

**Advisory Council on
Recreational Fishing**

FINAL MINUTES

30th MEETING (02/2004)
9:00am, 8 July 2004

CFC Conference Room
202 Nicholson Parade, Cronulla

Attendance

Chair

Bruce Schumacher

Members

Elaine Garvey	Estuary, Offshore Fishing
Jim Harnwell	Offshore Fishing
John Dunphy	Tackle Industry
Lionel Jones	Estuarine Habitat
Neil Ryan	Recreational Fishing Media
Lisa Terry	Marine Biology
Anthony Moore	Nature Conservation Council
Scott Mitchell	Freshwater, Tackle Sales
Margaret Dodson	Charter Boat Fishing
Terry Maloney	Freshwater Fishing
Mel Brown	Underwater Fishing
Graham Moore	Indigenous
Ann Lee	Freshwater Fishing
Steve Dunn	Director of Fisheries

Observers

John Diplock, Principal Manager Recreational Fisheries
Bryan van der Walt, Senior Manager Recreational Fisheries
Nick James, Manager Recreational Fisheries
Susan Wildgoose, Management Officer Recreational Fisheries

Business

Welcome by Chair

Apologies

Elaine Garvey

Minutes of previous meeting

Recommendation

The minutes are a true and accurate record of discussions at the 29th meeting, held 29 April 2004.

Moved: Lionel Jones

Seconded: Mel Brown

Carried

Business arising from the minutes

Nil.

Agenda Items

1. Recreational Fishing Trusts report including recommendations from the 13th RFSTEC meeting (Bryan van der Walt) – for recommendation.
2. Update on the Fisheries Management Strategy for Recreational and Charter Fishing (Doug Ferrell) – for information.
3. Commercial fishing update (Sonya Errington) – for recommendation.
4. Freshwater fishing update (Cameron Westaway) – for information.
5. Indigenous Fishing Strategy Update (Phil Duncan) – for information.
6. Squid research (Katie O'Donnell) – for information.
7. Charity auctions of seafood by amateur fishers – for recommendation.
8. Illegal fishing activity report card for anglers – for information.
9. Enforcement of the Roads and Traffic Authority closure to fishing from the Swansea Bridge – for information.
10. Standardised estuarine recreational trap and net identification (specifically crab traps and hoop nets) – for recommendation.
11. Proposal to extend the Hastings River spearfishing closure at Port Macquarie – for recommendation.
12. Proposal to amend clause 53 of the *Fisheries Management (General) Regulations 2002* to allow the use of the “EnviroNet” a more fish friendly landing net – for recommendation.
13. Closure renewals – for recommendation.
14. Southern Cross University Trust funded programs update (Anthony Moore) – for information.
15. Baitfish program update (Michael Lowry) – for information.

Other Business

- Update on developments with the Department of Primary Industries – for information.

Out of session items

Correspondence received

- Letter from Mr John Ruse congratulating NSW Fisheries for creating the Recreational Fishing Haven in Lake Macquarie.
- Letter from the NSW Spearfishing & Freediving Association regarding restrictions to spearfishing access.

- Letter from Mr Andrew Cutbush requesting an extension to the Port Hacking spearfishing closure.
- Letter from Mr Robert Fallon, President of the Seagulls Fishing Club, requesting a spearfishing closure in the Tweed River and estuaries to protect flathead.

Around the table

2004 meetings – Tuesday 28th September and 9th December 2004.

Issue

Recreational Fishing Trusts report including recommendations from the 13th RFSTEC meeting.

Background

Total income received from licence sales was nearly \$8.4 million in 2002/03. Income received up until 31 May 2004 from licence sales in the current financial year is comparable to that received in 2002/03 and it is expected that the predicted figure of \$8.5 million in sales will be achieved.

The saltwater expenditure committee allocated a total of \$7.3 million to a range of compliance, research, management and education programs to improve recreational fishing in 2003/04. At the recent budget meeting in April 2004, the saltwater committee supported a total allocation of \$6.4 million in 2004/05 based on predicted carryovers from 2003/04.

An independent consultant funded by NSW Fisheries has investigated options for improvements to the administration of the licence. Opportunities to improve the recreational fishing licensing system have been identified by the Council, the expenditure committees and other recreational fishing stakeholders throughout the State. Any changes to the scheme would have to be demonstrably cost effective. Outcomes of the report will be provided to the Council at the meeting.

The reminder notice system was implemented in April 2004 and approximately 70,000 notices have been sent to 1 and 3 year licence holders with expiring licences. An update on this program will be provided at the meeting.

The Recreational Fishing Saltwater Trust Expenditure Committee met on 29 June 2004. Trust expenditure recommendations from this meeting will be presented to Council for their consideration.

Outcomes

The Council was advised that the total income received in the Saltwater Trust during the 2003/04 financial year was \$8,999 million which was over \$600,000 more compared to the previous financial year (\$8,394 million in 2002/03). The funding level to the Freshwater Trust will remain at \$2.5 million in 2004/05. As both trust funds currently have positive balances there is the potential to fund new projects. It was noted that the increased licence sales could be the result of increased compliance rates which have been reported to be excellent this year; greater acceptance of the licence; anglers renewing their licences following the expiry of three-year licences, purchased in March 2001; reminder notices (now being sent to one and three year licence holders since April 2004) and improvements in the quality of fishing in recreational fishing havens.

The Council was advised that the licence review undertaken by the Department has been completed. The review surveyed a sample of agents to gauge their views on the current paper based system and also investigate alternate sales system options. The review suggested that an electronic EFTPOS style licence system (which would involve the issue of plastic licences) could be more efficient than the current system and offer improved service delivery to anglers and agents. Data entry and licence funds transfer would be automatic and would negate the requirement for current manual returns. A discussion paper on various options to improve the licence system will be released soon for public comment. The Council

indicated their support for an improved licence system and suggested that a change is necessary.

The Council was informed that the reminder letter system is progressing well with only 2.9% of letters returned to the Department as undeliverable. These returns could be due to anglers changing addresses, anglers recording their holiday address instead of their home address on the licence and illegible handwriting resulting in incorrect data entry. The Council was advised that an analysis of licence sales to determine the impact of the reminder letter system will be undertaken once all agent returns have been received for the first three months of the reminder letter mailout. Outcomes of this analysis will be presented to the Council at their next meeting.

It was noted that four small grants capital works programs for fish cleaning tables at Laurieton, Tea Gardens, Brunswick and Belmont South had recently been completed. Pictures were presented to the Council for their information. These pictures will be displayed on the DPI website for anglers to view. The Council noted that a standard design for fish cleaning tables will be developed as a guide only for future projects.

The Council was informed that at the 13th meeting of RFSTEC Ms Sharon Molloy provided an update on the status of the first round of grants for the Clarence pilot habitat program. The Department advised that the outcomes of these projects were very good and will arrange for Ms Molloy to provide this update to the Council at the next meeting.

Recommendations from the 13th RFSTEC meeting

The Council was advised that RFSTEC reviewed a number of new saltwater program applications and applications for additional funding for existing small grants programs at their 13th meeting. The Department provided the Council with the following overview of the programs supported for funding:

Size and age at maturity and timing and location of spawning of dusky flathead in NSW

At the last Council meeting, Mr Charlie Gray presented findings of his incomplete dusky flathead research program. He advised that a lack of resources had placed the project on hold and consequently summer sampling and gonad analysis was still required to complete this important research. The Council indicated that the project should be completed and requested that an application be submitted for saltwater trust funds to complete the project.

This application, with a budget based on employing a research technician for 8 months and operating costs of \$9,000, was supported by RFSTEC. Specifically, the data already collected will be analysed and some additional samples collected to complete the reproductive work, after which a final report will be produced. This report will detail the various aspects of the reproductive biology and age and growth of dusky flathead in NSW.

The effect of the Botany Bay commercial fishing closures on juvenile fish populations at Towra Point

Previous work carried out in the saltmarsh, mangrove and seagrass wetlands at Towra Point quantified the abundance of juvenile fish prior to the establishment of the Botany Bay recreational fishing haven. The aim of this study is to determine the effect of the haven on fish stocks in the Bay using the previous work as a baseline pre-closure dataset on fish abundance. The Catholic University has the opportunity to repeat the survey, using the same methods in the same locations - two years after the establishment of the haven. It was noted that this project represents value for money and could provide some excellent independent information on the success of this haven. The Council suggested that the reclamation works currently being undertaken at Towra Point should be taken into account during the study.

Additional funding - small grants programs

The Council was advised that three applicants, who have previously received funding from the saltwater trust for fish cleaning tables, have requested additional funds to complete the following programs.

1. Fish Cleaning Table, Balmoral Boat Ramp, Lake Macquarie;
2. Fish Cleaning Table, Laurieton; and
3. Fish Cleaning Table and Boat Ramp Light, Narrawallee Inlet.

The fish cleaning tables at Balmoral Boat Ramp, Lake Macquarie and Laurieton have incurred unexpected additional costs following program commencement such as an increase in the cost of materials, necessary restoration works previously not budgeted for and additional work required by councils. The Narrawallee Inlet project was successful in obtaining a grant for \$3,500 from the Saltwater Trust. However, Shoalhaven Council is not able to provide the requested matching funding for the boat ramp light. As this light is essential for boat safety at the ramp additional funding was sought from the Trust. It was noted that the total allocations with the additional funding would still be below the maximum small grants limit of \$5,000 for each of the programs.

To ensure all components of future programs are assessed prior to funds being granted RFSTEC suggested that a checklist and special application fact sheet be developed for applicants seeking funding for fish cleaning tables.

All recommended funding for new saltwater program applications and applications for additional funding for existing small grants programs is summarised in table 1 below.

Programs	Proponent	2004/05
Large Grant		
Size and age at maturity and timing and location of spawning of dusky flathead in NSW	Department of Primary Industries	\$64,730
Small Grant		
The effect of the Botany Bay commercial fishing closure on juvenile fish populations at Towra Point	Australian Catholic University	\$4,884
Small Grants- Additional Funding		
Fish Cleaning Table- Lake Macquarie	LMCC	\$900
Fish Cleaning Table- Laurieton	LUSC	\$1,200
Fish Cleaning Table and Boat Ramp Light- Narrawallee Inlet	Narrawallee Inlet Social Club and Narrawallee Residents & Ratepayers Association	\$1,500
Total		\$73,214

Recommendation

The Council supports all of the funding proposals, listed in Table 1, as recommended by the Recreational Fishing Saltwater Trust Expenditure Committee.

Moved: Lionel Jones

Seconded: Mel Brown

Carried

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 update to the Council on the development of the Fisheries Management Strategy (FMS) for recreational and charter fishing.

Outcomes

The Recreational Fishing Saltwater Management Planning Committee (RFSPMC) met 1 July 2004 to explore key issues and develop draft proposals for inclusion in the recreational fishing community consultation discussion papers. The Recreational Fishing Freshwater Management Planning Committee (RFFPMC) is scheduled to meet on 27th July 2004. The following issues were referred to the Council by RFSPMC for review.

a) Boat limits

The Department advised there is the potential for the illegal sale of high value species by anglers, and that a question on boat limits would be included in the discussion paper. At present the only recreational boat limit applies to gemfish (10). The RFSPMC charter boat representative suggested that the current gemfish boat limit is unfair, as it does not increase with carrying capacity (i.e. larger boats are more restricted), and would like to see it removed. The Committee recommended that the Council review this issue.

The Council was advised that the general issue of boat limits will be subject to comprehensive public debate in the bag and size limits discussion papers. Boat limits aim to limit the catch of anglers fishing in the same boat over a 24 hour period. These apply regardless of the number of people in the boat. Boat limits are intended to limit the overall recreational fishing catch and prevent the circumvention of personal daily bag limits by individual fishers through the carrying of non-fishing passengers in the boat.

It was noted that the Council did not support the gemfish boat limit when it was first introduced. The Council believes that the bag limit should sufficiently address the issues surrounding gemfish and is supportive of removing the gemfish boat limit.

b) Papis

RFSPMC requested consideration of a change to the current pipi beach closure to allow anglers more flexibility in their bait usage. Papis taken for use as bait may only be in possession within 50 metres of the mean high water mark. The Department has advised that the restrictions on recreational pipi harvesting are required for food safety. The Committee recommended that the Council review this issue.

The Council was informed that the 50 metres rule is necessary to enable enforcement of the ban on human consumption. Prior to the introduction of this extra measure gatherers were found to be circumventing the closure by removing papis for consumption under the pretext of taking bait to another fishing site. Without this extra restriction the closure can not prevent the public from taking large numbers of papis for consumption.

The Council expressed concern that the closure also prevents harvesting papis for use as bait the following day. It was noted that Fisheries Officers use their discretion when enforcing this closure. Consequently the Council did not support the removal of the current papis restrictions.

The Council Indigenous representative informed members that the aboriginal community harvest pipis to feed their families. Access to pipis is a health issue for elder indigenous people as pipis are an important component of their diet. The Department advised Council that a section 37 permit can be applied for to take pipis for cultural and ceremonial reasons.

c) Power Winches

The use of hydraulic/electric winches is not a traditional recreational fishing method and has allowed anglers to target deep water species, for example, blue-eye cod and gemfish. Anglers are limited to 5 deep water fish in total. There is some concern that these high value species may be black marketed. The RFSMPC Charter Boat representative advised that anglers fishing off the shelf using power winches to target blue eye are few in number. The Committee believes that the current deep water bag limit may sufficiently address the issue of power winches and advised that this issue be referred back to the Council for advice.

The Department informed the Council that power winches do allow disabled/incapacitated people to participate in recreational fishing activities, which may not be possible without them. Although some members suggested that the use of power winches might not be in the spirit of recreational fishing the Council was not supportive of a ban on their use. The Council has previously looked at this issue and believes that bag and size limits are the appropriate way to limit recreational catch.

Recommendation

a) The Council supported the removal of the recreational boat limit for gemfish.

Moved: Jim Harnwell Seconded: Lionel Jones **Carried**

b) The Council does not support the removal of the current pipi restrictions.

Moved: Lionel Jones Seconded: Anthony Moore **Carried**

c) The Council does not support the banning of power winches.

Moved: Lionel Jones Seconded: Jim Harnwell **Carried**

Issue

Commercial Fishing update.

Background (provided by NSW Fisheries)

There are a number of issues that have been raised by the commercial fishing sector, including:

- a) *Sydney Harbour Proposal;*
- b) *Use of hoop or lift nets by recreational fishermen.*

Sonya Errington, Senior Manager, Commercial Management will discuss these issues with the Council and present a general update on the commercial fishing sector.

Background**a) Sydney Harbour Proposal**

The Sydney Harbour commercial fishing closure currently permits hauling in Spring Cove from 8am Monday to midnight Friday. The Estuary General Management Advisory Committee region 5 representative has proposed that the closure be amended to allow hauling, for mullet only, until midday on Saturdays during April. In exchange, region 5 estuary general fishers are willing to give up hauling access for Lady Bay, Camp Cove, Obelisk Beach and the Sydney Harbour entrance waters (as described in attached schedules 15 and 16 of the closure) from midnight Friday to midday Saturday.

The reason for this proposal is to increase the time period within which mullet hauling can occur. Within Sydney Harbour, mullet hauling only occurs in Spring Cove for a short period after a southerly change. Mullet hauling is the only type of hauling that currently occurs on a Saturday in Sydney Harbour, therefore region 5 estuary general fishers will not be disadvantaged by giving up hauling on Saturdays in the areas proposed.

Compliance has advised there are concerns over extending the time period for mullet hauling due to issues in Spring Cove regarding the little penguin population and seagrass. There is also the potential for conflict between Spring Cove waterways users.

The Council is asked to consider this proposal. This proposal will also be referred to EGMAC and ACCF.

b) Use of hoop or lift nets by recreational fishermen

The Estuary General Management Advisory Committee have raised concerns regarding the use of hoop and lift nets by recreational fishers. Presently, clause 48 of the *Fisheries Management (General) Regulation 2002*, states:

'(1) It is lawful to use a hoop or lift net for taking fish (including crabs and freshwater spiny crayfish, but excluding rock lobster in tidal waters or a prohibited size class of fish) in the waters specified in the Table to this clause if the net complies with the description as set out in relation to those waters in that Table and the following conditions are complied with:

- (a) the net is used only as a hand implement and only by the method of lowering the net into the water and then drawing the net vertically to the surface,*
- (b) not more than 10 nets are to be used by a commercial fisher at any one time,*
- (c) not more than 5 nets are used by any person (other than a commercial fisher) at any one time.'*

The Committee is of the view that the upper limit of 5 hoop or lift nets for recreational fishermen is too high considering that the upper limit for the commercial fishermen is 10. While the Recreational Environmental Impact Statement and Fishery Management Strategy is being developed, the Committee requests that the Council consider the upper limit on the number of nets for a recreational fisher, with the view of reducing the number of nets that may be used.

Outcomes

The Council considered the proposals raised by the commercial fishing sector in regard to commercial fishing in Sydney Harbour and the use of hoop or lift nets by recreational fishers. Council members were not supportive of either proposal.

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

General Commercial Update

Share Management / Allocation

Applications for the allocation of shares to commercial category 1 share managed fisheries (excluding Lobster and Abalone) closed last Friday 2nd of July. The next step is to assess the applications and issue provisional shares to fishing businesses by October this year. Once provisional shares are issued, fishing business owners will then have the opportunity to appeal their allocation.

Estuary General - Code of Practice

Ocean Watch has completed a code of conduct for the Estuary General Fishery and will be submitting it to the Department for formal approval in the near future.

Seagrass management

There are two action items relating to seagrass in the Estuary General FMS.

1) *“Protect key fish habitat, specifically prohibit the use of all hauling nets used in the Estuary General Fishery over beds of Strapweed seagrass (Posidonia australis):*

The Strapweed seagrass *Posidonia australis* has been identified in seven estuaries in NSW. The Department is working with groups of local fishers and the relevant Committee member to determine which closures to hauling should be implemented

2) *“Reduce bycatch by identifying areas of seagrass (of any species) which should closed to prawn hauling and prawn seining methods”:*

Forty one estuaries have been identified which contain any species of seagrass where prawn hauling and/or prawn seining occur. The Department is working with local fishers and the relevant Committee members to determine where closures are required.

Prawn counts

Implementation of ‘first point of sale counts’ for prawns became effective May 2004. Closures to commercial prawning will be implemented where necessary. A count is defined as the number of prawns per half kilogram of product.

A fishing closure notification applies to all waters except the Clarence, Hunter and Hawkesbury Rivers and Port Jackson. It applies ‘first point of sale counts’ by prohibiting commercial fishers taking and possessing prawns that are greater than a count of 125 prawns per half kilogram for king prawns or greater than a count of 180 prawns per half

kilogram for any other species of prawn. Mixed catches consisting of greater than 10% king prawns are subject to the king prawn count of 125 prawns per half kilogram. The counts apply regardless of whether the prawns are green or cooked.

Further consultation is under way with local MAC representatives on implementing 'cod-end' and 'first point of sale' counts in the Clarence River, Hunter River, Hawkesbury River and Port Jackson – an additional requirement of the Estuary Prawn Trawl FMS.

The 'first point of sale' and 'cod-end' counts will be reviewed by July 2007.

Pipi biotoxin management plans - NSW Food Authority

The NSW Food Authority is commencing to implement the NSW Shellfish Program across the wild shellfish sector of the seafood industry. The administration and management of the Pipi Biotoxin Management Plans will be transferred to the Food Authority. The Department will maintain a role in some aspects of the plans.

Flathead and mesh net changes – 2005

The Department and EGMAC have completed the review of flathead nets and overnight set mesh nets. The resulting changes are to be implemented by Regulation amendment in 2004, however, will not take effect until the seasons commence in 2005. The commercial industry will be advised of the changes in the near future. Changes include increases in minimum mesh size for the flathead net to 80mm and the overnight set mesh net to 95mm.

Estuary Prawn Trawl

Code of Conduct

OceanWatch has completed a code of conduct for the Estuary Prawn Trawl Fishery and will be submitting it to the Department for formal approval soon.

Hunter River Season

A 5 year closure has recently been approved for the EPT season in the Hunter River. The Hunter River prawn trawling season will be weekdays (6am to 6pm) from first Monday in December to last Friday in May in the following year (inclusive) excluding public holidays during the 5 year period from 2004-05 to 2009-10.

Ocean Trawl

FMS/EIS

Environmental assessment of the Ocean Trawl Fishery is currently being prepared. Public exhibition of this document is expected August / September.

Offshore prawn trawl management rules

To increase compliance in the fishery all offshore prawn trawl endorsement holders have been issued an up to date summary of the rules applying to the fishery.

Workshop

A workshop is to be held in Ballina with fishery representatives to discuss future effort levels in the fishery, and if time permits other issues such as improving the bycatch reduction devices used in the fishery.

Ocean Haul

OHMAC

The next OHMAC will be held on Friday 30 July.

Proposed restricted fishery for access to bait resources in NSW waters by Tuna vessels

A regulation for the new restricted fishery is currently being drafted. Once finalised, an expression of interest process will be conducted to determine eligibility to the fishery.

Ocean Trap and Line

FMS/EIS

Environmental assessment of the Ocean Trap and Line Fishery is currently being prepared. Public exhibition of this document is expected later in the year (September/October).

Lobster

FMS/EIS

An environmental assessment of the lobster fishery is currently being prepared. Public exhibition of this document/s is expected late this year.

Total Allowable Commercial Catch Setting and Review

The Lobster Fishery is subject to a total allowable commercial catch that is determined each year by an independent committee (Total Allowable Catch Setting and Review Committee). The TAC Committee handed down their determination in June for a TACC of 102 tonnes for the 2004/05 fishing period. This is an approximate 25% reduction from the previous fishing period. Due to concerns associated with the spawning stock of eastern rock lobsters, the TAC Committee believed such a reduction necessary to provide for protection and rebuilding of the stock.

Recommendation

a) Council does not support the proposed amendment to the Sydney Harbour commercial fishing closure.

Moved: Lionel Jones

Seconded: Lisa Terry

Carried

b) Council does not support the proposed reduction in the number of hoop or lift nets used by recreational fishers.

Moved: Jim Harnwell

Seconded: Lionel Jones

Carried

Issue

Freshwater fishing update.

Background (NSW Fisheries)

Cameron Westaway, Senior Manager, Freshwater Management will present a general update on freshwater fishing to the Council including an update on the proposal from Tweed Shire Council and Australian Bass Association to implement a seasonal closure in Doon Doon Creek.

Outcomes*Stocking*

- A record 8.4 million fish were stocked in 03/04 - record natives and record dollar for dollar bass (above records of 7.9 and 7.8 million fish for the previous two years).
- Concerns over bass restrictions on open water stocking. Hastings, Williams, Richmond & Myall Rivers. Need for ongoing research.
- Need to determine threatened species interactions & drought impact before finalising 04/05 plan.

Gaden Trout Hatchery

The Gaden Trout Hatchery re-development is now underway with the Visitor Centre refurbishment to include administration and reception areas (funded from consolidated revenue) expected to be completed in mid-August. This will allow staff to vacate the hatching shed. The extension to the existing slab can be poured in October. Major works on the hatching shed can then commence when this season's production is moved from the hatching room to outside tanks in early December/January, allowing full-scale production with a new shed and fingerling production facilities next season.

Discussion paper proposals

- Murray Cod Size Limit increase to 60cm,
- Ban unattended (set) lines,
- Bass spawning period zero bag limit June-August,
- Clarify bag limits for transport and possession,
- Consistent and simplified trout rules, and
- Simplify all closures.

The discussion paper will be released in the next month or two. There will be an opportunity for the Council to review/consider the recommendations from the discussion paper.

Doon Doon Creek bass closure

The Australian Bass Association (ABA) and Tweed Council have sought a catch and release closure below Clarrie Hall Dam to protect post spawning and post spill congregations. As the Department seeks a full closure for compliance reasons they have written to the ABA and Tweed Council to request consideration of this proposal and is awaiting their responses.

Drought impacts

- Impacts on stocking and hatchery production in the north.
- Impoundment levels variable.
- Impacts on bass migration.
- Severe impact on some trout streams in the Monaro, Central/Southern highlands & the New England.

Proposal to close the Grafton research facility

- Priority research (eg eastern freshwater cod) will continue at other DPI sites.

Issue

Indigenous Fishing Strategy Update.

Background (NSW Fisheries)

Since European settlement Indigenous traditional, cultural and community activities have become increasingly impacted by fisheries laws. These activities include gathering for personal food, as part of ceremonial events, for barter and trade, for family and for aquaculture.

In 2002 the Department launched the Indigenous Fishing Strategy (IFS). The IFS has established the Indigenous Fisheries Strategy Working Group (IFSWG) that is made of representatives from the NSW Aboriginal Land Council Networks, Indigenous Commercial Fisherpeople, Community representatives, NSW Department of Aboriginal Affairs and Native Title Services. The IFS has achieved some significant results to date, but understands that there is still a lot of work to do.

Phil Duncan, Project Manager, IFS, will present an update on the achievements of the IFS to the Council.

Outcomes

A table detailing the achievements of the IFS in all key result areas was distributed to Council members for their information. These significant outcomes have laid foundations for future interactions with indigenous people and were achieved through the co-operation of many Department staff and external representatives.

The Council was informed that one of the goals of the IFS is to develop Aboriginal community involvement in commercial opportunities associated with our fisheries resources. As Indigenous people are generally rich in assets such as land and water but poor in capital, to achieve this goal it is necessary to provide strategic support through Indigenous services and programs. An example of this is the draft TAFE training plan currently being developed for the aquaculture industry. The aim of this plan is to establish a viable and sustainable TAFE training program that will raise capacity building for Indigenous people in this industry.

It was noted that the IFS has provided the Department with Indigenous expert panels forming a significant shift in the way Aboriginal people are engaged in the management process. This shift has stemmed from the quality cultural awareness program implemented by the Department. Council were advised that findings/recommendations of the IFS include the implementation, after further research and consultation, of a cultural fishery in legislation. It was made clear to the Council that the aim of this recommendation is not to destabilise but to create partnerships with existing industries. Further recommendations include the continuation of the IFS with the IFSWG formally legislated and the establishment of an Indigenous trust to enable Indigenous people to contribute to restocking, research and a variety of other fishing programs. A discussion paper on the formation of an Indigenous trust will be released soon for public comment. The Council noted that these IFS recommendations will be progressed in partnership with all other stakeholders.

The Council was advised that findings of the Illegal Fishing Review indicate Indigenous poachers form only a small part of the abalone poaching trade, contrary to media coverage of this issue. The Council noted that abalone have always been a significant component of Indigenous diet. The review focuses on alternatives to financial penalties for Indigenous abalone poachers.

The Council noted that a number of section 37 permits have been issued across NSW this week to allow NADOC Week cultural celebrations to occur. The Council Indigenous representative informed members that many Indigenous communities are not aware of the section 37 permit process. Council discussed how this issue will be addressed through the IFS in light of the Indigenous health need for pipis and the large number of coastal National Parks and cultural heritage lands. To ensure Indigenous people are aware of the regulations there is a need for increased connections to create understanding between the Department and Indigenous communities. It was noted that the Department's Fisheries Officers have a clear understanding of the Indigenous association with the pipi.

For information.

Issue

Squid research.

Background

In the Hawkesbury River, *Photololigo etheridgei* and *Loliolus noctiluca*, two species of squid, are harvested (as target species) by NSW licensed commercial fishers. PHD student, Ms Katie O'Donnell from the University of Sydney will give a presentation on research recently completed on the growth and reproduction of squid. The study investigated the distribution of the population, the size and/or age of first breeding, fecundity, rates of growth and mortality and migration of squid. The information collected will be used in yield per recruit analyses to determine an optimal legal minimum length for the squid.

The Estuary Prawn Trawl Fisheries Management Strategy refers to this research, stating that it will provide information on the optimal size of harvest for squid. The strategy for estuary prawn trawl provides an 18 month timeframe for determining whether or not there is a need to introduce a legal minimum length for squid. It also provides for a review of the exploitation status of squid and if the research shows that the level of exploitation of squid stocks is too high, then consideration would also be given to limiting fishing effort upon the stock consistent with the management response.

The study also investigated various management tools to ensure the sustainability of squid harvesting, such as area and period closures or changes to mesh size.

Outcomes

Ms Katie O'Donnell was unable to attend to present this research.

Issue

Charity auctions of seafood by amateur fishers.

Background (NSW Fisheries)

Concerns have been raised by the Coffs Harbour Fishermens Co-op about health issues associated with the quality and safety of fish product when auctioned by amateur fishers. The Co-op has requested a ban on angler fish auctions or the implementation of a food safety plan by NSW Food Authority.

NSW Food Authority is responsible for food safety across the entire food industry, from primary production to point of sale. Although the Food Safety Code exempts fund raising events from the need to have a food safety program, charity organisations that handle foods, such as fish auctions, are required to notify the NSW Food Authority prior to organising an event. The requirement allows the Food Authority to visit these auctions to ensure they are complying with specified standards under the Food Standard Code.

Currently angling organisations can request a permit from NSW Fisheries to hold a fish auction, for example, fish caught during a competition can be auctioned to raise funds for charity. The Department shares the Co-op’s concerns about the health issues associated with fish product when auctioned in this manner. Additionally auctioning fish caught at competitions encourages over-harvesting and provides a justification for fishers to kill more than they need for their own use. This is in conflict with NSW Fisheries campaign to encourage fishers to only take what they need, our policy of supporting catch and release competitions and discouraging catch and kill competitions.

NSW Fisheries proposes to discontinue issuing permits for this activity and is seeking the Council’s advice on this issue.

Outcomes

The Council was informed that the Department receives many annual requests for permits to auction fish caught during competitions. The Council noted that recreational fishing has a proud history of supporting many charities through fish auctions. However, there are no controls to ensure that all of the funds raised during angler fish auctions are donated to charity. It was noted that donated funds could be raised in many other ways. Additionally, Council discussed the food safety concerns of the Coffs Harbour Fishermens Co-op. Council members noted that some produce at angler fish auctions is sold in less time after being caught than when sold commercially. Due to this the Council believed the food safety risk to be fairly low but noted that the food quality issues remain.

Council discussed the principle that fish taken by anglers should not be sold. The majority of members believed this principle to be fundamental to the philosophy of recreational fishing and supported the proposal to discontinue issuing permits for this activity. It was noted that the Underwater Fishing representative strongly disagreed with the proposal to discontinue the permit on the grounds that fish auctions make significant contributions to charity.

Recommendation

The Council gave their support for the proposal to discontinue issuing permits for angler fish auctions.

Moved: Lisa Terry

Seconded: Scott Mitchell

Carried

Issue

Illegal fishing activity report card for anglers.

Background (NSW Fisheries)

At their 18th meeting the Recreational Fishing Freshwater Trust Expenditure Committee expressed interest in a credit-card sized illegal fishing report card produced by Fisheries Victoria for public use in the state. On suspicion of illegal fishing activity, the card can be filled out discretely and submitted to the relevant fisheries office for follow up compliance. The card provides a means for contributing to the overall effective operation of Victorian Fisheries Officers in addition to the option of reporting illegal activity by phone.

The Department's compliance staff are currently investigating the viability of introducing a similar illegal fishing activity report card in NSW. Mr Glenn Tritton, Principal Manager – Regional Services will provide further information to the Council at this meeting.

Outcomes

The Department informed the Council that the card was introduced in Victoria as part of a broader strategy where anglers report illegal fishing to a 24 hour manned phone service. Although the introduction of a similar card in NSW would be very useful the same level of after hours phone service is not currently available. Introduction of the proposed card could be done in conjunction with the Department's trial of an extended fishers watch service utilising the Police Assistance Line (PAL) to be undertaken shortly.

Once introduced the card could be made available at Fisheries Offices and licence agents and distributed through the recreational fishing licence database. The Council were in support of introducing a similar card in NSW and requested that the card include a list of prompts on the back, such as time and date, to ensure all necessary compliance information is collected.

Recommendation

The Council gave in principle support for the introduction of an illegal fishing activity report card in NSW.

Moved: Lionel Jones

Seconded: Neil Ryan

Carried

Issue

Enforcement of the Roads and Traffic Authority closure to fishing from the Swansea Bridge.

Background (NSW Fisheries)

At the last Council meeting, on 29 April 2004, the Estuarine Habitat Representative stated that anglers are regularly seen fishing from the Swansea Bridge, in contravention of an existing Roads and Traffic Authority (RTA) closure. It was suggested that a NSW Fisheries closure may be needed to prevent fishing from the bridge.

On 16th June 2004 NSW Fisheries attended a meeting with the RTA and Local Council regarding enforcement of the Swansea Bridge RTA fishing closure. As a result of this meeting Local Council Rangers have committed to a more active role in the enforcement of this fishing closure. This increase in enforcement should adequately achieve the removal of fishing from the bridge and eliminates the need for further closures.

Outcomes

The Estuarine Habitat Representative informed the Council that Local Council Rangers have now begun enforcing the Swansea Bridge RTA fishing closure. This enforcement has been successful in deterring fishing from the bridge and local residents congratulate the relevant authorities for taking action.

Issue

Standardised estuarine recreational trap and net identification (specifically crab traps and hoop nets).

Background (NSW Fisheries)

The Hunter Region Boat Owner's Association has requested that the Department implement standardised regulations for crab trap and hoop net identification markers to enhance safety and reduce the potential entanglement of vessels in these markers or the trap apparatus. To increase visual recognition of these traps and nets from an approaching vessel the Association has requested further consideration of the following specifications:

- size, shape and colour;
- position;
- water depth;
- distance from shore;
- distance from owner; and
- night time placement.

Under the *Fisheries Management (General) Regulations 2002* set fishing gear such as traps and nets are all required to be clearly identified by anglers in NSW. The *Regulations* also stipulate that the position of crab and lobster traps must be indicated by a buoy, moored above the trap, with an above water diameter of at least 10cm. To reduce the risk of entanglement a weight of at least 50 grams must be suspended not less than 1 metre under the buoy so that no rope is floating on the surface of the water.

Although buoys are used to identify set hoop nets the *Regulations* do not specify a required minimum buoy size for this gear type. Consequently buoys less than 10cm in diameter are frequently used making visual recognition of these floats difficult.

Outcomes

The Council was informed that in Lake Macquarie a plastic bottle is often used to mark set hoop nets making these nets very difficult to see from an approaching vessel. The Council noted that aesthetic and cost complaints could arise if a required minimum buoy size for hoop nets was introduced. Additionally it was suggested that this issue may be specific to Lake Macquarie. NSW Fisheries compliance staff requested time to further investigate the issue to gather more information on possible difficulties with enforcement and the level of support for this proposed regulation change. The Council recommended that this issue should be considered during the Fisheries Management Strategy.

Recommendation

Council supported the consideration of standardised estuarine recreational trap and net identification buoys during the recreational Fisheries Management Strategy.

Moved: Lionel Jones

Seconded: Lisa Terry

Carried

Issue

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

Background (NSW Fisheries)

Over the past two years the Department's Hastings district has received a number of complaints from the general public and the Waterways Authority regarding spearfishing in the Hastings River marina and back channel, adjacent to the current spearfishing closure. The current closure line does not include the area around the west port boat ramp, the west port marina, back channel, nor Pelican Island. Due to the high traffic boating and service use of this area, spearfishing in the vicinity presents an safety issue.

There is also a degree of confusion by the general public regarding the exact line of the current closure, as it is poorly defined. It extends from an imaginary line from the Old Coal wharf (which no longer exists) to the eastern extremity of Park Street, and easterly to the end of the break walls.

To address the safety issues and complaints it is proposed to extend the closure upstream for about five hundred metres to the Settlement Point ferry crossing. Consultation on this proposal was undertaken by the Hastings Fisheries Office with National Parks and Wildlife Service (NPWS), Hastings Council, Waterways Authority, Spearfishing community representatives, General public and Bait & Tackle shops.

Submissions were received from local residents, the Port Marina Pty Ltd, the Waterway's Authority, Andrew's Sports Store, the Mid-North Coast Freediving Club and NPWS. The submission received from the Mid-North Coast Freediving Club details the clubs opposition to the proposed extension and instead requests a reduction in the closed area (submission attached). One submission from a local resident requested that the extension include the rock wall at Settlement Point, as it is believed this area provides excellent fish habitat. All other submissions were in support of the extension as proposed and believed it would adequately address the safety issues and provide a clear closure boundary.

Outcomes

The Underwater Fishing representative advised the Council that after discussions at their last meeting the NSW Spearfishing & Freediving Association indicated their opposition toward the proposed extension of this closure. Council discussed the Associations concerns over the constant erosion of areas accessible to spearfishers through restrictions and closures. The Association believes that as commercial fishers are compensated for reductions to access, angling groups should be given the same consideration with further restrictions to spearfishing access compensated. Additionally, the Underwater Fishing representative requested that state spearfishing organisations are consulted prior to Council review of new spearfishing closures.

As this closure has been requested in response to safety issues caused by high boat traffic the Council requested more information on the number of complaints and statistics on boating incidents with spearfishers. It was noted that most closures in estuaries are in place to address high traffic safety concerns and with growing coastal populations these requests will inevitably increase as the potential for incident also increases. The Council suggested that signage and speed limits may be a more appropriate method for addressing this issue.

Council expressed concern that without a formal streamlined lined process for implementing new closures specific interest groups, such as spearfishers, may be alienated through frequent, ad-hoc closure requests. To properly consider new spearfishing closures Council recommended the development of a pro-forma to ensure all required information is available for the Council's consideration. At minimum the required information should include a map of the area under consideration, details on the group(s)/individuals who have requested the closure, results of consultation with local and state interest groups and where relevant an estimate of risk of incident. In some cases the estimate of risk should be undertaken through an independent risk assessment.

Action Item – The Department to develop a pro-forma detailing the information required for the Council's consideration of all new spearfishing closures.

Issue

Proposal to amend clause 53 of the *Fisheries Management (General) Regulations 2002* to allow the use of the “EnviroNet” a more fish friendly landing net.

Background (NSW Fisheries)

NSW Fisheries Officers at the Sydney South Fisheries Office have noticed, over the last six months, an increased prevalence in the use of “EnviroNets” as landing nets. These nets are made from extremely small knotless mesh and in some models half of the net is made of flexible plastic (see attached photo). These nets have been designed to minimise harm to captured fish and maximise survival rates for released fish.

Clause 53 of the *Fisheries Management (General) Regulation 2002* states that a landing net, used as an ancillary aid to the hand line or rod must not have a mesh size of less than 25mm. The “EnviroNet” is made from a maximum mesh size of 1-2mm making this landing net illegal under the current regulations. However, a minimum mesh size on a legally used landing net could be considered unnecessary.

To reflect this positive change in landing net design NSW Fisheries proposes to amend the regulations to disallow landing nets with a mesh size of between 5mm and 25mm. This amendment would not cause the dimensions and mesh sizes of landing nets to conflict with those of a dip or scoop net. It would also enable those persons who currently use landing nets of mesh size greater than 25mm to continue to do so.

Outcomes

The Council agreed that a minimum mesh size on a legally used landing net (i.e. used as an ancillary aid to the landing of legally hooked fish) would be unnecessary. The Council was informed that a mesh size of between 5mm and 25mm would be very difficult for Fisheries Officers to accurately measure. As such the Council recommended the removal of the mesh size requirement for landing nets to allow the use of the “EnviroNet”.

Recommendation

That Council supported the amendment of Clause 53 of the *Fisheries Management (General) Regulation 2002* to remove the mesh size requirement for landing nets.

Moved: Lionel Jones

Seconded: Scott Mitchell

Carried

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:

- a) Butler's Creek, Willinga Lake, Canal Lagoon, Lake Wollumboola, Moona Moona Creek, Swan Lake & Toubouree Lake
- b) Hastings River and Maria River
- c) Lake Arragan
- d) Lake Illawarra (including Macquarie Rivulet)
- e) Longneck Lagoon
- f) Nadgee River, Nadgee Lake, Merrica River & Little Creek
- g) Port Hacking
- h) Sandy Beach Creek
- i) St George's Basin
- j) Wallagaraugh River
- k) Boambee Creek, Bonville Creek and Pine Creeks
- l) Cuttagee Lake (including Little Lake)
- m) Nangudga Lake
- n) Wagonga River

Copies of the current closure notifications will be provided at the meeting.

a) Butler's Creek, Willinga Lake, Canal Lagoon, Lake Wollumboola, Moona Moona Creek, Swan Lake & Toubouree Lake

Issue

Renewal of the Butler's Creek, Willinga Lake, Canal Lagoon, Lake Wollumboola, Moona Moona Creek, Swan Lake and Toubouree Lake fishing closure due to expire on 17 September 2004.

Background (provided by the Department of Primary Industries)

The current closure (attached) provides for the following:

Schedules 1 and 2 prevent the use of nets (except the dip or scoop net and landing net) in Butler's Creek and Willinga Lake. This closure has been in existence for many years.

Schedule 3 prohibits the use of nets of every description (except the dip or scoop net, hand hauled prawn net, push or scissors net and landing net) in Canal Lagoon and Berrara Creek. It was introduced to protect the resident fish stocks that are not large enough to sustain commercial net harvesting. It is also aimed at preserving the waters for recreational fishing activities.

Schedule 4 prevents the use of prawn running nets in the whole of the waters of Lake Wollumboola and has been in force for many years.

Schedule 5 prohibits the use of nets of every description except the dip or scoop net, push or scissors net (prawns), hand hauled prawn net and landing net in Moona Moona Creek. It was introduced to preserve the area for recreational fishing activity and tourists who use the waters of Moona Moona Creek for swimming.

Schedule 6 and 7 were originally introduced due to Ministerial representations on behalf of members of the Swan Lake North Progress Association. The Association were concerned with commercial fishing activity in sections of Swan Lake located near holiday cabins on the foreshore of the lake where tourists undertake swimming activities.

Schedule 8 and 9 were originally introduced to ease any possible conflict between recreational and commercial fishers due to increased levels of tourist activity in Toubouree Lake.

The Batemans Bay Fisheries Office supports the renewal of Schedule 1 of the closure in its current form. The Shoalhaven Fisheries Office advises that Schedule 5 should be amended to conform with the Jervis Bay Marine Park Sanctuary Zone. The Fisheries Office recommends changing the waters to "*The whole of the waters of Moona Moona Ck, together with all its creeks, inlets, and tributaries, from its confluence with the waters of Jervis Bay upstream to 50m beyond the Moona Moona Creek Road bridge, thus adjoining the Sanctuary Zone*".

Recommendation

NSW Fisheries recommends the renewal of the closure, incorporating amendments to Schedule 5 as outlined above, for a period of five years unless sooner varied or revoked by the Director-General.

b) Hastings River and Maria River

Issue

Renewal of the Hastings River and Maria River fishing closure due to expire on 17 September 2004.

Background (provided by the Department of Primary Industries)

The current closure (attached) provides for the following:

Schedule 1 prohibits the use of nets (except the prawn net, recreational prawn net, recreational hoop net and landing net) from the whole of the waters of the Hastings River. It applies from 6pm Friday to 6pm Sunday, and from 6am to 6pm on any weekday Public Holiday, from 1 October to 31 March in each year.

Schedule 2 prohibits meshing nets (except when used by the method of 'splashing') from the whole of the tidal waters of the Hastings River from 1 September to 31 May.

Schedule 3 prohibits all nets (except the dip or scoop net and landing net) from certain tidal waters of the Hastings River.

Schedule 4 prohibits mesh nets (except when used by the method of 'splashing') from certain waters of the Hastings River and Limeburner's Creek.

Schedule 5 prohibits fish traps from certain waters of the Hastings River.

Schedule 6 prohibits nets (except the landing net) from certain waters of the Hastings River.

Schedule 7 prohibits meshing nets (except when used by the method of 'splashing') from certain waters of the Maria River.

The Hastings Fisheries Office advises that schedules 2, 3, 4, 5 and 7 are no longer applicable and should be removed from the closure due to the establishment of the Hastings River Recreational Fishing Haven. This closure was introduced on May 1, 2002 and completely prohibits commercial fishing in all of the waters of the Hastings River.

Recommendation

NSW Fisheries recommends the removal of schedules 2, 3, 4, 5 and 7 and the renewal of schedules 1 and 6 of the closure for a period of five years unless sooner varied or revoked by the Director-General.

c) Lake Arragan

Issue

Renewal of the Lake Arragan fishing closure due to expire on 17 September 2004.

Background (provided by the Department of Primary Industries)

The current closure (attached) prohibits the use of all traps and nets (except the dip or scoop net and the landing net) from the whole of the waters of Lake Arragan. This closure has been in force for an extended period.

The Clarence Fisheries Office supports the renewal of the closure in its current form.

Recommendation

NSW Fisheries recommends the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

d) Lake Illawarra (including Macquarie Rivulet)

Issue

Renewal of the Lake Illawarra (including Macquarie Rivulet) fishing closure due to expire on 17 September 2004.

Background (provided by the Department of Primary Industries)

The current closure (attached) provides for the following:

Schedule 1: A weekend and public holiday closure that prohibits the use of nets (except the prawn running net, dip or scoop net, the push or scissors net and the hand hauled prawn net, and the landing net) in Lake Illawarra. This closure has been in force for many years and was originally introduced to reduce conflict between recreational and commercial fishers.

Schedule 2: Prohibits the use of nets, except the landing net, in Para or Fairy Creek. This closure was implemented because the waters of the Creek are polluted with drainage from the town of Wollongong and industrial waste effluent. The closure has been in force many years and was originally implemented in the interests of the general public.

Schedule 3: Prohibits the use of nets, except the meshing net and the landing net, in Mullet Creek. The closure was originally implemented as the waters of Mullet Creek are very popular with recreational fishers and the use of meshing nets in the creek target only mullet, which is not a recreationally targeted species.

Schedule 4 & 5: Prohibit the use of hauling nets, except the prawn net (hauling) and hand hauled prawn net, in Lake Illawarra. This closure was originally implemented as commercial fishing on Lake Illawarra is a contentious issue and at the time a balance between the competing interests of recreational and commercial fishers was required. The months of December, January and February were selected because competing interests are greatest at this time. The operation of hauling net in the months March to November was included in the closure at the request of the local fishers.

Schedule 6: Prohibits the use of meshing nets (except when used for 'bullringing' and 'splashing') in Lake Illawarra. The closure has been in force many years and was originally imposed to allow fish to move freely in and out of Lake Illawarra. There has been no change to the current arrangements.

Schedule 7: The closure was originally implemented on the grounds that set nets interfere with commercial prawning activities during the months of October until the end of March each ensuing year; local fishers supported this closure at the time.

Schedule 8: Prohibits all methods of fishing (except line fishing and the landing net) in Macquarie Rivulet. This closure in the Macquarie Rivulet was implemented to protect the large quantity of estuary fish such as bream and mullet and was originally implemented as a conservation measure.

The Illawarra Fisheries Office supports the renewal of the closure in its current form.

Recommendation

NSW Fisheries recommends the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

e) Longneck Lagoon

Issue

Renewal of the Longneck Lagoon fishing closure due to expire on 17 September 2004.

Background (provided by the Department of Primary Industries)

The current closure (attached) prohibits the use of nets of every description except the landing net from the whole of the waters of Longneck Lagoon.

The closure has been in force for many years. The closure was originally implemented due to the shallow nature of the Lagoon and to avoid conflict between recreational and commercial fishers. Mullet taken from the area are likely to be in an "earthy" condition and unsuitable for commercial purposes.

The Sydney North Fisheries Office supports the renewal of the closure in its current form.

Recommendation

NSW Fisheries recommends the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

f) Nadgee River, Nadgee Lake, Merrica River & Little Creek

Issue

Renewal of the Nadgee River, Nadgee Lake, Merrica River and Little Creek fishing closure due to expire on 17 September 2004.

Background (provided by the Department of Primary Industries)

The current closure (attached) prohibits the use of all nets except the landing net from the whole of the waters of Nadgee River, Nadgee Lake, Merrica River and Little Creek.

This closure has been in existence for many years and was originally imposed to prevent commercial fishing within the boundaries of the Nadgee Nature Reserve. The Nadgee Nature Reserve is considered unique and extremely valuable to scientific research because of its unspoilt nature.

The Far South Coast Fisheries Office supports the renewal of the closure in its current form. The Office advises that the closure has no real impact on either recreational or commercial fisher, as these waters are in a remote wilderness area that is not easily accessible by land or sea.

Recommendation

NSW Fisheries recommends the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

g) Port Hacking

Issue

Renewal of the Port Hacking fishing closure due to expire on 16 September 2004.

Background (provided by the Department of Primary Industries)

The Port Hacking closure has been in place for many years to prevent conflict between commercial and recreational fishers and protect the local aquatic environment.

The current closure (attached) contains two schedules:

Schedule 1 prohibits the use of nets of every description (except the dip or scoop net, hand hauled prawn net, push or scissors net and the landing net) in the whole of the waters of that part of Port Hacking north of a line drawn from the southern extremity of Hungry Point north-easterly to a point on

the northern foreshore of Port Hacking due south of the Bass and Flinders Memorial from 6am on Saturday to 6am on Monday, and from 6am to 6pm on any weekday public holiday.

Schedule 2 prohibits all methods in the whole of the waters of that part of Port Hacking being Gunnamatta Bay, together with all creeks, tributaries and inlets of that part north of a line extending north easterly from the southern most extremity of Burraneer (Burraneer) Point to the southernmost extremity of Hungry Point. Note: This Schedule applies to the taking of worms, nippers and shellfish only.

The Sydney South Fisheries Office supports the renewal of the closure in its current form. The closure has been successful in reducing conflict and protecting worms, nippers and other shellfish.

Recommendation

NSW Fisheries recommends the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

h) Sandy Beach Creek

Issue

Renewal of the Sandy Beach Creek and Bournda Lagoon fishing closure due to expire on 16 September 2004.

Background (provided by the Department of Primary Industries)

The Sandy Beach Creek and Bournda Lagoon closure has been in place for many years to reduce conflict between commercial and recreational fishers.

The current closure (attached) contains one schedule:

The schedule prohibits the use of nets of every description except the dip or scoop net, and the landing net in the whole of the waters of Sandy Beach Creek and Bournda Lagoon, together with all their inlets, creeks and tributaries.

The Far South Coast Fisheries Office supports the renewal of the closure in its current form. The closure has been successful in reducing conflict between user groups.

Recommendation

NSW Fisheries recommends the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

i) St George's Basin

Issue

Renewal of the St George's Basin (including Sussex Haven and Erowal Bay) fishing closure due to expire on 16 September 2004.

Background (provided by the Department of Primary Industries)

The St George's Basin closure has been in place for many years to prevent conflict between commercial and recreational fishers.

The current closure (attached) includes 6 schedules:

Schedule 1 prohibits nets of every description except the dip or scoop net and the landing net in St George's Basin (see closure for boundaries) on weekends and public holidays during 1 November to 30 April in each ensuing year.

Schedule 2 prohibits nets of every description except the prawn net (hauling), prawn running net, the dip or scoop net, the push or scissors net, the hand hauled prawn net and the landing net in St George's Basin (see closure for boundaries) on weekends and public holidays during 1 November to 30 April in each ensuing year.

Schedule 3 prohibits nets of every description except the dip or scoop net and the landing net in Sussex Haven and St George's Basin (see closure for boundaries).

Schedule 4 prohibits the use of meshing nets, except when such nets are used by the method of 'splashing' and 'bullringing' in St George's Basin (see closure for boundaries).

Schedule 5 prohibits nets of every description in St George's Basin (see closure for boundaries) for the period 1 June to 30 September each year inclusive.

Schedule 6 prohibits the use of prawn nets of every description except the dip or scoop net, the push or scissors net, and hand hauled prawn nets in the waters of Erowal Bay in St George's Basin north of a line drawn from the south-eastern corner of lot 22 Naval Parade, westerly to the southern shore of the mouth of John Lamb or Cockcrow Creek.

St George's Basin became a recreational fishing haven on 1 May 2002 and as a result, commercial fishing is now banned in the area. Schedules 1, 2, 4, 5 and 6 are no longer applicable and should be removed from the closure.

The Shoalhaven Fisheries Office supports removing schedules 1, 2, 4, 5 and 6 from closure and retaining schedule 3.

Recommendation

NSW Fisheries recommends the removal of schedules 1, 2, 4, 5 and 6 from the closure and the renewal of schedule 3 for a period of five years unless sooner varied or revoked by the Director-General.

j) Wallagaraugh River

Issue

Renewal of the Wallagaraugh River fishing closure due to expire on 16 September 2004.

Background (provided by the Department of Primary Industries)

The Wallagaraugh River closure has been in place for many years to protect bass stocks.

The current closure (attached) contains one schedule, which prohibits the use of nets of every description except the landing net in the whole of the waters of Wallagaraugh River, its creeks and tributaries, from the State boundary to its source.

The Far South Coast Fisheries Office supports the renewal of the closure in its current form. The closure has been successful in protecting bass stocks.

Recommendation

NSW Fisheries recommends the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

k) Boambee Creek, Bonvill Creek and Pine Creeks

Issue

Renewal of the Boambee, Bonville and Pine Creeks fishing closure due to expire on 23 September 2004.

Background (provided by the Department of Primary Industries)

The Boambee, Bonville and Pine Creeks closure has been in place for many years to reduce conflict between commercial and recreational fishers. It was originally imposed in the interests of recreational fishing as the area provides excellent recreational fishing opportunities.

The current closure (attached) contains one schedule:

The schedule prohibits the use of nets of every description except the dip or scoop net and the landing net in the whole of the waters of Boambee, Bonville and Pine Creeks, together with all their, creeks, tributaries and inlets extending from the South Pacific Ocean upwards to their source.

The Coffs Harbour Fisheries Office supports the renewal of the closure in its current form. The closure has been successful in reducing conflict between user groups.

Recommendation

NSW Fisheries recommends the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

l) Cuttagee Lake (including Little Lake)

Issue

Renewal of the Cuttagee Lake and Little Lake fishing closure due to expire on 23 September 2004.

Background (provided by the Department of Primary Industries)

The Cuttagee Lake and Little Lake closure has been in place for many years to reduce the impact of estuary hauling on fish stocks and habitats and reduce conflict between commercial and recreational fishers.

The current closure (attached) contains two schedules:

Schedule 1 prohibits the use of a hauling net (general purpose) in the whole of the waters of Cuttagee Lake, including Little Lake, together with all their inlets and creeks west of the bridge across the entrance to Cuttagee Lake.

Schedule 2 prohibits the use of nets of every description except the dip or scoop net, push or scissors net, the hand hauled prawn net and the landing net in the whole of the waters of Little Lake, including its creek and tributaries.

The Montague Fisheries Office supports the renewal of the closure in its current form. The closure has been successful in reducing the impacts of hauling and reducing conflict between user groups.

Recommendation

NSW Fisheries recommends the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

m) Nangudga Lake

Issue

Renewal of the Nangudga Lake fishing closure due to expire on 23 September 2004.

Background (provided by the Department of Primary Industries)

The Nangudga Lake closure has been in place for many years to reduce conflict between commercial and recreational fishers.

The current closure (attached) contains one schedule:

The schedule prohibits the use of nets of every description except the dip or scoop net, push or scissors net, hand hauled prawn net and the landing net in the whole of the waters of that part of Nangudga Lake east of the bridge on the Princes Highway across the Lake.

The Montague Fisheries Office supports the renewal of the closure in its current form. The closure has been successful in reducing conflict between user groups.

Recommendation

NSW Fisheries recommends the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

n) Wagonga River**Issue**

Renewal of the Wagonga River fishing closure due to expire on 23 September 2004.

Background (provided by the Department of Primary Industries)

The Wagonga River closure has been in place for many years to reduce the impact of fishing on worms and nippers.

The current closure (attached) contains one schedule:

The schedule prohibits the taking of worms and nippers by all methods, except a pump or similar device having a barrel or cylinder with a diameter of not more than 85mm in the whole of the waters of that part of the Wagonga River or Wagonga Inlet within Reserve No. 61902 for Reclamation (see closure boundaries), notified 6th June 1930.

The Montague Fisheries Office supports the renewal of the closure in its current form. The closure has been successful in helping to ensure worms and nippers are sustained.

Recommendation

NSW Fisheries recommends the renewal of the closure for a period of five years unless sooner varied or revoked by the Director-General.

Outcomes

- a) Butler's Creek, Willinga Lake, Canal Lagoon, Lake Wollumboola, Moona Moona Creek, Swan Lake & Toubouree Lake – *Supported.*
 - b) Hastings River and Maria River – *Supported.*
 - c) Lake Arragan – *Supported.*
 - d) Lake Illawarra (including Macquarie Rivulet) – *Supported with Schedule 3 amended to mirror Schedule 8.*
- The council noted that Schedule 3 of this closure allows the use of meshing nets in Mullet Creek as they are only used to target mullet, which is not a popular recreational species. Council members have been advised by local anglers that meshing nets are also used to target bream in Mullet Creek. Additionally, Schedule 8 of this closure prohibits the use of meshing nets in Macquarie Rivulet, which is marginally smaller than Mullet Creek, to protect bream and mullet. In light of this inconsistency the Council requested that Schedule 3 be amended to mirror Schedule 8.
- e) Longneck Lagoon – *Supported.*
 - f) Nadgee River, Nadgee Lake, Merrica River & Little Creek – *Supported.*
 - g) Port Hacking – *Supported.*
 - h) Sandy Beach Creek – *Supported.*
 - i) St George's Basin – *Supported.*
 - j) Wallagaraugh River – *Supported.*
 - k) Boambee Creek, Bonvill Creek and Pine Creeks – *Supported.*
 - l) Cuttagee Lake (including Little Lake) – *Supported.*
 - m) Nangudga Lake – *Supported.*
 - n) Wagonga River – *Supported.*

Recommendation

The council supports the renewal of these closures in their current form for a period of five years, unless sooner varied or revoked by the Director-General.

Moved: Lionel Jones Seconded: John Dunphy **Carried**

The council recommends that consideration be given to amend Schedule 3 of the Lake Illawarra closure to mirror Schedule 8.

Moved: Scott Mitchell Seconded: Lionel Jones **Carried**

Issue

Southern Cross University Trust funded programs update.

Background (NSW Fisheries)

Southern Cross University Programs update

A) Recreational fishing haven research

The objective of the project is to determine the effectiveness of Recreational Fishing Havens in improving angling in northern NSW and aims to answer the following three main questions.

- Are there more fish species of recreational importance within the havens compared to areas near them?
- Are there higher recreational catches in havens compared to areas near them?
- Do anglers have a better angling experience in havens?

B) Fish tagging pamphlet

The objective of the project is to provide a cheap and effective pamphlet for recreational anglers showing the latest techniques in fish handling and release, and unintentional harm to angled fish. The pamphlet will be distributed to recreational fishers at competitions and via Fisheries officers and the Fish Care volunteer program.

C) Stock enhancement workshop proceedings

The objective of the project is to formulate papers relating to stock enhancement of marine and freshwater fisheries, presented at the Australian Society for Fish Biology in August 2000. The book will bring together relevant experts in the general field of stock enhancement detailing the past, present and future of restocking practices within Australia. Presentations focused on new methods of stock enhancement, ecological impacts, genetic impacts, measuring success – marine, estuarine and freshwater fisheries and management implications. A publication of this kind will have direct benefit to anglers in NSW as many fisheries currently rely on restocking. The intent of the book is to provide techniques and guidelines for enhancing native and non-native fisheries within NSW.

Programs B and C are nearing completion and details of outputs will be provided at the meeting.

D) Population genetics of bream

Yellow fin bream are considered a key recreational target species by anglers in NSW and recreational anglers have recorded significant decline in the number of bream caught. Bream have been highlighted as a species that could breed in captivity and be restocked into state waters. Before restocking any native fish into NSW waters a genetic analysis must be carried out to determine genetic population subdivision. The researchers have completed most of the genetic analysis, however the results highlighted the need for a more detailed sampling protocol. Samples have now been collected and await screening. The aim is to screen the additional 228 samples for genetic diversity. This research will provide the necessary information on population subdivision of yellowfin bream in NSW, which can be used for better fisheries management and in the planning of restocking programs.

Outcomes**A) Recreational fishing haven research**

The Council was informed that data for this project will be collected through creel and angler perception surveys along with a fishing effort survey, where effort will be mapped through a boat based visual survey and an angler boat survey. Tagging will also be undertaken to determine the movement of fish such as flathead, bream and whiting inside and outside of the haven. As the study will not be using gill nets inside the haven the main data gathering technique will be using video technology, currently being perfected.

The Council was informed that the video camera the project is using can be lowered down to 50m deep and trial runs have produced clear footage of rays, fish, sea grasses and reef. Using a manufactured boom the camera will be positioned 4 metres horizontally from the boat to remove the boats influence on fish presence. A differential GPS and sounder is being used to record depth, speed and water quality

variables used to map the estuarine habitat to an accuracy of 1m. It was noted that the University is developing a website for this project where video footage will be available. Video footage will be presented to the Council at their next meeting.

B) Fish tagging pamphlet

The Council was advised that a draft of the pamphlet will be circulated out of session to members for comment and the final version will be available for distribution at their next meeting.

C) Stock enhancement workshop proceedings

The Council was advised that the Stock enhancement workshop proceedings are currently in the editorial stage and should be ready for publication prior to the next meeting.

D) Population genetics of bream

The Council was informed that all samples have now been collected and a student assistant has been enlisted to help obtain the remainder of the DNA. Anthony Moore also noted that comparable data could be obtained from the University of Wollongong from their trust funded project 'Genetic and experimental assessment of the frequency and importance of hybridisation of Black and Yellow fin Bream' as both universities are using the same molecular markers to highlight the hybridisation effect.

E) Eastern Cod

The Council was informed that, with only a small number of rivers to go, sampling for this project will soon be complete. Upon completion samples of approximately 450-500 fish will be obtained and a GPS position recorded for each. This data will accurately map the range of Eastern Cod to an area more extensive than previously thought. National Parks and Wildlife Service have been very accommodating throughout this project facilitating helicopter access to hard to reach sites.

Action Item – Mr Anthony Moore to circulate the draft fish tagging pamphlet to Council members for comment out of session and distribute the final version of the pamphlet and the Stock enhancement workshop proceedings to members at their next meeting.

Issue

Baitfish program update.

Background (NSW Fisheries)

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.

Outcomes

Dr Michael Lowry was unable to attend to present this update and it was rescheduled for meeting 31 of the Council to be held on 28th September 2004.

Other Business

- *Update on developments with the Department of Primary Industries – for information.*

The Department of Primary Industries (DPI), incorporating NSW Agriculture, Fisheries, Mineral Resources and State Forests, commenced on 1 July 2004. The consolidation of the existing partner agencies will give rural and regional NSW a much stronger voice in government through the establishment of a department that focuses on enhancing primary production through the wise use of natural resources. The DPI's head office will be at Orange.

Mr Barry Buffier has been appointed as Director General of the NSW DPI. Mr Richard Sheldrake is one of three DPI Deputy Directors General and heads the Primary Industries Agriculture and Fisheries division.

The new Departmental structure includes seven divisions - *Primary Industries Agriculture and Fisheries; Primary Industries Trading; Primary Industries Mineral Resources; Strategy and Policy; Primary Industries Science and Research; Biosecurity, Compliance and Mine Safety; and Corporate Services.*

Fisheries will not be reducing services in compliance, or in the priority work areas of commercial fisheries management, fisheries management planning and the trust funded projects, which stakeholders regard as a high priority. Fisheries will be consolidating services in aquaculture, and staff working on threatened species and habitat management will be merged into a single group with a consequential reprioritising of activities. It was confirmed that Trust Funds are legislated and cannot be moved to core funds. This cannot be done without significant change to the legislation and there is no proposal to do this.

- *Grey Nurse Sharks (7:30 report – Nature Conservation Council interview)*

The Council expressed significant concern about the information provided by the Nature Conservation Council's representative, Ms Megan Kessler, regarding the impacts of recreational fishing on grey nurse sharks in NSW.

It was mentioned that many anglers have challenged the credibility of critical habitat research eg Bass Point critical habitat site – not necessarily an area where grey nurse sharks breed.

Action Item – Provide members with a copy of the grey nurse shark report/s.

The Council discussed the proposal for funding from the Saltwater Trust to conduct further studies on grey nurse sharks. The merit of the grey nurse shark supplementary research program was acknowledged – it could provide independent information that would contribute to the current research carried out by the Department on the species.

Members noted that the Expenditure Committee did not consider it appropriate for the research to be funded from the Saltwater Trust, as the research could potentially result in additional closures for recreational fishers. It was highlighted that some of the non-recognised sites listed in the application may be considered as part of future marine bioregion assessments during the marine parks implementation process.

Council recognises the need to protect these sharks. They are known to be night time bottom feeders (take big baits on heavy hooks with wire traces etc), so that type of fishing should be restricted, however, many types of recreational fishing have absolutely no impact on the species. It is believed that closing areas will not achieve the desired level of protection as these sharks are very mobile and enforcement would be difficult if there is not a total ban.

The Council expressed a strong desire for the Minister to release a public statement on behalf of anglers, to provide factual information on this issue. Anthony Moore, Jim Harnwell and Mel Brown to liaise with John Diplock to assist with the preparation of a draft statement for consideration by the Minister. Members requested the information to be circulated to the Council prior to public release.

Moved: Neil Ryan

Seconded: Mel Brown

Carried

- *Striped Marlin Economic Survey*

The Council was advised that the striped marlin economic survey was almost complete and could be released soon. The study looked at the economic impact of various management strategies. The economic importance of striped marlin to the commercial and recreational fishing sectors was assessed.

The study of two coastal towns (Port Macquarie and Bermagui/Narooma) is nearing completion and has compared the value/benefits of recreational and commercial fishing to regional economies. The Council stated that it is good value for licence money to have hard, justifiable data regarding economic issues.

With regards to mercury levels in large pelagic fish, such as marlin, the Council believes that the Government has a duty of care. It was stated that Australia and NZ have released warnings about how much mercury people should eat and that it is not hard to exceed that level – particularly for pregnant women and small children. This is all very useful information to assist with a proposal for a recreational catch and release only fishery for marlin in NSW.

Action Item – Striped Marlin Economic data and the issue of research on mercury in large pelagic fish to be included in the agenda for the next Council meeting.

Out of session items

Nil.

Correspondence received

- Letter from Mr John Ruse congratulating NSW Fisheries for creating the Recreational Fishing Haven in Lake Macquarie.

Information noted.

- Letter from the NSW Spearfishing & Freediving Association confirming their support for the Shelly Beach Lagoon, Port Macquarie, spearfishing closure supported by the Council at meeting 28. The letter also expresses the Association's concerns over the "constant erosion" of the areas accessible to freedive spearfishers through restrictions and closures. The association believes that further restrictions to spearfishing access should be compensated.

Comments noted.

- Letter from Mr Andrew Cutbush regarding spearfishing and the collection of sea urchins in rock pools and ledges at Cronulla. Mr Cutbush believes that the Port Hacking spearfishing closure should be extended past Glashier Point to protect the rock area off Shelley Park and Cronulla Point.

The council noted Mr Cutbush's concerns but did not support an extension to the existing closure.

Action item – Write to Mr Cutbush advising of Council's views.

- Letter from Mr Robert Fallon, President of the Seagulls Fishing Club, requesting a spearfishing closure in the Tweed River and estuaries to protect flathead.

The council does not support the introduction of a spearfishing closure in the Tweed River to protect flathead. Council noted that the review of bag and size limits will address this concern.

Action item – Write to Mr Fallon advising of Council's views.

Around the table

- The Department to provide a copy of the latest AFMA Fisheries Assessment Group report on tuna stocks to Council members.
- Council members requested an update on the proposal that Commonwealth legislation be changed to override Western Australia's restrictions regarding the landing of striped marlin by commercial fishers. The Department will provide this update at the next meeting.

- The Department to provide a copy of the Minister's response to the ACCF re: commercial salmon by-catch to members at next meeting.
- The Council expressed concern that more proposals for funding may be directed to the Expenditure Committees because of Departmental budget cuts.
- The Council's Underwater Fishing representative highlighted the discriminatory nature of the proposal that spearfishers be banned from catching sharks and rays. He stated that spearfishers do not have any concerns with banning all recreational fishing for sharks and rays (i.e. zero bag limit for all species). It was noted that the proposal relates only to spearfishing because speared fish cannot be released in good health. The Council also highlighted that the commercial fishing sector catches a lot of wobbegongs and that a zero limit for all types of fishing should be considered for this species.
- Fishing Competitions – Council discussed that new, large fishing comps that offer a huge range of prizes (boats, cars, motors etc) are disadvantaging other local clubs/competitions, with some long-term competitions finding it hard to secure sponsorship and/or participants because the bigger competitions are more prestigious. It was confirmed that QLD fishing competition registration did not make enough money to keep the scheme running. It was noted that the Department can look at introducing a regulation in the future, but in the meantime needs to focus on collecting information and encouraging competitions to operate under a standard Code of Conduct for NSW fishing competitions. The Department could then endorse those competitions that operate under the code of conduct. It was confirmed that fishing competitions will be addressed in detail in the discussion paper.
- Consultation – The Council's Indigenous representative suggested that Council meetings could be held over two days if there are detailed issues that require more time for discussion.
- Junior Fishing Clinics – Shimano Australia has expressed a strong desire to support/sponsor junior fishing clinics. The Department recently held an internal workshop to review the structure and coordination, including sponsorship potential, of the clinics. A stakeholder workshop will be arranged to explore ways of consolidating fishing clinics and maximise benefits across the state. To be progressed by the next meeting.
- Fishcare Volunteer Program – a recent report to the Recreational Management section has identified a number ways to improve the program, such as better reporting to the Expenditure Committees, provision of media contacts to education officers to increase the program's profile and a greater involvement of volunteers in other issues, such as rock fishing safety, *Caulerpa* etc.

Meeting closed.

2004 meetings – Tuesday 28th September and 9th December 2004.