

**Marine and Estuarine Recreational Charter
Management Advisory Committee**

FINAL MINUTES

**4th MEETING, 2/03
9:30am, Thursday 4 December, 2003**

**Conference Room, Cronulla Fisheries Centre
202 Nicholson Parade, Cronulla**

Attendance

Chair

Mr Brian Beer

Members

Ms Margaret Dodson
Mr James (Jim) Booth
Mr James (Jim) Lumb
Ms Ann Garard
Mr Keith Appleby
Mr David Taylor

Representative

Mid North Coast
Central Coast
Sydney
Illawarra
Far South Coast
Recreational Fishing

Observers

John Diplock, Principal Manager Recreational Fisheries
Nick James, Manager Recreational Fisheries

Business

Welcome

MERCMAC members and NSW Fisheries would like to welcome Mr Brian Beer (Chairman) and Mr Jim Booth (Central Coast representative) to the committee.

Apologies

Ms Barbara Radley (commercial fishing representative - recently resigned from NSW Fisheries councils and committees); Mr Peter Bolic (Far North Coast representative – flight difficulties); Dr Maria Schreider (Nature Conservation Council – overseas University visitor)

Absent

Mr Peter Sayre (Sydney)
Mr Patrick Lock (Aboriginal Culture)

Clause 328 of the *Fisheries Management (General) Regulation 2002* states that:

The quorum for a meeting of the Advisory Committee consists of the majority of its industry members for the time being.

Five of the seven current industry members attended, ensuring there was a Quorum at the meeting.

Minutes of previous meeting

Recommendation

The minutes are a true and accurate record of discussions from the 3rd MERCMAC meeting.

Moved: Keith Appleby

Seconded: David Taylor

Carried

Business arising from the minutes

Nil.

Agenda Items

1. Update on the Fishery Management Strategy and Environmental Impact Statement process for recreational fishing and charter fishing activities, for information (Doug Ferrell)
2. Fish Aggregating Buoys program update, for information (Heath Folpp)
3. Charter Fishing Trust Fund budget, for recommendation (Nick James)
4. Cross Cultural Awareness Training & Indigenous Fishing Strategy update, for information (Craig Aspinall & Phil Duncan)
5. Compliance update, for information (Glenn Tritton)
6. Regulatory history - charter fishing boat legislation, for information (Nick James)
7. NSW Fisheries update, for information (Bryan van der Walt)
8. Capacity development for recreational fishing committee representatives, for information & comment (Alistair McIlgorm – Dominion Consulting)

Other business

- National Parks & Wildlife Services' proposal to introduce licensing arrangements for marine mammal tour operating activities (Alison Schumacher).
- Estuary-based charter fishing boat operations

Correspondence received

Next meeting – Thursday 18 March 2004.

Issue

Update on the Fishery Management Strategy and Environmental Impact Statement process for recreational fishing 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 committee on the development of the FMS for recreational and charter fishing.

Outcomes

Lesley Diver, Senior Environmental Assessment Officer, provided the committee with an overview of the Environmental Impact Assessment (EIA) requirements for recreational and charter fishing. The following information outlines the requirements of the Department of Infrastructure, Planning and Natural Resources' guidelines for environmental assessment.

Environmental Impact Assessment – overview of process

- The FMS team is required to describe the existing fishery, and then the EIA team will assess the existing fishery for environmental impacts and identify areas of significant environmental risk.
- From the combination of public consultation, FMS and EIA team and other input - management and monitoring strategies will be recommended.
- Following the initial public consultation phase, the FMS team will draft the first FMS, which includes ways to reduce the risk/s identified in the EIA. This first draft will go to the MAC and Management Planning Committees for review/comment.

Environmental Impact Assessment/Statement

The Assessment is the whole process. The Statement (EIS) is merely the document generated that outlines the results of the EIA. In this case the EIS is actually a combination of the strategy and environmental assessment.

Ecologically Sustainable Development principles

- Conservation of biological diversity and ecological integrity;
- Precautionary Principle;
- Inter-generational and intra-generational equity;
- Improved valuation and pricing of environmental resources;
- Evaluate the range and scale of impacts on the environment (positive and negative) likely to occur from a proposed activity. In this context, 'environment' means - that which surrounds human beings including: biophysical, social and economic. Need to determine if the activity is sustainable into the future and, if not, identify areas that require improvement/mitigation.

Ecological issues

Retained species – catch levels for target and secondary species, biology and ecology, harvest levels in other fisheries, status of stock (over or under fished), existing management measures, significant natural factors and overall risks of operation of the fishery.

Non-retained species – targeted or incidental catches, hooking mortality, biology and ecology, management measures to improve survivorship, food provisioning and overall risk.

Bait species – identify species, sources, disease and pest transmission, management measures and overall risk.

Protected and threatened species.

Habitat – types, scale of impact, foreshore areas, anchor damage, bait harvesting, artificial reefs and fish aggregating devices.

Ecosystem impacts - Species assemblages, species diversity and ecological processes. Marine and freshwater debris.

The Physical Environment

Water quality, waste, noise, odour and light sources.

Economic Issues

Recreational fishing - including economic value and associated employment.

Charter fishing - investment, employment and economic return.

Licence/Trust Funds - income from licence sales and expenditure.

Social Issues

Recreational fishing – motivation & social benefits.

Charter fishing - importance of social identity and job satisfaction.

Health and safety

Indigenous peoples

European heritage sites

Other issues that will be part of the process:

- Alternative management regimes must be considered.

- Collate available scientific information: catch and effort trends, biology and ecology of species.

- Fishing Sectors: inshore and offshore boat based fishing; shore-based fishing; spear fishing and underwater gathering; inland fishing; major fishing competitions and charter boats.

- Fishing methods: attended hook and line fishing; set line fishing; netting; trapping; hand collecting; spearfishing; collection of terrestrial baits; use of bait including live bait, berley and commercial bait; catch and release; charter boats/fishing guides (expert guidance); fishing competitions.

- Strategies: targeting aggregations; gear selectivity.

- External influences such as other fisheries.

- Precautionary Principle: Definition – “Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.”

- Use of risk-based assessments - risk assessment is about determining the probability of an undesirable outcome. Undesirable outcome is specified in advance of the analysis, for example: for a target species, an undesirable outcome would be one in which the species became overfished, thereby leading to a decreased yield and, at worst, collapse of the stock. For a threatened species, an undesirable outcome would be one in which recovery of the species was inhibited.

Identification and management of risks

- This framework encompasses the broader goals of the organisation, the key players or stakeholders, the criteria against which risk is to be assessed – DIPNR guidelines.

- Risk identification and characterisation is currently being addressed:

Identification: generate a comprehensive list of sources of risk – literature, historical records, expert panels, and stakeholder opinions.

Characterisation: estimate the probability that the various sources of risk will indirectly or directly cause the undesirable event that has been defined.

The next step is *risk treatment*, which is the FMS and ongoing monitoring that takes place during the implementation of the FMS.

Appropriate internal and external communication occurs throughout this process. It should be noted that risk assessment is an ongoing part of the FMS. For example, in the ocean haul fishery it was necessary to apply the Precautionary Principle for sea garfish due to a

lack of information but concern about the stock. As a result, commercial fishing effort for the species has been restricted – all fishers are now limited to their own zone, weekend closures apply and net mesh sizes are strictly enforced.

Fisheries Management Strategy update

Public consultation - discussion papers, which will address a range of important recreational fishing management issues, will be released next year for public consultation. Issues will include, for example:

- Saltwater bag and size limits
- Freshwater bag and size limits
- Spearfishing
- Fishing competitions
- Charter fishing

Role of MERCMAC in the development of the FMS

The MAC is the primary source of advice on all proposals effecting charter fishing. It is planned to hold 2-3 meetings in 2004 to develop goals and objectives and to respond to preliminary risk assessment. The committee will also provide comments on the draft discussion documents.

Fishery Management Strategies

Goals and Objectives - goals will be generic across all recreational fishing and will relate directly to the *Fisheries Management Act 1994*. Many objectives will be generic across all recreational fishing, however, many will also be specific to charter fishing.

Performance Monitoring and review

Each FMS establishes a monitoring regime to assess the performance of the strategy against the goals and identifies performance indicators – the most appropriate indication that goals are being attained - for the activity. For each performance indicator, the relevant data requirements must be identified. Trigger points are also set for each indicator - when the trigger point is reached, it highlights a potential problem and requires a review of that issue.

Reporting on the performance of the strategy

There are two types of reports prepared under the strategy, an annual performance report and review/s in response to a trigger point being reached.

Relevant sections of the ocean hauling FMS were distributed to provide members with working examples of the FMS structure/process. Members were advised that Doug Ferrell can be contacted on (02) 9527 8514 to discuss FMS issues in further detail out of session.

Recommendation

For information.

Issue

Fish Attraction Buoys – program update

Background (NSW Fisheries)

Ten Fish Aggregating Devices (FADs) were deployed along the NSW coast for the 2002/03 fishing season. Monitoring of recreational catches commenced late season with small numbers of logsheet returns received from recreational fishers. Research into the recreational fishing effectiveness of the FADs commenced in July 2003. A small pelagic tag has been developed (as an extension of the gamefish tagging program) for use in tagging of various small pelagic fish species around FADs, including dolphinfish. Application for an additional five FADs has been submitted, to test deep-water designs, during the 2003/04 fishing season.

Outcomes

NSW Fisheries advised the committee that early season reports of catches around the FADs have been promising. Catches of dolphinfish up to 20kg have been reported off the Coffs Harbour FAD and 15kg off the South West Rocks FAD. Two striped marlin have already been caught, tagged and released from these two FADs. Divers have also sighted a number of small black marlin. As part of the presentation, the committee was shown pictures of spearfishers and anglers with some nice catches from the FADs.

The FADs program has received additional funding and there has been a 1 year extension to the program. An additional 5 FADs will be deployed this summer. The eleventh FAD was deployed at Laurieton on 3 December 2003 and the locations of the remaining 4 FADs are being finalised. Deepwater FAD designs will also be trialled to assess their effectiveness. A new radar reflector has been developed which is more effective than the current St Johns navigational cross.

Research sampling, in addition to the logbook monitoring program, will commence this summer to provide further information on the effectiveness of the FADs. It will assess temporal variation in the fish that are associated with FADs, variability of catch rates over time and measure the relationship between catches and distance from FAD. This information is extremely important – if participating fishing clubs do not fulfil the logbook requirements, there is a chance that the location of the FAD could be changed and a different club/group given control of monitoring.

If you have any inquiries regarding the FAD program, please contact Heath Folpp, Fisheries Management Officer, on (02) 9527 8475.

Recommendation

For information.

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.

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 on ACoRF supported the proposed budget, advising council 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. The advisory council approved the charter fishing budget as proposed, subject to consideration from the Marine and Estuarine Recreational Charter Management Advisory Committee.

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. The committee acknowledged that the department is contributing the majority of ongoing costs associated with management of the NSW charter fishing boat sector.

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.

Recommendations

1. The committee supports the Advisory Council on Recreational Fishing's recommendation to allocate \$380,000 from the Charter Fishing Trust Fund to the Licensing section in 2003/04, as partial recovery of charter boat licence assessment and review costs.
2. The Committee supports the Advisory Council on Recreational Fishing's recommendation regarding expenditure from the Charter Fishing Trust Fund, over the next 5 years, as proposed in Table 3.

Moved: Jim Booth

Seconded: Jim Lumb

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)	\$430,000 (Approx.)
			* \$380,000 (from 2000/01- 2002/03)	\$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

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

Cross Cultural Awareness Training and 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.

An important outcome of the Indigenous Fisheries Strategy is the need for NSW Fisheries to conduct cross cultural awareness training for NSW Fisheries staff and associated Advisory Committee/Council representatives, in particular those who have contact with indigenous people/communities.

Background (provided by Caspinal Consultants)

Dear participant,

Caspinal Consultants Pty Ltd are very excited at being given the opportunity to provide Cross Cultural Awareness Training for NSW Fisheries representatives and associated Advisory Committee/Council members.

Your trainers will be Craig Aspinall and Phil Duncan – we are experienced Aboriginal trainers from very diverse backgrounds. We aim to provide an informative and entertaining session using an interactive ‘team delivery’ that has proven a highly successful method of training delivery for Cross Cultural Awareness Training. Our style is non-confrontational and we are not ‘blame-layers’. Whilst we follow a formal agenda incorporating various activities, we also provide some entertaining story-telling and encourage group discussion on any related issue that is of interest to the participants.

The following outcomes will be achieved from the training:

- Participants will be able to understand, respect and consider the wisdom and views of Aboriginal people with respect to fisheries management decisions.
- Participants will be able to follow acceptable protocols in engaging Aboriginal people and community representatives.
- Participants will recognise and adapt appropriate, best practice information delivery methods and communication strategies in dealing with Aboriginal communities.

- Participants will be able to foster better working relationships between NSW Fisheries and Aboriginal communities.

I encourage you to attend the NSW Fisheries Cross Cultural Awareness Training and both Phil and I look forward to meeting you.

Yours sincerely,
Craig Aspinall
Managing Director

A copy of the Cross Cultural Awareness Training package was distributed to members prior to the meeting.

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.

It was noted that \$75,000 has already been allocated from the Indigenous Fishing Strategy grants fund to promote aquaculture opportunities. On 26 November 2003, a workshop was held on the NSW south coast to provide practical experience and promote involvement in the oyster industry.

- *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.

NSW Fisheries, the Department of Infrastructure, Planning and Natural Resources and the Environment Protection Authority are looking at partnership building to maximise employment opportunities in these fields.

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. Eco-tourism business opportunities are also a focus.

NSW TAFE and Regional Training Authorities are establishing a curriculum to provide opportunities for further education in resource management and aquaculture fields. 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

Compliance update.

Background (provided by NSW Fisheries)*Boarding and inspecting charter fishing boats*

NSW Fisheries has detailed operational policies on boarding and inspecting charter fishing boats and operation of watercraft, which fulfil our OH&S obligations and responsibilities.

Enforcement of charter boat regulations

A review of charter boat legislation by Fisheries Services and the Legal Branch has found that the existing legislation is adequate to enable effective enforcement. As a result of the review, an inspection checklist and a flowchart that sets out the elements of various charter boat offences under the Fisheries Management Act and General Regulation, were developed and distributed to all coastal officers at recent compliance planning meetings up and down the coast.

An overview of compliance issues and activities related to the charter fishing sector will be presented at the meeting.

Outcomes

PARS activity reports provide information about compliance activities relating to recreational fishing. It was mentioned that there might be an opportunity to modify the report format in the future, to enable clearer identification of charter boat specific compliance activities.

In the marine recreational fishery during the period July to September 2003, there was 9,590 individual compliance checks relating to recreational and charter fishing. Of those, 8,488 were complying with the rules (licences, bag and size limits, closed areas/methods etc), while 1,102 were non-compliant. This equates to a compliance rate of 88.5%.

NSW Fisheries' Legal section has confirmed that the current definition of charter boat fishing (cl.296 of the *Fisheries Management (General) Regulation 2002*) is sufficient to address issues relating to illegal operators. The advice received indicates that the legislation should be tested in a court of law (i.e. prosecute offenders) to test the robustness of the rules. Two charter fishing boat licence related offences are currently subject to the judicial process.

NSW Fisheries' request for assistance from charter fishing operators to identify unlicensed/questionable operators in NSW charter fishing ports was sent to all licensed operators on 3 October 2003 (DL03000651). After 2 months, only 4 of 232 intelligence forms have been returned to the Fisheries Investigation Unit. Of these, 2 stated that they did not know of any illegal operations in their home port - the form was returned to document their support for this initiative. These preliminary results appear to indicate that the level of illegal charter fishing operations is not as high as first thought. NSW Fisheries continues to encourage operators to notify the department about any suspect charter fishing activities in their area, to enable investigations/compliance action to be taken.

The committee discussed the merits of producing an information guide, to advise charter fishing boat operators and the general public about compliance activities relating to the NSW charter fishing sector. Jim Booth (Central Coast representative), Barry Smith (A/Fisheries Manager, Compliance) and Nick James (Recreational Fisheries Manager) were nominated to consider the relevant issues and draft a guide for review by members at the next meeting.

Action item: NSW Fisheries to create a concise information guide, for release to operators and the general public, to clearly explain compliance issues in the NSW charter fishing sector.

Recommendation

For information.

Issue

Regulatory history – charter fishing boat legislation.

Background (provided by NSW Fisheries)

At the last meeting, a committee member requested an overview of the charter fishing boat regulation, including amendments, since its commencement in July 2000. This information will be distributed and discussed at the meeting.

Outcomes

- Regulations relating to the NSW charter fishing boat sector commenced 7 July 2000 – a copy was distributed with every charter fishing boat licence application in September 2000.
- NSW Fisheries re-convened the non-statutory Charter Boat Industry Review Group (CBIRG) to ensure industry consultation occurred when it was identified that amendments were necessary. Recommendations (eg fin clipping etc) were adopted in early 2001 – industry was notified in a detailed letter in March 2001.
- Review Panel regulation [cl.315(2)(d)] and associated guidelines amended 1 December 2002. This issue received majority support from the MAC out of session in July 2002

Proposed regulation amendments

1) Remove cl.304(2) so that no late applications can be accepted – please note that no late applications have been accepted by the Minister/department after 30 June 2003 (MERC MAC supported an earlier closing date for late applications to be accepted/assessed).

2) Introduction of abeyance provisions for charter boat licences (MERC MAC supported).

3) Non-Transferable licences – tightening company shareholding/ ownership rules. Proposed changes to the regulation: Amend Cl.309(h) to state: the Minister may cancel or suspend a licence if the Minister is satisfied that company ownership or shareholding of a non-transferable licence has changed by more than 50% from the time when the licence was issued. Insert a new sub-clause in Cl.311 (other conditions of licences) to require company owners of non-transferable charter fishing boat licences to provide NSW Fisheries with documentation in a form approved by the Director (i.e. a Company Extract issued by the Australian Securities & Investment Commission) when requested; *and* if the original shareholding of the company (i.e. when the licence was issued) changes by more than 50%. (Removing “grey areas” from the legislation is strongly supported by the MAC)

4) Remove provisions for the Charter Boat Review Panel – the formal review process is to be finalised on 10 December 2003. Proposed changes to the regulation: Remove all references to, and functions of, the Charter Boat Review Panel in Part 10, Division 3 (cl.313-317); and insert provisions for the Director-General to be given authority to consider and make determinations on a case-by-case basis for any future matters relating to charter fishing boat licensing issuance matters.

The committee expressed support for the proposed regulation amendments relating to company ownership/shareholding for non-transferable licences and the removal of the Charter Boat Review Panel provisions, as proposed above (issues 3 and 4).

Recommendations

1. The committee supports the regulation amendment relating to company ownership/ shareholding for non-transferable licences, as proposed in issue 3) above.

Moved: Jim Lumb

Seconded: Jim Booth

Carried

2. The committee supports the regulation amendment to remove the Charter Boat Review Panel provisions, as proposed in issue 4) above.

Moved: Jim Lumb

Seconded: Ann Garard

Carried

Issue

NSW Fisheries update.

Background (provided by NSW Fisheries)*Recreational fishing issues*

All money raised by the recreational fishing licence is placed into the recreational fishing trusts and spent on improving recreational fishing in NSW. Local anglers and community groups were invited to apply for funds from the recreational fishing licence for saltwater and freshwater projects to create better local fishing.

There are many recreational fishing programs currently underway that have been funded by the recreational fishing licence. An overview of these programs, such as the striped marlin economic survey, recreational fishing haven survey, saltwater anglers catch research program and the development of a new plastic recreational fishing licence, will be provided at the meeting.

Charter fishing boat licensing fees

Some operators who have their licence renewals due at the same time as other large accounts have expressed their desire to pay charter fishing boat licence renewal fees in smaller amounts. Broader licensing issues, such the opportunity for commercial/charter fishing boat licence fees to be paid by instalments, are being progressed.

NSW Fisheries staff will update the committee on relevant recreational fishing/licensing issues.

Outcomes

In 2002/03, over 467,000 licences were sold (total sales - 1 & 3 year, 1 month and 3 day licences). This generated a total of \$8.4 million, compared to \$8.1 million in 2001/02. This \$300,000 increase can probably be attributed to higher compliance rates with the licence and general acceptance of the licence by the angling community. For the first 5 months of this financial year, licence sales income is very similar to the same period last financial year. There are 2 main peaks in licence sales - at Easter and a major one over the summer holiday period (Dec/Jan).

To date this financial year, the freshwater expenditure committee has allocated over \$2.6 million from the freshwater trust to inland programs. The income to the freshwater trust was set at \$2.5 mill for a period of 5 years. The saltwater trust receives all the remaining funds from the licence, with the saltwater expenditure committee allocating over \$7 million to coastal programs. Income to the saltwater trust in 2002/03 was \$5.9 million, however, the committee was in a position to allocate more than that because there was a carryover balance of \$2.8 million from 2002/03. The total available for allocation to saltwater programs this financial year is \$7.7 million, of which \$7 million has been allocated. This includes the \$2 million repayment for the buyback loan used to create recreational fishing havens.

Ongoing saltwater programs funded by the trust include the fishcare volunteer program, 9 fisheries officers, the recreational mobile squad, gamefish tagging and licence data entry.

Some of the new programs funded this year include:

An economic survey of 2 coastal towns (Port Macquarie & Narooma/Bermagui) - this follows on from a previous economic survey undertaken on Sydney's recreational fishing expenditure. This enabled us to quantify spending by Sydney anglers and to give a dollar

value to the amount they spend in rural communities. The coastal study will assess the economic value of recreational fishing to coastal towns. The study will separate out the economic impact of local recreational fishers from the seasonal influx of visitors, who might come to the area to fish for a few days or weeks at a time. By marrying the two studies, we will be able to measure expenditure in the two communities by all anglers – both residents and visitors. This information will be of great benefit in assessing and understanding the importance of recreational fishing to local economies in rural coastal NSW.

The University of NSW is investigating the impacts of mulloway stocking. In May 2003, around 120,000 juvenile mulloway were released into Botany Bay and Smiths Lake to study the growth, survival and predatory impact of stocked mulloway in the natural environment. The fish were marked for identification from wild fish – these fish are starting to be re-captured. 58 small mulloway have been caught, of which 56 were identified as stocked fish. The study will look at what the stocked mulloway eat - particularly their impact on food sources such as other fish and prawns. The University intends to undertake a second release of juvenile mulloway in February 2004.

NSW Fisheries is undertaking research on black bream and luderick. Both fish are key recreational species in NSW, yet very little is known of their biology and ecology. To ensure sustainable management, assessment of the demographic characteristics of the 2 species is being carried out. The aims of the program are to assess the reproductive biology (such as the size at maturity, fecundity, spawning locations/time) and age and growth characteristics. The program will also assess the results of previous tagging studies and develop a 'recreational fisher-based' tagging program for the 2 species in NSW. So far there has been sampling of luderick from the Clarence River, Tuggerah Lake, Shoalhaven and Tuross River, while black bream have been sampled in 3 systems, including Coila Lake, Tuross River and Lake Brou.

Southern Cross University (SCU) will carry out a survey of RFHs in northern NSW. SCU will be assessing the partially closed Tweed, Richmond and Camden Haven systems using angler surveys and seine netting. The study will determine whether there are higher recreational catches within RFHs, by comparison to areas outside the havens that are open to commercial fishing. This will determine if anglers have a better angling experience in systems that contain havens. The survey will complement another study by NSW Fisheries, which is assessing the Lake Macquarie and Tuross Lake havens. Extensive creel surveys are being conducted in the 2 systems, which will be compared with the results of the surveys conducted in 1999/00 (before the creation of the havens).

The angler catch program has been monitoring inland tournaments for a number of years. It involves the collection of catch data at fishing competitions - anglers fill out logsheets on how long they have fished and what they have caught - that is used to monitor the status of freshwater fish populations. This program has now been extended to saltwater competitions.

There are also a number of advisory and education programs funded by the trust, including the construction of 3 new advisory trailers for use at events and schools. Saltwater fishing clinics are funded by the trust. There are now a total of 239 coastal fishcare volunteers – a review of the program has been undertaken to assess ways of strengthening and progressing the program. NSW Fisheries is raising awareness of responsible fishing, fishing rules and fishing closures through an integrated campaign of newspaper, radio and magazine advertisements at key fishing times. Saltwater fishing guides have been reprinted for 2003-04.

The small grants program enables fishing clubs, councils and other community members to submit freshwater and saltwater proposals for small, local or regional projects to enhance

recreational fishing. Programs approved by the saltwater expenditure committee include: a number of fish cleaning tables at various locations such as Sutherland, Laurieton, Taree, Tea Gardens, Brunswick Heads, Lake Macquarie and Narrawallee Inlet. A recreational fishing platform at Yamba, an angler information booth at Harrington and a collaborative research program on estuary perch are other programs that have been supported.

Proposed programs that still need to be approved by the advisory council include:

An artificial reefs program - artificial reefs placed in barren areas have the potential to create essential fish, invertebrate and marine plant habitats, thereby enhancing angler catch. This program involves a pilot study to construct artificial reefs in 3 estuaries that have been declared recreational fishing havens, namely Lake Macquarie, Botany Bay and St Georges Basin. Species composition, size range and catch rate of angling species on artificial reefs will be compared with existing reefs and monitored to determine the effectiveness of the structures. The program will establish guidelines for the consideration of any future artificial reef proposals for NSW.

An extension to the mulloway stocking program involving acoustic tagging of stocked mulloway. The proposal includes tagging young mulloway with small, lightweight "pingers" which will be used to determine patterns of daily and seasonal migration. From this we will be able to determine key habitats of juvenile mulloway fingerlings, which will maximise the benefit of the program.

A project aiming to determine the origin of kingfish recruits will be undertaken. Little is known about the breeding cycle of kingfish in NSW. Tag return data as part of the gamefish tagging program has shown that adult kingfish can migrate between New Zealand, Lord Howe Island and Australia, indicating a single stock in these waters. This study will provide valuable biological information for the management of this species in NSW.

The licence has been re-designed to the size of a credit card, which can be easily laminated. After 2 years it is now timely to review the general licence to ensure that the objectives are being met and to identify opportunities for improved efficiency. It is proposed to draft a discussion paper for community consultation to examine ways to better manage the administration of the fee and to generally improve service delivery. Any paper would be widely distributed to allow recreational fishers and other stakeholders to have their say on the issues raised.

An expression of interest calling for program applications for funding from the 2 trust funds will be undertaken in January. This process is usually undertaken once a year, before the main budget expenditure committee meetings in April.

Recommendation

For information.

Issue

Capacity Development for Recreational Fishing Committee Representatives.

Background (provided by Dr Alistair McIlgorm, Director, Dominion Consulting)

The Recreational Trust Fund has funded a project on '*Capacity Development for Recreational Fishing Committee Representatives*'.

As a first stage, on Monday 24 November 2003, Dominion Consulting met with saltwater trust expenditure committee representatives, to outline the project and to conduct a questionnaire seeking the opinions of committee members on proposed training for recreational fishing committee representatives.

Dominion would also like to obtain the views of the MERCMAC, ACoRF and other MAC members about the training. We forwarded a questionnaire for you to complete and submit at the meeting, where there will be a short presentation to brief the MERCMAC members.

Outcomes

The need for recreational representation on natural resource consultative forums has increased in recent years. Committees exist for providing advice on expenditure of licence funds; recreational fishing issues to the Minister for Fisheries; management planning processes; and the charter boat industry. There are also representatives on each of the Management Advisory Committee's (MACs) for assisting in the development of NSW fishery management strategies.

Failure to invest in capacity building has the potential to result in work overload, fatigue and under performance of representatives. To ensure capacity development for NSW recreational fishing representatives this project aims to appraise representative needs, develop strategies to address the needs identified and provide training in late 2003/early 2004.

The Fisheries Research and Development Corporation (FRDC) undertook a MAC training process in 1994-2001. Approximately 75 of the 300 participants nationally were from the recreational sector. Industry leadership training was prioritised by FRDC in 2000-2003 and in 2002-2003 a number of training components were developed for MACs, as part of the revision of the Seafood Industry Training Package (SITP). Although these units have been developed for the seafood industry they can be adapted to train recreational fishing representatives. The project will investigate this concept.

The specific objectives of the capacity development project are to:

- survey recreational fishing representatives and appraise training needs;
- develop strategies to address those needs;
- provide training (short courses to be held in 2004);
- consider an induction course for new members;
- input to assist existing MAC/research committee members.

The questionnaire completed by members will be used to identify the current skills and future needs of recreational fishing representatives on NSW Fisheries' consultative committees. Dominion will develop preliminary outcomes from the questionnaires and provide feedback at the meeting, which will assist the development of strategies and appropriate training interventions.

Issues to be considered:

- what is the current position of recreational representatives on MACs/ACs?
- capacity development - what is needed?
- other considerations – eg succession planning.

A number of new training areas have been identified through questionnaires completed by RFSTEC and MERCMAC including:

- an induction course for new members;
- development of assessment principles;
- information processing skills training.

Recommendation

For information/discussion.

Other business

National Parks & Wildlife Services' proposal to introduce licensing arrangements for marine mammal tour operating activities.

Ms Alison Schumacher, A/Senior Policy Officer, National Parks Strategic Policy Division, is endeavouring to attend the meeting to provide an update on the proposed arrangements and discuss issues with the committee.

Ms Schumacher rang on meeting day to give her apologies due to other commitments. NPWS confirmed that the issue has not been progressed in recent months due to commitments relating to threatened species management and that no changes to the rules are planned over the summer holiday period. NPWS have indicated that they will attend the next meeting on Thursday 18 March 2004. If members have any inquiries regarding this issue, please contact:

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Estuary-based charter fishing boat operations

NSW Fisheries has received a request for estuary-based owner/operators to have the flexibility to be able to use a smaller vessel/canoe, without the need to purchase additional licences or for frequent boat replacements, to enable the business to operate in the upper reaches of estuaries. This flexibility would enable the business to operate as it did historically, by allowing access to all areas and methods of estuary fishing, but with the use of only one boat at any one time.

There was general support from the committee for operators to have more flexibility to operate in a manner consistent with the history of the charter fishing business. The committee has asked NSW Fisheries to prepare a paper outlining advantages and possible problems arising from the proposed changes.

NSW Fisheries will arrange to meet with estuary operators in the new year, to assist with the development of a proposal for consideration by the committee at the next meeting.

Correspondence received

Nil.

Around the table

Action item: Write to Mr Mike Sargent and Mr Allan Ross to thank them for their efforts whilst on the Committee.

Next Meeting: Thursday 18 March 2004 – Keith Appleby advised that he would be unavailable on that day (Deputy to be nominated/approved)