

Advisory Council on Recreational Fishing

**Outcomes from Meeting 54 – Wednesday 24 August 2011
Cronulla Fisheries Research Centre of Excellence**

Attendance

Bruce Schumacher	Chairperson
Alistair McGlashan	Offshore Fishing & Media
John Drew	Estuary Fishing
Neil Ryan	Fishing Media
Claudette Rechterik	Conservation
Max Castle	Estuary Fishing
Adrian Wayne	Underwater Fishing
Susan North	Freshwater Fishing and Fishing Industry Liaison
Charles Howe	Estuary & Offshore Fishing
Kevin McKinnon	Freshwater Fishing
John Clarke	Offshore Fishing
Michelle Martin	Tackle Sales
John Humphries	Freshwater Fishing
Ann Garard	Charter Boat Fishing
Janette McLeod	Estuary Fishing
Shane Jasprizza	Estuary Fishing
Peter Turnell	Director, Recreational and Indigenous Fisheries

1. Apologies

Patricia Jones (Offshore Fishing).

3. Confirmation of minutes from previous ACoRF meetings

Following receipt of a letter on behalf of the Commercial Fishermans Co-operative Newcastle the draft outcomes from the previous meeting have been amended to state the following:

Danish seine

Council member John Clarke raised concerns that were outlined in a letter he received about the use of an allegedly modified Danish seine (trawl) net by a commercial fishing vessel operator in the area. The department is aware of this operation and will seek clarification from local Compliance officers regarding the legality of this fishing method and gear.

Motion: The council accepted the outcomes, with the above amendment, as a true and accurate record of discussions from the 53rd ACoRF meeting, held on 17 May 2011. **Moved:** John Drew. **Seconded:** Kevin McKinnon. **Carried.**

4. Business arising from the minutes

The council noted that issues arising from the previous meeting were included in the agenda for this meeting.

5. Recreational Fisheries Management update

a) Rock Fishing Safety update

The department provided an update on rock fishing safety issues including a summary of the findings from the Newcastle Coroner's Court on 11 August 2011 relating to the coronial inquest into the deaths of 12 rock fishers during 2010. In addition to those provided at the Glebe Coroner's Court in May this year, the following recommendations were handed down.

In developing an enhanced rock fishing safety program NSW DPI should:

- 1) Consider whether the time taken for local government authorities and other relevant agencies, to approve the erection of appropriate warning signs and the provisions of safety devices in relevant locations is an acceptable time period. To consider what steps can be taken to speed up the process involved in approving the erection of such warning signs and flotation devices;
- 2) Consider what is the most appropriate portable flotation device that should be carried by those involved in rock fishing. The Department ought to consider whether or not it should be compulsory for any such device to be in possession of a person who engages in rock fishing;
- 3) Consider whether the level of funding available to organisations such as the Recreational Fishing Alliance and Surf Life Saving NSW for education campaigns about the dangers of rocks fishing, particularly for campaigns directed at Australians of a non Anglo Celtic background is sufficient.

The council noted the proposal to establish a working group comprised of representatives from relevant organisations to assist with the implementation of the Coroner's recommendations.

It is proposed to seek funding from the Recreational Fishing Trust to engage a suitably qualified contractor to carry out the recommended research and development of a revised rock fishing safety program. The department will oversee the contractor in close consultation with the stakeholder working group. Contract specifications for an appropriate contractor are currently being prepared.

The council noted that an application for funding from the Recreational Fishing Trust will be sent to RFSTEC for approval out of session.

Motion: The council provides in principal support to fund a contractor, to complete the required research to assist with the development of a revised rock fishing safety program, from the Recreational Saltwater Trust up to an amount of \$100,000. **Moved:** Max Castle. **Seconded:** Kevin McKinnon. **Carried.**

b) Proposal for the mandatory use of dive flags by snorkelers and divers

Mr Adrian Wayne, USFA Vice President advised the council that he had met with the Hon. Duncan Gay MP, Minister for Roads and Ports and Steve Dunn, Acting Deputy Chief Executive, NSW Maritime, regarding a proposal to introduce the mandatory use of a red and white dive flag by snorkelers and divers. It was noted that NSW Maritime is currently undertaking consultation and proposes to develop a discussion paper on this issue.

NSW Maritime regulatory powers only relate to the operation of vessels and do not extend to swimmers, divers, or other water users. Mr Wayne further advised that any proposal relating to the use or specification of fishing gear such as the mandatory use of a dive flag by spearfishers could potentially be included in the applicable fisheries legislation. The council noted such requirements would only apply to those undertaking fishing activities and that further community consultation is required on this issue.

It was mentioned that in addition to the requirement to tow a dive flag, improved diver safety awareness and education is needed. Advisory information should focus on appropriate conduct by different user groups in shared waterways. The council suggested consideration of this issue as part of the proposed NSW bag and size limit review.

Motion: The council recommends that the mandatory use of dive flags by snorkelers and divers undertaking fishing activities be considered as part of the NSW bag and size limit review 2011-12 and that an education plan to improve the awareness of diver safety be developed. **Moved:** Adrian Wayne. **Seconded:** Max Castle. **Carried.**

c) Recreational Fishing Fee

NSW DPI advised it was not proposed to increase the Recreational Fishing Fee on 1 October 2011, as previously recommended by ACoRF.

The council reaffirmed its recommendation that the Recreational Fishing Fee be increased in line with the Consumer Price Index (CPI) and requested the Chairperson write to the Minister to provide the council's position on this issue.

Motion: The Chairperson write to the Minister to advise that the council reiterates its position that the Recreational Fishing Fee being increased in line with CPI. **Moved:** Max Castle. **Seconded:** Shane Jasprizza. **Carried.**

d) Pittwater parking

The council noted the letter from Pittwater Council to NSW DPI regarding the parking of vehicles and trailers in the Pittwater area. Noting the potential impacts on recreational fishers if similar parking restrictions are implemented by other local councils, ACoRF suggested the department contact Sydney Coastal Councils to further discuss the issue.

Action Item

The department to contact Sydney Coastal Councils to further discuss the issue regarding the parking of vehicles and boat trailers.

e) Re-organisation of the Fisheries Research Advisory Board (FRAB) in NSW

The council noted recent correspondence regarding the proposed re-organisation of the FRAB (of which Bruce Schumacher, ACoRF Chair, is a member). The council was provided with a draft proposal that includes nomination of a recreational fishing representative in the revised structure.

It was noted that if council endorses the proposed FRAB re-structure, it is recommended that an ACoRF representative be appointed on an annual basis to ensure a strong and consistent link between the FRAB and ACoRF. The council noted that a similar approach to the Aquaculture Research Advisory Committee (ARAC) was recently endorsed at their meeting 21 July 2011.

Motion: The council supports the proposed structure of the FRAB and will nominate a recreational fishing representative as required. **Moved:** Ann Garard. **Seconded:** Alistair McGlashan. **Carried.**

f) Independent review of commercial fisheries management, policy and administration

An independent review of commercial fisheries management in NSW will be conducted in the near future. An independent review panel may consult the council should they require any specific information regarding the recreational fishing sector.

g) Audit of management of Recreational Fishing Trusts

An audit of the management of the Recreational Fishing Trusts was recently undertaken, including the process by which trust funds are allocated. This audit will be completed soon and a report will be provided to ACoRF soon.

h) Community proposal for additional recreational fishing havens or further restriction on commercial fishing.

The council discussed a number of recent proposals for additional recreational fishing havens in Pittwater and the lower Clarence River, as well as further restrictions to commercial fishing in the Shoalhaven River. Members noted that while they were in favour of any proposal to improve

recreational fishing access and opportunities, it was not appropriate to provide a submission on the current proposals.

j) Freshwater fishing update

The department provided an update on major freshwater fishing issues, including the multi-state initiatives on Murray cod research and management and recreational fishing stakeholder input to the Murray-Darling Basin (MDB) Plan. The plan will provide the framework for practical research on Murray cod. It was noted that a recent study by the MDB Authority estimates the economic value of fishing in the MDB to be around \$1.3 billion.

Submission to the Statutory Review of the NSW Fisheries Management Act 1994 - Third-party insurance coverage for recreational fishers

Section 234(2)(e) of the *Fisheries Management Act 1994* states that funds from the Recreational Fishing (Freshwater) Trust may be used to pay for the costs of providing third-party insurance coverage for landowners where recreational fishers use private land (or water over private land) for freshwater fishing.

It was agreed that despite a number of submissions from the general public suggesting that a lack of insurance was the main reason many landholders deny access across private property to rivers and lakes for recreational fishing purposes, it was recognised that there are a number of other issues relating to security and property damage which contribute to landholders being reluctant to grant access. The council was also concerned about the costings of the insurance system and the complexities of applicability to exempt fishers.

Motion: The council suggested that liability and personal insurance cover should be the responsibility of the individual fisher, fishing club or association and does not support the concept to incorporate the proposal into the Recreational Fishing Fee. **Moved:** Kevin McKinnon. **Seconded:** Alistair McGlashan. **Carried.**

6. Review of NSW Bag and Size Limits 2011-12

The department provided an update on the major steps involved in the project plan for the review of bag and size limits and progress to date. Detailed background information has been prepared for each species, gear and miscellaneous fishing issue identified to be included in the review. Departmental representatives on the Bag and Size Limit Review Technical Working Group have been nominated by Fisheries Branch Unit Directors and include representatives from Science & Research, Commercial Fisheries Management, Fisheries Compliance, Resource Planning, Indigenous Fisheries Management, Threatened Species, Marine Parks and Recreational Fisheries Management. A meeting of DPI representatives is scheduled for Friday 23 September 2011 to prioritise the issues for inclusion in the review. A broader Technical Working Group with external representation will then meet to discuss the proposed issues. A range of issues that have been identified to date, including potential reduction of a number of species bag limits, various fishing gear/method issues and some size limits.

The council nominated the following members be considered for appointment to the working group: Bruce Schumacher, Max Castle, Claudette Rechterik (Conservation), Ann Garard (Charter Fishing) and Alistair McGlashan. Charles Howe and Shane Jasprizza. It was also noted that Susan North could also assist with communication initiatives related to the review.

The council requested the opportunity to review the draft discussion paper prior to it being finalised and released for public consultation.

7. Compliance Update

Glenn Tritton, Director Fisheries Compliance, NSW DPI, provided an overview of compliance activities during 2010/11 with a focus on the recreational and charter fishing sectors. This included details on overall client contacts and subsequent compliance rates, major compliance outcomes such as cautions, penalty notices and matters successfully prosecuted in court. For a

better understanding of compliance rates between the fishing sectors the council requested that future updates clearly distinguish between recreational and commercial fishing offences.

The Fisheries Compliance section of the DPI Fisheries website has recently been updated to include the Australian Fisheries National Compliance Strategy (AFNCS) for 2010-2015, media releases and an electronic reporting system for suspected illegal fishing activity. Two new Primefacts have also been added to provide further information on fisheries penalty notice issues.

The department is currently developing a 'Name and Shame' policy for fisheries convictions based on the current NSW Food Authority's campaign. Further information will be provided as the policy is developed.

The council re-iterated its recommendation for the development of an advisory brochure on the most common recreational fisheries offences and potential fines or penalties, for distribution to anglers and the public.

8. Species Impact Statement (SIS) for Southern Bluefin Tuna (SBT).

The preliminary environmental assessment has been completed and an external consultant will be engaged to prepare the SIS (as required by the *Fisheries Management Act 1994* and Director General's requirements). The department outlined a revised proposal for a bag limit of 1, a boat limit of 2 for recreational fishers and 6 for charter fishing boats. The council was generally supportive of this proposal and also suggested a maximum of 1 SBT 100 kg or greater (based on average length of SBT at 100kg) could apply as part of the boat limit rules.

9. NSW Marine Parks update

Bill Talbot, Director Aquaculture, Conservation and Marine Parks, NSW DPI, provided an update on NSW marine parks issues including the Minister's recent announcement for an Independent Scientific Audit of Marine Parks in NSW.

The department advised that the Minister has appointed the following members to the independent panel:

- Chairperson - Associate Professor Bob Beeton,
- Fisheries science and MPA research - Prof. Colin Buxton,
- Economic evaluation - Greg Cutbush,
- Marine ecology and biodiversity protection - Prof. Peter Fairweather,
- Human impacts in the marine environment - Assoc. Prof. Emma Johnston, and
- Social policy and planning - Dr Roberta Ryan.

The panel held an introductory meeting on 26 July to discuss the terms of reference and the timeline for the completion of the audit. Written submissions addressing one or more of the terms of reference are due by 30 September 2011 and the panel's final report to the government is due by 31 December 2011.

The council discussed options for an ACoRF submission and suggested an application be developed to seek funding from the Recreational Fishing Trust to engage a contractor to develop a scientifically based submission, addressing the Audit's terms of reference, on behalf of the council. The council requested an application for funding from the Recreational Fishing Trust be sent to RFSTEC for consideration out of session. A number of potential contractors were discussed, however given the short timeframe for submissions, it was proposed for the chair to contact Professor Bob Kearney to determine his availability.

Motion: Bruce Schumacher to contact a preferred contractor and discuss possible options to develop an ACoRF submission that addresses the Terms of Reference of the Independent Scientific Audit of Marine Parks in NSW. **Moved:** Max Castle. **Seconded:** Neil Ryan. **Carried.**

Action Item

Previously nominated council members to meet with the consultant to ensure the council's views on marine park issues are discussed and incorporated into the submission.

10. Grey Nurse Shark Protection in NSW

Peter Gallagher, Senior Conservation Manager Threatened Species, provided an update on the current review of Grey Nurse Shark protection arrangements in NSW.

It was noted that the Government previously revoked the most recent fishing rules at Fish Rock and Green Island, which restricted recreational fishing to low risk methods (spinning and trolling only). An extensive consultation process is now underway, which includes the distribution of a discussion paper that reviews the conservation history and status of grey nurse sharks and sets out some of the current issues related to their protection and conservation in NSW. The department has also undertaken a series of information sessions along the NSW coast to provide an opportunity for members of the community to ask questions relating to the current review of grey nurse shark protection in NSW. The department advised that submissions in response to the discussion paper were due to close on Friday 26 August 2011.

Members discussed options for developing a submission that incorporates the council's long standing position on the issue. The council reiterated that while recognising the objective of DPI to increase protection to grey nurse sharks, as a principle it strongly opposes the introduction of blanket spatial fishing closures. Alternatively, the council favours the placing of restrictions on specific fishing methods, gear and/or baits permitted in grey nurse shark critical habitat areas in order to protect the species whilst maintaining recreational fishing opportunities.

Motion: The council recommends a working group be developed to formulate a submission on the GNS discussion paper issues on behalf of ACoRF. The council nominated the following members for the working group: Max Castle (Chair), Adrian Wayne, Claudette Rechterik and John Burgess (RFSTEC). **Moved:** Max Castle. **Seconded:** Michelle Martin. **Carried.**

A report containing the main issues and those raised during the consultation process will be developed. It is proposed to hold targeted stakeholder workshops during October 2011 to identify and discuss possible solutions.

11. Commercial Fisheries update

Pipis

The council noted that in addition to a minimum commercial size limit of 4cm, a catch limit of 40kg of pipis applies to licensed commercial fishers.

Doug Ferrell, Manager Resource Planning, NSW DPI, provided a summary of the outcomes from the Pipi Working Group meeting that was held on 19 July 2011 in Sydney.

The following list of actions from the working group meeting was noted by the council:

- Recreational fishing representatives and commercial fishers to complete a qualitative audit with respect to the presence or otherwise of pipis on select beaches prior to the RPG meeting.
- NSW DPI to develop a short-term program to assess and compare abundance of pipis on select fished and unfished beaches.
- NSW DPI to develop a longer-term program to monitor the abundance of pipis and inform future management.
- NSW DPI to distribute a draft logbook to industry to review and provide comments back to NSW DPI as soon as possible. The logbooks are to be refined through time to inform management of the pipi resource.
- Following the Resource Planning Group (RPG) meeting all beaches will be closed to commercial harvesting and some will open under the authority of permits issued in accordance with section 37 of the *Fisheries Management Act 1994*. It will be a condition of an endorsement that fishers complete logbooks.

The council noted that the RPG has now been established and is scheduled to meet at the Port Stephens Fisheries Centre on 12 September 2011 to advise the government on plans for research and management of pipis in order to ensure long-term sustainability of the resource. Council members John Clarke and Charlie Howe advised that they had been nominated as recreational fishing representatives on the RPG.

Danish seine

The department advised that it was currently undertaking a review of this fishing method following the concerns raised at the last council meeting. The review will focus in part on selectivity and associated discard issues.

Australian salmon

The department advised that the commercial fishing closure for the taking of Australian salmon north of Barrenjoey Headland was due to expire on 31 August 2011.

Dr John Stewart, Senior Research Scientist, NSW DPI, provided a brief summary of major findings from the recent NSW DPI research project on Australian salmon. The council noted the importance of Australian salmon for recreational fishers. The NCC representative questioned whether increasing the take of Australian salmon on the north coast would impact on higher order predators such as Great White Sharks and Grey Nurse Sharks.

The department provided a summary of the outcomes from the Australia Salmon Working Group meeting held on 20 July 2011 at the Cronulla Fisheries Centre. These included:

- Additional quantities of bait should be able to be harvested north of Barrenjoey Headland to help satisfy the bait needs in commercial trapping operations.
- Ocean haul fishers should be able to take a limited amount of **salmon for sale** on the North Coast (rather than bait for own use only) in the area covered by the current closure. The intent is to supply local bait markets. Managed through a revised closure notice rather than a permit system.
- Potentially increase the **trip limit** from 2 to 3 tonnes per OH general purpose net endorsement holder. The trip limit reduces potential for large scale targeting.
- Similar to current arrangements, an **annual trigger limit** for Australian salmon taken on the north coast to be determined based on expected bait needs by lobster and fish trappers on the north coast.
- Sydney Fish Market data should be monitored to detect any excessive 'dumping' of product on the market and, if detected, this practice should be addressed initially by direct communication with fishers.
- Annual review of catches against the trigger limit by working group, OHMAC and ACoRF.

The department advised that the initial estimate, determined in consultation with commercial trap fishers, indicates that (if available) Australian salmon is likely to make up approximately 50% of bait usage by lobster trappers and 25% by other trappers (fish and crab). This calculates to approximately 224 tonnes of Australian salmon used by commercial trap fishers north of Barrenjoey Headland. Therefore an annual trigger limit of 224 tonnes has been suggested.

Motion: The council supports the proposals from the Australia Salmon Working Group meeting held on 20 July 2011. **Motion lapsed.**

Motion: The council recommends that the commercial fishing closure for the taking of Australian salmon north of Barrenjoey Headland be renewed without amendment. **Moved:** Neil Ryan. **Seconded:** Adrian Wayne. **Carried. Against:** John Humphries, John Clarke and Charlie Howe.

Tailor fishing closure

The council noted the commercial fishing closure for the taking of tailor in all NSW waters was due to expire on 31 August 2011.

Motion: The council recommends the fishing closure be renewed without amendment. **Moved:** Max Castle. Seconded: Alistair McGlashan. **Carried.**

12. Australian Government's marine bioregional planning process - East Marine Bioregion update

The council was advised that the Department of Sustainability, Environment, Water, Population & Communities (DSEWPC) had recently held a stakeholder representative meeting to assist in the development the draft Marine Bioregional Plan and Commonwealth Marine Reserve Network proposal for the East Marine Region. ACoRF representatives attended this meeting, however, were unable to discuss the draft proposal details as they were confidential.

The council noted that the draft Marine Bioregional Plan was still scheduled for consultation by the end of 2011.

13. Recreational fishing communication strategy

This agenda item was postponed to the next meeting due to time constraints.

14. Recreational Fishing Program Presentations

Gaden Fish Hatchery

Kelly Reader, Guide Attendant, NSW DPI, provided the council with an overview of various initiatives to improve public awareness and increase visitation to the hatchery. The Hatchery Family Picnic Day held on 6 November 2010 was a huge success with estimates of over 1,000 people attending. Between the start of July 2010 and end of January 2011 there were 3,237 visitors to the hatchery. By comparison, in the corresponding period last year, 1,521 visitors had attended the hatchery. The Hatchery DVD is currently being upgraded and reproduced. Hatchery merchandise is also now on sale. Targeted Gaden Hatchery advertising and location maps are being placed in the region.

Recreational Fishing Access (Inland)

The department provided a freshwater fishing access update on a range of recent issues and achievements. The access manager has been developing an access strategy for anglers on all crown lands, including leasehold areas under freehold conversion. Approximately 140,000 angler access sites have been identified not including enclosure permits. Approximately 100,000 enclosure permits adjacent to waterways have also been identified. Approximately 300 individual site inspections have been conducted and site descriptions written. The department has also identified various unauthorised "No Fishing" signage and has requested the removal of these and other closure notices on various public lands.

The department has also been developing new Inland angler access signage and mapping options brochures for various areas in the Central West region to improve angler access and increase awareness of current angler access locations.

Note: The other scheduled recreational fishing program presentations on recreational saltwater fishing access and recreational fisheries enhancement were postponed to the next meeting due to time constraints.

14. Update on Indigenous fishing and cultural fishing rules

Danny Chapman, Chairperson of the recently established Aboriginal Fishing Advisory Council (AFAC) provided the council with a summary of the establishment of AFAC. Mr Chapman noted that it was very important for ACoRF and AFAC to have an open and constructive dialogue as there are many overlapping issues of interest.

It was noted that in addition to amending the *Fisheries Management (General) Regulation 2010* (the Regulation) to allow for the establishment of AFAC, special provisions have also been added to the *Fisheries Management Act 1994* (the Act) to allow for the development of specific regulations for the management of Aboriginal cultural fishing activities in NSW. The council noted that AFAC had already held their first meeting to discuss the processes involved with developing

these regulations. The second AFAC meeting is scheduled for 19-20 September 2011. Mr Chapman clarified that AFAC would be developing proposals regarding cultural fishing access issues that may include cultural and non-cultural fishing methods, although this would not extend to commercial fishing activities.

Action Item

The department to provide council members with the definition of cultural fishing activities as described in the Act and Regulation.

16. Correspondence

The Council noted the correspondence received.

17. Out of Session

a) Commercial and recreational abalone fishing from Port Stephens to Botany Bay

b) Renewal of a closure that prohibits the practice of shark finning in NSW waters

c) Recreational Fishing Trust Small Grant to promote recreational fishing interests within the Murray Darling Basin

Motion: The council ratifies the Out of Session items. **Moved:** Adrian Wayne. **Seconded:** Alistair McGlashan. **Carried.**

18. General Business

a) Ministerial Orders to allow continued fishing in Darling and Lachlan Endangered Ecological Communities

NSW DPI provided a detailed summary of the process taken to develop the Ministerial Orders. The council noted that the Ministerial Orders were essential to ensure recreational fishing, commercial fishing and broodstock collection activities could continue in the Lachlan and Darling River endangered ecological communities.

Action Item

The department to provide copies of the Species Impact Statements for the Darling and Lachlan Endangered Ecological Communities to council members out of session for comment.

b) Fisheries Scientific Committee proposals

The department advised that it would be providing a detailed submission, including relevant information on recreational fishing, in relation to the proposed determinations to list the Greater Hammerhead Shark and Scalloped Hammerhead Shark in the Threatened Species Schedules of the Act.

19. Next meeting

The next meeting (ACoRF 55) is scheduled for 29 and 30 November 2011.

The following items were requested to be placed on the agenda for meeting 55:

- Recreational dumping of fish (Game fishing competitions)
- Recreational Fisheries Enhancement Program update

Action items from 54th ACoRF meeting on 24 August 2011

Agenda Item	Action	Team Responsible	Status
Recreational Fisheries Management update d) Pittwater Parking	The department to contact Sydney Coastal Councils to further discuss the issue regarding the parking of vehicles and boat trailers.	Recreational Management/ ACoRF	Pending
NSW Marine Parks update	Nominated council members to meet with the preferred contractor to ensure the council's views on marine park issues are discussed and incorporated into the submission.	ACoRF	Pending
Update on Indigenous fishing and cultural fishing rules	The department to provide council members with the definition of cultural fishing activities as described in the Act.	Recreational Management	Pending
General Business a) Ministerial Orders to allow continued fishing in Darling and Lachlan Endangered Ecological Communities	The department to provide copies of the Species Impact Statement for the Darling and Lachlan Endangered Ecological Communities to council members out of session for comment.	Recreational Management	Pending