

MEETING	Recreational Fishing NSW Advisory Council
MEETING NO.	Meeting 8
DATE	28 & 29 March 2018
LOCATION	Lake Burrendong, Tobin Room
ATTENDEES	Johann Bell (Chair), Max Castle, Vic Levett, Chris Cleaver, Jo Starling, Matt Hansen, Matthew Poulton, Paul Lennon, Ray Tang, Steve Samuels, Stan Konstantaras, Peter Turnell
APOLOGIES	Greg Reid, David Rae, Vicki Lear, Karl Mathers

1. Chair's introduction

The Chair welcomed members to the eighth meeting at Lake Burrendong and thanked Matt Hansen for the very conducive arrangements he had made to facilitate the discussions. During his introductory remarks the Chair took the opportunity to remind members about the relatively limited nature of marine fisheries resources in NSW – a situation that is due to the poor primary productivity of the State's waters resulting from the narrow continental shelf, lack of upwelling of nutrient-rich waters, and restricted availability of nutrients from river flows. The Chair encouraged members to inform their networks about the limited nature of our fisheries resources and the need for judicious harvest levels to sustain fisheries production in ways that ensure these resources can be shared equitably among a growing number of stakeholders.

2. Register of interests

The Chair requested that members declare any additions to the Register since the last meeting. Jo Starling advised she has resigned from the Batemans Regional Marine Park Committee. Paul Lennon advised he is now an authorised NSW charter fishing business operator.

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 7 were accepted without change as a true and accurate record of that meeting.

5. Future meeting schedule

Meeting 9: 7 June (TBC) – The members agreed that it would be important to invite MFAC to hold a joint meeting with RFNSW during the afternoon (3-5pm), as proposed by Stan Konstantaras. The Chair advised that he would not be able to attend Meeting 9 on 7 June due to an overseas speaking commitment. The Chair nominated Steve Samuels as the Deputy Chair for Meeting 9 (DPI to seek Ministerial approval for a Deputy Chair, if required).

Meeting 10: September (date TBC)

Meeting 11: 6 December (date TBC). Council agreed that a potential joint meeting between RFNSW and CommFish, should be arranged during Meeting 11.

A joint meeting with AFAC in 2019 was also proposed.

6. Review of achievements and action items from previous minutes

Council made the following comments on action items from the previous meeting.

Therapeutic fishing programs that benefit mental health issues

Action item: DPI to take the lead to pursue options, in collaboration with other agencies e.g., NSW Health, to identify all potential funding streams and develop a strategy to achieve optimal outcomes for mental health-related fishing programs.

Snowy River Advisory Committee

Action item: DPI to nominate Cameron Westaway as its representative on the committee.

MEMA strategy

Action item: DPI to seek confirmation of legal arrangements for compensation to authorised NSW charter fishing/commercial tourism businesses relating to removal of fishing access and effort, e.g., creation of new marine protected areas as part of the MEMA strategy.

Crown Roads

Surveying requirements to determine status/access arrangements should be submitted to DPI to facilitate surveying. If additional financial resourcing is required over time, a dedicated Trust funding application can be developed.

Lobster bag limit

RFNSW reiterated its position that the lobster bag limit should increase from 2 to 3, noting the TAC for the species has been steadily increasing.

7a. 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.

7b. Top 10 issue: Mulloway Recovery Program

Council was advised that the CommFish Mulloway Working Group has met and provided advice to the CommFish Advisory Council. DPI confirmed that advice from each sector needs to be provided to the Minister as soon as possible.

Action item: The Chair to write a letter to the Minister to advise that RFNSW is aware that CommFish has met to develop options relating to the management of Mulloway and to request a formal update on CommFish's current position on Mulloway. RFNSW is able to make any necessary recommendations out of session and prepare further advice as required, for example, bag limit proposals.

8. Snowy Lakes Trout Fishery/Strategy

The December 2017 meeting of the Snowy Lakes Strategy Working Group (SLSWG) put forward a number of initiatives aimed at helping ensure the long-term productivity of the local trout fishery. These included a proposal to ban treble hooks on lures in the Thredbo and Eucumbene Rivers and several smaller streams running into Lakes Jindabyne and Eucumbene, for a month prior to the annual spawning closure in order to limit the potential of "jagging" and/or damaging hooked fish.

The SLSWG also proposed closing a number of 'experimental' spawning streams flowing into the lakes from 1 May to 30 November (i.e., extending the closed season) in order to allow DPI researchers to assess late spawning activity of rainbow trout.

The proposals were provided to Council as out-of-session items for possible implementation for the 2018 season. However, because the proposals are contentious, DPI postponed implementation so that Council could discuss further at the meeting.

Council members agreed that the SLSWG was not a formal DPI Fisheries working group but rather an informal stakeholder/advisory group and that the previous meeting was conducted appropriately. They supported undertaking research on the minor spawning streams prior to considering any closures and supported ongoing education around best practice catch and release rather than implementing any ban on treble hooks at this stage. Council believed that these matters could be considered as part of the Trout Strategy consultation process.

Action item: Letter from the Chair to Steve Williamson advising that RFNSW has considered the Snowy Lakes Strategy Working Group issue raised by him and has provided the above advice.

9. Recreational fishing access update

Council was provided with an update on saltwater recreational fishing access issues, including the draft "Recreational fishing for visitors to NSW National Parks" strategy, details on preliminary results of police patrols on Sydney Harbour wharves, progress on the risk analysis into fishing opportunities into Sydney water storage reservoirs (including that DPI will be proposing suitable dams to Water NSW for inclusion in the risk assessment), information on Stage II of the Eco Fishing Huts program (which has been expanded to include 14 huts across the State with a 30% discount available to recreational fishing licence holders), an overview of DPI's education campaign to promote responsible fishing around oyster leases and advice on DPI's response to a request from the Sydney Coastal Councils Group to review spearfishing regulations.

Social media videos on the eco huts, oyster leases and Sydney wharves (produced in conjunction with the RFA) were made available for viewing by Council members on DPI's Facebook and YouTube pages.

Council was also provided with details of freshwater access issues including DPI's involvement in the TSR review, production of "Section 38 Access Cards" to be provided to anglers to help inform anglers and landowners of access rights, information on access provisions for disabled or elderly anglers to the Eucumbene River during the annual trout spawning run, an update on the Angler Access website and information on a variety of dams offering potential access, plus an update on a survey planned for Thompsons Creek Dam to assist DPI manage this trophy fishery.

Action item: The Chair to write to the Minister regarding ongoing efforts to negotiate fishing access to Lake Wallace.

10. Top 10 issue: Stock assessments of key species

DPI provided a species case study for proposed consultation on fishing rule changes for key recreational species. A brief outline of lessons learned and proposed strategies for engaging with stakeholders on changes to some fishing rules was provided. This included providing supporting information from NSW and the Status of Australian Fish Stocks (SAFS) resource assessment data.

The Council provided feedback on the proposed layout and composition of the case study paper and ideas on the consultation process. It was suggested that recreational fishing "champions" from different cultural backgrounds be identified and approached to assist with getting key messages out to the community.

Action item: Establish a RFNSW Fishing Rule subgroup, consisting of Matt Poulton, Vic Levett, Paul Lennon, Chris Cleaver and Johann Bell (with input from Stan Konstantaras on Ecologically Sustainable Development issues), to provide input on draft discussion papers and communication actions.

Council was also presented with an update on the abalone commercial fishery. DPI is currently consulting with abalone fishers regarding a proposed increase to the commercial minimum legal length for abalone. This is in response to the decrease in abalone stock abundance due to

declining population productivity over the last 3 to 4 years. As a result, the total allowable commercial catch has been reduced from 130 tonnes to 100 tonnes for the 2018 fishing period.

11. Small Pelagic Fishery

Jo Starling and a DPI representative attended the Small Pelagic Fishery Scientific Panel and Stakeholder Forum held by AFMA on 6 December 2017 in Sydney.

Ms Starling and DPI provided an overview of the Scientific Panel's Chair summary. Council was encouraged that there was a proposal to reduce the TAC trigger in the spatial management arrangements, however there was general concern regarding the fishery and its potential impact on NSW recreational fishers. It was considered that to date there has been little impact or conflict in the fishery with a single boat fishing and apparently plentiful bait. There was concern, however, about the future and what might happen when the bait levels return to 'normal' lower levels, or what might happen if additional boats enter the fishery.

RFNSW discussed the importance of bait availability and gamefishing hotspots along the coast and highlighted the social and economic importance of these fishing hotspots. Council requested that a letter should be sent from the NSW Minister to the Commonwealth Minister to outline the concerns discussed.

Action item: Letter to be drafted from RFNSW to the Minister to request that he writes to his Commonwealth counterpart to highlight the concerns surrounding bait availability and associated gamefishing hotspots to ensure that recreational fishers are considered to be legitimate stakeholders that may be impacted by the operations of the Small Pelagic Fishery.

12. Southern Fish Trawl fishery

RFNSW was advised that a public consultation paper entitled 'Transitioning the NSW Southern Trawl Restricted Fishery to Commonwealth management' had been released by DPI. The public consultation period has been extended by one week to 9 April 2018. The paper outlines the intnetion to complete the transition by 1 May 2019, which coincides with the start of the 2019-20 Commonwealth Southern and Eastern Scalefish and Shark Fishery season.

RFNSW acknowledged that previous concerns regarding changes to the management of the Southern Fish Trawl fishery had been raised by Council at Meeting 2. It was noted at that meeting that the issue and proposal to change the trip limits was very complex and required further in-depth investigation and consultation.

RFNSW raised concerns about the proposed position in the public consultation paper (PCP), including 1) the lack of full consultation about the best way to manage the trawl fishery in southern NSW; 2) the potential opportunity cost of the plans to NSW described in the PCP for recreational fishing; 3) the apparent strong mismatch between the proposed permitting arrangements within 3 nautical miles (nm) for transitioning the NSW Southern Fish Trawl Fishery to Commonwealth management and the current approach taken by DPI to sustainably manage our fisheries resources for the benefit of the people of NSW; and 4) the flagging of proposed changes to the Offshore Constitutional Settlement (OCS).

Stan Konstantaras (sub group leader) had facilitated discussion out of session on this issue and presented a summary of comments on the proposed NSW Southern Fish Trawl transition to the Commonwealth.

Action item: The Chair to write a letter to the Minister providing a summary of the concerns and consolidated feedback from RFNSW regarding the public consultation paper entitled 'Transitioning the NSW Southern Trawl Restricted Fishery to Commonwealth management', and requesting a halt to the process until NSW DPI produces a Discussion Paper that fully explores all the implications of the proposed transition, and possible alternative management arrangements, for consideration by RFNSW and other stakeholders.

13. Blue Swimmer Crab Size Limit

The size limit of blue swimmer crabs that may be taken by commercial fishers was previously increased from 6 cm to 6.5 cm, on the recommendation of the Independent Structural Adjustment Review Committee. The increased size limit aimed to increase the protection of the spawning stock and improve the productivity of the stock through time.

Council has been considering various proposals for changes to recreational fishing rules. As part of these deliberations, Council is requested to consider the increase to the size limit of blue swimmer crabs from 6 cm to 6.5 cm for the NSW recreational fishing sector, to achieve consistency. Any change would be done as part of broader rule amendments. Jo Starling highlighted that infographics can be useful to relay essential information to fishers.

Council gave in-principle support for the proposal, subject to feedback from recreational fishing stakeholders as part of a broader consultation process on recreational fishing rule changes.

14. Recreational Fishing Trust matters

RFNSW was advised that an expression of interest calling for Trust applications was widely advertised through various media channels and networks late last year. A total of 70 Saltwater Trust grant applications and 48 Freshwater Trust applications, including some joint applications, were received. The Recreational Fishing Saltwater and Freshwater Trust Expenditure Committees (RFSTEC and RFFTEC) met on 13-15 March to review the applications. The recommendations form the basis for the next three-year Investment Plan for the Trusts.

A summary of the RFSTEC and RFFTEC recommendations was provided to Council in the agenda.

The Chair expressed his appreciation to the Trust expenditure committees for their significant and ongoing efforts in reviewing and considering Trust applications, particularly at the March meetings noting the extensive work load.

Recommendation: Council endorsed the recommendations of RFSTEC and RFFTEC relating to Trust funding applications that were supported, and were not supported.

Action item: DPI to provide presentations on the following programs at future meetings: marine stocking, compliance (similar presentation previously provided to Ministerial Fisheries Advisory Council) and Game Fish Tagging.

15. Land-based Charter Fishing Activities in the Tweed River

There have been ongoing, localised stakeholder representations regarding the perceived impact of land-based charter fishing activities on the aquatic environment in the Terranora Broadwater area of the Tweed River. Stakeholder photographs of these activities were provided as part of the agenda for Council's information. To address concerns, DPI developed a Code of Practice to oversee these activities. The Code commenced in 2015 and introduced a series of additional controls for two charter operators to ensure these activities are undertaken in a professional and environmentally responsible manner. DPI continues to liaise with stakeholders regarding this issue and makes regular contact with these charter fishing operators to ensure their adherence to restrictions outlined in the Code.

In addition to the Code of Practice, the DPI bait security research project (outlined in item 16 below) includes field-based assessments of nipper populations, including investigating the effects of fishing activity (trampling) on these populations, in the Terranora Broadwater.

Stakeholder meetings are planned soon to discuss research findings and consider future arrangements. Stakeholder feedback and proposed developments will be provided to RFNSW at the next meeting.

16. Bait Security Research Project

Dr Rowan Chick, Senior Fisheries Scientist, DPI, provided a written update to Council about the project, which is due to be completed soon.

The important bait species being investigated are the burrowing shrimp, commonly known as the Ghost Nipper and 'King' beachworms. Large-scale population studies have been completed for both species and more specific manipulative experiments have been completed on Ghost Nippers. More information on the project was provided in the agenda.

The report on the NSW Recreational Fishing Saltwater Trust funded project 'Bait Security – Ensuring sustainable and productive NSW invertebrate bait resources' is scheduled for completion in July 2018.

Action item: DPI Research to present research findings on the NSW Bait Security Research program, including the impacts of nipper pumping in the Tweed River and commercial hand gathering of bait species, at the next RFNSW meeting.

17. Marine Estate Management update

Mr Peter Gallagher, DPI Program Leader Marine Operations, provided an overview via teleconference of the outcomes from the NSW Marine Estate Management Authority (MEMA) assessment of reported conflict between recreational and commercial fishers in Pittwater, in the lower Hawkesbury River estuary. In summary, MEMA recommended:

- Continuing to negotiate with recreational and commercial fishing stakeholders to address specific issues and conflicts that continue to drive political interest in this matter;
- Developing and implementing an education program to address information failure related to the community's understanding of commercial fishing practices and controls to address stakeholder and community concern;
- Enhancing recreational fishing and boating opportunities and infrastructure to address threats and maximise community benefits in Pittwater.

With regards to DPI Fisheries' proposal that RFNSW establish a working group to recommend how to best deliver on MEMA's recommendations, Council preferred re-convening the Pittwater stakeholder working group to progress these discussions in an inclusive manner.

Action item: DPI to advise MEMA that RFNSW has recommended that the stakeholder working group be reconvened, with representatives from CommFish, RFNSW, local recreational fishers and/or fishing groups, and charter and commercial fishers, to progress these discussions in an inclusive manner.

Mr Gallagher also provided an update on the piloting of new management plans for marine parks, commencing with the Batemans Marine Park, during 2018.

Action item: Clarification be sought regarding 'resetting' of timelines for the review of zoning arrangements in marine parks following the making of the Marine Estate Management Act 2014. Information to be provided to RFNSW out of session and, if required, the Chair to then write a letter to the Minister outlining concerns with timelines for review of existing parks, e.g., Batemans Bay and Solitary Islands.

18. PFAS update

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

19. Top 10 issue: Update on Development of Social Licence Strategy for Recreational Fishing in NSW

Jo Starling presented an overview of a social licence strategy developed by a contracted marketing company. This strategy is based on the need to develop a 'brand' for recreational

fishing in NSW on which future social licence campaigns can be based. Ms Starling provided details on the strategy, including logo designs, creative concepts and suggested marketing approaches.

Council was advised on the need for any branding exercise to be long-term in nature, for example, a minimum of 3-5 years. Council was informed that the contractor is examining tag line options for use by the recreational fishing sector in NSW. It is proposed that any tag line selected as part of the branding strategy be trademarked to allow control over use. DPI is currently preparing a request for tender to progress and implement the branding and social licence strategy.

20. Social Media Etiquette

DPI presented a social media etiquette training seminar, which highlighted how opinions and judgements cannot be retrieved once they are placed in the public domain via many social media platforms. The seminar included a case study demonstrating how quickly social media can escalate an issue and the potentially dire consequences of an inappropriate, off-the-cuff remark. Members noted the information and agreed to be mindful of these issues at all times when using social media, given their positions on the Council.

21. Lake Macquarie – crab trap rule addition

As previously discussed at Meeting 7, the waters of Lake Macquarie are closed to any method involving the use of a trap, other than a bait trap. However, the closure is now viewed as obsolete.

There has been strong ongoing representation from local recreational fishers for this rule to be reviewed due to the benefits of permitting the use of traps. In particular, this may result in fishers shifting to more environmentally-friendly, low-impact crab traps (compared to witches hats). At Meeting 7, RFNSW supported a rule change to permit crab traps in Lake Macquarie, noting that this may achieve positive environmental outcomes, e.g., reducing ghost fishing from lost witches hats.

This rule change is being progressed. However, to enhance the success of this change and further minimise the risk to turtles associated with this proposal, it is suggested that an additional rule change to crab traps is applied at the same time.

The proposed additional rule is: when using the recreational crab trap, all entrances to the trap do not exceed a maximum internal diameter of 32 cm. This rule change is in-line with the crab trap rules in Port Stephens and will still enable crabs to enter the trap but will restrict entry of non-target species such as turtles. This addition does not impact round traps, but rather large rectangular traps which are known to have relatively high interactions with turtles due to the large opening. This rule change will minimise this risk and complement the planned permitting of crab traps in Lake Macquarie.

The entrance width of wide-mouthed crab traps, such as collapsible rectangular traps, can easily be reduced to a width not exceeding 32 cm using a cable tie, cord or similar device. This will still enable crabs to enter the trap but will restrict entry of non-target species such as turtles.

Recommendation: Council supports the proposal for crab traps in Lake Macquarie, as outlined.

Recommendation: Council supports the introduction of a maximum entrance size of 32 cm for all crab traps used in NSW. DPI should also use platforms such as social media and Newscast to educate the fishing public on reasons for having maximum entrances of 32 cm on all crab traps, including helpful guides on how fishers can modify the entrances of existing gear.

Action item: DPI to prepare a briefing paper summarising issues relating to environmentally-friendly fishing practices in NSW. The purpose of this paper is to facilitate future stakeholder

consultation on potential changes to fishing practices to reduce the impact of recreational fishing activities on non-target natural resources and the aquatic ecosystem.

22. Correspondence

- a. Letter from Minister Blair to RFNSW re: Clyde River bridges. Information noted.
- **b.** Letter from The Hon Tanya Davies MP, Minister for Mental Health, Minister for Women and Minister for Ageing to Minister Blair, offering support to explore collaborative opportunities and joint funding partnerships with DPI to develop fishing-related projects to assist people living with a mental illness. Issue addressed in agenda item 6.
- **c.** Letter from the NSW Council of Freshwater Anglers to DPI regarding the decline of Thompsons Creek Dam as a trophy trout fishery.

Action item: DPI to provide a response to the CFA and outline a strategy to address concerns about the Thompsons Creek Dam trophy trout fishery.

- **d.** Email from Steve Williamson to RFNSW re: Snowy Lakes Trout Strategy. Issue addressed in agenda item 8.
- **e.** Letter from The Hon Troy Grant MP, Minister for Police and Minister for Emergency Services to Minister Blair, regarding the *Rock Fishing Safety Act 2016*. Information noted. Consultation and negotiation by the recreational fishing sector is ongoing.
- f. Letter from Minister Blair to RFNSW Chair regarding outcomes of Meeting 7. Noted.
- **g.** Batemans Offshore Artificial Reef copy of RFNSW letter to the Minister dated 21/3/18 and the Minister's response dated 22/3/18 were tabled.

Action item: The Chair to reply to the Minister to acknowledge and celebrate funding secured from the Regional Growth Fund and advise that this reef proposal will be added to the existing plan for the creation and installation of Offshore Artificial Reefs off the coast of NSW.

23. Compliance sub group

The first meeting of the sub group (comprising of Stan Konstantaras, Matt Hansen, Greg Reid and Peter Turnell) was held on 9 March 2018. A summary of the outcomes were provided in the agenda.

Action item: DPI to investigate 1) the option for infringement notices for non-compliance with the fishing fee to be replaced with a requirement to buy a licence (e.g. three years) and pay an fine that included not on the appropriate penalty but also the cost of the licence plus an associated administration fee; and 2) an opt-in renewal subscription, to provide automatic renewal of 1 and 3 year recreational fishing fee receipts, upon expiry. The Chair to then write a letter to the Minister to outline the proposals and the potential processes on how these options can be implemented.

24. General Business

a. <u>Update on proposed community consultation on the future use of opera house traps in NSW</u>

A discussion paper, which outlines 3 options, will be released soon.

b. <u>Marine Aquaculture Research Lease Stakeholder Update</u>
An update regarding the NSW DPI/Huon Yellowtail Kingfish Research Project was provided.

Action item: DPI to advise DPI Aquaculture that RFNSW requests fishing access/amenity around sea cages to be maintained, i.e., no area closures around structures for recreational fishers.

c. <u>Delivery of sector representation, consultation and communication services to the recreational fishing sector</u>

The Request for Tender (RFT) for a service provider to deliver sector representation, consultation and communication services to the recreational fishing sector closed on 9 February. A Tender Evaluation Team has been established and is currently assessing the merits of each tender response, in accordance with the requirements of the Tender Evaluation Plan.

d. Economic benefits of recreational fishing

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

e. Draft Marine Estate Strategy

The RFNSW sub group prepared a draft submission to the Draft Marine Estate Strategy, which was lodged by the Chair on 14 December. A broad range of issues are currently being considered as part of this process. A member of DPI's Aquatic Environment Unit will be invited to an upcoming meeting to provide an update on the strategy.

f. Progress on Talbingo-Jounama Pondage

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

g. Yuin Native Title claim

A native title claim, which covers an area from the Royal National Park, south of Sydney, to south of Eden on the far south coast and extends three nautical miles into the ocean, was filed on 3 August 2017 and was accepted as registered on 31 January 2018. Further details about the South Coast Peoples Native Title Claim is available at:

http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/details.aspx?NTDA_Fileno=NC 2017/003

Information noted.

h. Rock fishing safety

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.

i. <u>Sydney Water's Hawkesbury-Nepean Catchment nutrient management project</u>
Sydney Water has recently established 10 Community Reference Groups across the catchment area to seek feedback on local priorities about managing nutrients in the Hawkesbury-Nepean River system and discuss solutions for improving waterway health.

Information noted.

j. DPI Procurement

Action item: DPI to advise RFNSW about departmental procurement policies and operational requirements. Advice to be provided at the next meeting due to time constraints.

k. Alpha flag - spearfishing

RFSTEC recommended that 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 the next meeting to enable detailed discussion of the issue.

I. Fishing competitions in Recreational Fishing Havens

RFNSW considered correspondence from Mark Williams, Local Lake Mac Fishos organisation, requesting that catch and harvest competitions in recreational fishing havens be encouraged to participate in the DPI Fishing Tournament Program. Council members were supportive of this proposal.

Action item: DPI to approach groups holding large catch and harvest fishing competitions to encourage involvement in the DPI Fishing Tournament Program, particularly in recreational fishing havens.

<u>Issue for next meeting</u> **Action item:** DPI Research to provide a scientific presentation on the abalone stock and TAC setting process.