



MEETING	Recreational Fishing NSW Advisory Council
MEETING NO.	Meeting 7
DATE	11 December 2017
LOCATION	Portside Conference Centre, 207 Kent Street, Sydney NSW 2000
ATTENDEES	Johann Bell (Chair), Max Castle, Vic Levett, Chris Cleaver, David Rae, Jo Starling, Matt Hansen, Matthew Poulton, Paul Lennon, Ray Tang, Steve Samuels, Vicki Lear, Stan Konstantaras, Karl Mathers, Peter Turnell
APOLOGIES	Greg Reid

1. Chair's introduction

The Chair welcomed members to the seventh meeting at the Portside Conference Centre. The meeting commenced at 8:30 am and an agenda item was added to accommodate an update from Dr Geoff Allan, Deputy Director General, DPI Fisheries.

2. Register of interests

The Chair requested that members declare any additions to the Register since the last meeting. Karl Mathers declared his interest with the Australian Research Council Industrial Transformation Research Hub Project. Stan Konstantaras declared his interest, on behalf of the RFA of NSW, in the tender titled 'Delivery of sector representation, consultation and communication services for the recreational fishing sector'. Matt Hansen advised he is now a Director of OzFish Unlimited.

Action item: Council requested a short presentation relating to departmental procurement policies and operational requirements at the next meeting.

3. Agreement on the agenda

RFNSW members agreed on the agenda for the meeting.

4. Adoption of the record of the previous meeting

The draft outcomes of Meeting 6 were accepted without change as a true and accurate record of that meeting.

5. Future meeting schedule

Meeting 8: March – two day meeting scheduled for 28-29 March 2018 at Lake Burrendong.
 Meeting 9: June – tentative date 7 or 8/6/18. MFAC meeting is scheduled for 14-15/6/18 – it was suggested MFAC and RFNSW hold a joint session in June or September (date TBC).
 Meeting 10: September (date TBC)
 Meeting 11: December (date TBC)

6. Review of achievements and action items from previous minutes

The Council noted the progress on action items from the previous meeting.

Recommendation: RFNSW recommended funding from the Recreational Fishing Trust for the South West Anglers funding application relating to the Talmalmo paper road survey, to ensure the commencement of the survey. Further, the Council supports ongoing dialogue with Crown Lands regarding this issue, and securing additional funding from the Ministry of Lands and Forestry for a statewide strategy to complete further surveys and upgrading access to important inland recreational fishing areas.

DDG DPI Fisheries' attendance

Dr Geoff Allan, Deputy Director General, DPI Fisheries, thanked members on behalf of the Minister for the ongoing efforts of the Council, as well as its significant achievements to date.

With regard to the Mulloway Recovery Program, the Council continues to have major concerns with the bycatch provision for commercial Estuary General hauling activities, where 10 fish between 45 and 70 cm may be retained. Council noted that since the commencement of the Recovery Program, the Estuary General catch of Mulloway had not decreased and had actually increased in some estuaries due to the bycatch allowance. RFNSW reiterated that the commercial bycatch provision should be removed immediately (i.e., all fish under 70 cm should be returned to the water). The RFNSW mulloway working group has also discussed the issues around deliberate targeting of spawning mulloway under the 500 kg beach hauling provision, and the mortality of undersized mulloway (less than 20 cm in size) in the estuary and inshore trawl fisheries in NSW.

Council was also open to consideration of further restrictions to reduce fishing mortality and enhance recovery of the species, including increasing the minimum legal length to 75 cm, a bag limit of one fish and potentially even a boat limit of 2 fish per boat per day (with only 1 fish over 1 metre). Dr Allan confirmed CommFish will be meeting in March 2018 to discuss this issue and that DPI is keen to work with all sectors to achieve suitable outcomes for the species.

Regarding Mulloway and the correspondence pertaining to the proposed bridge replacements at Batemans Bay and Nelligen, RFNSW would like to see the subsurface bridge infrastructure that currently provides habitat for Mulloway and various other recreationally important species left in the water unless there was a compelling reason for its removal.

Action item: DPI to follow up the letter from the Minister of DPI to the Minister for RMS concerning this issue and liaise with Transport for NSW regarding a whole of Government approach to reduce the loss of in-water bridge infrastructure and report back at the next meeting.

Dr Allan advised about the advertising of the current tender titled: Delivery of sector representation, consultation and communication services to the recreational fishing sector, which was released on 1 December 2017. The closing date is 9 February 2018. Dr Allan encouraged members to distribute the notice of the tender to their networks.

The Council agreed that a formal NSW Recreational Fishing Strategy/Policy document, addressing major issues such as social licence, species protection and enhancement, access, improving recreational fishing opportunities, confirming the value of recreational fishing havens and recreational fishing to the community and economy, should be developed and provided to MFAC, DPI and the Minister to highlight the socio-economic benefits of the

sector. Council noted the development of such a strategy is a RFNSW top ten issue.

With regard to the briefing from Dr Geoff Allan on the Reservoirs Risk Assessment Project, RFNSW recognized that Water NSW is a key stakeholder in the Reservoirs Risk Assessment Project and should be encouraged to participate in the assessment process, including providing inputs to the project's findings and recommendations. However, Council members expressed frustration at the ongoing delays and lack of engagement attributable to Water NSW, along with attempts by Water NSW to amend the chosen case study reservoirs. The sites selected (Prospect and Cataract) represent the full range of attributes that need to be assessed under a comprehensive risk assessment process. Thus, selection of these two reservoirs could act as a model for any future risk assessments. The project should not be compromised by Water NSW's preconceptions about acceptable levels of risk and/or attempts to suggest alternate storages that it perceives to be more suitable.

7. a. Progressing the top 10 priority issues: reviewing status

Council members have identified details of key issues in their regions, sectors or fields which have been collated into an issues summary document. A 'live' structured RFNSW work plan with specific actions and responsibilities is being maintained. The status of the various actions was discussed and further actions developed where required.

7. b. Marine Estate Management update

i) Hawkesbury Shelf marine bioregion assessment – members were provided with a copy of the Marine Estate Reforms program update dated 24 November 2017.

ii) Draft Marine Estate Strategy consultation – Stan Konstantaras confirmed RFNSW had been provided with an extension until 14 December to lodge a submission regarding the draft Marine Estate Strategy, to enable discussion of major related recreational fishing issues in session. The Council expressed its appreciation for the extension and confirmed that a submission would be lodged by the due date.

Action item: The RFNSW sub group to prepare a draft submission to the Draft Marine Estate Strategy for the Chair to lodge.

8. Top 10 issue: Stock assessments of key species

a. Dusky Flathead

DPI presented available biological information and catch monitoring data on the resource assessment status of the Dusky Flathead stock in NSW. Following discussion on the available information, as well as a range of social and economic issues, RFNSW recommends the following changes to recreational fishing rules only (at this stage) for this species:

Dusky Flathead

- Reduce the recreational bag limit from 10 to 5
- Introduce a slot limit of 36 cm (existing minimum legal length) – 70 cm (maximum legal length – for recreational fishers only)

This follows on from similar information provided for Snapper, Abalone and Rock Lobster (meeting 6) and Kingfish (meeting 5), which RFNSW used to identify and propose changes to management arrangements for those species.

RFNSW continues to support consultation between DPI and the Aboriginal, recreational and

commercial fishing sectors (including the East Coast Snapper Assessment committee), and the general public, to consider the existing RFNSW positions on the above recommendations.

b. Reviewing saltwater rules

The Council supported a systematic approach to future reviews of recreational fishing rules, including more regular reviews of priority species and regulations rather than periodic, large-scale reviews of all rules every five years. More regular reviews could involve requesting community feedback on up to a maximum of 10 current priority issues. This will allow the fishing public to be provided with detailed information relating to significantly fewer issues compared to previous reviews of fishing rules, and provide DPI with a more effective way to consolidate changes in legislation and associated information and advisory material (including educational material, signage, fishing guides, website), as opposed to one-off rules changes.

Action item: DPI to prepare a discussion paper with proposed changes to recreational fishing rules for Kingfish, Snapper, Dusky Flathead, Abalone, Rock Lobster and any other priority species/issues.

9. Small Pelagic Fishery

A 40 metre mid-water trawl commercial fishing boat commenced fishing in the Small Pelagic Fishery (SPF) off the south-east coast of Australia in early October. The Australian Fisheries Management Authority (AFMA) advises that, like all fishing operations in Commonwealth managed fisheries, this mid-water trawl operation is subject to rules and conditions, including a limit on the amount of catch that can be taken from the fishery. The 'total allowable catch' limit in the fishery will not change with the introduction of this boat.

Jo Starling attended the Small Pelagic Fishery scientific panel and stakeholder forum held by AFMA on 6 December 2017 in Sydney and updated Council on the outcomes of that meeting, including proposed trigger limits as a percentage of the Total Allowable Catch (TAC) for each species. Jo indicated she was buoyed by the attitude of the scientists and that scientific information was being considered during the process.

Action item: DPI to clarify if TAC issues relate to Sardines only, or if it is the TAC for the entire SPF, and advise Council.

Action item: Jo Starling to provide summary information to RFNSW when it becomes available in February 2018.

10. Presentation on the Southern Fish Trawl fishery, DPI Commercial Fisheries Management

The Southern Fish Trawl Transitioning Working Group (SFTTWG) is currently meeting to identify and resolve issues, negotiate arrangements and provide advice to NSW DPI and AFMA on integrating the NSW Southern Fish Trawl (SFT – managed by NSW DPI) Restricted Fishery into the Commonwealth's Southern and Eastern Scalefish and Shark Fishery (SESSF) and facilitate how this can be achieved.

Concerns have been raised about current State rules regarding trip limits and size limits in the fishery and how they will be managed following transition, noting the Commonwealth uses a quota (Total Allowable Commercial Catch) system, potentially different size limits and no trip limits. The impacts of trawling in waters adjacent to the NSW coast is an important issue that RFNSW has discussed previously. It is proposed to formalise a recommendation in relation to trawling at the next RFNSW meeting.

Dr Veronica Silberschneider, Senior Fisheries Manger (OCS), NSW DPI, provided an update on proposals currently under consideration as part of these deliberations. Public consultation is scheduled for February/March 2018.

Action item: Establish a RFNSW Working Group, consisting of Stan Konstantaras, Peter Turnell and up to two other members, to consider issues and be directly involved in future discussions, as well as formalise the recreational fishing sector position on offshore trawling, bycatch, gear types and the offshore constitutional settlement, for submission during the consultation period.

11. Presentation on Pump Fishway Project

Associate Professor John Harris, Centre for Ecosystem Science UNSW, made a presentation entitled 'Fish passage: what is it and why does it matter?', to provide further background for Council on the reasons behind the need for the NSW Fish Passage Strategy, currently under development by a Ministerial TaskForce (presented during Meeting 6). John was a former Principal Fisheries Scientist at DPI and has worked with the Murray Darling Basin Commission as an Independent Scientist and Auditor for the MDB Sustainable Rivers Audit.

The presentation outlined the scope of the fish passage problem in both inland and coastal rivers, and presented a novel fishway design that has potential to transform current practices - the Pump Fishway.

In NSW, there are approximately 10,000 dams, weirs and crossings that impede fish passage in our waterways. Of these, high level fishways (> 10 metres in height) block passage to 16% of the total freshwater fish habitat.

Dr Harris confirmed that proof of concept for relatively inexpensive 'fish pump' technology has recently been achieved. The concept provides potential benefits, including effective passage of most if not all species in freshwater fish communities, and low capital and operating costs. The technology can be applied to any barrier with a height > 2 m, and can be installed as a floating operation.

The Council appreciated the information provided by Dr Harris and his ongoing efforts to develop methods that could potentially provide economical fish passage to the majority of NSW's affected waterways.

12. Menindee Lakes SDL Offset Project – Risks to Native Fish Populations

Karl Mathers reported that there is a sense among recreational fishing stakeholders that the entire Menindee Lakes package will be pushed through in its current form, which may present unacceptable risks to both Murray Cod in the lower Darling and the well-recognised Golden Perch nursery in the Menindee Lakes, in particular Lake Cawndilla. It was stated that 60-80% of Golden Perch originate from the Barwon/Darling system. The SDL Project Business Case is expected to be completed shortly (for presentation to the MDBA and Jurisdictions for appraisal and approval), following which it is expected that an EIS will be developed in parallel with the required stakeholder engagement activities.

There is an increasing level of concern across a range of scientists, resource managers, locals and the wider recreational fishing fraternity that, although the risks of the SDL offset project are recognised in some part, they are not being addressed adequately.

Action item: Karl Mathers to draft a letter (via the Chair) to progress the Menindee Lakes SDL Offset Project matter out of session, once the business case is made available.

Action item: RFNSW to be kept informed of developments on the Menindee Lakes SDL Offset Project via a watching brief, with a view to considering the provision of support/resources to undertake an independent review, at the next meeting.

13. DPI Fisheries Community Programs update

Dee Payne, State Coordinator Community Programs, provided an overview of the number of events and locations attended by Recreational Fisheries Education Officers over the past 12 months as part of the Fishcare Volunteer program, 'Get Hooked...it's Fun to Fish' schools program, and fishing workshop programs.

Matt Hansen requested consideration for one additional inland Education Officer and advisory trailer (potential locations Tamworth or Armidale) to be supported by funding from the Recreational Fishing Trust.

Recommendation: DPI to undertake a review of the Fishcare Program and develop an application to the Trust, including a case for why additional education resources are needed on the inland.

14. Recreational Fishing Trust matters

a) New applications - project recommendations from RFSTEC and RFFTEC

The Recreational Fishing Saltwater and Freshwater Expenditure Committees (RFSTEC and RFFTEC) met on 15 and 16 November and a summary of their recommendations was provided to Council in the agenda.

Matt Hansen, Karl Mathers and Max Castle declared interest in some applications under consideration and left the room during consideration of this agenda item by RFNSW when necessary.

The Chair expressed his appreciation to the Trust expenditure committees for their significant and ongoing efforts in reviewing and considering Trust applications.

Recommendation: The Council endorses the recommendations of RFSTEC and RFFTEC relating to supported and not supported Trust funding applications, as outlined in the agenda.

b) Habitat action grants (for information)

Angling clubs, individuals, community groups, local councils and organisations interested in rehabilitating fish habitats in freshwater and saltwater areas throughout NSW can apply for grants each year from the Habitat Action Grants (HAG) Program.

Types of projects which may be funded include:

- removal or modification of barriers to fish passage
- rehabilitation of riparian lands (river banks, estuarine and inland wetlands, mangrove forests, saltmarsh)
- re-snagging rivers and estuaries with timber structure
- removal of exotic vegetation from saltwater and freshwater waterways
- bank stabilisation works in both fresh and saltwater
- reinstatement of natural flow regimes

Following the 2017/18 annual advertising process, the funding recommendations from RFSTEC and RFFTEC (as informed by the freshwater and saltwater technical assessment panels) were provided with the agenda for information. It was confirmed that the Trust expenditure committees accepted the HAG recommendations without amendment.

c) Development of Trust Investment Plan

An Expression of Interest for Trust-funded applications for development of a new three-year Recreational Fishing Trust Investment Plan opened on 29 September and was widely advertised by DPI. Applications closed on 24 November. Information noted.

15. Lake Macquarie – crab traps

The waters of Lake Macquarie are closed to any method involving the use of a trap, other than a bait trap. The crab trap closure in Lake Macquarie is a legacy of the days of commercial hauling to prevent haul nets becoming snagged on crab traps. The closure commenced in the early 1970s. Noting that commercial fishing ceased in the lake in 2002, when Lake Macquarie became a Recreational Fishing Haven (RFH), the closure is now viewed as obsolete by DPI.

There has been strong ongoing representation from local recreational fishers for this rule to be reviewed, with it being considered beneficial to permit the use of traps. This may result in fishers shifting to more environmentally friendly, low-impact crab traps (compared to witches hats). RFNSW was supportive of permitting crab traps in Lake Macquarie, noting that this may achieve positive environmental outcomes, e.g., reducing ghost fishing from lost witches hats.

Council discussed further potential statewide strategies, such as: ensuring consistent crab catching gear rules throughout NSW estuarine waters, black marketing issues with mud crabs, and phasing out the use of witches hats in all RFHs. It was agreed that these issues should be investigated further.

Action item: DPI Compliance be asked to undertake targeted programs to address alleged black marketing of mud crabs in Lake Macquarie and elsewhere.

16. Opera House Traps

At the last meeting, RFNSW established a position to ban opera house traps in NSW and recommended DPI undertake the necessary community and industry consultation to enable consideration of the potential regulatory impacts of this proposed rule change. The Minister has been informed of this position.

Steve Samuels provided a demonstration of a modified trap design currently used in Lake Eucumbene, which is included in the draft consultation paper on this issue. A copy of the draft paper was distributed to members for review and feedback to DPI. It is proposed to be released for public consultation in early 2018.

Action item: RFNSW members to provide comments to DPI on the opera house trap discussion paper by 8 January 2018.

Recommendation: Council endorses release of the discussion paper, once finalised and formally approved for release by DPI.

17. PFAS update

DPI is assisting the NSW Environment Protection Authority (EPA), which is leading the NSW Government's response to Per- and poly- fluoroalkyl substances (PFAS) contamination. PFAS are a group of chemicals that include perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA) and perfluorohexane sulfonate (PFHxS). DPI provides technical support on fisheries, biosecurity, food safety, hydrological and groundwater management issues to EPA as part of

the Government's response. The EPA is rolling out investigations into PFAS contamination at a range of sites, and more results and updated advice for the different waterways will be released when it becomes available.

Matt Hansen requested an update on the pollutants leaked into the Peel River at Tamworth, causing the no-take status to be implemented. PFAS are an emerging contaminant, which means that their ecological and/or human health effects are unclear. The EPA has reviewed the latest investigation results for PFAS* contamination at Tamworth Regional Airport, which is owned by Tamworth Regional Council, and requested more detailed testing of soil, groundwater, surface water and drainage lines in the area. In the interim, Tamworth Regional Council and the EPA are speaking with a small number of individual landowners around the airport to identify ways they may have come into contact with PFAS, particularly through water use.

Fishing and dietary advice is now available for the Tamworth and Williamtown area and the Shoalhaven River, and advice for Botany Bay is expected soon. See: <https://goo.gl/DK4uDA>

18. Top 10 issue: Update on development of social licence strategy document for recreational fishing in NSW

At previous meetings, Jo Starling has led Council in workshop sessions to initiate development of a strategy to strengthen the social licence for recreational fishing in NSW. The need for any industry, including recreational fishing, to have a social licence to operate has been established. Key issues for inclusion in a strategy have been identified and a SWOT (strengths, weaknesses, opportunities and threats) analysis was undertaken to gain further insights on needs and priorities for the proposed strategy, including identifying some relevant case studies.

The RFNSW social licence sub group has met to progress development of contractor specifications to engage a specialist to develop and draft a social licence strategy document for review by RFNSW. Stage 1 is the development of a creative campaign strategy that outlines the range of environmental, social and economic benefits that recreational fishing provides.

The Chair thanked Jo and Jim Harnwell, Fisheries Manager, for their efforts to progress this important issue.

Action item: Social licence strategy contractor specifications be provided to RFNSW members for comment out of session.

19. Social media etiquette

This presentation was deferred to the next meeting due to time constraints.

20. General Business

a. Batemans Bay Bridge

The Review of Environmental Factors (REF) has been released for public consultation and RMS is seeking feedback from all agencies and stakeholders. The broader issue of infrastructure/vital habitat removal from waterways was also addressed in item 6 above.

b. Increasing fishing technology

Fishing technology is increasing across all fishing sectors, which enhances the ability to

both find and catch fish, e.g., weather - real time and forecasting sea conditions, GPS/Sounder software, electric reels, drones to spot fish and remote control motorized vehicles to deploy baits etc., sharing of real time information (e.g., Facebook, Instagram).

There is an expectation for management arrangements to evolve to recognise and deal with increased fishing efficiency and catchability.

The effect of these technological advances is that effective recreational fishing effort is increasing. Council recognized that the increase in effective fishing effort will affect the quality for recreational fishing by reducing stocks. There was strong support for revision of bag limits and size limits for recreational fishing species to help sustain stocks and maintain the quality of recreational fishing.

This links to 8b above.

c. Alpha flag - spearfishing

RFSTEC recommended that the adoption of a requirement for spearfishers to display a high-visibility (viz) flag with the mandatory Alpha flag be discussed by Council. This issue was deferred to meeting 8 to enable detailed discussion of the issue.

d. Rock fishing lifejacket trial in the Randwick LGA

Fines for rock fishers not wearing a lifejacket in the Randwick Local Government Area will now commence on 31 May 2018. The moratorium has been extended by 6 months by the NSW Government to allow an independent assessment of the implementation of the Rock Fishing Safety Act 2016 (RFSA) to be undertaken.

The Office of Emergency Management has commissioned an independent evaluation to review the data and feedback collected over the past 12 months in Randwick, and will include a multi-lingual survey of rock fishers in the community. The community can also make a submission to the evaluation.

Action item: Stan Konstantaras to draft an issues email and letter in relation to the lifejacket requirements for rock fishers in the Randwick LGA for review by RFNSW members and endorsement by the Chair. Recommendations to include changes to the RFSA to remove the saltwater trust as receiving fine revenue, redefining what a lifejacket and safe rockfishing involves and extending the trial to December 2018. Letter to be sent from the Chair to the Minister regarding concerns with the approach being taken on this matter.

e. Mutilation of mud crabs

DPI fisheries officers have raised a compliance issue recently encountered in the field with a recreational fisher who had 'mutilated' mud crabs. Currently, recreational fishers can only mutilate (clean) fish with a size limit once they are well away from the water. Exceptions include areas normally used for cleaning fish, such as fish-cleaning tables.

DPI is seeking RFNSW input regarding a proposal to amend the Fisheries Management (General) Regulation 2010, to extend the offences relating to the 'mutilation' of fish to invertebrates to be dealt with under Clause 95 of the Regulation, consistent with other finfish defined as 'restricted' under this legislation.

Recommendation: Council supports an amendment to the mutilation provisions in the Fisheries Management (General) Regulation 2010 to include Part 2 species, i.e., all species.

f. Recreational Fishing Haven (RFH) Strategy

DPI has been receiving some anecdotal reports that the quality of fishing in RFHs has declined from peak levels, mainly because fishing has become so popular in the havens. DPI

would like to introduce the concept of developing a strategy to “future proof” the productivity and socio-economic value of the RFH network and ensure the long-term viability and sustainability of these important fisheries. The strategy could involve social research combined with management initiatives designed to result in optimal fishing opportunities.

Some preliminary issues and potential management actions identified during discussions include:

- strengthen the value of RFHs in the Fisheries Management Act (FMA);
- adaptive management initiatives, e.g., change fishing rules (reduce bag limits, increase size limits/introduce slot limits for species) in RFHs only;
- identify specific RFHs as a catch and release only fishery;
- increase promotion of, and access to, RFHs.

Action item: DPI to seek legal advice relating to strengthening *the Fisheries Management Act (1994)* in relation to RFHs.

g. Recreational Fishing Strategy

The Council discussed further the need for the recreational fishing sector to have a formal strategy recognized by the Government, as documented in item 6 above.

Action item: RFNSW to nominate members for a working group to progress the development of an overarching Recreational Fishing Strategy.

h. ICOLLS policy

Action item: DPI to provide the current ICOLLS policy to Dave Rae and contact details for DPI North Coast Conservation Manager for further discussion regarding Deep Creek.

i. Snowy River Advisory Committee

Action item: Letter to be drafted from RFNSW to the Minister to request his consideration to appoint a member of DPI Fisheries, and a recreational fishing representative, to the committee.

j. Issues for next meeting

Action item: DPI Research to provide a presentation on the NSW Bait Security Research program, including impacts of nipper pumping in the Tweed River and commercial hand gathering of bait species.