

**Advisory Council on
Recreational Fishing**

FINAL MINUTES

27th MEETING (03/2003)
9:30am, 25 September 2003

**The Premier's Conference Room
LEVEL 41, GOVERNOR MACQUARIE TOWER
1 Farrer Place, SYDNEY**

Attendance

Chair

Bruce Schumacher

Members

Elaine Garvey

Jim Harnwell

John Dunphy

Lionel Jones

Neil Ryan

Anthony Moore

Scott Mitchell

Margaret Dodson

Terry Maloney

Mel Brown

Ann Lee

Observers

John Diplock, Principal Manager Recreational Fisheries

Bryan van der Walt, A/Senior Manager Recreational Fisheries

Nick James, Manager Recreational Fisheries

Business

Welcome by Chair

The Chair welcomed 2 new members, Mr John Dunphy and Mr Jim Harnwell, to the Council.

Motion: Write to Mr Mark Umbers and Mr Peter Goadby to thank them for their efforts and service to the recreational fishing sector whilst on the Council.

Apologies

Graham Moore, Lisa Terry and Steve Dunn

Minutes of previous meeting

Recommendation:

The minutes are a true and accurate record of discussions at the 26th meeting, held 3 June 2003.

Moved: Lionel Jones

Seconded: Terry Maloney

Carried

Business arising from the minutes

Nil.

Agenda Items

1. Update on the Fisheries Management Strategy for Recreational and Charter Fishing (Doug Ferrell) – for information
2. Indigenous Fishing Strategy update (Graeme White) – for information
3. Commercial fishing update (Sonya Errington) – for information
4. Operating hours in the Port Jackson estuary prawn trawl fishery (Sonya Errington) – for comment/recommendation
5. Proposed amendment to clauses 129, 130 and 131 of the *Fisheries Management (General) Regulation 2002* – for recommendation
6. Review of the abalone fishery (Anthony Hurst/Grant Johnson) – for recommendation
7. Charter Fishing Trust Fund (Nick James) – for recommendation
8. Recreational Fishing Trust Expenditure Committee issues (Bryan van der Walt) – for recommendation
9. Fishing clinics update (Vera Fiala) – for information
10. Closure renewals – for recommendation
 - Pipis – ocean beaches
 - Hunter River
 - Sydney Harbour
 - Manning River
 - Sea urchins – Lennox Head Reef

Other Business

- Proposal to introduce a closure for flathead during the spawning season and/or a slot fishery for the species (Anthony Moore)
- Minimising harm to sea birds (eg barbless/dissolving hooks) to compliment the efforts of Mr Lance Ferris - Seabird Rescue Services
- Fisheries Scientific Committee's key threatening process proposal for hook and line fishing in areas important for the survival of threatened fish species (FSC and NSW Fisheries handouts attached, for information).

Out of session items

- Proposed netting closure in Botany Bay, to assist the department's efforts to reduce the spread of *Caulerpa taxifolia*.
- Prohibit the use of all live birds and mammals as bait for taking fish.

Correspondence received

- Letter from Mr John Truman, Group Manager – Civil Services, Ballina Shire Council, regarding the proposal by Mr John Gallagher for a fishing closure at Burns Point Ferry.

Around the table

- Mr Bob Creese, Principal Conservation Scientist, will provide an update on *Caulerpa taxifolia* at the next meeting.
- Mr John Pursey, Senior Conservation Manager – Threatened Species Unit, has been asked to present an update on the eastern cod genetics study at the next meeting.

Next meeting – Thursday 11 December 2003.

Issue

Update on the Fisheries Management Strategy for Recreational and Charter Fishing.

Background (provided by NSW Fisheries)

Doug Ferrell, Senior Manager - Management Planning, will provide an overview of the Fisheries Management Strategy (FMS) process and update the Council on the development of the FMS for recreational and charter fishing.

Outcomes

The development of the FMS/EIS is complex, but is progressing well. A copy of the FMS timetable will be provided to Council members when available.

The Marine and Estuarine Recreational Charter Management Advisory Committee, Recreational Fishing Saltwater Management Planning Committee (RFSMPC) and Recreational Fishing Freshwater Management Planning Committee will consider many of the detailed issues relating to the FMS/EIS for recreational and charter fishing.

NSW Fisheries is currently considering options to expand the FMS consultation process, to enable broader recreational fishing representation and involvement, prior to the formal public exhibition phase for the EIS.

The Charter Boat representative suggested the development of a questionnaire for charter fishing boat operators, as it may generate more feedback than port meetings, where people may not speak out about certain issues in a public forum.

Review of bag and size limits

It is still being considered whether to combine the review of bag and size limits with the FMS public consultation phase. NSW Fisheries does not want to compromise the quality of the consultation for either process. Bag and size limit recommendations could either be documented in the FMS, or run as a separate process, which could occur prior to the FMS consultation phase. Concern was expressed about any unnecessary delays with the review of bag and size limits, as some issues need to be addressed as soon as possible. It was confirmed that RFSMPC will consider bag and size limit issues in detail in the near future.

The Council was advised of NSW Fisheries' policy to ensure that species biology is used as the main factor if proposing to increase minimum size limits for any species.

It was mentioned that the previous review of bag and size limits showed strong support for more restrictive bag limits and increases to the minimum size limit for a range of important recreational species. Members agreed that discussions with anglers regarding bag and size limits have provided a clear indication of what issues/species are most important to anglers and the general public at present.

Recommendation

For information.

Issue

Indigenous Fishing Strategy update.

Background (provided by NSW Fisheries)

Fishing has been an integral part of the cultural and economic life of coastal and inland Aboriginal communities since they have been in this land. Fishing has been an important source of food, a basis for trade and an important part of cultural and ceremonial life.

Traditionally, Aboriginal fishers had responsibility for providing not just for themselves but for family and community. These cultural expectations continue in Aboriginal communities today. The strategy seeks to protect and enhance the traditional cultural fishing activities of Aboriginal communities, and ensure Aboriginal involvement in the stewardship of fisheries resources.

This strategy acknowledges the concerns and interests of other stakeholders in the fisheries of NSW, all of whom want to enjoy the resource, benefit from it, and ensure its long term sustainability.

An underlying theme in consultations about this strategy was the desire to preserve fisheries for the future. This is the point at which the interests of the Aboriginal communities and the broader Australian community intersect.

The Indigenous Fisheries Strategy is based on four "key platforms" which the NSW Aboriginal Land Council has stated must be central to future NSW Fisheries planning.

- Respect: A philosophic and practical recognition of the traditional and cultural fishing heritage of Aboriginal people and communities, including their access to and use of the fisheries resource.
- Engagement: Involvement of Aboriginal communities with management and custodianship of resources in keeping with their traditional cultural roles.
- Social and Economic Development: Aboriginal people and communities having access to economic opportunities in established and emerging fishing industries.
- Employment: Aboriginal people and communities accessing employment and training opportunities in resource management and in the fishing and aquaculture industries.

Source: NSWALC submission to the Indigenous Fisheries Consultation, August 2002

The strategy seeks to ensure Aboriginal access for both cultural and economic activities, while acknowledging the broader community will have ongoing access to fisheries resources. The NSW Indigenous Fisheries Strategy will:

- Encourage a broad community understanding of Indigenous traditional cultural fishing issues in NSW.
- Ensure that the importance of traditional cultural fishing is acknowledged in fisheries policy and practices, and during discussions on fisheries resource management issues.
- Encourage and support the involvement of Indigenous communities in the management of the state's fisheries resources.
- Encourage and support the involvement of Indigenous communities in commercial fishing, fishing based ecotourism, and the emerging aquaculture industry.

In implementing the strategy 2002 - 2004 NSW Fisheries will:

- Create an Indigenous Fisheries Working Group with members from inland and coastal communities to advise NSW Fisheries on Indigenous issues and on how to consult with Aboriginal communities.

- Acknowledge and address Indigenous issues in preparing every fishery management strategy.
- Consult with Aboriginal communities when selecting marine parks, and on plans for their future management.
- Actively promote Indigenous involvement in aquaculture through community based workshops, by offering professional advice, and by helping to develop and deliver training programs.
- Support the ongoing exemption of traditional cultural fishing from the recreational fishing licensing scheme.
- Actively seek Indigenous community members who can speak for their people on fisheries advisory bodies, and maintain a register of people interested in taking part.
- Support the continued involvement of Indigenous commercial fishers in the industry.
- Negotiate, agree and maintain a system that allows ongoing access to the fisheries resource for Aboriginal people for traditional cultural activities.
- Support and promote the employment of Aboriginal staff in NSW Fisheries, within natural resource management generally, and in the aquaculture and commercial fishing industries.
- Support a coordinated Indigenous approach to natural resource management.

NSW Fisheries will advance each of these strategies with advice from the Indigenous Fisheries Working Group.

Mr Graeme White, A/Principal Manager, Conservation Policy and Mr Phil Duncan, Project Officer, Indigenous Fishing Strategy, will discuss IFS issues with the Council.

Outcomes

NSW Fisheries undertook approximately 5 years of consultation with Indigenous communities and other user groups prior to finalising the IFS in late 2002. The NSW Government has allocated \$1.6m in funding over the next 2 years to ensure the strategy is implemented.

The strategy has 4 key result areas:

- *Key Result Area 1: Building respect for Aboriginal tradition and culture.*
Goal: To ensure the knowledge and views of Indigenous communities are understood, respected and considered in fishery and marine park planning.

The Indigenous Fisheries Working Group (IFWG) has been established and will play an integral role in putting forward the views of Indigenous communities regarding fisheries issues.

- *Key Result Area 2: Engaging Aboriginal Communities in Fisheries Resource Management.*
Goal: To involve Aboriginal communities in fishery and marine park management.

It is proposed to develop and facilitate a model for community input to fishery management planning and progressive involvement in fishery management strategies. The strategy acknowledges the need for Indigenous people to have continued access to fisheries for cultural and/or ceremonial purposes. There is a need to review traditional cultural access to fisheries, review options with the IFWG and prepare advice after reviewing input from communities.

- *Key Result Area 3: Social and Economic Development.*

Goal: To encourage Aboriginal community involvement in commercial opportunities associated with our fisheries resources.

It is intended to implement business development and extension services for Indigenous people in aquaculture. As part of this process, NSW Fisheries and the IFWG will be identifying and formalising a community partnership model for an aquaculture hatchery on the coast. This will also include negotiations with TAFE and/or other training organisations to partner with Fisheries in delivering an aquaculture management program for Indigenous people.

- *Key Result Area 4: Indigenous Employment Opportunities.*

Goal: To promote opportunities for Aboriginal employment and training in NSW Fisheries and in resource management, aquaculture and commercial fishing.

A review of aquaculture and commercial fishing opportunities for Indigenous people will be carried out in consultation with the IFWG. Following the review, advice will be provided to communities regarding the skills required to sustain these businesses.

There is a strong desire to maintain the proportion of Indigenous people currently involved with the commercial fishing sector. Also, consultation with Indigenous commercial fishers should occur to identify value adding opportunities.

Recommendation

For information.

Issue

Commercial Fishing update.

Background (provided by NSW Fisheries)

Ms Sonya Errington, Senior Manager, Commercial, will provide an overview of current commercial fishing issues, including: Fishery Management Strategies; recent developments in key commercial fisheries - Estuary General, Estuary Prawn Trawl, Ocean Hauling, Ocean Trap and Line and Ocean Trawl fisheries; and the introduction of Category 2 Share Management.

Outcomes

Ocean Trap & Line and Ocean Trawl fisheries

- Consultation with the commercial fishing industry regarding the FMS has occurred - public consultation phase planned for early-mid 2004.

Lobsters

- The Total Allowable Commercial Catch (TACC) has been set at 135 tonnes for the 2003/04 season, which is the same as last season's TACC.

Abalone

- Stakeholder workshop planned to discuss issues, such as research needs and management responses, associated with the *Perkinsus* outbreak (refer to agenda item 6 for further information).
- The FMS/EIS for the abalone fishery has been outsourced to consultants.

Estuary General

- FMS/EIS has been completed for the Estuary General fishery.
- Zoning scheme has been implemented.
- Statewide Code of Conduct to be developed by December 2003.
- Additional net/species restrictions eg garfish recovery plan.

Ocean Haul

- FMS/EIS has been completed for the Ocean Haul fishery and is currently being implemented.
- Weekend closure applies from November-February each year.
- New Codes of Conduct for beach hauling and purse seining activities.
- Clarification of the scope of each net type used in the fishery, with further restrictions placed on their practical use (eg introduction of catch limits on non-target species and changes to fishing practices to reduce impacts on non-target species).

Estuary Prawn Trawl

FMS/EIS has been completed for the Estuary General fishery.

By-catch reduction devices to reduce incidental catches have been mandatory in the Estuary Prawn Trawl Fishery, except for the lower Hawkesbury River where squid is the primary target species, since December 2000.

Further restrictions are proposed in the Hawkesbury River fishery.

Recommendation

For information.

Issue

Operating hours in the Port Jackson estuary prawn trawl fishery.

Background

The Estuary Prawn Trawl Fishery Management Strategy (EPT FMS) provided for immediate closures to trawling on weekends and public holidays in the estuary prawn trawl (EPT) fishery. Prior to this Port Jackson was open to estuary prawn trawling during the permitted season from 5pm Mondays to Thursdays (inclusive) to 9 am the following day, and from 5pm Fridays to 8am the following day (Saturday).

Trawling in Port Jackson is permitted from November to Easter each year with provisions for an earlier opening to the season during October and/or a later finish to the season in April if a catch criterion is met.

Port Jackson fishers have requested a review of the current operating arrangements of the fishery to provide fishers with more night hours to work, and have provided two proposals for discussion:

- (i) Sydney Harbour should be open to commercial fishing from midnight Sunday to 8am Monday. The rest of the week schedules remain unchanged, *or*
- (ii) Extend Friday night fishing to commence at 5pm and conclude at 5am Saturday morning.

The issue was discussed at the Estuary Prawn Trawl Management Advisory Committee meeting on 5 June 2003 and the Committee supported option (ii) - extend Friday night fishing to commence at 5pm and conclude at 5am Saturday morning.

The recreational representative for the Committee raised concern that extending the operating hours to Saturday 5am may impact on recreational fishers during daylight saving months, however he expressed his 'tentative' support for moving the Friday midnight closure to 5am Saturday morning.

Management response 4.4a of the EPT FMS provides the scope to adjust the timing of the beginning and/or end of the annual trawl season as a result of implementing closures to trawling on weekends and public holidays.

Outcomes

21 commercial fishers are licensed to operate in the Port Jackson estuary prawn trawl fishery. It was mentioned that some of these fishers do not frequently participate in the fishery, particularly on Friday nights due to the limited opportunity to conduct more than one trawl shot in the time allocated.

The NCC representative asked if effort/catch data in the fishery had changed over time, however, this information was not available at the meeting.

The Council acknowledged present limitations with regards to operating hours on Friday evenings. However, concern was expressed about the potential increase in effort, particularly latent effort that currently exists in the fishery, which could result from this proposal.

The Council was advised that the predicted increase in effort, if operating hours were extended, is negligible. Members highlighted that additional operating time would allow

fishers to conduct more than one shot during the night and encourage less active operators to increase their effort.

Recommendation

The Council does not support a change to the operating hours in the Port Jackson estuary prawn trawl fishery.

Moved: Neil Ryan

Seconded: Scott Mitchell

Carried

Issue

Proposed creation of offences for possession of shucked intertidal invertebrates, rock lobster, abalone and mutilated fish.

Background (NSW Fisheries)

Amendments to clauses 129, 130 and 131 of the *Fisheries Management (General) Regulation 2002* (the Regulation) are proposed to create offences for possession, in certain circumstances, of shucked invertebrates, abalone and mutilated fish. These clauses of the Regulation create offences for shucking intertidal invertebrates, rock lobster, turban snail and abalone, and mutilating prohibited size class of fish (fish with size limits prescribed) in on or adjacent to waters. Certain exemptions are made for commercial fishers.

No offence exists for possession of unlawfully mutilated or shucked fish. Fisheries officers must therefore rely on observations of the act of shucking or mutilation or admissions of such acts to obtain prosecutions in cases where persons are in possession of such fish. If the person who is in possession of the fish did not shuck or mutilate the fish they cannot be prosecuted.

Large numbers of abalone, rock lobster and intertidal invertebrates are frequently shucked either in or adjacent to waters. It is often not possible for fisheries officers to observe the shucking given the isolated locations and counter surveillance undertaken by offenders. Persons engaged in this lucrative activity are usually well aware of the provisions of the legislation.

Similarly, fishers who target high value species such as yellowtail kingfish often mutilate juveniles and hide them in their vessels in an effort to avoid detection. Unless fisheries officers obtain an admission from the offender, or observe the act of mutilation, there is no provable offence. By comparison, cl.132 - removal of ova from crayfish etc includes a specific offence for possession.

It is proposed to amend clauses 129, 130 and 131 of the Regulation to create offences for possession of shucked or mutilated fish in on or adjacent to waters as well as creating offences for possession, in any place, of fish that has been shucked or mutilated in contravention of Clauses 129, 130 and 131.

The proposed amendments would resolve the existing deficiencies in the Regulation. It is proposed that the Regulation be amended to include:

Cl.129

- (3) A person who is in possession of shucked intertidal invertebrates, rock lobster or turban snail, in, on or adjacent to waters, is guilty of an offence, unless the intertidal invertebrates are in that persons possession for immediate bait use.
- (4) A person who is in possession of fish shucked in contravention of this clause is guilty of an offence.

Maximum penalty: 25 penalty units

Cl.130

- (3) A person (other than a commercial fisher referred to in subclause (1) who is in possession of shucked abalone, in, on or adjacent to waters, is guilty of an offence.

(4) A person who is in possession of abalone shucked in contravention of this clause is guilty of an offence.

Maximum penalty: 50 penalty units

Replace cl.131 (1) with:

A person must not:

- a) mutilate any fish of a class specified in clause 9 (Prohibited size fish) in or on or adjacent to waters in any manner other than by gutting or by removing the gills or scales.
- b) have in his or her possession in, on or adjacent to waters fish of a class specified in Clause 9 (Prohibited size class of fish) mutilated in manner other than by gutting or by removing the gills or scales.

A person who is in possession of fish mutilated in contravention of this clause is guilty of an offence.

Maximum penalty: 50 penalty units

Outcomes

To prosecute offenders for possessing shucked intertidal invertebrates, rock lobster, abalone and/or mutilated fish at present, Fisheries Officers must either observe the illegal activities directly or obtain an admission of guilt from the alleged perpetrator. However, this is not possible in many circumstances and therefore, once the illegal catch changes hands, it is very difficult to take further action against suspected/known offenders.

There has been a noticeable increase in the identification and/or level of fishing related crime in recent times (eg black marketing of abalone/kingfish). Therefore, there is a need to broaden the scope of the regulation to make it an offence for a person to have shucked intertidal invertebrates, rock lobster, abalone and/or mutilated fish in their possession in or on or adjacent to waters.

Members agreed this is a serious issue (eg abalone poaching) and support efforts to increase the scope of the "in possession" rule to assist compliance activities.

Recommendation

The Council supports the amendments to cl. 129, 130 and 131 of the *Fisheries Management (General) Regulation 2002*, as outlined.

Moved: Neil Ryan

Seconded: Scott Mitchell

Carried

Issue

Review of the Abalone Fishery.

Background (NSW Fisheries)

The sustainability of the Abalone Fishery over the long term is under increasing pressure due to a combination of factors:

- A declining stock.
- Perkinsus parasite affecting stocks in Region 1 and its potential movement further south.
- The concentration of fishing effort in Regions 5 and 6 and the risk of increasing fishing effort.
- The persistence of illegal fishing and uncertainty about the scale of this activity.
- Unresolved Indigenous interests concerning access to the resource.

The harvest of abalone has fallen from a high of 1200 tonnes per annum, in the early 1970s, to a relatively stable catch of around 300 tonnes per annum up until recently. There is no obvious sign of a turn around in abalone stocks, but rather a risk for further falls, as reflected in the reduction in the total allowable catch to 281 tonnes in 2003/04. NSW Fisheries has undertaken a review of the abalone fishery to identify major risks and possible recovery actions, covering management, compliance and research aspects. Some of the risks and actions are currently being considered, as part of the preparation of the fishery management strategies for the commercial abalone fishery and the recreational fishery.

A copy of the draft review paper will be provided to the Abalone Management Advisory Committee and the Advisory Council on Recreational Fishing (at the meeting), with a view to convening a workshop between commercial and recreational fishing representatives. The aim of the workshop would be to seek advice on the major risks confronting the fishery and the possible response actions, whilst setting aside cost implications for the moment.

Outcomes

Addressing the factors outlined above will require a package of measures covering management, compliance and research – some involving minor refinements to existing arrangements that can be implemented in the short term and a few others involving exploration of actions to address systematic problems over the medium to longer term.

The draft review paper, which outlines possible recovery actions for the abalone fishery, was distributed. Council members were encouraged to thoroughly consider the issues raised in the paper and forward comments directly to Mr Anthony Hurst or Mr Grant Johnson.

The Council confirmed its support for the proposed workshop and discussed who should represent the recreational fishing sector at the workshop. It was agreed that the underwater harvest sector should be heavily involved in these discussions.

Recommendation

The Council supports Mr Mel Brown's attendance at the workshop, as well as other relevant recreational fishing representatives, as nominated by Mr Brown.

Moved: Lionel Jones

Seconded: Scott Mitchell

Carried

Issue

Charter Fishing Trust Fund.

Background (NSW Fisheries)

The *Fisheries Management Act 1994* (the Act) provides for the management of recreational charter fishing boat activities by the issuance of a recreational charter fishing boat licence. NSW operators are required to pay an annual fee for their charter fishing boat licence, which is required by law to be paid into the Charter Fishing trust Fund. Section 236A of the Act outlines the procedure for expenditure of funds from the Charter Fishing Trust Fund. By law the Minister is required to consult any relevant Advisory Council about policies and priorities for expenditure. ACoRF is the relevant Council.

Income and proposed expenditure relating to the Charter Fishing Trust Fund is attached in the following tables. Please note that there has been no expenditure from this Trust Fund to date.

Table 1 provides income/balance information since the Trust Fund commenced in 2000/01.

Table 2 details the proposed expenditure for the 2003/04 financial year. S.236A(2)(c) of the Act states that the cost of management and administration of charter fishing boat operations may be paid out of the Charter Fishing Trust Fund. Therefore, it is proposed to re-coup \$380,000 from the Trust Fund to allocate towards the total cost of the Charter Fishing Boat Licence Assessment and Review process (total cost approximately \$1,000,000 between 2000/01 & 2003/04).

Table 3 outlines the proposed expenditure from the Charter Fishing Trust Fund for the next 5 financial years.

Table 4 provides an overview of the *costs incurred by NSW Fisheries during the initial stages of the charter boat licence assessment and review process in 2000/01 and part of 2001/02 only*. Please note that additional licensing and review costs incurred in 2001/02, 2002/03 and 2003/04 have been met by the government.

Outcomes

The majority of costs associated with the NSW charter fishing boat sector, including the licence assessment and review process, compliance and management, have been/are paid for by the NSW government.

It is proposed to withdraw \$105,000 from the trust each year over the next 5 years, to assist the department to meet costs associated with industry consultation, the charter boat monitoring program (including re-design/printing of logbooks and data entry) and staff involved with the management of the charter fishing sector. A one-off payment of \$380,000 from the trust in 2003/04 is also proposed, as partial recovery of costs associated with the licence assessment and review process.

The charter fishing boat representative expressed strong support for the proposed budget, advising members that the annual licence fee is meant to be a contribution from each operator to the overall cost of managing the sector. The representative indicated some surprise that charter operators do not contribute as much to cost recovery as was initially thought.

Recommendation

The Council approves the charter fishing budget as proposed, subject to consideration from the Marine and Estuarine Recreational Charter Management Advisory Committee.

Moved: Margaret Dodson

Seconded: Neil Ryan

Carried

Table 1. Income and expenditure relating to the Charter Fishing Trust Fund.

Financial Year	Income	Interest	Expenditure	Balance
2000/01	\$164,000	-		\$164,000
2001/02	\$113,000	\$4,000	-	\$281,000
2002/03	\$117,000	\$10,000	-	\$408,000
2003/04	\$117,000 (Approx.)	\$10,000 (>\$10,000)	\$105,000 (table 2) * \$380,000 (from 2000/01- 2002/03)	\$430,000 (Approx.) \$50,000 (Approx.)

* It is proposed that \$380,000 revenue from 2000/01, 2001/02 and 2002/03 be allocated towards the Charter Fishing Boat Licensing Assessment and Review processes.

Table 2. Proposed expenditure relating to the Charter Fishing Trust Fund for the 2003/04 financial year.

Expenditure	Salaries	Operating	Overheads	Total
Consolidated logbook (Re-design & printing)		\$30,000		\$30,000
MERCMAC meetings		\$15,000		\$15,000
Industry consultation – port meetings		\$5,000		\$5,000
Manager (25%)	\$16,000		\$14,000	\$30,000
* CB data entry	\$25,000			\$25,000
Total	\$41,000	\$50,000	\$14,000	\$105,000

* Based on Fish Technician, Grade 1, Year 1, salary (\$28,939p.a. + 24.58% for casual staff leave + 9% superannuation) for 6 months full-time and 1 day/week for the following 6 months.

Table 3. Proposed expenditure relating to the Charter Fishing Trust Fund for the next 5 financial years.

Financial Year	Income (approx.) Does not include interest on balance or CPI increases	Expenditure	Balance Including interest (Approx.)
2003/04	\$117,000	\$485,000	\$50,000
2004/05	\$117,000	\$105,000	\$65,000
2005/06	\$117,000	\$105,000	\$80,000
2006/07	\$117,000	\$105,000	\$95,000
2007/08	\$117,000	\$105,000	\$110,000

Table 4. Charter Boat Licensing and Review costs incurred by NSW Fisheries during the initial stages of Assessment/Review process in 2000/01 and part of 2001/02 only (*additional costs incurred in 2001/02, 2002/03 and 2003/04 have also been met by NSW Fisheries*).

Implementation (Licence Assessment)

Four Months (Sept - Dec 2000)

Team Leader, Grade 6	\$51,261 p.a.	\$17,087	
4 x FMOs, Grade ¾	\$41,807 p.a.	\$55,743	
25% Manager, Grade 6/8	\$51,261 p.a.	\$4,272	
50% Senior Manager, Grade 9/10	\$61,875 p.a.	\$10,313	
	Subtotal	\$87,415	
	Overheads (0.94)	\$82,170.10	
	Total		\$169,585

Ongoing Administration

Six Months (Jan - Jun 2001)

			6 months
50% Team Leader, Grade 6	\$51,261 p.a.	\$12,815	
2 x FMO's, Grade ¾	\$41,807 p.a.	\$41,807	
33% Senior Manager, Grade 9/10	\$61,875 p.a.	\$10,313	
	Subtotal	\$64,935	
	Overheads (0.94)	\$61,038.90	
	Total		\$125,974

Review Process Admin

Six Months (Jul - Dec 2001)

100% x Team Leader	\$51,261 p.a.	\$25,631	
2 x FMO's, Grade ¾	\$41,807 p.a.	\$41,807	
33% Manager, Grade 6/8	\$51,261 p.a.	\$8,544	
33% Senior Manager, Grade 9/10	\$61,875 p.a.	\$10,313	
	Subtotal	\$86,295	
	Overheads	\$81,117.30	
	Total		\$167,412

Panel Sitting Fees

Estimated 55 days required for 100 review applications

Chairperson	\$400 per day	\$22,000	
Ind. Rep.	\$183 per day	\$10,065	
Dept. Rep.	11 weeks @ \$44,753 p.a.	\$9,447	
Expenses	Travel, courtroom bookings	\$10,000	
	Total		\$51,512

\$514,483

Fisheries Management Act 1994 No 38

236A Charter Fishing Trust Fund

- (1) There is to be paid into the Charter Fishing Trust Fund:
 - (a) all fees and charges paid under Part 4A and the regulations under that Part, and
 - (b) any gift or bequest of money for the purposes of that Fund, and
 - (c) any other money appropriated by Parliament for the purpose of that Fund or required by law to be paid into that Fund.

- (2) There may be paid out of that Fund:
 - (a) the costs of taking measures to enhance charter fishing, and
 - (b) the costs of carrying out research into charter boat fishing, and
 - (c) the costs of management and administration of charter fishing boat operations, and
 - (d) the costs of ensuring compliance with charter fishing boat regulatory controls, and
 - (e) the costs of consultative arrangements with owners and operators of charter fishing boats.

- (3) The Minister is to consult any relevant advisory council established under section 229 about policies and priorities for expenditure from that Fund.

Issue

Recreational Fishing Trust Expenditure Committee issues

Background (NSW Fisheries)

a) Expenditure Recommendations

In 2002/03, 280,000 copies of the new freshwater and saltwater guides were distributed to stakeholders, licence outlets and Fisheries Officers. While the Recreational fishing Fisheries Management Strategy is likely to result in amendments to rules and regulations, this process will not be complete until late in 2004. There is ongoing demand for the popular guides and it is planned to reprint the guides with minor adjustments.

For the past 2 years, billboards have been used to promote the need for a licence. This year a different approach is proposed using a targeted advertising campaign to promote awareness of the need for a licence and key rules and regulations, especially prior to key freshwater and saltwater dates.

NSW Fisheries presented the following Advisory and Education Program budget to the Saltwater Trust Expenditure Committee on 22 May 2003. The Committee recommended funding for the 4 programs, as listed below, provided pro-rata funding was sought from the Freshwater Trust.

The Freshwater Trust Committee recommended funding out of session for the Licence promotion (advertising) and Recreational fishing guide program. NSW Fisheries advised that the freshwater recreational management allocation included funding for fishing clinics. Therefore, additional funding for clinics was not necessary.

Table 1:

Saltwater Advisory and Education	2003/04	2004/05	2005/06
Licence promotion (advertising)	\$79,000		
Recreational fishing guide program	\$100,000	\$100,000	\$100,000
Fishing clinics	\$64,000		
Advisory trailers programs	\$39,000		
Freshwater Advisory and Education			
Licence promotion (advertising)	\$15,000		
Recreational fishing guide program	\$40,000		

The following applications were reviewed and recommended for funding from the Saltwater Trust by the Saltwater Trust Expenditure Committee on 12 August 2003.

Table 2:

Program	Proponent	2003/04	2004/05	2005/06
Licence Research Database	NSWF	\$70,000		
Capacity development for recreational fishing committee representatives	Dominion Consulting	\$28,100		
Bringing sustainable recreational fishing to Sydney schools and communities through the Marine Discovery Centre Bondi Beach	Marine Discovery Centre	\$50,000	\$50,000	
An assessment of recreational fishing havens in NSW: Do havens improve recreational fishing in estuarine waters of NSW?	Southern Cross University/NSWF	\$118,076	\$120,651	\$123,225

Small grants				
Hawkesbury Esplanade Reserve, Sylvania Waters-Fish cleaning facilities	Sutherland Shire Council	\$5,000		
Swallow Rock Reserve, Grays Point-Fishing cleaning facilities	Sutherland Shire Council	\$5,000		
Population structure of the euryhaline sportfish, the estuary perch	Deakin University	\$5,000		
Fish cleaning table-Laurieton	L.U.S.C. Fishing Club	\$2,500		
Fish cleaning table-Taree	Manning River Sustainable Fishing & Tourism Committee	\$3,800		
Angel Rings program-additional funding	ANSA NSW	\$2,630		

b) Memorandum of Understanding

At the previous RFSTEC meeting, the Committee discussed the development of a memorandum of understanding/mission statement for the Trust Expenditure Committees. NSW Fisheries advised that this issue would be placed on the agenda for the next ACoRF meeting. A draft memorandum/statement will be presented to the Council that will include the clarification of roles and responsibilities of expenditure committees and the setting out of specific funding priorities. It will provide a framework to enable consistency in the management of the freshwater and saltwater trust expenditure committees, budget programs and application and assessment process for new projects. It will also ensure a consistent and transparent approach to the management of committee operations, budget processes and projects.

Outcomes

a) Expenditure Recommendations

Summaries of the Trust Funds were presented to the Council. It was noted that income of \$8,393,699 was received from the sale of fishing licences throughout the state in 2002/03. Following the transfer of \$2.5 million to the Freshwater Trust and less bank charges and allocations for programs approved by the Saltwater Expenditure Committee and ACoRF in 2002/03, a balance of just over \$1.8 million remained in the Saltwater Trust as of 30 June 2003. Likewise, the balance of the Freshwater Trust was \$1,024,840.

NSW Fisheries also presented a plaque that had been developed for labelling infrastructure projects, such as fish cleaning tables, fishing platforms etc, which had been funded by the Trusts. A new logo for Trust funded research programs had also been designed. The logos and plaques will ensure recognition and acknowledgment of the Trust fund.

Council was informed that the recreational fishing licence has been redesigned to a more wallet friendly credit card size. This smaller licence is more easily laminated using adhesive pouches that may be purchased from agents. NSW Fisheries is examining further options for improvements, including providing plastic card licences to anglers who purchase 1 or 3 year licences by telephone or over the Internet. It was noted that the Government had made a commitment to anglers that administration costs for the licence would not be more than 10 per cent to ensure maximum benefits to recreational fishing. Any changes to the scheme would therefore have to be demonstrably cost effective.

NSW Fisheries reported that the Saltwater Expenditure Committee had investigated options for a licence renewal or reminder system. The Committee considered a renewal notice system too expensive to justify the potential increase in licence income that could be expected. A licence reminder system was considered more feasible and cost-effective. This would involve sending monthly reminder notices informing one year and three year licence holders of the impending expiry of their licence and how they can renew their licence. The

reminder would also contain enclosed advisory material. The Committee provided out of session support for the allocation of funds for a reminder and advisory notice program from the Saltwater Trust.

NSW Fisheries presented a budget for Communications programs that had been supported by the Expenditure Committees. This included a licence promotion program, which will advise anglers of the need to have a recreational fishing licence and other issues using advertising. The campaign would also include advertising in non-English speaking languages such as Chinese, Vietnamese and Arabic. The Recreational fishing guide program commenced last year and involved the production and distribution of the saltwater and freshwater fishing guides throughout NSW. The Expenditure Committees supported the continuation of this highly popular program. An allocation for the enhancement of coastal fishing clinics was received. This would enable an extension of coastal fishing clinics to kids, families, ethnic communities, disabled and disadvantaged groups. These clinics aim to encourage responsible fishing and involve teaching fishing, fishing safety and an appreciation of the sport. The Saltwater Committee also supported the construction of 3 high quality advisory trailers. These will be used by Communications staff, Fisheries Officers and Fishcare volunteers at fishing clinics, shows and other fishing events to educate and advise the public on recreational fishing.

The Council thoroughly discussed and considered each funding proposal, including a proposal for a brochure on responsible fishing to reduce wildlife injuries, which was supported by the Saltwater Expenditure Committee out of session.

b) Memorandum of Understanding

NSW Fisheries presented current total funding allocations from the Trust Funds for major categories, such as compliance, management, research, habitat restoration, administration and stocking. Funding targets for each category are being developed to assist the review of applications by the Expenditure Committees in the future. A draft document will be presented to the Council out of session, which will include the clarification of roles, the responsibilities of expenditure committees and funding targets for each category.

Artificial reefs

The Council requested an update on the development of policy and proposed research on Artificial Reefs. NSW Fisheries advised that the ACoRF Artificial Reefs Working Group had been formed to assess available information on artificial reefs and to assist in the development of policy on this issue. The Group met on 24 September 2003 and assessed Patrick Coutin's (2001) definitive review of artificial reefs. It was proposed that a precautionary approach should be taken into the implementation of an artificial reefs pilot program in NSW. Artificial reefs should be created in identified barren areas in recreational fishing havens with a long term monitoring program (at least 5 years). The pilot program should have control and experimental reefs to monitor and compare the species composition, size range and catch rate of angling species on fished and unfished reefs. The Group also recommended a pre-deployment reference study to allow a before and after assessment. The Group recommended that a pilot program be initiated this year so that NSW Fisheries could commence with obtaining the necessary approvals from relevant Commonwealth, State and Local government agencies. NSW Fisheries advised that the Working Group will develop a funding proposal for a pilot research program to be considered by the Expenditure Committee on 25 November 2003.

Recommendations

ACoRF supports all of the funding proposals, as listed in Table 1 and 2, and the funding proposals for a brochure on responsible fishing to reduce wildlife injuries (\$2,500) and a licence reminder and advisory system (\$167,000), as recommended by the Recreational Fishing Saltwater and Freshwater Trust Expenditure Committees.

Moved: Lionel Jones

Seconded: Scott Mitchell

Carried

Artificial reefs

ACoRF supports the implementation of a pilot artificial reefs program in NSW in 2003, as outlined.

Moved: Elaine Garvey

Seconded: Lionel Jones

Carried

Issue

Fishing Clinics update.

Background (provided by NSW Fisheries)

NSW Fisheries' fishing clinics are aimed at children aged 8-14 years, teaching them how to fish and be responsible anglers. The clinics are held at our trout hatcheries at Jindabyne and Ebor, near Armidale, and our native fish hatchery at Narrandera. During a clinic, children practice rigging, tying knots and casting, and learn about bag and size limits, aquatic habitats, threatened species and ethical fishing practices. They then put their new skills into action by fishing in one of the dams at the hatchery.

There are many interest groups, including NSW Fisheries' Communication staff and Fisheries Officers, Fishcare Volunteers, fishing guides and fishing club associations (such as the New England Trout and Monaro Acclimatisation Societies) and club members, involved with fishing clinics.

The coordination of fishing clinics, avenues for funding and sponsorship and the level of involvement by fishing clubs have been raised as issues for consideration by the Council.

Outcomes

Fishing clinics are a powerful educational tool. They:

- encourage responsible fishing
- teach fishing and an appreciation of the sport
- educate about fishing safety
- actively engage a wide range of audiences – kids, families, ethnic communities, disabled, disadvantaged groups.

This year's achievements:

- 75 fishing clinics across the State
- over 2,500 participants (double last year)
- five clinics for disabled people
- four clinics for people from Non-English Speaking Backgrounds

When conducting fishing clinics, NSW Fisheries works in partnership with:

- fishing clubs
- Fishcare Volunteers
- schools and scouts
- non-profit organisations (eg CANTEEN, Camp Quality)
- community centres and multicultural groups
- other government agencies (eg Department of Sport and Recreation, Coastcare)

Future plans:

- strengthen existing and foster new partnerships where possible
- increasing access to fishing activities for different groups (disabled, indigenous, NESB)
- ensure consistency in messages and product across NSW
- updating/improvement of fishing clinic procedures and education and advisory material

Other communication initiatives:

- 372 Fishcare Volunteers in NSW at present. Average effort = 84hrs/yr, 8 events, 350 individual contacts (in addition to fishing clinics); and ongoing program assessment
- raising awareness of responsible fishing through advertisements and editorials in local papers and magazines
- 300,000 fishing guides printed for 2003-04
- events program using advisory trailers – delivery anticipated in October
- schools education program

Recommendation

For information.

Issue

Closure renewals.

Background (NSW Fisheries)

A number of closures relating to recreational fishing are due for renewal in the near future. Information regarding the following closures is attached, for information:

- a) Pipis – ocean beaches
- b) Hunter River and tributaries
- c) Sydney Harbour (Port Jackson) and tributaries
- d) Manning River
- e) Sea urchins – Lennox Head Reef

a) Pipis – ocean beaches**Issue**

Renewal of closure prohibiting the taking of pipis from all ocean beaches due to expire on 11 February 2004.

Background (provided by NSW Fisheries)

In early 1998 two outbreaks of food poisoning relating to biotoxin accumulation in pipis harvested from beaches at Ballina and Stockton occurred. The poisoning events followed sightings of a brown coloured algae at both locations. The algae was linked with the Eastern Australian Current, which moves south every summer. In both areas testing of the pipis showed the presence of a diarrhetic shellfish poisoning (DSP), and after a period of two months, the pipis from both areas naturally depurated the biotoxin.

To minimise public health risk several short term closures were put in place. On 1 December 1998 a closure was gazetted to prohibit the taking of all bivalve molluscs from ocean beaches and pipis from estuary waters by all commercial fishers and recreational fishers (allowed to take for bait). Commercial fishers wishing to continue harvesting after 1 December 1998 were required to develop and work under a food safety plan that demonstrates that hazards from biotoxins are being managed effectively.

As an added measure on 12 February 1999 the then Minister introduced a ban on the removal of pipis from all NSW beaches as a number of pipi gatherers were found to be circumventing the previous closure by removing pipis for human consumption under the pretext of taking bait to another fishing site. This notice revoked the previous notice.

The current closure prohibits the taking of pipis from the whole of the ocean waters of any NSW beach by any method for any purpose other than for use as fishing bait in the immediate vicinity of their take or by an appropriately authorised commercial fisher (pipis taken for use as bait may be in possession within 50 metres of the high water mark). This closure expires on 11 February 2004, a copy of the closure is attached.

The closure is in place due to issues of public health and it is not directed or targeted towards any individual or community group. Beaches are occasionally reported to be closed to the commercial fishers operating under a food safety plan, and reopened to these fishers once test results are satisfactory.

b) Hunter River

Issue

Renewal of the Hunter River and tributaries closure due to expire on 9 December 2003.

Background (provided by NSW Fisheries)

In 1998 several closures in the Hunter River area that had existed since the early 1980's were reviewed, updated and consolidated into one closure notification for the entire area. Extensive consultation with stakeholder groups was carried out at the time and involved input from many Fisheries Officers. The closure expires on 10 December 2003. A copy of the closure is attached.

Currently the closure provides the following:

Schedule 1 – prohibits the taking of shellfish by all methods from a specified area of the Hunter River (south channel). This prohibition was implemented to prevent potentially contaminated product being taken from this area.

Schedule 2 – prohibits the use of all methods of fishing except one rod or handline, the dip or scoop net, the landing net and the bait net from the tidal waters of a specified area of the Upper Hunter River and Paterson River. This prohibition was implemented to protect the presence of platypus.

Schedule 3 – prohibits the use of all nets and traps except the dip or scoop net, the landing net, the meshing net and the bait trap from specified areas of the Hunter River and lower Williams River. This schedule also has a condition restricting the length of meshing nets to 200 metres in length, mesh length not less than 80 mm and not exceeding 33 meshes deep. This prohibition was implemented to protect spawning fish stocks.

Schedule 4 – prohibits all methods of fishing except one rod and line or handline, the dip or scoop net and the landing net from a specified area of the Upper Williams River. This prohibition was implemented to protect spawning bass stock in the upper reaches of the River.

Schedule 5 – prohibits the taking of all shellfish and crustaceans by all methods and prohibits the taking of finfish by all methods except by a single rod and line or handline and the landing net from a specified area of Throsby Creek. This prohibition is in place as a precautionary measure due to concerns about contaminated sediment from the "Honeysuckle" redevelopment.

Schedule 6 – prohibits the use of nets or traps except the dip or scoop net and the landing net from a specified area of the Lower Hunter River including Throsby and Carrington Basins. The schedule however permits the use of the hauling net (general purpose) at Little Park Beach and Horse Shoe Beach. The prohibition was implemented to prevent fishing activity interfering with the high level shipping navigation and other boating activities in this section of the River.

Schedule 7 – prohibits the use of prawn nets (hauling) in the tidal waters of the Hunter River and its tributaries, upstream from its confluence with the South Pacific Ocean to its junction with the Williams River. This closure only applies from June to November each year.

The Swansea/Hunter Fisheries Office supports the renewal of the closure and state that they have not received any complaints about the closure and that they believe it has been successful in protecting fish stocks and for sharing the resources between recreational and

commercial fishers. The office has advised that Schedule 6 of the closure should be amended by removing the word "traps" from Column 1 as when the closures were consolidated in 1998 the word traps was added to keep the area free of navigational hazards. However, it was not taken into account that both lobster and crab fishers have historically operated on the insides of the breakwaters and the south of the trawler wharf at Carrington (respectively) and do not cause navigational hazards.

The EPA have advised in relation to Schedule 1 and 5 that they do not have any recent information on shellfish surveys in the Hunter River (South Channel). However they do advise that there is a bowling club that is licensed to discharge treated sewage into the Hunter River and also steel fabricating businesses and fertiliser manufactures along the banks of the River that are licensed to discharge waste into the Hunter River. There are also businesses/industries along the banks of the Throsby Creek including ship repairers, ship builders and a marina complex that are licensed to discharge waste into the Creek. The Honey-suckle redevelopment is still occurring along the banks of Throsby River.

c) Sydney Harbour

Issue

Renewal of the Sydney Harbour (Port Jackson) and tributaries closure due to expire on 10 December 2003.

Background

Fishing activity in Sydney Harbour has been regulated by seasonal, area and method specific closures for over 100 years, to protect fish stocks, to share the resource and reduce conflict between user groups, for health reasons and to prevent navigational hazards.

In 1998 several closures in the Sydney Harbour area were reviewed, updated and consolidated into one closure notification for the entire area. Extensive consultation was carried out with industry, other stakeholder groups and involved input from many Fisheries Officers. This closure expires on 10 December 2003. A copy of the closure is attached.

Currently the closure provides the following:

Schedule 1 prohibits the use of all nets except the hoop or lift net, hand-hauled prawn net, push or scissor net, dip or scoop net and the landing net from specified waters of Port Jackson on weekends and public holidays. Note: subject to schedules 14b, 15, 16 and 17, certain hauling nets may be used contrary to this schedule. This prohibition was implemented to reduce conflict between commercial fishers and recreational activities on weekends.

Schedule 2 prohibits the use of the otter trawl net (prawns) from specified waters around Cockatoo Island. The prohibition was implemented to eliminate the potential for trawl nets to interfere with submarine cables laid on the Harbour floor between Cockatoo Island and Balmain.

Schedules 3 and 6 prohibit the use of all nets and traps except the hoop or lift net, hand-hauled prawn net, push or scissor net, dip or scoop net, the landing net, the otter trawl net (prawns), the pilchard, anchovy and bait net (hauling) – for the taking of krill only, the crab trap and the bait trap from specified waters of the Parramatta River from Gladesville to Silverwater and Iron Cove upstream of the Iron Cove Bridge. Finfish must not be retained by otter trawl net and finfish must not be taken for sale by any method upstream of Gladesville Bridge and upstream of the Iron Cove Bridge. These prohibitions were implemented in the

interest of public health, due to findings of the EPA that chemical residue levels in fish body tissues were above the recognised safety levels.

Schedule 4 prohibits the use of all nets except the dip or scoop net and the landing net from specified waters of the Parramatta River from Silverwater to the Parramatta Weir. All finfish, crabs and prawns must not be taken for sale by any method above Silverwater Road Bridge. This prohibition was implemented in the interest of public health, due to findings of the EPA that chemical residue levels in fish body tissues were above the recognised safety levels.

Schedule 5 prohibits all methods of fishing from specified waters of Duck River and Homebush Bay. This prohibition was implemented in the interest of public health, due to findings of the EPA that chemical residue levels in fish body tissues were above the recognised safety levels.

Schedule 7 prohibits the use of all nets except the landing net from specified waters of Darling Harbour. This prohibition was implemented due to the significant use of the area by commercial boat tour operators, recreational boat users and the general public.

Schedule 8 prohibits the use of the otter trawl net (prawns) from specified waters of the Lane Cove River. This prohibition was implemented to protect juvenile prawn stocks.

Schedule 9 prohibits the use of all nets except the landing net from specified waters of the Lane Cove River. This prohibition was implemented to protect juvenile prawn and fish stocks.

Schedule 10 prohibits all methods of fishing or in some cases allows the use of two rods or lines or two hand held lines from specified areas of the Upper Lane Cove River (Lane Cove National Park), all fish caught are to be released alive. This prohibition was implemented to protect stocks of Australian bass and estuary perch commonly found in these waters.

Schedule 11 prohibits the use of all nets except the landing net from specified waters of Middle Harbour (Bantry Bay). This prohibition was implemented due to the significant recreational use of the area by recreational boat users and the general public.

Schedule 12 prohibits the use of all nets except the landing net from the tidal waters of Middle Harbour upstream of the Roseville Bridge. This prohibition was implemented to protect juvenile prawn and fish stocks.

Schedule 13 prohibits the use of all nets except the landing net from specified waters of Hunters Bay, Middle Harbour from October to March (inclusive) each year. This prohibition was implemented due to the significant recreational use of the area, particularly in summer months, by recreational boat users and the general public.

Schedule 14(a) currently prohibits the use of all nets and traps of every description except the landing net, lobster trap (pot) and bait trap from specified waters of North Harbour. This prohibition was implemented due to the large amount of recreational boating activity in the area as well as the Manly Ferry and Jetcat operating through these waters numerous time a day. The closure is also in line with the intention of the North Harbour Aquatic Reserve Regulation.

Schedule 14(b) contrary to schedule 1 this schedule allows the use of hauling nets, the landing net and the lobster pot from specified waters of Spring Cove from 8:00am Mondays to midnight Friday (except on public holidays from 8:00am to 6:00pm). This schedule recognises that hauling has traditionally been carried out in these waters and is consistent with clause 19 of the *Fisheries Management (Aquatic Reserves) Regulation 2002*. The

closure reduces conflict between commercial fishers and recreational users, boating activities on weekends.

Schedule 15 contrary to schedule 1 this schedule allows the use of the hauling net (general purpose) in specified waters of the entrance waters of Sydney Harbour from 8:00am Mondays to noon Saturday (excluding on public holidays). This prohibition was implemented to reduce conflict between commercial fishers and recreational users, boating activities on weekends.

Schedule 16 contrary to schedule 1 this schedule allows the use of the hauling net (general purpose) in the waters of Port Jackson known as Lady Bay, Camp Cove and Obelisk Bay from 8:00am Mondays to noon Saturday (excluding on public holidays and excluding the period from 1 November to 4 January). This prohibition was implemented to reduce conflict between fishers and recreational users, boating activities of the area during the holiday period.

Schedule 17 contrary to schedule 1 this schedule allows the use of the pilchard, anchovy and bait net (hauling) from the whole of the waters of Port Jackson, not closed to netting under any other schedule of this notification or any other notification from 5:00am Monday to 8:00am Saturday (excluding public holidays). This prohibition allows fishers to operate from 5:00am Monday morning so they can access the Monday market. The closure reduces conflict between commercial fishers and recreational users, boating activities on weekends.

Schedule 18 currently prohibits the taking of all shellfish by all methods of fishing from the whole of the tidal waters of Port Jackson and its tributaries upstream from South Head/North Head. This prohibition is also reflected in the Intertidal Protected Areas closure gazetted on 22 March 2002, prohibiting the taking of all invertebrates (except abalone and lobster) from the whole of the foreshores of Sydney Harbour excluding those waters of North Harbour which are north of a line from Manly Point to the south end of Forty Baskets Beach.

The Sydney North fisheries office supports the renewal of the closure and state that they have not received any complaints about the closure and that it protects fish stocks and allows commercial and recreational fishers to both have a fair share of the resource and recognises other harbour users.

The EPA has advised that since the tests carried out in 1997 no further testing has been carried out on finfish. The EPA advises that contaminants are still found in the sediment in these areas, specifically around stormwater drains. It is highly likely that fish in these areas would still be contaminated.

d) Manning River

Issue

Renewal of the Manning River closure due to expire on 17 December 2003.

Background

Closures have existed in the Manning River for commercial nets and the taking of worms and nippers since the early 1970's, to protect fish stocks which could be easily over exploited by commercial fishing, to reduce conflict with other users and local residents.

In 1998 several closures in the Manning River area that had existed for many years were reviewed, updated and consolidated into one closure notification for the entire area. Extensive consultation with stakeholder groups was carried out at the time and involved

input from many Fisheries Officers. The closure expires on 17 December 2003. A copy of the closure is attached.

A Recreational Fishing Haven was implemented in a section of the Manning River on 1 May 2002, therefore prohibiting commercial fishing in this area. Schedules 1, 3 and 4 of the current closure only apply to commercial fishing within this area and can be removed.

Schedule 2 currently prohibits the taking of worms and nippers by all methods from specified waters of Harrington Lagoon all year. This prohibition was implemented due to siltation, cloudiness of water, tourism interests, swimming and amateur fishing.

Schedule 5 currently prohibits the use of all commercial nets and the push or scissor net for the taking of prawns from the Manning River and tributaries from 1 June to 31 August each year. This seasonal prohibition was implemented to allow prawns to increase in size and improve in quality during the winter months. This schedule affects commercial fishers and part of this area is now covered under the recreational fishing haven.

Schedule 6 currently prohibits the use of meshing nets except when used by the method of splashing from specified areas of the upper reaches of the Manning River and tributaries. This prohibition protects bass in the upper reaches of the River. This schedule only affects commercial fishers however the area is not covered under the boundaries of the recreational fishing haven.

Schedule 7 currently prohibits the use of all commercial nets from the whole of the waters of the Manning River and tributaries from specified times on the weekends and public holidays. This prohibition was implemented to reduce conflict between commercial fishers and recreational users and boating activities on weekends. This schedule only affects commercial fishers however the area is not covered under the boundaries of the recreational fishing haven.

Schedule 8 currently prohibits the use of all nets except the landing net from the Manning River and tributaries upwards from Cedar Party Creek all year. This prohibition protects spawning bass stocks in the upper reaches of the River.

The Manning River fisheries office supports the renewal of schedules 2, 5, 6, 7 and 8 of the closure and state that recently they have not received any complaints about these schedules and that they appear to be successful in protecting fish stocks, spawning fish and allowing commercial and recreational fishers to both have a fair share of the resource and recognises other users of the River.

NSW Fisheries recommends allowing the use of the push or scissor net in Schedule 5 as this would not impede the intention of the closure.

e) Sea Urchins – Lennox Head Reef

Issue

Renewal of the Lennox Head – Sea Urchin closure due to expire on 30 December 2003.

Background

The closure was implemented in 1998 due to overwhelming concern from local residents about the increasing pressure/overfishing of sea urchins at the southern end of Lennox Head Beach known as “The Moat”.

The closure prohibits the taking of sea urchins, by all methods in all waters seaward from the mean high water mark, commencing from the most easterly point of Lennox Headland, extending northerly along Seven Mile Beach to Ross Park. The closure expires on 30 December 2003. A copy of the closure is attached.

The Richmond fisheries office supports the renewal of the closure and advises that the community is supportive of the closure and report illegal activity in the area to the office. The closed area is currently been considered as a sanctuary zone under the Issues and Options for Management Discussion Paper for Cape Byron Marine Park, however this final zoning arrangements/activities permitted are not expected to be finalised or in place by the time the current closure expires.

Outcomes

a) *Pipis – ocean beaches*

Potential health risks are ongoing – there is a need to maintain the closure.

b) *Hunter River and tributaries*

The Council would like to see further scientific testing by the EPA, especially in Throsby Creek, to determine the current level of pollutants.

c) *Sydney Harbour (Port Jackson) and tributaries*

No concerns have been expressed about this closure and it seems to be effective in protecting fish stocks. The closure allows commercial and recreational fishers to have a fair share of the resource, while recognising other harbour users.

d) *Manning River*

The Council supports NSW Fisheries' position to allow the use of the push or scissor net, in Schedule 5 of the closure, as this would not hinder the intention of the closure.

e) *Sea urchins – Lennox Head Reef*

Long term protection of the area (sanctuary zone) is being considered as part of the proposed zoning arrangements for the Cape Byron Marine Park. The closure should be renewed to protect the area until the marine park zoning rules are finalised.

Recommendations

a) *Pipis – ocean beaches*

The Council supports the renewal of this closure, as proposed.

Moved: Ann Lee

Seconded: Elaine Garvey

Carried

b) *Hunter River and tributaries*

The Council supports the renewal of this closure, as proposed. The Council indicated that further testing should occur, especially in Throsby Creek, to assess current levels.

Moved: Lionel Jones

Seconded: Neil Ryan

Carried

c) *Sydney Harbour (Port Jackson) and tributaries*

The Council supports the renewal of this closure, as proposed.

Moved: Neil Ryan

Seconded: Anthony Moore

Carried

d) *Manning River*

The Council supports the renewal of this closure, as proposed.

Moved: Lionel Jones

Seconded: Anthony Moore

Carried

e) *Sea urchins – Lennox Head Reef*

The Council supports the renewal of this closure, as proposed.

Moved: Anthony Moore

Seconded: Neil Ryan

Carried

Other Business

- *Proposal to introduce a closure for flathead during the spawning season and/or a slot fishery for the species – for discussion (Anthony Moore)*

There are concerns with growth (catching large fish – high egg producing females) and recruitment (targeting fish during the spawning season) overfishing of flathead.

One clear example of recruitment overfishing is orange roughy, which is only targeted during the spawning season. The stock is in a very bad state due to breeding adults being taken out of the fishery before they have an opportunity to spawn.

The community has expressed a strong desire for species to be protected during their spawning seasons. Closed areas and/or species (where anglers are still able to fish for other species in the area) are possible controls that will help protect spawning fish.

It was acknowledged that a slot limit (minimum and maximum size limits) would restrict commercial catches of large flathead and as a result, the commercial fishing sector would need to be consulted.

Action item: The Council would like Charles Gray and James Haddy to provide research findings/current information regarding flathead and black bream studies at the next meeting.

- *Fisheries Scientific Committee's key threatening process proposal for hook and line fishing in areas important for the survival of threatened fish species (FSC and NSW Fisheries handouts attached at the end of the agenda, for information).*

The FSC is an independent committee that puts forward recommendations directly to the Minister for Fisheries (not NSW Fisheries driven). It was confirmed that the FSC has limited this recommendation to threatened species only, not line fishing generally.

A lot of other habitat issues (eg de-snagging) are already listed as key threatening processes. It is not an offence to undertake an activity that is considered a key threatening process, however, it is an offence to harm a threatened species whilst undertaking the activity.

Recommendation

That the Council formally record it's concerns with the ramifications on recreational fishing as a result of listing hook and line fishing as a key threatening process in areas important for the survival of threatened fish species.

Moved: Neil Ryan

Seconded: Scott Mitchell

Carried

- *Minimising harm to sea birds (eg barbless/dissolving hooks) to complement the efforts of Mr Lance Ferris - Seabird Rescue Services*

The Council acknowledged the dedication and efforts of Australian Seabird Rescue and supported the allocation of \$2,500 from the saltwater trust, which was recently recommended by the Saltwater Trust Expenditure Committee out of session. Please note that this expenditure item was formally supported in agenda item 8.

Out of session items

- *Proposed netting closure in Botany Bay, to assist the department's efforts to reduce the spread of Caulerpa taxifolia.*

The Council expressed considerable concern about the scope of the proposal and indicated that, from the people they had spoken to, there is minimal support from local anglers for the closure in its current form.

The Council stated that a decision on this issue should be deferred until the next meeting, when Dr Bob Creese will provide an update on a range of issues related to the infestation of *Caulerpa taxifolia*. In the interim, the Council requested information regarding the current status of the proposal.

The Council's concerns were forwarded to staff in the Threatened Species Unit, who have advised that a decision on the proposed netting closure in Botany Bay, due to the infestation of *Caulerpa taxifolia*, has been postponed due to strong public opposition. There was considerable opposition to the proposal during the public consultation period, which NSW Fisheries is aware of. Recent mapping of the *Caulerpa* in Botany Bay will also be taken into account, with Woolloomooloo Bay having less *Caulerpa* than expected.

NSW Fisheries is organising a meeting with scientists and managers to discuss the *Caulerpa* issue and the best ways to progress the issue from here - both in the long and shorter term. It is envisioned that stakeholder meetings will also be held shortly after to present the proposals to stakeholders and get their input and opinions. Any decision about Botany Bay will not be finalised until after that.

- *Prohibit the use of all live birds and mammals as bait for taking fish.*

The freshwater fishing representative from the region believes NSW Fisheries has over-reacted to this issue. However, broader animal cruelty issues may have arisen as a result of this article, which could potentially impact on the use of all live fish as bait.

Recommendation

The Council ratifies its out of session support to introduce a closure on the use of all live birds and mammals as bait for taking fish.

Moved: Anthony Moore

Seconded: Scott Mitchell

Carried

Correspondence received

- *Letter from Mr John Truman, Group Manager – Civil Services, Ballina Shire Council, regarding the proposal by Mr John Gallagher for a fishing closure at Burns Point Ferry.*

Recommendation:

The Council was concerned at the precedent of creating a sanctuary within a recreational fishing haven. Whilst there was discussion on the merits of the proposal, on balance the Council resolved to advise the Minister they were not supportive.

Moved: Neil Ryan

Seconded: Terry Maloney

Carried

- *Letter from St Joseph's High School*

For information at this stage. It was mentioned that Fisheries Officers should talk to staff from the high school to determine exactly what the issues are.

- Letter from New Horizons Enterprises regarding opportunities for carers assisting disabled people (who are exempt from the licence) to also be exempt from the need to hold a licence.

The Council agreed to consider the issues raised and discuss in greater detail at the next meeting. NSW Fisheries to obtain legal advice re: exemptions prior to the next meeting.

Around the table

The Minister attended the afternoon session of the meeting, to introduce himself and provide an opportunity for Council members to raise recreational fishing issues. During the Minister's address, members were advised there had been considerable re-structuring of the NSW fishing industry in recent years, for example, introduction of the General Recreational Fishing Fee and the buy-out of commercial fishing effort to create Recreational Fishing Havens. The Minister noted that consolidation is required and it is unlikely that significant changes to either sector would occur during this term of Government. The Minister also indicated that he is keen to build a good rapport between the various user groups, by encouraging more/direct consultation between the recreational and commercial fishing sectors and other stakeholder groups at a regional level.

Major issues discussed with the Minister included:

- Opportunities to buy-out commercial fishing – Council was informed that FRCAC had supported the concept that if there is mutual agreement between commercial and recreational fishers and the Government, further buy-outs (funded equally by the 3 sectors) may be considered in certain areas.
 - St Georges Basin was mentioned as a possible study area for the socio-economic study of two coastal fishing towns in NSW.
 - Management arrangements for Lakes Hume and Mulwala.
 - Consultation between stakeholders (eg Pro-Am committees) – the Minister requested ACoRF's consideration of Pro-Am committees as regional consultation mechanisms, at the next meeting.
 - Grey Nurse Sharks – concerns with declining access for underwater sector.
 - Artificial Reefs pilot program – the Minister indicated "in principle" support for an Artificial Reefs program and offered his assistance with obtaining inter-agency approvals if a program was set up.
 - The need for NSW Fisheries/Minister's Office to get clear information about major issues out to stakeholders promptly to maximise media exposure.
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- Dr Bob Creese, Principal Conservation Scientist, will provide an update on *Caulerpa taxifolia* at the next meeting.
 - The Port Stephens Pro-Am committee has raised concerns about the impact of Australian salmon on baitfish stocks).
 - Mr John Pursey, Senior Conservation Manager – Threatened Species Unit, has been asked to present an update on the eastern cod genetics study at the next meeting.

Next meeting – Thursday 11 December or Friday 12 December 2003.

PROPOSED RECOMMENDATION
KEY THREATENING PROCESS
HOOK AND LINE FISHING IN AREAS IMPORTANT FOR THE SURVIVAL OF
THREATENED FISH SPECIES

The Fisheries Scientific Committee, established under Part 7A of the *Fisheries Management Act 1994* (the Act), is proposing to make a recommendation to list Hook and Line Fishing in Areas Important for the Survival of Threatened Fish Species, as a KEY THREATENING PROCESS in Schedule 6 of the Act.

The Committee understands that commercial and recreational fishers often make use of various combinations of hooks and lines, and that the general banning of hook and line fishing is not warranted nor proposed in this recommendation.

Listing of Key Threatening Processes is provided for by Part 7A, Division 2 of the Act.

The Fisheries Scientific Committee has found that:

1. Threatened fish species in selected areas within NSW marine and fresh waters are particularly vulnerable to the activity of hook and line fishing (for definition see Point 2, below). For example, many threatened fish species form schools or aggregations at particular locations, perhaps as juveniles, or sometimes for the purposes of spawning or feeding. These threatened species are highly vulnerable to impacts from hook and line fishing at these locations. Some of these important environmentally-sensitive areas are identified as Critical Habitat under Part 7A of the Act.
2. Hook and line fishing refers to any activity that uses a combination of lines and hooks with the aim of catching fish. This includes, but is not restricted to, the use of lines composed of monofilament, wire and cord, with attached lures, hooks and jigs. Hand-lines, set lines, rod and reel fishing, trolling, lure fishing and fly fishing are all included in the activities that may be identified as a Key Threatening Process. This definition of hook and line fishing specifically embraces the fishing activity, including catch and release, and not just the “taking” of fish.
3. Ample and sound evidence (see the Committee’s information sheet) shows that a wide range of fishes, including sharks, are detrimentally impacted by hook and line fishing. This evidence comes from a range of scientific research into the impacts of hook and line fishing. Fishing hooks can cause immediate damage to the mouth of fishes, which may impact on feeding behaviour and feeding success. The effects of fish hooks can be more serious over a longer time if retained in the mouth, throat and stomach of fishes and sharks, and ultimately can lead to death.
4. Even though taking a threatened species is illegal, these species are still being harmed by hook and line fishing, as evidenced by grey nurse sharks and black cod being seen with hooks in their mouths. Several scientific studies and anecdotal reports implicate hook and line fishing as a threat to several listed threatened and protected species within NSW marine waters. For example:
 - the NSW Fisheries Draft Recovery Plan for Grey Nurse Sharks has identified hook and line fishing, particularly with stainless steel hooks and wire traces, as a significant threat to the survival of the grey nurse shark, *Carcharias taurus*, in NSW waters. Several cases based on autopsies document injuries, including septicaemia and bacterial infection, that have resulted in the death of grey nurse sharks by hook and line fishing.

- the final recommendation to list black cod, *Epinephelus daemeli*, as a Vulnerable Species in NSW waters noted that:
 - historical evidence (pre 1908) indicated that a decline in abundance and possibly size occurred around the turn of the century due to fishing pressure especially near large towns or cities; and
 - anecdotal evidence from the 1960's and 1970's, documented in various fishing magazines, indicated overfishing by recreational line fishers and spearfishers, as large specimens were considered a prized catch.
5. In addition, the Final Determination for the listing of the Aquatic Ecological Community in the Natural Drainage System of the Lower Murray River Catchment, notes that: "For species listed as endangered or vulnerable, such as trout cod, Macquarie perch, and silver perch, targeted or incidental recreational catch must be considered as a threatening process". Also the Proposed Recommendation for the listing of the Aquatic Ecological Community in the Natural Drainage System of the Lowland Catchment of The Darling River notes that: "Overfishing has reduced populations of species such as Murray cod and golden perch. For species listed as endangered or vulnerable, such as olive perchlet, purple-spotted gudgeon, silver perch, Macquarie perch and trout cod, targeted or incidental collection and recreational catch must be considered as a threatening process."

In light of the above, the Fisheries Scientific Committee is of the opinion that Hook and Line Fishing in Areas Important for the Survival of Threatened Fish Species adversely affects two or more threatened species, populations or ecological communities and could cause species, populations or ecological communities that are not threatened to become threatened. Therefore, the process qualifies for inclusion in Schedule 6 of the *Fisheries Management Act 1994* as a KEY THREATENING PROCESS.

Dr Alan Millar
Deputy Chairperson, Fisheries Scientific Committee

NSW Fisheries Information Sheet

Fisheries Scientific Committee's Key Threatening Process proposal for Hook and Line Fishing in Areas Important for the Survival of Threatened Fish Species

What is this document?

This is a short non-technical explanation of the proposal by the Fisheries Scientific Committee to list hook and line fishing in areas important for the survival of threatened fish species as a key threatening process.

Who are the Fisheries Scientific Committee?

The Fisheries Scientific Committee (the Committee) was established by the NSW *Fisheries Management Act* 1994 (the Act) in 1998. The Committee consists of seven of the state's most eminent aquatic scientists, who together cover the areas of marine and freshwater finfish and invertebrates and marine vegetation including algae.

The Committee is charged with making independent scientific decisions about the status of aquatic species, and making recommendations to the Minister for Fisheries, for listing of species and vulnerable or endangered, of key threatening processes and of aquatic ecological communities that are endangered.

What is the Fisheries Scientific Committee proposing?

The Fisheries Scientific Committee is proposing to list "Hook and Line fishing in areas important for the survival of threatened species" as a key threatening process.

What is a key threatening process?

Under the Act, a threatening process is defined as a process that threatens, or that may threaten, the survival or evolutionary development of species, populations or ecological communities of fish or marine vegetation.

A threatening process is eligible to be listed as a **key threatening process** if it:

- (a) adversely affects 2 or more threatened species, populations or ecological communities, or
- (b) could cause species, populations or ecological communities that are not threatened to become threatened.

This particular document is concerned with areas that are important for the survival of threatened species.

Why is the proposal being made?

The Fisheries Scientific Committee's proposal is based on a careful review of available scientific information relating to the incidence of harm to threatened species by hook and line fishing activities.

The proposal has been made after the Committee has considered the scientific evidence that hook and line fishing could have an adverse affect in areas important for the survival of threatened fish species including the grey nurse shark and black cod.

The listing will only proceed if the Committee decides that this type of process is likely to threaten the survival or evolutionary development of two or more threatened aquatic species in specific areas.

Who does this proposed listing affect?

Commercial and recreational fishers often make use of various combinations of hooks and lines. However, the general banning of hook and line fishing is not warranted or proposed.

Will recreational fishing be banned completely?

No.

After a final recommendation is made, areas that are important to the survival of threatened species will need to be identified. NSW Fisheries will undertake a species impact statement that will look at how hook and line fishing activities can be modified in the areas important to the survival of threatened species.

How does this proposed listing link with grey nurse shark protection?

NSW Fisheries released a discussion paper for grey nurse shark protection in July 2003. One of the issues raised in the discussion paper was the impact of hook and line fishing on the grey nurse. NSW Fisheries is seeking comments on how the impact of hook and line fishing on the grey nurse sharks can be minimised. Public comments are now invited and the submission process closes on 29 August 2003, this is a separate process to the Fisheries Scientific Committee's public consultation over the key threatening process proposal.

How do you determine what areas are important for the survival of a threatened species?

Areas that are known to be utilised for feeding and breeding could be considered important for the survival of a threatened species. Some of these areas may be declared as critical habitat, such as the ten grey nurse shark areas along the NSW coast. Other important areas include the trout cod protection areas in the Murray River that contain remnant trout cod populations and the Nymboida River that contains the last naturally occurring population of eastern freshwater cod.

So what is the purpose of the proposed listing?

The listing of a key threatening process is primarily about providing information to the community. It means that the scientific status of the threatening process is recognised.

It helps guide efforts by the community to encourage the conservation of species affected by the threatening process.

Following a recommendation that results in a listing of a key threatening process, NSW Fisheries will prepare a threat abatement plan. NSW Fisheries will work with the local community and key stakeholders to prepare the plan (this may take up to five years).

The aim of a threat abatement plan is to manage a threatening process in order to abate, ameliorate or eliminate the threat.

How can I contribute to the decision making process?

Whether or not the Fisheries Scientific Committee decides to proceed with the "key threatening process" listing will depend upon scientific information.

This means that the Committee would only decide to withdraw its proposal if it concludes that this threatening process is not likely to adversely affect two or more threatened species, or cause species to become threatened.

It would assist the Committee's consultation process if any submissions concentrated on this question.

Suggestions or comments about the future management of recreational and commercial fisheries in areas important to the survival of threatened species are not relevant to the decision. As is explained above, the question being asked is a scientific one only. Whatever decision is made, it will not mean the end of hook and line fishing in NSW.

Submissions should be made by **3 October 2003** to:

Fisheries Scientific Committee
Executive Officer
Private Bag 1
Nelson Bay NSW 2315

Fax: 02 9966 0663

Submissions can also be lodged through the NSW Fisheries website at www.fisheries.nsw.gov.au

BIBLIOGRAPHY

A wide range of published scientific information is available on the impact of fishing and of hook and line fishing, in particular. The following two publications present reviews of much of this information.

Muoneke, M.I. and Childress, W.M. 1994. Hooking mortality: a review of recreational fisheries. *Reviews in Fisheries Science*, 2(2): 123-156.

McLeay, L.J., Jones, G.K. and Ward, T.M. 2002. National strategy for the survival of released line-caught fish: a review of research and fishery information. Final Report, FRDC Project 2001/101. South Australian Research and Development Institute (SARDI), Adelaide, Australia. 121 pp.