will not be available for public consultation until at least May 2005.

### *Myall River closure proposal*

The Estuary General MAC has proposed the introduction of a seasonal, nighttime (sunset to sunrise) closure from 1<sup>st</sup> October – 1<sup>st</sup> March each year in the Myall River Broadwater, to reduce conflict between recreational and commercial fishers. This closure would restrict anglers from using 6 metre (20 foot) hand hauled prawn nets and push or scissor nets at night, between Sandy Point and Stony Point in the Broadwater of the Myall River, over the 5 month period.

The Council was asked to support this proposal at the meeting, however, no consultation has been undertaken with local recreational fishing clubs to date regarding this issue.

Information was requested from DPI Compliance Officers to enable the Council to determine the full extent of the issue at the next meeting, prior to further consideration.

### **Recommendation**

The Council requested further information from the Compliance team before considering the proposed closure.

**Action item:** NSW DPI to provide more information on the Myall River closure proposal at the next meeting.

**Issue**

Freshwater fishing update.

**Background**

Craig Watson, Manager, Recreational Fishing, will present a general update on freshwater fishing to the Council, including the stocking program and freshwater fisheries research priorities.

The Recreational Management branch will be holding internal discussions with fisheries scientists to discuss future research requirements and priorities. Discussions will include the need for extra research for high priority species such as Murray cod and Australian bass as well as the research requirements set out in the draft fish stocking FMS. The FMS proposes an extensive research plan to fill existing information gaps identified in the key areas of genetics, environmental impacts of stocking and the efficacy of stocking. This should ensure that funding applications that come to RFFTEC in the future can be assessed against key priority areas.

**Outcomes****Government and dollar for dollar stockings**

The total number of native fish, trout and salmon stocked in 2003/04 through the dollar for dollar and other Government programs was over 8.5 million, with record production levels at the Narrandera Fisheries Centre and record numbers of Australian bass stocked during the year.

The 2004/05 season is now well underway. Releases of trout fry into rivers and streams across the New England, Central Tablelands and Southern Highlands have taken place and approximately 3.2 million fish have been stocked. Fry releases in the Monaro region will occur from early to mid December 2004. Fish stockings are conducted in conjunction with the five acclimatisation societies. Stocking sites have been inspected and Officers have recorded sites by way of portable GPS and taking photos of each site. These have been entered into a mapping program for validation with other environmental attributes. Any changes to proposals have been negotiated with acclimatisation societies. A list of approved sites and allocations is circulated to branch members prior to pick up or delivery of the fish.

Unfortunately, there was some loss of stock this year in the Southern Highlands following collection, as a result of extremely hot temperatures experienced at the time of release. NSW DPI will be meeting with members of the Council of Southern District's Angling Clubs early next year to discuss this issue.

The Narrandera Fisheries Centre has recently commenced the native stocking program for 2004/05. Stockings of trout cod and Murray cod took place on 10 December 2004 in the upper Murrumbidgee River (TC, 60k) and Blowering dam (MC, 40k). These will be followed by stockings in the Macquarie River near Dubbo (TC, 90k) and Windamere Dam (MC, 30k) during the week commencing 13 December 2004. Native fish releases are conducted according to the native fish stocking plan, which is circulated to fishing clubs for comment in the lead up to the stocking season. A number of submissions for new small dams have been received and will be considered pending overall production outcomes and existing allocation requirements.

### Gaden Hatchery

The Visitor Centre refurbishment has been completed and staff offices have been relocated into the new building. The hatching shed works will go to tender in the New Year. The shed will need to be functional by May 2005, otherwise construction will be delayed until 2006 to ensure next year's production.

### Impoundments guide

An impoundments access guide is being compiled for freshwater anglers. It is an A-Z list of stocked reservoirs open to the public for fishing and contains information on species caught, stocking history, facilities and services at dams and so on. It is anticipated that the guide will be released in early 2005.

### Lake Albert

Due to changes in the catchment and the ongoing dry conditions, Lake Albert in Wagga Wagga has received very little inflow and the water level is receding. There is concern that fish populations in the Lake could be put at risk if water levels continue to recede. These waters have been well stocked by NSW DPI over the past 3 years. NSW DPI and local Council representatives met with local angling clubs on the 11<sup>th</sup> and 15<sup>th</sup> of November to discuss this issue. The options for relocation of the fish are limited due to access difficulties for machinery, boats gear etc. Council are now looking to re-divert a stream back into the Lake to allow runoff back into the Lake.

### Travelling Stock Routes Assessment

NSW DPI has received representations regarding the future security of travelling stock routes and public reserves as points of access for recreational anglers. This is an important issue as rural lands protection boards are seeking to divest themselves of the management of these areas, if they are not heavily used by grazing stock. NSW DPI has discussed this issue with the Freshwater Trust Expenditure Committee (RFFTEC) and a funding proposal on the identification of reserves of importance to recreational angling will be prepared for consideration at the freshwater trust budget meeting in April 2005.

### Freshwater research meeting

A freshwater research planning meeting was held on 24 Nov 2004 to review current freshwater research programs, identify freshwater research knowledge gaps and discuss a strategic framework for future research within identified priority areas, to assist decisions on allocation of resources. Opportunities for value adding to existing freshwater research will be explored and implemented, where possible. There is a need to develop a research plan to clearly outline the benefits to recreational fisheries that would result from each priority area and each project within those priority areas. This issue was discussed at RFFTEC on 7 December 2004 and was supported by the Committee. The plan will be developed in a format that can be easily extended to universities, councils and fishing clubs to ensure proponents submit projects that are relevant to the needs of anglers, within the identified priority areas. The plan will be used by RFFTEC and RFSTEC in the future to guide decisions on investment in recreational fisheries research.

### Discussion paper

The Department of Primary Industries is developing a discussion paper (with the assistance of the freshwater management planning committee) covering freshwater issues. The paper will put forward a number of proposals designed to minimise risks to certain species and to simplify or clarify existing management arrangements. This paper will be released for public comment in early 2005, along with the discussion paper on saltwater bag and size limits.

#### Weir closures review

Concurrent with the freshwater review, NSW DPI is conducting a review of inland fishing closures above and below weirs/dams, with a view to standardising the distance of closures where possible. These are designed to protect aggregations of fish from being overfished and/or for public safety reasons. Suggestions for changes to weir closures on the Lower Murray, Edwards and Qld/NSW border rivers have been received. These will be presented to ACoRF in the future after consultation with relevant authorities and local fishers.

#### Murray Cod Research

The Murray-Darling Basin Commission has highlighted information gaps regarding “big picture” knowledge of cod throughout the Murray-Darling system. The freshwater fishing representative requested that targeted research on Murray cod, to address these information gaps, be a very high Departmental research priority. It was also mentioned that future research should utilise the knowledge of experienced anglers in those areas where little information is currently available.

#### **Recommendation**

For information.

**Issue**

Proposal to extend the Hastings River spearfishing closure at Port Macquarie.

**Background**

At their last meeting, held on 28 September 2004, the Council reconsidered the proposal by the Hastings Fisheries Office to extend the Hastings River spearfishing closure upstream to address conflict with other waterway users and clearly define the closure boundary. The current closure boundary extends from an imaginary line from the Old Coal wharf (which no longer exists) to the eastern extremity of Park Street (which has been extended since the closure was introduced), and easterly to the end of the break walls

As consultation on this proposal did not achieve consensus on the location of the new boundary line the Council supported the coordination of a local stakeholder meeting, facilitated by the Department, to seek resolution of this issue. On the 4<sup>th</sup> November 2004, DPI met with the West Port Marina Manager, the Maritime Authority's Hastings River Regional Officer and North Coast Regional Manager and David Johnson from the local spearfishing club, to resolve the difference of opinion regarding the amendment to this closure.

It was agreed upon by all parties that the closure be amended to a line drawn from the toilet block on Hastings River drive to the northern end of the Governor's Way Bridge (north of the Port Macquarie RSL), which would provide a clearly defined boundary. A map of this proposed closure area will be provided to members at the meeting. Waterways and the West Port Marina were satisfied that this new proposal would address boating safety issues and conflict with other waterway users. The spearfishing club representative supported this small extension to the current closure. If the closure is amended the Department will erect appropriate signage including a large 1.5 by 1.5m sign and 12 standard size "no spear fishing" signs that contain a map.

The Department requests the Council's consideration of the negotiated proposal to amend the Hastings River spearfishing closure, stipulated under Schedule 4 (Waters in which spearfishing is prohibited) of *the Fisheries Management (General) Regulation*, to the following:

"County of Macquarie: The whole waters of the Hastings River from a line drawn between the amenities block on North Shore Drive to the northern end of the 1<sup>st</sup> bridge on Park Street (north of the RSL)). S31°24.593 E152° 54.668 to S31 °25.491 E152 °53.812."

**Outcomes**

The Council acknowledged the local stakeholder consultation that occurred and expressed support for the proposed amendment. The underwater fishing representative commended Departmental staff for the thorough consultation and efforts to negotiate an equitable outcome on this issue. The Department proposes to adopt this approach of undertaking local stakeholder consultation, prior to ACoRF considering any future amendments to existing spearfishing closures and any new closures.

**Recommendation**

The Council supports the amendment to the Hastings River spearfishing closure, as outlined above.

Moved: Mel Brown

Seconded: Ann Lee

**Carried**

**Issue**

Closure renewals.

**Background**

Two closures relating to recreational fishing are due for renewal in the near future. Copies of the current closure notifications are attached.

- a) Khappinghat Creek
- b) Macleay River, South West Rocks and Trial Bay
- c) Crowdy Head Boat Harbour

**a) Khappinghat Creek**

**Issue**

Renewal of the Khappinghat Creek fishing closure due to expire on 13 January 2005.

**Background**

The Khappinghat lagoon is a relatively large lagoon on the north coast, just south of the Manning River. The Khappinghat Creek closure was put in place to create a recreational fishery.

The District Fisheries Officer Manning, Mathew Richardson, has not had any complaints about this closure and supports the renewal in its current form.

NSW DPI is seeking the views of the Council in relation to the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

**b) Macleay River, South West Rocks and Trial Bay**

**Issue**

Renewal of the Macleay River, South West Rocks and Trial Bay fishing closure due to expire on 20 January 2005.

**Background**

The District Fisheries Officer Hastings, Lee Burdett supports the renewal of this closure, with the following amendments proposed to clarify closure boundaries (schedule 2) and areas (schedule 8):

*Schedule 2 part 2 – The waters of the Macleay River and its tributaries, creeks, bays and inlets lying on the northern side of a line drawn from the Northern bank of Spencers Creek to Kemps corner and from a line drawn east west crossing the southern end of Whisky Island.*

Schedule 3, relating to the Belmore River, should to be removed as it is duplicated in Government Gazette No.135, dated 30 August 2002 (copy will be distributed at the meeting).

Schedule 8 needs to include a reference to Saltwater Creek, which is part of the existing closure. NSW DPI is seeking the views of the Council in relation to the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.



### **c) Crowdy Head Boat Harbour**

#### **Issue**

Renewal of the fishing closure for the Crowdy Head Boat Harbour, under section 8 of the *Fisheries Management Act 1994*, which is due to expire on 16 December 2004.

#### **Background**

The closure has been in place for many years and was originally introduced as the area is an important breeding ground for crustaceans and abundant with juvenile crayfish. Fish traps and hoop or lift net are also prohibited as they may form a navigational hazard to boats.

The District Fisheries Officer Manning, Matthew Richardson, proposes that the closure be renewed in its current form. A copy of the current closure is attached for your information.

NSW DPI is seeking the views of the Council in relation to the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

#### **Outcomes**

The Council discussed existing arrangements and acknowledged that the amendments were proposed simply to clarify closure boundaries and areas, rather than change the intent of the current closures.

The Council expressed support for the renewal of the closures, including the proposed amendments.

#### **Recommendation**

The Council supports the renewal of these closures, including amendments, as outlined.

Moved: Lionel Jones

Seconded: Lisa Terry

**Carried**

**Date of Notification: 14 January 2000**

**F99/182**

**FISHERIES MANAGEMENT ACT 1994  
Section 11 and Section 8 Notification - Fishing Closure**

**Khappinghat Creek**

**County of Gloucester**

I, Harry Woods, revoke the notification as published in the New South Wales Government Gazette Number 147 of 18 September 1987 and all amendments thereto, which prohibits the use of nets of every description, except the hoop or lift net, hand-hauled prawn net, push or scissors net and dip or scoop net, from the whole of the waters of Khappinghat Creek.

I, do now, prohibit the taking of fish by the methods of fishing specified in Column 1 of the Schedule to this notification, from the waters shown opposite in Column 2 and for the time period shown opposite in Column 3, respectively, of that schedule. This prohibition will be effective for a period of five (5) years from the date of publication of this notification, unless otherwise specified in the further conditions of this notification.

Note: The word 'Regulation', where appearing in this notification, refers to the Fisheries Management (General) Regulation 1995.

The Hon Harry Francis Woods, MP  
Acting Minister for Mineral Resources  
Acting Minister for Fisheries

**Schedule  
Khappinghat Creek**

<i>Column 1</i> Methods	<i>Column 2</i> Waters	<i>Column 3</i> Period
By means of nets of every description except the dip or scoop net, hand hauled prawn net and push or scissors net as prescribed by clauses 50, 48 & 49 of the Regulation, when used for the capture of prawns only, the hoop or lift net as prescribed by clause 47 of the Regulation and the landing net, as prescribed by Regulation.	The whole of the waters of Khappinghat Creek, together with all its tributaries downstream from its source to its confluence with the South Pacific Ocean.	For a period of five years from the date of this notification.
Conditions: 1. Licensed commercial fishers are not permitted to operate any net as prescribed by Regulation to take fish for sale; and 2. The hand hauled prawn net may not be operated in conjunction with any other net as prescribed by Regulation.		

Date Notification: 21 January 2000

FC3052, F99/87

**FISHERIES MANAGEMENT ACT 1994**  
**Section 11 and Section 8 Notification - Fishing Closure**

**Macleay River and its tributaries, including the Belmore River,**  
**South West Rocks Creek and Trial Bay Front Beach**

**Counties of Clark, Dudley, Macquarie, Sandon, Vernon.**

I, Harry Woods, revoke those notifications, and all amendments thereto, which close certain waters of the Macleay River and its tributaries, as published in the following New South Wales Government Gazettes:

Number 28 of 24 February 1984; prohibits the taking of fish by means of fish traps, eel traps and nets of every description other than some recreational prawning nets, from the whole of the waters of the Macleay River on weekends and Monday public holidays, with the exception that fish and eel traps may be used in specified waters.

Number 85 of 23 May 1986; prohibits the taking of fish by means of nets of every description from the whole of the waters of the Macleay River upwards to its source from the Kempsey railway bridge.

Number 86 of 1 August 1997; prohibits the taking of fish by all methods except a single rod and line or handline with not more than two hooks attached from specified waters of the Belmore River.

Number 55 of 31 March 1983; prohibits the taking of fish by means of nets of every description, excluding the dip or scoop net and the landing net, from the whole of the waters of the South West Rocks Creek.

Number 121 of 2 October 1992; prohibits the taking of fish by means of nets of every description, excluding the dip or scoop net and landing net, from Front Beach, Trial Bay.

I do also by this notification, amend the fishing closure notification as published in the following New South Wales Government Gazette;

Number 108 of 5 August 1983; by omitting Schedule A which refers to specified waters of the Macleay River.

I do now, by this notification, prohibit the taking of fish by the methods of fishing as described in Column 1 of Schedules 1 to 8 of this notification, from the waters specified in Column 2 of those schedules, for the period specified in Column 3 of those schedules.

The Hon Harry Francis Woods, MP  
Acting Minister for Mineral Resources  
Acting Minister for Fisheries

**Schedule 1**  
**Weekend Closure - Nets**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Methods	Waters	Period
By means of nets of every description, except the dip or scoop net, hand hauled prawn net, hoop net, push or scissors net and landing net, as prescribed by Regulation.	The whole of the waters of the Macleay River and its tributaries, from its source to its confluence with the South Pacific Ocean.	From 6 p.m. Friday to 6 p.m. Sunday in each week and from 6 a.m. to 6 p.m. on Monday if Monday is a Public Holiday, for a period of five years from the date of this notification.

**Schedule 2  
Netting Closures**

<i>Column 1</i> Methods	<i>Column 2</i> Waters	<i>Column 3</i> Period
By means of nets of every description, except the landing net, as prescribed by Regulation.  -----	The whole of the waters of the Macleay River and its creeks, tributaries, billabongs and lagoons, from the Kempsey Railway Bridge upstream to its source.  -----	For a period of five years from the date of this notification.  -----
By means of meshing nets, except by the method known as "splashing", (ie. shooting the net, splashing the water in the vicinity, and retrieving the net as a continuous operation).	The waters of the Macleay River and its tributaries, creeks, bays and inlets, lying on the northern side of a line drawn from the south-eastern corner of portion 186 in the Parish of Clybucca, easterly to the south-western corner of portion 6 on Shark island in the Parish of Arakoon and on the northern side of a line drawn from the southernmost extremity of Shark Island, east to the northern bank of Spencers Creek.	For a period of five years from the date of this notification.

**Schedule 3  
Belmore River**

<i>Column 1</i> Methods	<i>Column 2</i> Waters	<i>Column 3</i> Period
All methods with the exception of a single rod and line or handline with not more than two hooks attached to the line and the landing net, as prescribed by regulation.	The waters of that part of the Belmore River, its creeks, tributaries and inlets, from its source downstream to the road bridge at Gladstone.	For a period of five years from the date of this notification.

**Schedule 4  
Set Mesh Net Closure**

<i>Column 1</i> Methods	<i>Column 2</i> Waters	<i>Column 3</i> Period
By means of meshing nets, except when such nets are used by the method of 'splashing' (that is, shooting the net, splashing the water in the vicinity and retrieving the net as a continuous operation), as prescribed by Regulation.	The whole of the waters of the Macleay River and its tributaries upstream of Smithtown bridge to the Kempsey Railroad bridge.	From 1 May to 31 August in each year, for a period of five years from the date of this notification.

**Schedule 5**  
**Set Mesh Net Closure**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Methods	Waters	Period
By means of meshing nets, except when such nets are set for a period of less than 2 hours, as prescribed by Regulation.	The whole of the waters of the Macleay River and its tributaries downstream of Smithtown bridge to the Jerseyville bridge.	From 1 May to 31 August in each year, for a period of five years from the date of this notification.

**Schedule 6**  
**Set Mesh Net Closure**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Methods	Waters	Period
By means of meshing nets, except when such nets are used by the method of 'splashing' (that is, shooting the net, splashing the water in the vicinity and retrieving the net as a continuous operation), as prescribed by Regulation.	Those waters of Clybucca, Christmas and Kinchela Creeks and their tributaries being upstream of the flood mitigation gates located on each of the aforementioned creeks.	From 15 May to 31 August in each year, for a period of five years from the date of this notification.

**Schedule 7**  
**South West Rocks Creek - Nets**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Methods	Waters	Period
By means of nets of every description, except the dip or scoop net and the landing net, as prescribed by Regulation.	The whole of the waters of South West Rocks Creek, its creeks and lagoons, upstream from a line drawn from the eastern extremity of the southern breakwater to the eastern extremity of the northern breakwater, at the entrance of the Creek.	For a period of five years from the date of this notification.

**Schedule 8**  
**Front Beach, Trial Bay - Nets**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Methods	Waters	Period
By means of nets of every description, except the dip or scoop net and the landing net, as prescribed by Regulation.	The whole of the waters of that part of Front Beach, Trial Bay, extending from the western most extremity of the beach generally easterly for 800 metres.	From 20 December to 31 January each ensuing year, for a period of five years from the date of this notification.

FC3150, F99/228

**FISHERIES MANAGEMENT ACT 1994**  
**Notification Under Section 8 - Fishing Closure**  
**Crowdy Head Boat Harbour**

I, Edward Obeid, revoke the notification, and all amendments thereto, which prohibits the taking of crayfish by all methods and fish by means of fish traps, pots, hoops, baskets or traps of any description capable of taking fish, from the waters of the Crowdy Head Boat Harbour, as published in the New South Wales Government Gazette Number 83 of 18 June 1982.

I do now, by this notification, prohibit the taking of fish by the methods of fishing as described in Column 1 of the Schedule to this notification, from the waters specified in Column 2 of that schedule, for the period specified in Column 3.

Note: The word 'Regulation', where appearing in this notification, refers to the *Fisheries Management (General) Regulation 1995*.

The Hon Edward Obeid OAM, MLC  
 Minister for Mineral Resources  
 Minister for Fisheries

**Schedule**  
**Crowdy Head Boat Harbour- Crayfish & Traps**

Column 1 Methods	Column 2 Waters	Column 3 Period
By means of all methods for the taking of crayfish of every species, and fish by means of traps of every description, and the hoop or lift net, as prescribed by Regulation.	The whole of the waters of the Boat Harbour at Crowdy Head and the adjoining South Pacific Ocean up to a line drawn from the most northern extremity of the Southern Breakwater to the most western extremity of the Northern Breakwater: that part of the South Pacific Ocean extending 100metres in a westerly direction from the abovementioned line; and also that part of the South Pacific Ocean extending 100metres on the seaward side of the breakwaters of the Crowdy Head Boat Harbour from the beginning of the breakwaters to their extremities.	For a period of five years from the date of this notification.

**Issue**

Baitfish Program Update.

**Background**

The Saltwater Trust is funding a three-year study to assess the stocks of blue mackerel in NSW and determine patterns of bait collection by recreational fishers. Little information exists on blue mackerel stock structure or patterns of age, growth and reproduction. Blue mackerel, like other small pelagic fish, provide the food source for many large predators such as seals and dolphins and premier recreational angling species such as tuna, sharks and marlin.

Dr Michael Lowry will provide a presentation outlining progress and preliminary results, including patterns of catch with bait use and the reproductive ecology, distribution of blue mackerel population by size and sex. Fishcare Volunteers, recreational fishermen, commercial fishermen and charter boat operators have played a vital role in the project and it is hoped that the continuing support of recreational anglers will help to build on the initial findings to provide a comprehensive picture of blue mackerel ecology and use, providing the basis for developing management arrangements to ensure the long-term sustainability of these stocks.

This update was on the agenda for meeting 31 of the Council but was rescheduled for this meeting due to time constraints.

**Outcomes**

The Committee was advised that for the purpose of the project, the recreational sector was divided into three groups, gamefish, charter and trailer boat. The presentation primarily focused on the analysis of the trailer boat component of the recreational harvest of baitfish, as this data set is complete. Over 10,300 trailer boat anglers were interviewed over two years as part of the trailer boat survey, between September 1993 and August 1995, representing approximately 217,500 trips per year. The survey found that approximately 10% of trailer boat anglers collected bait for own use, collecting 17 different bait species with 98% of these species being blue mackerel and yellowtail. The analysis calculated that trailer boat anglers had caught approximately 127 tonnes of blue mackerel and 60 tonnes of yellowtail in year 1 and 62 tonnes of blue mackerel and 49 tonnes of yellowtail in year 2. Most of the concentration of catch is taken in Autumn in southern regions of NSW. Dr Lowry noted that these figures show that the trailer boat sector is a significant user of bait resources in NSW.

The Committee was also updated on the progress of the FRDC funded component of the study, which will estimate the biomass of blue mackerel stocks in Australian waters.

**Recommendation**

Information noted.

**Issue**

Fish Aggregating Devices and Artificial Reefs: programs update

**Background- FADs**

The FADs for the 2004/05 season continue to be redeployed, with new FADs now installed at Wooli, Swansea, Sydney north (off Broken Bay), Sydney south (off Port Hacking) and Wollongong. The redeployment of the FADs has been hampered by rough weather over October and November. Notable catches have already been reported from various northern FADs including Coffs Harbour, South West Rocks and Port Macquarie. With warm summer water expected to reach the remainder of the NSW coast by Christmas, excellent fishing around the central and southern NSW FADs is expected.

**Background-Artificial Reefs**

David Lennon from Reef Ball Australia together with NSW DPI staff, Fish Care Volunteers and members of the Lake Macquarie Concerned Anglers Group held a reef ball construction-training workshop at Toronto on the weekend of 13-14 November 2004. The weekend was a great success with the casting of the first reef balls planned for Lake Macquarie. Galgabba Point on the central eastern shore of Lake Macquarie has been selected for the deployment of the first set of reef ball constructed artificial reefs.

The approvals process continues to progress with NSW DPI seeking approval to lodge a development application (DA) with Lake Macquarie Council from Lands NSW. When received, Environmental Resources Management (ERM) will lodge the DA on behalf of NSW DPI, with final approval expected soon after and initial deployment of the reef balls expected to follow early 2005.

**Outcomes****FADs**

The Council was advised that fourteen of the fifteen FADs have been deployed, with the Jervis Bay FAD planned for deployment prior to Christmas. The Department had received an encouraging response to the logbook program from anglers and good returns are expected for the final season of data collection during 2004/05. It was noted that the satellite FAD trial will begin in Port Macquarie. This aims to alleviate any potential conflict between recreational user groups (i.e. anglers, charter operators and spearfishers) while limiting the potential affect of FAD loss over the duration of the season. Mr Folpp advised the Council that his postgraduate research titled *'Environmental factors affecting recreational catch rates associated with fish attracting devices: implications for the management of a recreational FAD fishery off NSW'* was progressing well with final submission due in late December 2004. Preliminary results were discussed, highlighting the affect that environmental variables, such as water temperature and current speed, have on angler success around FADs. A copy of the thesis will be available on request.

**Artificial Reefs**

A reef ball training weekend was held in November 2004 to train DPI staff, establish construction guidelines and ensure the process complied with Departmental OH&S standards. David Lennon (Aust. Reef Ball representative) was contracted to run the training to ensure reef ball 'best-practice' construction regimes are adhered to throughout the program. The Department is planning to commence construction of the 180 reef balls in January 2005 for the first set of artificial reefs in Lake Macquarie.



Deployment of reef ball modules will occur as soon as the necessary approvals are obtained from the relevant agencies.

### **Recommendation**

Information noted.

### **Other Business**

- *Discussion paper: "New opportunities for the Seafood Industry in the Management of Commercial Fisheries and Aquaculture, October 2004".*

This paper was prepared by the NSW Seafood Industry Advisory Forum (SIAF) working group, in conjunction with the NSW Department of Primary Industries (DPI) and proposes new opportunities for the management of the seafood industry in NSW. The paper outlines possible changes to the way commercial and aquaculture fisheries are managed, which would give greater responsibility to industry groups. NSW DPI is seeking feedback from the Council on this discussion paper.

The Council was provided with an overview of alternative management approaches proposed for NSW DPI. Under existing arrangements, key decision-making and management functions reside with the government. Although these procedures highlight the capacity for well defined roles and responsibilities, the protection and sharing of a community owned resource, participation within the industry and recognition of applicable laws, the existing arrangements are also believed to push businesses to look after their individual interests, rather than making decisions that are good for the industry as a whole.

Under alternative models, improvements are proposed through the assignment of responsibility to the industry and those carrying the risks, costs and benefits of decisions. The potential to create stronger incentives and better decisions about long term strategies may be achieved when individual businesses move towards a jointly managed environment, whilst still complying with the objectives of resource sustainability and industry viability. Anthony Hurst provided examples of two alternative models that support this proposal: the New Zealand Southern Scallop Fishery and the New South Wales Irrigation Companies (see discussion paper for details).

- *An update on the Aquatic Ecosystems program including the state of *Caulerpa taxifolia* in NSW estuaries – for information.*

Dr Bob Creese, Research Leader, Aquatic Ecosystems Research, will provide the Council with a general update on the work currently being undertaken as part of the new DPI Aquatic Ecosystems program.

The Aquatic Ecosystems Freshwater Research program is currently involved in the assessment of broad scale river health and rehabilitation, threatened species and communities and the effects of stocking.

The Council was advised that the current research on *C. taxifolia* involves the initial documentation of species occurrence obtained through diver surveys and mapping, the development of control techniques, the measurement of growth and spread capacity and investigations into impacts and ecosystems consequences for this species.

The development of control techniques such as osmotic shock treatment and the use of salt have been effective in New South Wales, with fresh water treatments being predominantly effective in South Australia.

Future control plans propose to monitor new outbreaks and ascertain the feasibility of treatments involving the size of outbreaks, logistics, costs and follow up programs from previous works. The potential to limit further spread through boat ramps and commercial fishing practises, together with the possibility of detrimental impacts on high value conservation areas such as reserves, seagrasses and fish values were also addressed.

The Council were advised that the control plan must also include compliance – uniformed officers, community assistance, awareness and education programs through the use of brochures, signage and meetings to ensure the effectiveness of future control management schemes.

- *An update on the Grey Nurse Shark issue – for information.*

Grey Nurse Shark protection measures are currently under review in NSW. Recent research results were presented to stakeholders in March 2004 and the NSW Government will make an announcement in the near future about the outcomes of this review. Mr David Harasti, Conservation Manager, NSW DPI, will provide the Council with an update on Grey Nurse Shark protection at the meeting.

The Grey Nurse Shark protection program has been effective since 1 December 2002. There are currently 10 sites within NSW that have been declared critical habitat zones (excluding Marine Parks and Commonwealth waters). These incorporate a 1000 metre sanctuary (200 metre critical habitat exclusion area and an 800 metre buffer zone).

Wire traces cannot be used by anglers when anchored or moored within either the critical habitat (200 metre) or buffer (800 metre) zone. The use of bait(s) whilst anchored or moored, is prohibited within the critical habitat zone, but permitted in the buffer zone. You may use flies and artificial lures when anchored/moored in either zone. You may troll or drift using bait, fly or lure, with or without wire trace, in both zones. Rock and beach fishing without wire trace is also permitted in both zones. Commercial drop, drift or set line fishing is strictly prohibited in both zones.

Diving rules in Critical Habitat areas prohibit: scuba diving between sunset and sunrise; blocking entrances or openings to caves or gutters occupied by the sharks; feeding, touching, chasing or harassing the sharks; and the use of shark repelling devices and underwater scooters.

Results from the Grey Nurse Protection Regulations Discussion Paper were discussed. The review received 1550 submissions and was summarised as follows:

A CSIRO independent scientific report (Dr John Stevens) showed the east coast Grey Nurse Shark population to number approximately 410-461, with over 70% of the population found at known critical habitat sites at any one time. The study also found the sharks to roam within approximately 1200 metres of these aggregation sites. 12-33% of Grey Nurse Sharks showed external signs of hook damage. It is predicted that the population will reach virtual extinction in 10-20 years. The use of pop-up tags confirmed that these sharks are a highly inshore species with no deep water population, and that scuba divers have negligible impacts on this species.

An update on protection in other jurisdictions was also highlighted. Queensland now has 4 critical habitat sites declared with 1200 metre sanctuaries. There are possibilities for commercial trolling, spanner crab fishing and aquarium collecting. Commonwealth jurisdictions include: Pimpernel Rock (1000 metre sanctuary zone) and a proposed 1000 metre sanctuary for the Cod Grounds (due early 2005).

The Council queried whether hook damage was commercial or recreational. This was deemed too hard to ascertain due to variances in hook size, however, it was confirmed that 1 in 7 had wire traces attached. The interaction between grey nurse and wobbegong sharks, particularly with regards to commercial setlining activities, will be investigated as part of the species impact statement for the Ocean Trap and Line FMS/EIS.

The Council was advised that there will be further stakeholder consultation regarding grey nurse shark protection, prior to decisions being made and rules being finalised.

- *Pro-forma for proposed spear fishing closures – for information.*

The draft pro-forma for proposed spear fishing closures, distributed to members at the last meeting for out of session comments, has now been finalised. This pro-forma is designed to provide a formal, streamlined process and details the level of information required prior to the Council's consideration of proposed spearfishing closures. A copy of the pro-forma was distributed to Council members at the meeting for their information.

- *An update on the Lake Illawarra (including Macquarie Rivulet) Closure.*

At the last meeting the Council requested that the Lake Illawarra closure be amended to prohibit the use of mesh nets in Mullet Creek in addition to Macquarie Rivulet, to protect bream and mullet. Recreational Management staff presented the proposal to the Estuary General Management Advisory Committee in November 2004. The MAC expressed strong opposition to closing further areas to commercial fishing and did not support the Council's proposal. The Council re-affirmed that this is a highly productive recreational fishing area and therefore the proposed closure is strongly supported. It was mentioned that the buy-back of mesh nets from this system may need to be considered by the recreational fishing sector in the future.

**Action item:** The Council write to the Minister to request that Mullet Creek be closed to all meshing activities (include EGMAC's views in correspondence and mention possibility of buy-out).

**Out of session items**

- Notification of the Bermagui River Fishing closure due to expire on 18 November 2004.
- Notification of the amendment to the Cooks River Fishing closure to prohibit all forms of fishing in Alexandra Canal for the protection of public safety.
- Renewal of the garfish NSW tidal waters fishing closure due to expire on 18 November 2004.
- Renewal of the Cathie Creek, Cathie Lake and Merimbula Lake fishing closures due to expire in December 2004.

**Recommendation**

The Council confirmed the out of session support for these items.

Moved: Scott Mitchell

Seconded: Lisa Terry

**Carried**

**Correspondence received**

- Responsible Fishing Association – spawning fish protection in Lake Macquarie.  
The Department has received a letter from Mr Bill Hasson of the Responsible Fishing Association (RFA) requesting feedback from the Council on their proposal for a voluntary closure on the taking of yellow-fin bream and dusky flathead during March and April of each year to protect spawning populations of these fish in the lake. NSW DPI will provide the Council with scientific advice on the proposed voluntary closure at the meeting.

The Council was advised that the Department is waiting on scientific advice. Methods to protect the Dusky Flathead are already in progress.

### ***Around the table***

Mr Don Stewart, a representative from the Minister's Office, was available for discussion of the following issues with the Council:

#### *Striped Marlin*

The Council was advised that the NSW Minister for Primary Industries has written to his Commonwealth counterpart advising him of the report. The Minister has sought assurances that, in view of the value of the striped marlin fishery to NSW, the Commonwealth take steps to guarantee that the longline fishery will only take the species as a legitimate bycatch of tuna fishing and that the fishery is managed in a sustainable way with proper recognition of the economic and social benefits to NSW. The report makes clear the significant contribution made to coastal regions by this important fishery.

Council was concerned that AFMA may override the Minister's request and requested that the report be released as soon as possible. The Department advised that Departmental economists were assessing and validating the report, which was required to ensure that the report was able to withstand all possible scrutiny in the longer term, once released.

The report was subsequently released by the Department on 24 December 2004 and ACoRF, the Saltwater Expenditure Committee and MERCMAC members were sent a copy.

#### *Opportunities for future buy-outs of commercial fishing effort*

The Council expressed strong support for consideration of future buyouts of commercial fishing effort. The Department advised that the NSW Government will not be creating any new recreational fishing havens. This is consistent with the approach to seek stability in the commercial fishing industry after a period of significant change and adjustment. It was confirmed that there is \$1.5 million remaining from the \$20 million buyout loan, which was used to create the 30 Recreational Fishing Havens. The Council is willing to commit these funds to a buyback program under certain conditions, but is seeking commercial industry and/or government support to at least match its commitment.

Mr Stewart advised that the principle of commercial buybacks is acceptable, depending on funding sources. It was confirmed that the Minister would require a concrete proposal before considering further.

The Council highlighted that future buyouts would need to prohibit, or at least significantly limit, future opportunities for commercial fishers to get back into the industry.

#### *Baitfish issues*

The Council re-iterated concerns regarding the status of baitfish stocks, particularly yellowtail and slimy mackerel. Mr Stewart confirmed that the Department is working towards the creation of a restricted fishery for baitfish.

The Department advised that in November 2002 the Ocean Hauling Fishery Management Strategy was approved under both NSW State and Commonwealth environmental legislation. Included in this strategy was a requirement to implement a cap on the number of vessels gathering bait for tuna fishing operations and to develop longer-term access arrangements for the tuna bait sector of the fishery.

To meet the objectives of the strategy, the NSW Government announced that a restricted fishery would be created to replace the current permit system, which covers the taking of blue mackerel, yellowtail scad and pilchards from NSW waters with purse seine or lift nets for use as live bait in tuna fishing operations.

Regulations for the new restricted fishery are currently being drafted. Once finalised, an application process will be conducted to determine eligibility to the fishery.

The Council requested commercial baitfish catch figures and was advised that a logbook was introduced for the holders of tuna bait permits in late July 2003 and fishers have been submitting returns since August 2003. Catches for the 30-odd vessels that have submitted returns totaled around 130 tonnes for the first year. Commercial Management are considering the introduction of an Observer Program to increase the reliability and robustness of commercial fishing data collected for these species.

#### *Trout stocking*

The freshwater representative again expressed concern about trout stocking protocols, in that there appears to be no consistent strategy for fish release. It is felt that the release of fish by fishcare/fisheries volunteers needs to be improved. Some members feel that trout stocking has no benefit if the fish are not liberated correctly, as this significantly increases the mortality rate of fingerlings/fry. A release at Goulburn was provided as an example, where some fish mortality was recorded. The Department clarified that unseasonably hot conditions were the main factor affecting survival rates on this occasion, not inferior release protocols. The Council would like to see an improvement in communication processes between the Department and Acclimatisation societies/other groups involved in the release of fish and more information from hatchery meetings to provide a better understanding of the issues and education regarding release protocols.

The NCC representative requested a copy of the Stocking Policy from the Recreational Freshwater Management team.

**Action item:** NSW DPI to forward a copy of the Stocking Policy from the Recreational Freshwater Management team to the NCC.

#### *Kingfish traps*

The Council inquired about recent rumours regarding the re-introduction of commercial kingfish traps. Mr Stewart stated that the Minister has confirmed that kingfish traps will not be re-introduced under his jurisdiction.

#### *Dalmeny Lake*

Mr Stewart and the Council were advised of a recent incident at the mouth of Dalmeny Lake on the south coast, where approximately 10 people were manually digging a channel, under the cover of darkness on consecutive nights, to artificially open the Lake. The Council would like more publicity about the need for formal approval from relevant agency(s) before conducting activities that alter the state of the environment, as well as highlight the potential environment damage these types of activities cause.

#### *Grey Nurse Sharks*

The Council raised concerns regarding the new Grey Nurse Shark exclusion zones. People are worried about the impact this will have on recreational/charter fishing/tourism in regions with Critical Habitat areas, particularly around Narooma and Bermagui (Montague Island). The Council believes that findings from recreational creel surveys were disregarded during the development of Critical Habitat rules. It was noted that David Harasti would be

presenting a Grey Nurse Shark update at this meeting and that concerns/issues should be discussed then (refer to GNS update in Other Business).

The Council thanked Don Stewart for attending and taking these issues back to the Minister on behalf of the Council.

***Other around the table issues:***

*Hoop/lift nets*

The Council was advised that a closure on the use of hoop net from sunset to sunrise has been introduced. This closure had not been considered or approved by Council and was not considered or supported by the recreational sector, however it affects both commercial and recreational fishers. The Chair advised that the new rule should not be actioned until a full briefing is provided by commercial management at the next ACoRF meeting. The Council requested a compliance moratorium on the nighttime use of hoop/lift nets by recreational fishers until the issue is considered further.

**Action item:** NSW DPI to provide closure information on the use of hoop net from sunset to sunrise by recreational and commercial fishers at the next meeting for consideration.

*Richmond River RFH - mullet hauling*

The Council requested information on the mullet hauling shot in the Richmond River Recreational Fishing Haven, including details of the catch and confirmation that the Co-op contributed funds for a bass stocking as part of the Dollar-for Dollar Stocking Program.

**Action item:** NSW DPI to provide information on the mullet hauling shot in the Richmond River Recreational Fishing Haven, including details of the catch and of the proposed bass stocking.

*Salmon*

The Salmon Working Group, which includes Bruce Schumacher and Jim Harnwell as the recreational fishing representatives, will be meeting on Thursday 10 February 2005 to discuss resource allocation issues for this species.

*Penrhyn estuary*

The Department Bryan advised Council that the previously supported Penrhyn estuary closure was implemented due to pollution concerns. However, the closure area had been reduced to include the estuary only.

*Port Jackson prawn trawl operating hours*

The Chair advised that a fair and reasonable compromise was reached as a result of consultation between ACoRF and the Estuary Prawn Trawl representative on this issue.

*Research priorities*

**Action item:** Recreational Management to collate recreational research priorities and seek out of session comment from members.

*ACoRF Expression of Interest*

Closes Friday 18 February 2005. Members whose terms expire are encouraged to re-apply.

*Charter boat representative on ACoRF*

Ann Garard has been nominated by MERCMAC to replace Margaret Dodson as the charter fishing boat representative on ACoRF, pending re-appointment to MERCMAC.

*2004/05 fishing guides/rulers*

**Action item:** Recreational Management to send the new recreational fishing guides/rulers to members.

**Next meeting** – Tuesday 12 April 2005. *Meeting closed 4:00pm.*