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8th January, 2004

The Honourable Ian MacDonald, MLA
Minister for Agriculture and Fisheries
Level 30 Governor Macquarie Tower
1 Farrer Place
Sydney, NSW, 2000

Dear Minister,

As you are probably well aware there is considerable conflict between recreational and commercial fishers over the sustainability of harvesting of baitfish along the NSW coastline, particularly of yellowtail scad and blue or slimy mackerel. Despite the statement by the Director General of NSW Fisheries to yourself in response to letters by AAG (see below), recreational anglers concerns are primarily for the ecological sustainability of the blue mackerel and yellowtail scad fisheries, as these are species on which higher order predators feed. This was recognised in various press releases and submissions by RecFish Australia, and was recorded in Hansard by the former Minister of NSW Fisheries Eddie Obeid (NSW Legislative Council Hansard Article No 25 of 19/09/2002, page 5023).

The NSW Government has jurisdiction over purse seine and lift net activities inside three nautical miles of the NSW coastline while the Commonwealth manages the tuna long-line and other fisheries outside three nautical miles. This means that Commonwealth tuna fishers are required to be authorised to collect bait, mainly yellowtail scad and blue or slimy mackerel, by NSW Fisheries inside 3 nautical miles. To my understanding there is strict eligibility criteria for permit numbers to ensure fishing pressure does not exceed historical levels. On the other hand recreational fishers harvest baitfish in Commonwealth controlled waters, as do the charter operators.

One of the dominant key recommendations made by various reviews and discussion papers regarding baitfish along the NSW coastline (Draft Management Policy for the Commonwealth Jack Mackerel Fishery – AFMA 2001; Baitfish and the East Coast Tuna and Billfish Fishery – AFMA 1993, plus various recommendations by the Eastern Tuna Billfish Management Advisory Committee) is that the recreational catch is largely unknown.

Other reports (eg Recreational Fishing Study by Pepperell Research & Consulting Pty Ltd for the Commonwealth Fisheries Policy Review in August 2001) recognised the fact that the estimated recreational catch will be known following the National Survey on Recreational Fishing. From its final report of FRDC Project 99/158 the estimated annual harvest of blue mackerel taken by NSW recreational anglers is 427,062 fish, with 35,417 coming from offshore, 472,673 from coastal waters and 49,468 fish from estuaries.

The other known quantity is the commercial catch of blue mackerel and yellowtail scad caught in NSW waters by NSW commercial fishers. These are required to pass through various co-operatives and records of catch rates have been kept by NSW Fisheries for about 50 years. The NSW commercial harvest of yellowtail scad and blue mackerel for 1984-1996 are given in graph form in "Ageing Yellowtail and Blue Mackerel in New South Wales" by J. Stewart, D. Ferrell and N. Andrew, 1998 (FRDC Project 95/151). From these, the catches by NSW commercial fishers for 1984/84 was 200 tonnes of blue mackerel and 50 tonnes of yellowtail scad, in 1989/90 the harvest was 75 tonnes of both species, and in 1995/96 it was 300 tonnes of both species.

What is not known, or what has not been reported by AFMA nor NSW Fisheries, is the commercial catch of yellowtail scad and blue mackerel in either Commonwealth or State controlled waters by Commonwealth fishers. This is despite the fact that Commonwealth commercial fishers are required to keep log records of baitfish captures, although their accuracy is in doubt as no independent authentication is required nor undertaken.

The comments by the Director General of NSW Fisheries that "recreational anglers are demanding equity in the allocation of the baitfish resource between the harvest sectors" (a statement with which we disagree, although we do recognise there are instances where recreational anglers do desire equity of the harvest such as during the times of the major gamefishing tournaments) implies that the baitfish resource is, or will be, subject to a 'Total Allowable Catch' management policy for all harvesters of the resource. This is referred to as 'Trigger Catch Levels' in the management of Commonwealth Fisheries and is the method by which the Commonwealth manages the Jack Mackerel Fishery in Zone D or Commonwealth waters off the NSW coast. For example, in August 2000 AFMA decided to cut the trigger catch level for blue mackerel from 5,000 tonnes to 2,500 tonnes in the Australian Fishing Zone between Flinders Island and the tip of Cape York.

Various recommendations have been made to the Commonwealth Fisheries Policy Review have included a definite need for more involvement by the Commonwealth in the total stock management of key species, and with the concept of Total Allowable Catch incorporating a recreational component for key species to be investigated.

Questions regarding the harvest and sustainability of the yellowtail scad and blue mackerel fisheries in both Commonwealth and State controlled waters that need to be answered (and some questions can be expanded to include other fish species) include:

- What are the eligibility requirements for commercial Commonwealth fishers to have permits to collect bait in NSW waters? What restrictions are based on these fishers to ensure harvest rates do not exceed historical levels? Do NSW Fisheries know what these historical levels of harvesting are by the Commonwealth commercial fishers?
- Is there a requirement for Commonwealth commercial fishers to keep logs of harvest records when collecting bait in NSW waters? If not, then why not? If so, are these records verifiable?
- Do NSW Fisheries know the annual harvest of yellowtail scad and blue mackerel by commercial Commonwealth fishers in both NSW and Commonwealth controlled waters? If not, are NSW Fisheries working towards policies to ensure the accurate collection of data by commercial Commonwealth fishers when collecting bait in NSW waters?
- Are joint management plans with the Commonwealth being considered by NSW Fisheries, or are they planned for the future of the fisheries? Is NSW Fisheries considering joint management arrangements with the Commonwealth for these fisheries in State and/or Commonwealth controlled waters via a Memorandum of Understanding or a Deed of Agreement or something similar?
- If NSW Fisheries are considering such an agreement with the Commonwealth, are they likely to do the same for other important recreational species such as snapper, yellowfin tuna and marlin?
- Are NSW Fisheries considering Trigger Catch Levels or Total Allowable Catches as a fisheries management tool for the mackerel and scad fishery? If so, how will allocation be divided between harvesters? How will ecological sustainability be determined and maintained? Will TCLs or TACs be considered for other fisheries and fish species in NSW controlled waters or jointly managed fisheries with the Commonwealth?

Yours sincerely

Phillip Ingram
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