

ABALONE MANAGEMENT ADVISORY COMMITTEE MEETING FINAL DRAFT OUTCOMES

THURSDAY 27 SEPTEMBER 2007-(9-15 AM TO 5-30 PM) MERIMBULA PAMBULA GOLF CLUB

AGENDA ITEM	OUTCOME	ACTION ITEM	TIME	RESPONSIBILITY																																																												
1	<p>PRELIMINARIES</p> <p>ALL MOTIONS RAISED IN THE MEETING WERE RESOLVED</p> <p>WHERE NOT AN ACTION IS FORMALLY AGREED ON A SPECIFIC MOTION AT THE MEETING, ALL ENDEAVOURS WILL BE MADE BY DPI TO RESPOND AT THE NEXT FULL MEETING.</p>																																																															
<p>1(a)</p> <p>Welcomes and Apologies</p> <p>The Chairperson opened the meeting and welcomed all members and observers to the meeting, which commenced at 9-15 am.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Attendance</td> <td style="width: 25%;"></td> <td style="width: 25%;">Observers</td> <td style="width: 25%;"></td> </tr> <tr> <td>Warren Martin</td> <td>Chairperson</td> <td>Nick Schroder</td> <td>NSW DPI Compliance</td> </tr> <tr> <td>Dianna Watkins</td> <td>NSW DPI representative</td> <td>Mike Kirwin</td> <td>NSW DPI Compliance</td> </tr> <tr> <td>Garry Warren</td> <td>Industry</td> <td>Jackie Gerard</td> <td>NSW DPI Commercial Management</td> </tr> <tr> <td>Jim Miller</td> <td>Industry</td> <td>Doug Ferrell</td> <td>NSW DPI Science and Research</td> </tr> <tr> <td>George Chung</td> <td>Industry</td> <td>Beverly Koellner</td> <td>NSW Abalone Stakeholder</td> </tr> <tr> <td>Denis Luobikis</td> <td>Industry</td> <td>Duncan Worthington</td> <td>NSW Abalone Stakeholder</td> </tr> <tr> <td>Steven Hunter</td> <td>Industry</td> <td>Graham Banks</td> <td>NSW Abalone Stakeholder</td> </tr> <tr> <td>Nathan McNamara</td> <td>NSW DPI Secretariat</td> <td>Tony Banks</td> <td>NSW Abalone Stakeholder</td> </tr> <tr> <td></td> <td></td> <td>Graeme Adams</td> <td>NSW Abalone Stakeholder</td> </tr> <tr> <td></td> <td></td> <td>Tony Fry</td> <td>NSW Abalone Stakeholder</td> </tr> <tr> <td></td> <td></td> <td>Donna Smythe</td> <td>NSW Abalone Stakeholder</td> </tr> <tr> <td></td> <td></td> <td>John Smythe</td> <td>NSW Abalone Stakeholder</td> </tr> <tr> <td></td> <td></td> <td>Sasha Woods</td> <td>C/W Department of Environment and Water</td> </tr> <tr> <td></td> <td></td> <td>Claire Howlett</td> <td>C/W Department of Environment and Water</td> </tr> </table>					Attendance		Observers		Warren Martin	Chairperson	Nick Schroder	NSW DPI Compliance	Dianna Watkins	NSW DPI representative	Mike Kirwin	NSW DPI Compliance	Garry Warren	Industry	Jackie Gerard	NSW DPI Commercial Management	Jim Miller	Industry	Doug Ferrell	NSW DPI Science and Research	George Chung	Industry	Beverly Koellner	NSW Abalone Stakeholder	Denis Luobikis	Industry	Duncan Worthington	NSW Abalone Stakeholder	Steven Hunter	Industry	Graham Banks	NSW Abalone Stakeholder	Nathan McNamara	NSW DPI Secretariat	Tony Banks	NSW Abalone Stakeholder			Graeme Adams	NSW Abalone Stakeholder			Tony Fry	NSW Abalone Stakeholder			Donna Smythe	NSW Abalone Stakeholder			John Smythe	NSW Abalone Stakeholder			Sasha Woods	C/W Department of Environment and Water			Claire Howlett	C/W Department of Environment and Water
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<p>1(a)</p> <p>1(b)</p> <p>1(c)</p>	<p>The Chairperson recognised the Dyiringanj Aboriginal people from the Yuin tribe on whose land the meeting was being held.</p> <p>It was agreed that all endeavours should be made to provide discussion papers/reports to Industry representatives a month before a meeting.</p> <p>Agreement on Agenda for 27 September 2007</p> <p>Industry representatives advised Agenda Item 3 was submitted by all industry representatives of the AbMAC, as opposed to a specific member.</p> <p>It was agreed to amend draft Agenda 3 to reflect that the item was submitted by all industry members.</p> <p>Confirmation of final draft outcomes from AbMAC meeting held on 25 May 2005.</p> <p>It was agreed the draft outcomes reflected that meeting's decisions.</p>	<p>Where possible discussion papers to be provided to members a month prior to the AbMAC meeting</p> <p>Amend draft agenda 3</p>	<p>ASAP</p>	<p>All AbMAC members</p> <p>Secretariat</p>
<p>1(d)</p>	<p>Matters raised within Other Forums</p> <p>The Department requested that the Committee alert the meeting if specific issues relating to matters raised with the Ombudsman, ICAC or through the legal system are to be discussed at an AbMAC meeting so that care can be taken to ensure these enquiries are not compromised.</p> <p>However, Industry representatives advised that they felt some matters needed to be escalated through these forums, as they did not believe the matters had been adequately dealt with through the AbMAC process.</p>			

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<p>2</p> <p>2 (1)</p> <p>2 (2)</p>	<p>BUSINESS ARISING FROM PREVIOUS MEETINGS</p> <p>Industry representatives noted that they did not believe all action items had been finalised especially those related to budget issues, in particular action items 3, 5, 17, 18, 21 and 32.</p> <p>Industry representatives request an opportunity to have greater input into the Abalone Share Management Fishery budget process including the work plans for the management, compliance and research branches.</p> <p>It was agreed that a small working Group examine out of session, a framework for budget reporting to provide greater transparency in costs and project based budgeting.</p> <p>Industry representatives questioned why the abalone fishery is under full cost recovery, whilst the other 5 new share management fisheries are not and sought an explanation as to the policy variations.</p> <p>Industry representatives questioned why outstanding issues relating to bin weight had not been completed and the report submitted to AbMAC.</p> <p>DPI advised that the results are currently being reviewed internally and a paper will be completed shortly.</p> <p>It was agreed the DPI paper will be provided to the committee at the next full AbMAC meeting.</p>	<p>A Working Group considers, out of session, the type of information that can be provided as part of the budgeting process.</p> <p>Present paper on bin weight survey.</p>	<p>ASAP</p> <p>Next full AbMAC meeting</p>	<p>DPI/Industry</p> <p>DPI Compliance</p>
<p>3</p> <p>3 (1)</p>	<p>PROPOSED AGENDA ITEMS SUBMITTED BY INDUSTRY</p> <p>Update Marine Park Buyout Progress</p> <p>Motion: Industry representatives</p> <p>DPI to provide information detailing how estimates of reef alienation were calculated including data, and how shareholders were selected for buyout. The Industry</p>			

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	<p>representatives also expressed concern over an inappropriate buyout of shares and the need for an independent process.</p> <p>Industry representatives expressed concern over an inappropriate consultation with the Industry over the policy and process associated with the marine park buyouts. Application of that process needs to be clearly defined, agreed and articulated for future Marine Park buyouts.</p>			
	<p>It was noted that Industry representatives are pursuing matters in relation to this motion through an external avenue in another forum. The DPI representative advised it would be inappropriate for DPI to discuss this issue in detail until the external actions initiated by industry personnel were finalised.</p> <p>Industry representatives sought advice from the DPI Scientist (present as an Observer) as to his involvements in then Marine Park decisions.</p> <p>The DPI scientist noted that he was not consulted over the marine park buyout process and only provided catch data.</p>			
3 (2)	<p>TAC Timetable and Input</p> <p>It was agreed that all endeavours should be made to hold future AbMAC meetings prior to the meeting date/s scheduled for the TAC Committee to enable the AbMAC to consider data and provide input to the TACC's deliberations.</p> <p>It was noted that discussion on the Abalone Share Management Fishery budgeting process would also be required during this period and presented to the AbMAC under the arrangements listed in this paper under item 1(a).</p>	<p>Once the TAC Committee has finalised its' meeting schedule, AbMAC meetings will be scheduled to complement the TAC meetings dates and budgeting requirements.</p>	ASAP	Secretariat

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3 (3)	<p>Structural Adjustment</p> <p>DPI provided a history of the development and implementation of the share management framework. It was reiterated that the share management framework was developed to provide a specific mechanism to adjust the number of endorsements, if required. That is, if it were determined that more or less divers are needed to maximise economic performance, the minimum shareholding to be eligible for an endorsement can be changed. A regulatory tool, as opposed to a market based incentive, may be needed to facilitate such adjustment.</p> <p>Industry representatives raised the issue of a separate 'dive entitlement' in response to the recommendations of the TAC Committee, and requested advice from DPI about progress against the Committee's recommendation.</p> <p>DPI noted that the issue of a separate "dive entitlement" (as opposed to the current endorsement issued by way of the fishing business card) had been considered as part of the environmental assessment process and that the current legislative framework does not provide for a separate and transferable "dive entitlement".</p> <p>Industry representatives raised the limitations and delays of using minimum shareholding to adjust diver numbers, and observed the successful use and advantages of separate 'dive entitlements' as used in the Tasmanian and Victorian abalone fisheries.</p> <p>Motion: Industry Representatives</p> <p>Industry seeks an assurance that if an endorsement were not active (i.e. quota has been transferred) then the endorsement will not be cancelled.</p>			

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	<p>DPI advised that under current NSW legislation, if a fishing business holds the minimum number of shares required to be eligible to an endorsement, that endorsement will be issued (subject to eligibility, suspension or cancellation of endorsement provisions in the <i>Abalone Share Management Plan Regulation 2000</i> [AbSMP] and associated regulations) regardless of whether all quota has been transferred to another shareholder. Therefore, if the fishing business owner chooses not to activate that endorsement for any reason, their right to that endorsement will not be cancelled provided the minimum shareholding and "fit and proper" requirements outlined in regulations are satisfied.</p>			
3 (4a)	<p>Motion: Industry Representatives</p> <p>Industry representatives would like to be consulted on the ACIL Tasman Report upon completion of the draft report, including identification of previous consultation with industry, as not all Industry representatives had not be contacted.</p>			
3 (4)	<p>Recreational and Illegal Catch</p> <p>In response to the recommendations of the TAC Committee recommendations, and because of their use in cost recovery despite the considerable uncertainty, Industry representatives indicated a need to accurately estimate the recreational and illegal catch in NSW and requested funding for a recreational survey.</p> <p>The Chairperson of the TAC Committee noted that the current estimates are based on different surveys and quite often the views on the level of recreational and illegal catch vary between stakeholders.</p> <p>It was agreed, as suggested by DPI, that a specific item be placed on the agenda for a future AbMAC meeting, when a broader discussion could be had on these estimates.</p>	<p>A specific agenda item on recreational and illegal catches be prepared for a future.</p>	<p>Next full AbMAC meeting</p>	<p>Secretariat with input from AbMAC</p>

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3 (5)	<p>SIAC Representative</p> <p>The AbMAC noted that this issue is being progressed.</p>	AbMAC to be kept informed	On going	Secretariat
3 (6)	<p>JAWG</p> <p>Industry representatives request a reconciliation with explanations from DPI of expenditures on the FMS and EIS projects, particularly in relation to an apparent overspend.</p>	Information to provided	Next full AbMAC meeting	DPI
3 (7)	<p>Sitting Fees</p> <p>A framework for payment of sitting fees and travels costs for non AbMAC meetings is required. Industry representatives suggested this should include only formal MAC meetings, meetings with the TAC Committee and the Minister.</p>	Draft a framework.	Next full AbMAC meeting	DPI/AbMAC
3 (8)	<p>SUTS</p> <p>It was agreed consultation on the SUTS review of environmental factors will occur with AbMAC members prior to its implementation.</p> <p>Industry representatives request an update on the number of fishers currently active in the SUTS fishery.</p>	<p>Refer to management planning for its consideration</p> <p>Update on diver numbers.</p>	<p>Next full AbMAC meeting</p> <p>Next full AbMAC meeting</p>	<p>DPI</p> <p>DPI</p>
Other Items	AbMAC noted all other items in Agenda Item 3 not dealt with separately above as Items 3 (1) to 3 (8).			
4	<p>SPECIAL ABALONE RECOVERY GROUP (SARG)</p> <p>The Chairperson provided a verbal update on the SARG.</p>			
	It was agreed a summary of outcomes from 26 September 2007 industry workshop is to be forwarded to AbMAC representatives.	Forward outcomes document.	ASAP	Secretariat

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	It was agreed any Industry reports on updates from Committee representatives will be given at next AbMAC.	Committee representatives to provide written reports for inclusion with agenda	Prior to AbMAC meetings	Industry representatives
<p>6</p> <p>6 (1)</p> <p>6 (2)</p>	<p>MANAGEMENT UPDATE</p> <p>A verbal update was provided by the DPI representative to the Committee expanding on the management issues provided in the Agenda.</p> <p>Industry representatives raised concern over the significant amount of outstanding management charges in the abalone fishery.</p> <p>Management Charges/Expenditure</p> <p>Motion: Industry representatives.</p> <p>Industry does not have the capacity to pay the management fees and charges. Industry representatives do not believe that cancelling shares for non payment of fees is acceptable.</p> <p>Industry representatives asked DPI why a more cost-efficient docketing system was not used in NSW, like systems in the other states where significant cost savings had been achieved. DPI replied that an electronic, web based system was being appraised.</p> <p>Economic Productivity</p> <p>It was noted that a motion was taken at Agenda Item 3 (3) seeking access to ACIL draft recommendations.</p>	Report on progress	Next full AbMAC meeting	DPI

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6 (3)	<p>Marine Park</p> <p>Motion: Industry representatives</p> <p>Industry request details from DPI as to how the Marine Park and the recreational subsidies are calculated.</p>	Provide formulas on subsidies	Next full AbMAC meeting	DPI
7	<p>PROPOSED REGULATION AMENDMENTS</p> <p>It was agreed that</p> <p>(1)-Discussions on the objectives, performance indicators and trigger points be deferred to the next AbMAC meeting; and</p> <p>(2)- Industry representatives and the Department are to examine these points, with the objective to bring their position at the next meeting.</p> <p>In respect of each of the proposed amendments to Regulations, the Industry representatives on AbMAC: -</p> <p>Clause 6 Supported the proposed amendment in the maximum shareholding.</p> <p>Clause 7 Supported the proposed amendment of 'dealing with shares'.</p> <p>Clause 8 Supported the proposed amendments to 'special provision relating to transfers'.</p>	<p>Examine proposed objectives, performance indicators and trigger points for next meeting.</p> <p>DPI to examine implications in non support areas.</p>	Next full AbMAC meeting	AbMAC; Industry representatives; and DPI DPI
Clause 10	Supported the proposed amendments to 'nomination of fishers'.			
Clause 13	Did not support the proposed amendments to 'nominated fisher to notify the shareholder of alleged offence'. Industry representatives recommended that this clause be removed in its entirety from the AbSMP.			
Clause 15	Supported the proposed amendments to 'determination of quota'.			

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<p>Clause 18</p> <p>Clause 22</p> <p>Clause 33</p> <p>New Clause</p> <p>New Clause</p> <p>New Clause</p>	<p>Supported the proposed amendments to 'transfer of quota'.</p> <p>Supported the proposed amendments to 'limited use of unauthorised crew'.</p> <p>Supported the proposed amendments to 'monthly reconciliation'.</p> <p>Supported the proposed new clause relating to 'records to be made by commercial fishers'</p> <p>Supported the review of the proposed new clause relating to 'sorting of undersize abalone'.</p> <p>Did not support the proposed new clause relating to 'taking species other than abalone'. Industry representatives requested that this issue be reviewed and discussed at a later date.</p> <p>Motion: Industry representatives</p> <p>Industry representatives indicated it should be consulted prior to any future amendment to the AbSMP, as no consultation occurred in the August 2006 amendment.</p>			
<p>8</p>	<p>WILDLIFE TRADE OPERATION CONDITIONS</p> <p>Representatives from the Commonwealth Department of Environment and Water Resource gave a general overview of the WTO requirements.</p> <p>AbMAC noted that performance reports will be developed by the Department and may be used to report to the Commonwealth with regard to the WTO requirements.</p> <p>Industry representatives indicated that Industry would like involvement in development of the reports framework.</p>	<p>DPI to note Industry request for involvement in development of performance reports' framework.</p>		<p>DPI</p>

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9	<p>ABALONE FISHERIES MANAGEMENT STRATEGY</p> <p>An update on the Industry's Code of Practice was provided by an Industry observer.</p> <p>It was noted that this COP is due by November. It is being developed by industry in consultation with the Department.</p> <p>It was agreed progress updates to AbMAC on management responses on the FMS are to be provided in future reports.</p>	Updates to be provided in AbMAC Agenda		Secretariat
10	<p>UPDATE ON BIO-SECURITY ISSUES</p> <p>a) -Marine Pests</p> <p>AbMAC noted the report.</p> <p>b) -Ganglioneuritis update</p> <p>AbMAC noted the report.</p>			
11	<p>NEXT MEETING</p> <p>It was agreed the next AbMAC meeting is to be scheduled on the 6 November to primarily discuss the recommendations proposed by SARG.</p> <p>The Chairman thanked AbMAC members and observers for the attendance and level of participation.</p> <p>The Committee thanked the Chairperson for chairing the meeting.</p> <p>Meeting close: 5:30 pm.</p>			