

**Advisory Council on
Recreational Fishing**

Minutes

35th MEETING (03/2005)

9:30am, Thursday 22 September 2005

**Parliament House (Meeting Room 1254)
Macquarie Street, Sydney NSW 2000**

Attendance

Chair

Bruce Schumacher

Members

Elaine Garvey	Estuary, Offshore Fishing
Lionel Jones	Estuarine Habitat
Scott Mitchell	Freshwater, Tackle Sales
Mel Brown	Underwater Fishing
Ann Lee	Freshwater Fishing
Anthony Moore	Nature Conservation Council
Neil Ryan	Recreational Fishing Media
John Dunphy	Tackle Sales
Jim Harnwell	Offshore Fishing
Graham Moore	Indigenous Fishing
Ann Garard	Charter Boat Fishing
Nick James	Departmental nominee

Observers

Bill Talbot, A/Director, Fisheries Management
John Diplock, Program Manager Recreational Fisheries
Cameron Westaway, Senior Manager, Inland Fisheries
Bryan van der Walt, Senior Manager Recreational Fisheries
Mandi McKaig, Fisheries Management Officer

Business

Welcome by Chair

The Chair also welcomed Megan Kessler, Nature Conservation Council representative on behalf of Anthony Moore, who was unable to attend the meeting.

Minister's Address

The Hon. Ian Macdonald discussed various issues with the Council. These discussions are outlined in the Around the Table section of these minutes.

Apologies

Terry Maloney; Lisa Terry; Graham Moore

Minutes of previous meeting

Recommendation

The minutes are a true and accurate record of discussions at the 34th meeting, held 23rd June 2005.

Moved: Elaine Garvey Seconded: Mel Brown Carried

Business arising from the minutes

Nil.

Agenda Items

1. Review of NSW Recreational Freshwater and Saltwater Fishing Rules Discussion paper
2. Recreational Fishing Trusts Update
3. Fishing Closures
4. Offshore Constitutional Settlement
5. Commercial Fishing update (including baitfish harvesting, Australian salmon resource allocation issues and netting of mulloway in the Shoalhaven River)
6. Regulatory amendment to enable recreational fishers to use hoop nets at night and identify "EnviroNets" as a lawful landing net
7. Establishment of an independent panel to assess applications received for membership on recreational advisory councils and committees
8. Remaining funding from the Recreational Fishing Haven fisher buy-out \$20 million loan
9. EIS/FMS update
10. Compliance Update (including Manning River bass issue)
11. Habitat Protection (including Grey Nurse Sharks, Manning Shelf Bioregional Assessment, the spearfishing prohibition in the North Harbour Aquatic Reserve and Silver Perch Species Impact Statement)
12. Amendment to clause 8A of the Fisheries Management (General) Regulation 2002

Out of session items

- Preferred Strategy Reports

Other Business

- Striped Marlin
- Potential affects of the desalination plant on recreational fishing
- Eastern Freshwater Cod

Correspondence received

Around the table

Next meeting – Thursday 8th December 2005 at Cronulla Fisheries Centre.

Issue

Review of NSW Recreational Freshwater and Saltwater Fishing Rules Discussion paper.

Background

On 29 July 2005 the Department released the Review of NSW Recreational Freshwater and Saltwater Fishing Rules Discussion paper. Until 30 September 2005 recreational fishers in NSW are invited to have their say on proposals to change some recreational fishing rules, including modifications to size limits, bag limits, fishing methods and proposals for fishing competitions. The discussion papers have been prepared in response to the findings of environmental assessments being conducted for the state's major fisheries, the results of the National Recreational and Indigenous Fishing Survey, the recommendations of the Palmer Report on Illegal Fishing for Commercial Gain or Profit in NSW, and community feedback from previous reviews. The Department has distributed 75,000 discussion papers throughout NSW using Fishcare volunteers, DPI Fisheries Offices, Licence Agents and direct mail to stakeholder groups, fish cooperatives and fishing clubs. A quick response form has also been distributed to ensure maximum number of submissions. The form is also available on the Department's website.

Outcomes

Bryan van der Walt, Senior Manager, Recreational Fisheries, provided the Council with an update on the 'Review of NSW Recreational Freshwater and Saltwater Fishing Rules' discussion paper. The Council was advised that the discussion paper had received overwhelming interest from fishing clubs, recreational anglers, commercial fishers and other members of the community. As a result the Department had extended the original deadline by three weeks, to **Friday, 21 October 2005**.

Special freshwater and saltwater management planning committees had been set up to assist with the development and review of the proposals. The Department advised that following the collation of submissions, a summary of the results of the community consultation process will be presented to Council for review.

For information.

Issue

Recreational Fishing Trusts Update.

BackgroundStatus of the Saltwater Trust

The total income from licence sales in 2004-05 was \$10 million. At the April budget meeting and June meeting the Saltwater Expenditure Committee supported budgets totaling \$7.8 million to a range of compliance, research, management and education programs to improve recreational fishing in 2005/06. The balance in the Saltwater Trust as at 30 June 2005 was \$4 million. This balance includes the remaining funding from the buyout loan and committed funding of \$600,000 for the Recreational Fishing Fisheries Management Strategy.

Status of the Freshwater Trust

At the April budget meeting the Freshwater Expenditure Committee supported budgets totaling \$3 million to programs to improve recreational fishing in 2005/06. The balance in the Freshwater Trust as at 30 June 2005 was \$0.8 million. This balance includes committed funding of \$250,000 for the Recreational Fishing Fisheries Management Strategy.

New applications

At the RFSTEC and RFFTEC meetings on 24 August and 8 September 2005, the Committees recommended that the following programs be supported for funding from the Recreational Fishing Trusts (see table):

OutcomesRecreational Fishing Trusts

Council was advised that the predicted income for 2005/06 from the recreational fishing licence fee is \$9.5 million. In December the Department will undertake an analysis to determine the effects of the fishing fee increase on income and Council will determine the level of additional funding above the allocated \$2.5 million to the Freshwater Trust as a result of the increase in the licence fee.

The tender for an automated electronic licence administration system closed on 16 August 2005 and a tender evaluation team and a high level steering committee made up of finance, commerce, state and regional development and business representatives had been formed to assess the tenders and oversee the selection process. The tender evaluation team had commenced a detailed evaluation of the tenders. It is envisaged that a pilot system will be run in December pending successful contract negotiation with the preferred supplier.

RFSTEC and RFFTEC recommendations

ACoRF reviewed applications recently supported by the Freshwater and Saltwater Committees. The Department provided details of each program, including budget details, to the Council (see table below). Council assessed the benefits of each program to recreational fishing.

Recommendations

Funding for the applications outlined in Table 1, as recommended by the Saltwater and Freshwater Expenditure Committees, is supported by the Council.

Moved: Neil Ryan

Seconded: John Dunphy

Carried

Table 1: Programs recommended by RFSTEC for funding from the Recreational Fishing Saltwater Trust

Program	Applicant	Funding 2005/06
Saltwater Trust		
Experimental breeding and rearing of NSW Black Bream and tests for hybridisation – involves developing essential breeding and larval rearing capabilities for Black, Yellow and Hybrid Bream. This genetic information is a precursor for any future wide scale restocking programs and associated environmental assessment.	University of Wollongong	\$25,000 2005-06 \$25,000 2006-07
Defining and measuring a quality recreational fishing experience – the study will define what is quality recreational fishing and provide quantitative mechanisms to measure this. The information from the study and model will assist in the management of recreational fisheries in NSW by providing performance indicators on whether our statutory objectives are being met.	University of Technology, Sydney	\$18,000
Recreational Fishing Line Recovery Project – the aim of the project is to construct and install bins for used fishing line to minimise the impact of this waste on the marine environment. The applicant also proposes to undertake an education campaign to raise awareness with recreational fishers regarding the hazards associated with discarded monofilament fishing line. The project is based on a successful pilot program completed in Noosa.	Ocean Watch Australia Ltd	\$20,633
Resource Allocation Workshop for striped marlin – this workshop will involve major stakeholder groups to determine a position for the recreational sector on resource sharing. Relevant experts in this field will also be invited to attend.	NSW DPI	\$10,000
Research on biology of Ghost Shrimp – external research which will investigate abundance and distribution, describe patterns of growth, reproduction and survival and evaluate the effects of ghost shrimp on various characteristics of sediments. This work will contribute to an understanding of the life history of this bait species.	Newcastle University	\$10,000
Fish cleaning tables, Port Macquarie – the project will repair two existing fish cleaning tables. Port Macquarie/Hasting Council and the Port Macquarie Blue Water Fishing Club Inc are providing matching funding.	Port Macquarie Blue Water Fishing Club Inc	\$5,000
Gone Fishing – the program involves an education program targeted towards youth at risk in the local area and aims to provide a one-on-one approach to youth mentoring through recreational fishing.	Lake Illawarra Police Citizens Youth Club	\$5,000
Freshwater Trust		
\$ for \$ stocking program (additional funding) – the proposed allocation of \$225,000 for this program has been over-subscribed. The additional funding will ensure all approved stocking applications from fishing clubs and other organisations are awarded.	NSW DPI	\$15,000

Fishing tips calender (supported out of session) – involves production of a calender with fishing tips as an educational tool to enhance awareness of Aboriginal people of responsible fishing practices.	Parkes/Forbes Enterprise Centre	\$2,000
Recreational Fishing Trust Promotional Video/DVD – involves the production of a Trust video/DVD to get the message out about the Recreational Fishing Trusts to the common fisher.	NSW DPI	\$2,000

Issue

Fishing Closures

Background*Closure of Tilligerry Creek – Port Stephens*

On 21 June 2005 the NSW Food Authority advised that due to high levels of human waste (faecal coliform, *E.coli*, and human pathogens) detected in Tilligerry Creek, a major tributary of Port Stephens, oysters should not be directly harvested for human consumption. The contamination in the creek is likely to have resulted from the failure of septic systems in the catchment area. The consumption of contaminated oysters poses potentially serious health risks, as they are filter feeding organisms that accumulate pollutants and pathogens in their tissues. The Food Authority has subsequently implemented a closure on the harvest of oysters for aquaculture in the Creek.

Based on the advice from the Food Authority, the Department of Primary Industries implemented a closure for the recreational harvest of shellfish to protect human health. This closure was published in the government gazette on 26 August 2005 and is effective for a period of 1 year (see Additional Information). Details of the closure have been provided to local fishing clubs and published in Newscast.

Review of Fishing Closures

Fishing closures have contributed significantly to the maintenance of fish stocks that commercial and recreational fishers rely on today. However, the system of applying fishing closures is outdated and in need of review. A Steering Committee, comprising a Departmental officer and relevant stakeholders, has been appointed to review the current process.

The Committee is:

Mr John Williams, Chair, Regional Director, Primary Industries Relations;

Mr Anthony Hurst, Group Manager, Fisheries Planning and Operations;

Mr Bruce Schumacher, Chair of the Advisory Council on Recreational Fishing; and

Mr Graeme Byrnes, Deputy Chair of the Seafood Industry Advisory Council.

Ms Tahnya Floyer, Executive Officer, Fisheries Management Branch will support the review committee.

It is envisaged that the Committee will provide recommendations to the Deputy Director-General, Agriculture and Fisheries, in the near future.

Outcomes

The Council noted that the Tilligerry Creek closure was required to protect human health and that it was effective for a period of 1 year, but expressed concern that this closure would be renewed on an ongoing basis. The Department confirmed that advice would be sought from the Food Authority and provided to Council prior to any renewal of the closure.

For information.

Issue

Offshore Constitutional Settlement

Background*Offshore Constitutional Settlement arrangements*

The Offshore Constitutional Settlement (OCS) between the Commonwealth and New South Wales signed in 1991 determines under which government's laws fisheries will be managed in Commonwealth waters. The OCS fisheries are defined by taxonomic group (or species), by fishing gear type and by area of jurisdiction. The OCS provides for all fisheries to be managed by the laws of the State, other than those specifically identified to be managed by Commonwealth law. The OCS is generally considered by the Commonwealth to refer to commercial fishing only, as the gear types prescribing those fisheries under Commonwealth jurisdiction are mostly those used by commercial fishers e.g. trawling, purse seining and pelagic longlining. However, the construction of the OCS agreements whereby all other fisheries are to be managed in accordance with the law of NSW implies that the recreational fishery is to be managed by the State. The OCS contains a number of drafting errors and the wording is awkward and requires clarification. Both NSW and the Commonwealth are keen to either amend and correct the OCS or negotiate a new and clearer version.

A briefing will be provided on the status of the OCS negotiations at the meeting.

Outcomes

The Department advised Council that under the current OCS agreement, the state has management jurisdiction over the recreational fishery in waters within and beyond 3nm to 200nm. This arrangement would still apply under the current agreement even if the Commonwealth implemented a statutory plan of management covering recreational fishing. The Department signed a memorandum of understanding on resource sharing in December 2004, which agreed that the NSW and Federal Governments would consider relevant resource sharing issues during any negotiations on the OCS agreement. The Department of Primary Industries is planning to hold a workshop in November with representatives from other relevant state fisheries management agencies and major recreational stakeholder groups to determine the NSW position on resource sharing, to be used in the development of 'agreed' resource sharing arrangements with the Commonwealth.

For information.

Issue

Commercial Fishing update.

Background*Baitfish*

New management measures for the collection of baitfish by NSW ocean hauling, purse seine, estuary prawn trawl and estuary general commercial fishers have recently been implemented as a result of the fishery management strategies.

Council members have discussed the importance of baitfish species to many other species including dolphins, seals, tuna and billfish on a regular basis. The recreational sector is calling for a significant decrease in commercial access and harvest of baitfish resources. The Council previously recommended that the Minister call a moratorium on the commercial taking of baitfish until sufficient data is available. If this is not possible, Council recommended the introduction of restrictions to reduce the commercial take of baitfish.

The Department has been working to address harvesting concerns and conflict between some commercial and recreational fishers over live baitfish grounds off the coast of NSW. The collection of bait in NSW waters by Commonwealth tuna fishers was assessed as part of the Ocean Hauling Fishery Management Strategy, which was subject to public consultation. Several new management arrangements have recently been implemented as a result. For instance, an industry code of practice has been developed. Also, fishers taking bait under a permit are now required to complete daily catch logbooks.

To meet the objectives of the strategy, the NSW Government announced that a restricted fishery would be created to replace the current permit system, which covers the taking of blue mackerel, yellowtail scad and pilchards from NSW waters with purse seine or lift nets for use as live bait in Tuna fishing operations. As such additional permits are not being issued whilst the restricted fishery is being implemented. A regulation for the new restricted fishery has been drafted. An application process will occur to determine eligibility to the fishery.

Additionally, the Fisheries Research and Development Corporation, which receives direct funding from commercial fishers, is contributing \$187,000 over three years towards the baitfish research program.

Australian Salmon Harvesting North of Barrenjoey

The decision to make salmon a line-only species was a Government Election commitment released in March 1999. Since 31 August 2001 commercial fishers have been prevented from using nets to take Australian salmon in State waters north of Barrenjoey Head. This was essentially a resource access allocation issue, as opposed to a sustainability one.

A working group was formed and met on 10 February 2005 to develop options and address concerns on this issue. Several options have been developed by the working group and are currently being considered.

Netting of Mulloway in the Shoalhaven

A Council member has expressed concern about verbal reports received regarding the capture of mulloway from commercial netting activities in the Shoalhaven River. It was reported that about 6 tonnes of mulloway were netted and sold for approximately \$40000. There are concerns that such a large biomass was removed from a single estuary system. Specifically, questions have been raised regarding the economic and social potential of recreational fishing when species such as this are heavily exploited by commercial fishers.

Dianna Watkins, Principal Manager, Commercial Fisheries, will provide a commercial fishing update, including discussion of these issues, at the meeting.

Outcomes

Baitfish

The Department advised that the baitfish fishery was recently assessed as part of the Ocean Hauling Fishery Management Strategy. An outcome of that process was the implementation of a logbook program to monitor catches of baitfish for use as live bait in tuna fishing operations. The associated environmental assessment did not identify high risk impacts associated with current commercial fishing activities. The Department confirmed that additional permits have not been issued whilst the restricted fishery for baitfish is being implemented. An application process will occur to determine eligibility to the fishery once the new restricted fishery is implemented. ACoRF reaffirmed its position on baitfish calling for a significant decrease in commercial access and harvest of baitfish resources.

Australian Salmon Harvesting North of Barrenjoey

The Department advised that there had been no further consultation or progress made on the proposal for additional Australian salmon harvesting north of Barrenjoey.

Netting of Mulloway in the Shoalhaven

The Department advised that each fisheries management strategy for commercial fishing has statewide trigger points regarding harvest levels, which when reached, trigger a pre-determined management response. However, there is no trigger point for reaching a specific catch quota for a species, such as mulloway, in individual estuaries.

For information.

Issue

Regulatory amendment to enable recreational fishers to use hoop nets at night and identify “EnviroNets” as a lawful landing net.

Background*Hoop nets*

In late 2004, a number of amendments were made to the *Fisheries Management (General) Regulation 2002* to address operational changes within the Estuary General commercial fishery. These amendments commenced on 1 December 2004.

Clause 48 of the regulation, which relates to the use of hoop nets by commercial and recreational fishers, was subject to these amendments. However, the amendment to cl.48(1)(b) inadvertently prohibited all recreational fishers (i.e. saltwater and freshwater) from using hoop nets between sunset and sunrise. Prior to the amendment, recreational fishers were legally able to use hoop nets, either attended or unattended, during the night, irrespective of whether they were fishing in freshwater or saltwater.

When this anomaly was detected, a compliance moratorium on the setting of hoop nets at night by recreational fishers was implemented, to provide an opportunity for consultation with the recreational fishing sector.

Much of the recreational hoop netting in freshwater for species such as yabbies or Murray crayfish is conducted at night. There is also a significant amount of recreational hoop netting at night in estuarine waters, particularly in Lake Macquarie.

This issue was discussed with the Advisory Council on Recreational Fishing (ACoRF) at recent meetings (12 April and 23 June 2005). While the Council thought that recreational fishers should be able to use hoop nets at night, members were prepared to support a prohibition on unattended hoop nets at night, in saltwater only. However, the Council felt that freshwater anglers should not be impacted and therefore be able to use hoop nets at night, irrespective of whether they are attended or unattended. Establishing whether or not a hoop net is attended would be difficult as fishers tend to check their nets regularly whilst angling for other species and this may not be in the immediate vicinity.

For consistency of rules relating to the use of hoop nets by recreational fishers in NSW, the Department is currently seeking approval to amend cl.48(1)(b) of the regulation, *to enable all recreational fishers to legally use hoop nets at night (either attended or unattended), irrespective of whether they are fishing in freshwater or saltwater.*

“EnviroNets”

NSW DPI Fisheries Officers have observed an increase in the use of “EnviroNets” as landing nets by recreational fishers. The netting generally consists of extremely small knotless mesh. This type of net has been designed to minimise harm to captured fish and maximise survival rates for released fish. It is therefore considered to be very conservation-orientated fishing equipment.

Clause 53 of the *Fisheries Management (General) Regulation 2002* currently 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. The Advisory Council on Recreational Fishing considered this issue at a previous meeting and recommended the removal of the mesh size requirement for landing nets, to allow the use of the “EnviroNet”.

To reflect this positive change in landing net design, the department is currently amending the regulations to remove the minimum mesh size.

Cameron Westaway, Senior Fisheries Manager, Inland, will provide an update on these and other freshwater fishing issues at the meeting.

Outcomes

Hoop nets/EnviroNets

Council members confirmed their strong support for regulatory amendment to enable the use of hoop net and EnviroNets, as outlined above.

Stocking & Fisheries Management Strategy

The Council was provided with details of the draft native impoundment stocking program, including planned government and dollar for dollar stocking programs for the year. It was noted that the native fish production figures were conservative with expectations of higher numbers of both Golden Perch and Murray cod. The total figure is slightly down from the records of 7.9 and 8 million over the last several years due to a reduction in salmonid stocking. This is due to drought impacts e.g. Pejar and the intention to increase fingerling production as opposed to fry. All stocking applications are being assessed in accordance with the Fisheries Management Strategy for Fish Stocking, which was approved by the Minister in August. This has involved comprehensive assessments of each stocking site against lists of threatened species sightings and other criteria such as wilderness areas, stream condition, access and fish passage. To date, dollar for dollar bass and New England trout stockings have been assessed with a very small number of sites varied or rejected.

Trout fry stockings have commenced in the New England area with approximately 220,000 stocked to date and streams in the Monaro region were stocked with 25,000 yearling brown trout earlier this month.

Rivers and Streams Guide

Preliminary discussions have been held with key angling representatives on the format for the proposed NSW rivers and streams fishing guide. The Guide will be comprehensive and include information on recreational species present, access, stocking, tournament monitoring results, special fishing rules, maps and map references. Angling clubs will be consulted throughout the development of the guide and will be asked to provide special comments and verification of access etc.

Gaden Tender

Tenders for the trust funded reconstruction of the Gaden Trout Hatchery shed will be advertised soon with a view to completing work in time for next years production schedule. The existing building is over fifty years old and the new shed will facilitate increased fingerling production.

Noda virus research

Jane Frances has written to the Chair of RFFTEC seeking a letter of support for a FRDC pre-proposal to address research needs for Noda virus in 2006-2008. The specific objective of the pre-proposal is to develop improved diagnostic methods for reliable screening of broodstock and facilitate the production of Noda virus-free broodstock, to demonstrate the reliability of new diagnostic methods, and to further investigate the epidemiology of Noda virus. A primary aim of this research pre-proposal is to support restocking programs for Australian bass, enabling them to proceed with the knowledge that these programs were not contributing to the further spread of Noda virus in Australian bass. The tools will also be useful in testing the presence of Noda virus in other species to determine the species specificity and extent of Noda virus in the wild. The Fisheries Research Development Corporation (FRDC) has indicated that written expressions of support from key stakeholders would assist the favourable consideration of any pre-proposals. RFFTEC reviewed the pre-proposal and recommend that ACORF provide a letter of support.

Action item:

That ACORF write to FRDC supporting the proposal to investigate diagnostic tools for Noda virus.

For information.

Issue

Establishment of an independent panel to assess applications received for membership on recreational advisory councils and committees.

Background

Expressions of interest are advertised for the majority of representative positions on the Minister's recreational advisory bodies. The current application assessment process (as outlined below) was approved in 2004. The Department is endeavouring to improve step 4 of this process, by creating a more independent panel to evaluate these expressions of interest.

Existing process for appointment to Recreational Fishing Advisory Bodies

1. Expressions of Interest received
2. Additional information requested from applicants if required
3. Check of each applicant's credentials
4. ***Applicants considered based on skills/experience/involvement in recreational fishing in NSW by Recreational Advisory Body Selection Panel (comprising Chair of ACoRF and two relevant Departmental managers)***
5. Short list of suitable candidates proposed by the Selection Panel
6. Ministerial approval of proposed candidate(s) sought
7. Cabinet approval sought
8. Confirmation of appointment(s)

It is proposed that the panel be responsible for assessing all applications received for membership to the various Recreational Fishing Advisory Bodies [i.e. the Advisory Council on Recreational Fishing (ACoRF); the Recreational Fishing Saltwater and Freshwater Trust Expenditure Committees (RFSTEC/RFFTEC); non-industry positions on the Marine and Estuarine Recreational Charter Management Advisory Committee (MERC MAC); the Recreational Fishing Saltwater and Freshwater Management Planning Committees (RFSMPC/RFFMPC); and any other recreational fishing advisory body that may be created over time.

It is proposed that the Assessment Panel include the following members:

Chairman of ACoRF - Mr Bruce Schumacher

NSW Department of Primary Industries representative - Mr Glenn Tritton

Independent – Ms Helen Muldoon (Premier's Department)

NSW DPI Fisheries – Mr John Diplock

These individuals have indicated their willingness and availability to participate on this panel on a needs basis, as required. The proposed panel would bring greater independence/transparency to the expression of interest assessment process for representation on recreational advisory bodies.

Outcomes

For information.

Issue

Remaining funding from the Recreational Fishing Haven fisher buy-out \$20 million loan.

Background

At previous meetings the Council has discussed options for the remaining funding from the \$20 million Recreational Fishing Haven fisher buyout loan. There is approximately \$1.3 million dollars available in the Saltwater Trust that could be committed to removing commercial fishing effort from high interaction areas such as the Clarence, Manning, Camden Haven and Hastings areas on the north coast and the area from Tuross through to Bermagui on the south coast. The Council and RFSTEC previously provided in-principle support for further voluntary buyouts of commercial fishing entitlements and requested that the Department investigate options for this process.

On 1 June 2005, as part of the recreational fishing fee increase media release, the Minister announced that the State Government is working with stakeholders to develop options regarding the buyout of additional commercial fishing licences. The Minister is in the process of forming a joint working group, which will be comprised of 6 members with equal representation from ACoRF and SIAC, to consider a policy framework for future buyouts.

Please note that any outcomes from this working group would remain subject to consideration by RFSTEC, ACoRF and the relevant commercial fishing Management Advisory Committee and/or SIAC.

Outcomes

The Department advised that Council would be updated on the progress of policy development for additional buyouts. The first ACoRF/SIAC working group meeting is planned for October 2005. It was re-iterated that the policy must include some form of no re-entry clause to prevent fishers who have been bought out from re-entering the commercial fishing industry by buying out a latent fishing business. This could also be achieved through some constraint on commercial fishing activity, such as endorsement type, or catch levels.

Action item: NSW DPI to determine the level of unallocated funding in the Saltwater Trust that could be allocated to additional voluntary buyouts.

The Council agreed that the current RFHs should not be included in the marine parks process and that there should be no restrictions to recreational fishing even if the RFHs were included within the boundaries of a marine park.

Recommendations

The Chair to write to the Minister to advise that there should be no restrictions to recreational fishing if the RFHs are included within the boundaries of any marine park.

*Moved: Neil Ryan Seconded: Jim Harnwell Against: Megan Kessler-NCC **Carried***

That remaining funding from the \$20 million Recreational Fishing Haven fisher buyout loan and unallocated funding in the Saltwater Trust be dedicated to additional voluntary buyouts.

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

That a statewide expression of interest for additional voluntary buyouts in estuaries be advertised by NSW DPI.

*Moved: Scott Mitchell Seconded: Jim Harnwell **Carried***

Please note that the Departmental representative abstained from voting on the above issues due to the sensitive nature of these discussions.

Issue

Environmental Impact Statement /Fishery Management Strategy update.

Background*Recreational Fishing FMS*

An update on the recreational fishing FMS process will be provided at the meeting.

Ocean Trawl Preferred Strategy Report

Copies of the Ocean Trawl Preferred Strategy Report (OTPSR) were previously sent to Council members out of session for information and comment. The following concerns have been expressed by members:

- There was no response submitted by a recreational fishing organisation regarding this EIS;
- It is believed that there are too many operators catching large amounts of fish of little worth, while associated costs are increasing;
- An apparent lack of real data or knowledge about the damage these activities can cause(i.e. it is a non-selective industry with many target species that are under stress).
- Trawling activities in general are unsustainable and not justifiable, therefore, the industry needs to be restructured.

Please note that the draft Preferred Strategy Report for the NSW Lobster Fishery was also recently sent to Council members for information/comment.

Outcomes*Recreational Fishing Fisheries Management Strategy*

The Department advised the Council that environmental assessments and development of associated fisheries management strategies for designated fishing activities, such as the issue of commercial fishing licences, are required under the *Environment Planning and Assessment Act 1979*. This Act, however, does not apply to the recreational fishing fee or charter boat licences.

The Recreational Fishing Trusts have allocated funding to the development of a fisheries management strategy and associated environmental assessment for recreational and charter fishing activities. The Department advised that it was investigating the potential for undertaking a simplified process for recreational fishing compared to the commercial fisheries. This would involve excluding the statutory steps (which are not required) and involve a short discussion paper on any key risks and proposed changes (not dealt with in the current review), rather than a full Environmental Impact Statement. This would result in a faster response (about one year) and a substantial saving to the Trusts, which could be re-directed to other high priority programs, such as additional buyouts. It was noted that the NCC opposed this proposal.

Recommendation

The Council supports a simplified process for the development of a fisheries management strategy for recreational fishing.

Moved: Neil Ryan Seconded: Jim Harnwell Against: Megan Kessler-NCC Carried

Issue

Compliance Update.

Background*Manning River - bass*

The Council has requested information from the Compliance team regarding recent reports of commercial fishers netting spawning bass in the Manning River. It is believed that this is a consequence of nets being left unattended overnight – a practice that is allowed during the months of June, July and August each year. All fish reportedly died.

A statement on 4 August 2005 was made to Fishing World Magazine from the Department as follows:

'The Department's Compliance section was aware of the situation of non-targeted catches of bass by commercial fishers in the Manning River in late June. There were no reports of illegal fishing.

This is an unusual and relatively infrequent event that only occurs when major floods cause a flushing (large water movement) of the river at the same time that bass migrate from freshwater to the estuary to spawn in winter months. It does not occur every year but can arise very quickly when there is a major flood event.

This issue is being referred to the Estuary General Management Advisory Committee and the Advisory Council on Recreational Fishing for consideration.'

Glenn Tritton, Manager, Fisheries Compliance, will discuss this issue with Council and provide a general compliance update at the meeting.

Outcomes*Manning River - bass*

The Council discussed the unusual bycatch of bass by commercial fishers in estuaries that may coincide with major flooding events in winter. Because of the infrequency of these events, the Department advised that some form of flexible management arrangement might be needed to prevent this from occurring. A potential proposal for Fisheries Officers to have the authority to implement a temporary immediate closure to commercial netting prior to anticipated major flooding events was discussed.

Action item: NSW DPI to develop guidelines for reducing bycatch of bass during major flooding events in estuaries, for presentation to ACoRF.

Other

The Committee was advised that Fisheries Officers had checked over 63,000 recreational fishers in 2004/05. Compliance remained excellent at 86% for marine recreational activities and 92% for freshwater recreational activities.

Some recent prosecutions and activities included:

- A man was fined \$8000 in Nowra court after pleading guilty to the possession of undersize abalone and lobsters, exceeding the bag limit for abalone, and for taking lobsters with a spear at Bandalong.
- A Kianga man was also fined \$3130 for the possession of undersized lobsters and obstructing DPI fisheries officers.

- The owner of a seafood outlet at Wollongong pleaded guilty to selling a quantity of eastern rock lobsters without tags and was fined \$3063. The untagged lobsters had been obtained from a recreational fisher.
- Three Sydney men were fined \$3500 for possession of prohibited size fish and exceeding bag limits at Lake Illawarra.
- A 43 year old Port Kembla man was fined \$800 for exceeding the possession limit for lobsters.
- Three Sydney men were fined \$3500 for the possession of undersized fish and exceeding their bag limits at Lake Illawarra.
- A 43 year old man was fined \$800 for exceeding the possession limit for lobsters whilst diving at Port Kembla.
- 3 persons were apprehended at Narrabeen Lake with 2 x 250 metre monofilament meshing nets. A boat and vehicle were seized.

The recreational mobile squad had maintained a high profile presence in the RFHs, including Tweed River, Tuross Lake, Botany Bay, Lake Macquarie, Bellinger/Kalang River, Clarence River, Manning River and Richmond River. There had been targeted media releases to maximize compliance.

Covert, intelligence driven operations have also been undertaken targeting illegal activity. A major operation had been carried out in eastern streams between Tweed and Shoalhaven, focusing on areas known to have high levels of fishing activity. Nine operations had also been carried out at the Lake Macquarie and Tuggerah Lakes power station hot water outlets.

For information.

Issue

Habitat Protection issues.

Background*Grey Nurse Sharks*

Council recognises the need to protect these sharks. They are known to be nighttime bottom feeders (take big baits on heavy hooks with wire traces etc), so that type of fishing should be restricted. However, the Council believes that many types of recreational fishing have no impact on the species. Members feel that closing areas may not achieve the desired level of protection, as these sharks are very mobile.

Grey Nurse Shark protection measures are currently under review in NSW. Research results were presented to stakeholders in March 2004 and the NSW Government will make an announcement in the near future about the outcomes of this review.

The Council has expressed concern that a decision on recreational fishing in Grey Nurse Shark Critical Habitat areas may be made without consultation with the Council and recreational fishing community. The Council should be advised that if a decision is made to increase protection for grey nurse sharks at critical habitat sites, then the Minister would seek public consultation on the matter.

Manning Shelf Bioregion

The Manning Shelf Bioregion extends from north of the Hunter River at Stockton (32°54'S) to north of Nambucca Heads (30°39'S) and includes all estuarine, coastal and offshore waters to the edge of the continental shelf (approximately the 200 m depth contour). The bioregion is one of 65 Australian marine bioregions and provinces that together provide a national framework for consistent, ecologically based planning of marine protected areas (MPAs).

The report titled "Broad-scale Biodiversity Assessment of the Manning Shelf Marine Bioregion" describes the broad range of biodiversity found within the bioregion and identifies ecological options for MPAs using available broad-scale ecological information. Information used in this report was derived from:

- National criteria developed for the identification of MPAs
- a broad-scale atlas of NSW marine ecosystems and habitats
- existing broad-scale scientific surveys of habitats, communities and species
- existing data, maps, aerial photographs, literature and conservation assessments
- new data coverages and analyses generated for this study
- ecological guidelines for reserve design
- preliminary discussions with scientists, managers and the community.

This assessment identifies one possible candidate location for a large, multiple-use marine park. It also identifies other areas with important conservation values that might be included in a statewide network of MPAs. The criteria, methods and information from this report aim to provide a basis for more detailed assessment, consultation and management of these areas.

The Council has requested information on the current status of this proposal.

Spearfishing prohibitions in the North Harbour Aquatic Reserve

The boundaries of the North (Sydney) Harbour Aquatic Reserve are formed by a line between the headlands at North Head and Grotto Point and a line joining Little Manly Point, Manly Point and Forty Baskets Beach. The reserve extends from the seabed at these outer boundaries up to the mean high water mark between them and covers an area of approximately 260 hectares.

Within the reserve, recreational fishers can only use rod and line to catch finfish. Licensed commercial fishers are also permitted to set lobster pots and beach hauling is restricted to an area north of Cannae Point and east of a line from Cannae Point to Manly Point and is only permitted on weekdays. Besides these activities, the collection or disturbance of marine life or habitat is prohibited, including collecting shellfish, pumping for worms, spearfishing and/or collecting dead or empty shells.

The spearfishing representative has queried the status of the spearfishing prohibition in the North Harbour Aquatic Reserve. It is understood that spearfishers were given a commitment that a review of this decision would occur. The Council has requested a briefing on this issue.

Silver Perch Species Impact Statement

There is a Ministerial order to permit continuation of recreational fishing activities for silver perch within specified stocked impoundments, under section 221A of the *Fisheries Management Act 1994*. A species impact statement has now been prepared for the species.

The development of the species impact statement has coincided with the public exhibition of the Silver Perch NSW Draft Recovery Plan, the commencement of the NSW Freshwater Fish Stocking Fishery Management Strategy, and the release of the Hatchery Quality Assurance Program. These documents have direct implications for silver perch breeding and stocking activities, and in conjunction with the species impact statement have resulted in a revision of the list of waters to which the order will apply from 32 to 19 impoundments.

Copies of the draft species impact statement will be distributed at the meeting for information and comment. A copy of the final version of the proposed order and species impact statement will be forwarded to the Council prior to public exhibition and following receipt and review of the Council's comments on the draft document.

Bill Talbot, Group Manager, Fisheries Ecosystems, will discuss these issues at the meeting.

Outcomes

Grey Nurse Sharks

The Council expressed concern about an email circulated to SCUBA clubs, which referred to the exclusion of recreational fishing from all grey nurse shark critical habitat areas following the implementation of the proposed SCUBA licence system. The Department confirmed that no decisions on additional management arrangements for critical habitat areas had been made. All stakeholder groups will be advised of any proposed changes to grey nurse shark protection measures prior to implementation. Refer to *Around the table* discussions for further information.

Manning Shelf Bioregion

The underwater representative expressed concern that there was no spearfishing or charter boat representative on the local Marine Parks Advisory Committees. The Department advised that these sectors were represented by the recreational representative. However, the Council considered that additional expert spearfishing or charter boat representatives were required to ensure all issues relevant to these sectors were addressed during the marine parks process. Refer to *Around the table* discussions for further information.

Spearfishing prohibitions in the North Harbour Aquatic Reserve

The Department advised that there was currently no proposal to review the spearfishing prohibition in the North Harbour Aquatic Reserve. The underwater representative was requested to provide further information on the apparent commitment given to the spearfishing sector that a review of the prohibition would occur.

Action items:

1. The Chair to write to the Minister requesting representation for spearfishing and charter fishing sectors on the MPMAC.
2. The Chair to write to the Minister asking for a review of the spearfishing prohibition in the North Harbour Aquatic Reserve.

Recommendations

A letter from the Chair requesting expert spearfishing and/or charter fishing representatives on the Marine Parks Management Advisory Committees is supported by the Council.

*Moved: Mel Brown Seconded: Neil Ryan **Carried***

The Council supports a review of the spearfishing prohibition in the North Harbour Aquatic Reserve.

*Moved: Mel Brown Seconded: Neil Ryan **Carried***

Issue

Amendment to clause 8A of the *Fisheries Management (General) Regulation 2002*

Background

In May 2002, 30 recreational fishing havens were established by a section 8 closure notification that prohibits all forms of commercial fishing except for some minor activity in Botany Bay and the Richmond and Clarence Rivers. Section 20 of the *Fisheries Management Act 1994* was subsequently amended to provide the head of power for these waters to be protected from commercial fishing. The regulation was also amended to include clause 8A, which provides an overview of the closed waters.

Effectively, these changes made it an offence under section 25 of the Act for commercial fishers to be in, on or adjacent to these waters when in possession of commercial fishing gear such as nets, traps and long lines. Section 25 (3) provides a defence to a prosecution if the court is satisfied that the fishing gear was being transported, in accordance with the written authority of a fisheries officer, to waters where the person could lawfully take fish with that gear. This requires commercial fishers to contact their local Fisheries office on an annual basis to obtain an authority (no fee payable) to transport the gear.

A number of the recreational fishing havens include the lower reaches of estuaries where traditionally commercial fishers have accessed ocean waters to conduct their fishing operations. One exemption is Bermagui River where the words "except the carriage of stowed fishing gear by boat directly from Bermagui Harbour to ocean waters" was included in the Table. The use of commercial fishing gear that is used in ocean waters is not a compliance issue in estuarine waters, especially in the recreational fishing havens. The inclusion of the same words in the Table to clause 8A of the regulation for all estuaries that require access for ocean fishers would reduce legislation requirements and administration on relevant District Fisheries offices.

Commercial fishers access ocean waters from the following recreational fishing havens and the Table to clause 8A would be amended accordingly:

Tweed River part (a) waters
 Richmond River part (a) waters
 Clarence River part (a) waters
 Hastings River
 Lake Macquarie
 Botany Bay
 Tomaga River

The Council's views are sought regarding the proposed amendment to clause 8A of the *Fisheries Management (General) Regulation 2002*, to allow commercial fishers to legally carry commercial fishing gear through recreational fishing havens to ocean waters, without the need for a permit.

Recommendation

The proposed amendment to clause 8A of the *Fisheries Management (General) Regulation 2002*, to allow commercial fishers to legally carry commercial fishing gear through recreational fishing havens to ocean waters without the need for a permit, is supported by the Council.

Moved: Jim Harnwell

Seconded: Scott Mitchell

Carried

Out of session items

Preferred Strategy Reports

It was confirmed that Preferred Strategy Reports for the Ocean Trawl, Rock Lobster and Ocean Trap & Line fisheries had been forwarded to Council members out of session for information/review. Comments were received on the Ocean Trawl PSR and forwarded to the Management Planning team for inclusion in documentation to be considered by the Minister on this issue.

Other Business

Striped Marlin

To help protect the game fishery in Western Australia the state government banned the commercial landing of striped marlin in 1995. The Game Fishing Association of Australia has been negotiating with the Commonwealth for more than 12 months seeking a closure to longlining within 50 nautical miles of the east coast of Australia to protect game fishing. There has been no result to date.

Following a number of years of low abundance of yellowfin tuna in inshore waters, recreational fishers have become increasingly reliant on striped marlin as the mainstay of the game fishery off NSW. Increased targeting of striped marlin by Commonwealth managed longliners, particularly in inshore waters, has raised concerns about localised depletion of this species off NSW to the detriment of the game fishery. The pressure of the longline fishery for swordfish off southern Queensland and increased reliance on former bycatch species such as dolphinfish and striped marlin has heightened these concerns. The Commonwealth's intention to manage the East Coast Tuna and Billfish Fishery by a Total Allowable Effort cap, rather than by species based Total Allowable Catches, has exacerbated the likelihood of serial depletion of pelagic fish stocks off NSW.

The economic study to estimate the value of the striped marlin fishery to the recreational and commercial sectors, and to examine the possible impact of various management scenarios and the economic importance of striped marlin to the commercial and recreational fishing sectors was assessed. The Council should note that the Minister is concerned about the results of the survey and does not want to see this very high value resource decline.

Specifically, the Minister has raised the following issues with the Commonwealth:

- * There is a need to clarify issues of jurisdiction so that the responsibilities of each government are understood in respect to the Offshore Constitutional Settlement (OCS) and the management of recreational fishing out to the Australian Fishing Zone;
- * The Memorandum of Understanding (MOU) on resource sharing outlines that our governments "will consider relevant resource sharing issues during any negotiations on the OCS agreements", which our Minister anticipates will be applied to striped marlin and other relevant species; and
- * The Minister also reiterates his concerns about the ongoing targeting of striped marlin by Commonwealth commercial tuna fishers and requests that the necessary action be taken so that marlin are not targeted by commercial fishers and are only taken as a genuine incidental bycatch.

Potential affects of the desalination plant on recreational fishing

Council member Mel Brown expressed concern at the possible environmental implications of the proposed desalination plant at Kurnell.

Eastern Freshwater Cod

At the 33rd ACoRF meeting, the Council requested that NSW DPI develop a proposal for the breeding of Eastern cod at the Grafton Aquaculture Centre for subsequent recovery stocking. Stuart Rowland, Scientist in Charge - Grafton Aquaculture Centre, has developed a proposal to produce Eastern cod at the Grafton Centre. However, he has also advised that prior to any production and subsequent stocking, a thorough assessment of the existing population needs to

be undertaken to determine the status of the current population and the need for stocking given the previous stockings and ongoing fishing restrictions. The Threatened Species Unit and Research Division of DPI are collating and analysing existing data on Eastern cod surveys and are considering whether a further assessment is required.

Correspondence received

Nil.

Around the table

Minister's address:

The Minister discussed the following issues with the Council:

Grey Nurse protection measures

The Minister advised that NSW DPI scientists will attempt to breed grey nurse shark pups in artificial uteri as part of the effort to save the endangered grey nurse shark. This radical plan will involve harvesting embryos from female sharks in the wild, then raising them in specially constructed artificial uteri in NSW DPI laboratories. The shark pups will then be released into the wild, and monitored to assess their survival rates, growth and movements. The State Government has committed an initial \$250,000 per year to fund this groundbreaking research program. A skilled expert, under the supervision of Dr Nick Otway, has been appointed to commence the project.

The NSW Government is currently considering a range of enhancements to the existing grey nurse shark critical habitat sites. It is recognised that a number of initiatives will be required to help the recovery of grey nurse shark populations.

The Minister advised that diving with grey nurse sharks generates a significant amount of business activity and there is a high level of interest in the ongoing protection of grey nurse sharks by scuba divers throughout NSW. Under the proposed SCUBA licence scheme, divers have the potential to contribute funds to the grey nurse recovery program, as well as a number of other programs.

Bag and Size Limits Review

The Minister commented on the two discussion papers for public comment on proposals and options for changes to fish size limits and recreational fishing rules in NSW waters. The proposals and options for changes to the size limits for saltwater species are relevant to both the commercial and recreational fishing sectors. The Minister acknowledged the need to protect fisheries to ensure the long term survival of the industry. It was highlighted that the papers contained PROPOSALS and OPTIONS only and that no decisions have been made.

Manning Marine Park

The Minister advised that the NSW Government is committed to a comprehensive and representative network of marine parks along the NSW coast. Zoning plans are now in place for Jervis Bay, Solitary Islands and Lord Howe Island. A final zoning plan for the Cape Byron Marine Park is being prepared. The Government is currently considering the Manning Shelf Bioregional Assessment Report, and the social and economic implications of a potential marine park, but no decisions regarding a marine park in the Manning Shelf bioregion have been made.

The Council questioned how the recreational sector would be compensated with regard to the creation of new marine parks and recreational fishing areas. The Minister stated that areas included in marine parks are also significant to commercial fisheries and adjustments will be necessary across both sectors.

Other Business

The Chair advised that applications for the Commonwealth Recreational Fishing grants program close on 7 October 2005. This program involves a commitment of \$15 million over three years from the Commonwealth Government for projects that benefit recreational fishing.

Ann Garard, charter boat representative, raised the issue of crewing changes for charter fishing boats and expressed concern that charter boats could be out of business as a result. The Minister advised that the issue has been raised with Occupational Health and Safety and encouraged the Council to write stating their concerns.

Lionel Jones advised that there had been no local consultation advising that NSW DPI was undertaking research in Lake Macquarie involving the use of commercial fishing gear, which had resulted in speculation about illegal netting in the RFH. NSW DPI advised it would ensure that ACoRF and local fishing clubs would be advised of any future research proposals using commercial fishing gear in RFHs.

Ann Lee, freshwater representative, requested a presentation on the effects of stocking in the NSW freshwater fishery at the next meeting.

Next meeting –Thursday 8th December 2005 at Cronulla Fisheries Centre.

ADDITIONAL INFORMATION

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Fishing Closure Tilligerry Creek in Port Stephens

I, IAN MACDONALD, prohibit the recreational harvest of all shellfish as specified in Column 1 of the Schedule of this notification, from waters shown in Column 2 of the Schedule.

This prohibition is effective for a period of one year from the date of publication of this notice unless sooner varied or revoked by notification of Deputy Director-General, Agriculture and Fisheries, Department of Primary Industries.

Schedule 1 Tilligerry Creek in Port Stephens

Column 1 Methods	Column 2 Waters
All shellfish by any method	From a line commencing at the foreshore boundary of oyster lease 78/085 to the western foreshore boundary of oyster lease 92/020 upstream of this line to the extremity of Tilligerry Creek.
Condition: This schedule applies to all species of shellfish, including but not limited to oysters, cockles, crabs, prawns, worms, limpets, sea urchins and lobsters.	

Following consultation with the NSW Food Authority this closure was implemented to protect human health.

IAN MACDONALD, M.L.C.,
NSW Minister for Primary Industries

34th ACoRF Meeting – 23rd June 2005

ACTION ITEMS

Agenda Item Number	Agenda Item Title	Action	Team responsible	Status
6	Tournament Monitoring Program.	ARTMP to provide Tournament Monitoring Reports to Council	Recreational Management	Ongoing
9	Request for spearfishing closure between Salmon Haul Bay and North Cronulla Beaches	The Department to advise the Cronulla Beach resident that ACoRF did not support the proposed closure.	Recreational Management	Completed
Other Business – Around the Table	Mullet Creek	Catch records and the commercial value of the fishery to be ascertained. Confirmation of compliance issues for illegal fishing re-offenders is also requested.	Recreational/Commercial Management (David Makin)	Completed
Other Business – Around the Table	Lake Macquarie Creel Survey	The Department to write to relevant Fishcare volunteers to express gratitude for their participation in the creel surveys.	Recreational Management	Completed
Other Business – Around the Table	Recreational Fishing Haven name change	NSW DPI to investigate the proposal to change the name Recreational Fishing Haven to Recreational only Fishing Area (RoFA).	Recreational Management	Ongoing

35th ACoRF Meeting – 22nd September 2005
ACTION ITEMS

Agenda Item Number	Agenda Item Title	Action	Team responsible
8	Remaining funding from the RFH fisher buy-out \$20 million loan	NSW DPI to determine the level of unallocated funding in the Saltwater Trust that could be allocated to additional voluntary buyouts.	Recreational Management
10	Compliance Update	NSW DPI to develop guidelines for reducing bycatch of bass during major flooding events in estuaries, for presentation to ACoRF	Recreational Management
11	Habitat Protection Issues	The Chair to write to the Minister requesting representation for spearfishing and charter fishing sectors on the MPMAC.	Recreational Management
11	Habitat Protection Issues	The Chair to write to the Minister asking for a review of the spearfishing prohibition in the North Harbour Aquatic Reserve.	Recreational Management