

## **Commercial Fishing NSW Advisory Council (CommFish NSW AC)**

### **Meeting 3 – Minutes**

**18/19 September 2017**

**Rydges Sydney Central (Oxford 2 room), 28 Albion Street, Sydney**

#### **Members Present**

- Stuart Richey AM, CommFish NSW Chair
- Graeme Byrnes, Member – Ministerial Fisheries Advisory Council (Commercial Fisher); Acting Chair Day 2
- John Luke, Member – Aboriginal Commercial Fishers
- Greg Ryzy, Member - Abalone Share Managed Fisheries
- Geoff Blackburn, Member – Estuary General Share Managed Fisheries
- Steven Everson, Member – Estuary Prawn Trawl Share Managed Fisheries
- Mark Cranstone, Member – Lobster Share Managed Fisheries
- Scott Massey, Member – Ocean Hauling Share Managed Fisheries
- Mitchell Sanders, Member – Ocean Trap & Line Share Managed Fisheries
- Diego Bagnato, Member – Ocean Trawl Share Managed Fisheries
- Steve Hounsell, Member – Inland Restricted Fisheries
- Greg Finn, Member – Sea Urchin & Turban Shell Restricted Fisheries (SUTS)
- John Jarvis, Member – Southern Fish Trawl Restricted Fisheries (SFT)
- David McPherson, Nominee– Group Director Commercial Fisheries & Aquaculture (NSW DPI)
- Brad Mackay, Executive Officer (NSW DPI)

#### **Invitees**

- The Hon. Niall Blair - Minister for Primary Industries - (Day 1)
- Miranda Pade - Policy Advisor (Day 1)
- Neil MacDonald - Director, NMAC (SA) PTY LTD - (Day 1)
- Patrick Hone - Executive Director, Fisheries Research and Development Corporation (FRDC) – (Day 1)
- Patrick Tully - Director Fisheries Compliance, NSW DPI Fisheries.- (Day 1)

## **1 Member Welcome & Introductions, Housekeeping**

The Chair opened the meeting at 10:50am acknowledging the traditional owners of the land past and present and welcoming Council members and invitee Neil MacDonald, who will be facilitating the workshop and strategic agenda item on developing an Investment Plan for the Commercial Fishing Trust Fund. The Chair indicated that the Ministers attendance was a late addition to the agenda, but due to late scheduling changes is now unable to attend. The Chair also advised that Patrick Tully, Director of Fisheries Compliance, would be attending to present a Draft paper on Penalty Demerit Points (PDS).

## 2 Review of Agenda

The Chair invited Council members to provide any additional agenda items, with no additional inclusions from members identified.

The Chair advised of additions to the agenda. Including:-

- Inclusion of review of the Draft paper on the PDS and modernising enforcement and other associated provisions, with attendance of Director of Fisheries Compliance to assist in review.

At this point the Chair advised that he is unable to attend day 2 of the meeting due to other commitments. The Chair proposed that the MFAC member act as chair for day 2 of the meeting, which was unanimously supported by all Council members.

**DECISION: MFAC member to act as chair for day 2 of CommFish NSW meeting 3.**

## 3 Apologies -

Niall Blair, Minister for Primary Industries.

## 4 Review, declarations and update Register of Interests

The Chair asked all Council members to indicate if individual pecuniary interests had changed significantly from register of interests distributed prior to meeting. Council members indicated:-

- Estuary General Member indicated change of shareholdings.
- Ocean Haul member indicated additional fishing business.
- Ocean Trap and Line member indicated increased shareholding in region 5 in partnership with Lobster member.

**DECISION: Council members to update any changes to pecuniary interests at meeting 3 or through Executive Officer as required.**

**ACTION: The Executive Officer to amend the register of interests and redistribute to Council members for further updates as required.**

## 5 Confirmation of the Minutes of Meeting 2

The Council accepted the draft minutes without change as a true and accurate record of discussions from the second meeting held on 11/12 July 2017.

## 6 Actions Arising from Meeting 1

The Chair and Council members reviewed the action items list agreeing that all actions had been substantially completed noting the following:-

- Action item 2.8 – ‘Support department reviewing Fish Receivers as a matter of priority in accordance with recommendations of IPART and Palmer reports, as a boost to industry and consider immediate waiving the fee in line with other jurisdictions.’ NSW DPI nominee advised



DPI still planning to do this post-reform as committed to IPART. Industry to be consulted as part of the review process.

**DECISION: NSW DPI to complete review of Fish Receivers and bring review back to CommFish NSW when additional information available.**

- Action item 2.2 – ‘NSW DPI to create pro forma and email address for CommFish NSW and include section on NSW DPI website to facilitate contact with CommFish NSW.’ – The Chair indicated that the CommFish NSW email is listed on the NSW DPI website, a draft of the external submission pro forma has not been made live and could be further refined within the Council.

The Executive Officer gave a presentation on the current draft of the pro forma for external submissions to the Council. Further Council discussion included:-

- Council members discussed issues with this external pro forma going live. Including support available to members to deal with submissions received and if applicable to terms of reference and CommFish charter.
- External pro forma to include amended disclaimer, calendar of Council meeting dates and submission date close for potential to be included in meeting agenda.

**DECISION: Progress the pro forma development on the NSW DPI website, including changes identified, with NSW DPI to make decision on inclusions to CommFish agenda and distribution to members.**

**ACTION: Implement Council changes to draft of external pro forma submission and make live for external stakeholders to make contact with the Council.**

- Decision 2.10 – ‘DPI to bring forward a paper on a future strategic plan for commercial fisheries in NSW.’ The NSW DPI nominee indicated that this paper is in preparation and will be brought forward to a future meeting agenda.

**DECISION: Include paper on a future strategic plan for commercial fisheries in NSW at a future CommFish NSW meeting.**

- *Decision 2.8 – ‘Mulloway working group.’* The Council confirmed contents of the draft Mulloway working group paper as distributed by the Executive Officer.

**DECISION: NSW DPI to progress extension to industry for the Mulloway working group.**

## **7 Correspondence**

The Chair indicated:-

- That correspondence was received from Tricia Beatty, Executive Officer of the Professional Fisherman’s association (PFA) and to be discussed in general business section.
- MFAC member to give updates on MFAC meetings at future CommFish NSW meetings.

**DECISION: MFAC member to provide updates to CommFish NSW on MFAC meetings at future Council meetings.**



## 8 Annual Report to the Minister – Upper House Inquiry

### Recommendation number 9

Chair indicated he was going to request that Minister to provide advice on exactly what he needed in the report and how much detail is required in the annual report and will follow up in regard to this. NSW DPI nominee gave an overview of history and NSW DPI commitment to consult co-ops association in recommendation number 9, resulting from Legislative Council and General Purpose Standing Committee No 5. Also CommFish NSW to report to Minister annually and need to consider things to report on, including progress of reforms and IAP process.

**DECISION: Include recommendation number 9 on agenda for next meeting to further discuss, so that at first meeting next year can progress and provide annual report to Minister by May 2018.**

Ocean Trap and Line member requested if any update of tax advice.

- NSW DPI nominee indicated that advice should be received shortly.
- Chair indicated that advice should be sought on the change in the nature of the asset under the reform arrangements (i.e. a licence rolling into quota or fishing days).

## 9 Options of education extension for quota fisheries

The Chair introduced this topic to Council members, including discussing background paper provided by Chair in regard to rollout of education programs for Western Australian lobster fishery. Further discussion included:-

- Benefits of this occurring for NSW commercial fisherman, noting differences between fisheries and targeted education programs to occur.
- NSW DPI nominee indicated targeted share class information packages being developed at present and should be received by industry shortly, asking if members would be willing to provide advice to the department in regard to specific requirement inclusions.

**DECISION: CommFish NSW endorses NSW DPI to progress targeted education programs, with Council members providing advice on specific requirements for each fishery.**

## 10 Minister attendance

The Chair indicated that as previously noted that the Minister is unable to attend.

## 11 List of regulations that could be considered for review (Moved forward to 12:10 before Investment Plan)

The NSW DPI Council nominee introduced this item and indicated that NSW DPI has a list of regulations from the previous consultation with industry that had been identified as requiring review and this has been provided to Council members as background. Further Council discussion included:-

- Government is willing to cut unnecessary red tape and wants Council members and industry input to develop further. May also include closures that could be recommended to the Minister for review.
- Further regulations to be identified for review by Council members, list to be reviewed and identified out of session.



- Allow 2 weeks for Council member's additional nominations to be received, can include questions to current list, with NSW DPI to collate correspondence and leave as action item to CommFish when complete.

**DECISION:** NSW DPI to collate and review further regulations identified by Council members out of session received within 2 weeks, with list to come back to CommFish at future meeting for final review before making available to industry for input before recommendations to Minister.

**ACTION:** NSW DPI to compile the list of further regulations identified out of session by Council members, review amended list and redistribute back to the CommFish NSW before release to industry for input.

## **12 Strategic Agenda Item 1 – Facilitated Workshop on Investment Plan for the Commercial Fishing Trust**

The Chair introduced Neil MacDonald, Director of NMAC (SA) PTY LTD, who is facilitator of the workshop on developing an Investment Plan for the Commercial Fishing Trust. The facilitator gave a brief overview of the process to be undertaken.

The Facilitator was joined by Patrick Hone, Director of the Fisheries Research and Development Corporation (FRDC) to present on how FRDC invests, how they can assist CommFish NSW with research investments and provide a broad overview of the types of previous investments in NSW.

Significant outcomes in the workshop involved developing:-

- Vision for the Trust - A fund that invests in a sustainable, profitable and professional well lead commercial industry.
- Goals of the Trust, with objectives to achieve each goal also developed: –
  1. Contribute to economic growth in NSW through sustainable use and access to our fisheries resources.
  2. Encourage industry as a place to work and Invest to secure future of industry.
  3. Strong sustainable markets with profitable returns.
  4. Establish a peak industry body.

The Chair thanked Neil MacDonald for facilitating the workshop on developing an Investment Plan for the Commercial Trust.

## **13 Demerit Points Draft Paper**

The Chair introduced NSW DPI Director of Compliance Patrick Tully to discuss and answer any questions that Council members may have on the Draft paper, provided as background to the meeting, on Penalty Demerit System (PDS) and modernising enforcement and other associated provisions. Director of Fisheries Compliance indicated:-

- Upper House inquiry recommended PDS be developed.
- Incorporated South Australian and Tasmanian existing PDS systems.
- MFAC have commented on draft paper, with their comments included.
- Seeking CommFish NSW comments to further develop Draft of PDS.

Further Council discussion included:-

- MFAC member indicated that MFAC comments yet to be received by Minister and the discussion around these comments to remain confidential.
- The Chair gave the opportunity for Council members to ask any clarification required from Director of Fisheries Compliance in their review of the paper.
- Some Council members expressed concern with some aspects of the Draft paper, including endorsement holder share forfeiture from authorised fisher activities and corresponding risks to investment and leakage in the system.
- General Council consensus that further discussion should occur within the Council before any recommendations are made.

**DECISION: Further discussion to occur on Draft PDS paper to be included at Council meeting day 2.**

## **14 Meeting close (Day 1 at 6:00pm)**

The Chair closes the meeting at 6:15pm.

## **15 Welcome and Agenda Review (Day 2 commence 8:40am)**

The acting Chair opened the meeting at 8:40am acknowledging the traditional owners of the land past and present and welcoming Council members, with NSW DPI Nominee not present until 8:50am.

## **16 List of regulations that could be considered for review (Continued)**

Discussed day 1 not required.

## **17 Demerit Points Draft Paper (Continued)**

The acting chair opened further discussion on the PDS draft paper inviting members to put their view. Further discussion included:-

- SUTS member indicated need to carefully consider the PDS paper and its implementation, the possible revision upwards of temporary suspension provisions and more thought needs to go into the process with CommFish involvement.
- Acting Chair indicated that current paper relies heavily on other states current PDS systems, the fact that there are a small number of recidivist offenders and indicated that there are changes required to current system to more adequately address this issue.
- Estuary General Member suggested that revenue generated should go back into the fishery concerned not consolidated revenue.
- Cost recovery concerns and cost of implementation.

Acting Chair summarised:-

- Council discussion indicates that current system isn't working and there is a need to develop a new system.
- Council members have expressed concern to a number of aspects of the Draft PDS.
- Council members to provide individual feedback to NSW DPI within 2 weeks, with feedback to be collated and redistributed to Council members for review outside of session.
- Draft PDS noted as confidential, with discussion to remain confidential at this stage.



**DECISION:** Council members to further review draft paper on Penalty Demerit System out of session and provide individual comment to NSW DPI within 2 weeks.

**RESULTING ACTION:** NSW DPI to collate individual Council member comments received, disperse to Council members and provide feedback received to NSW DPI Director of Fisheries Compliance.

## 18 General Business Items

### 18.1 Correspondence received

The acting Chair noted that correspondence was received from Professional Fisherman's Association (PFA) and invited Ocean Trawl member address the meeting. Council members briefly discussed correspondence received noting that more time is required for review before further discussion occurs.

#### 18.1.1 Draft Strategic Priorities for PFA

Correspondence received dispersed to members.

#### 18.1.2 Working Groups

Correspondence received dispersed to members.

**DECISION:** NSW DPI to invite Executive Officer of the PFA to the next meeting to discuss correspondence received and present on topics.

#### 18.1.3 Other correspondence received

Estuary General Member indicated has received correspondence from several members of industry in regard to list of regulations and will include these in list of restrictions for review to be provided to NSW DPI.

### 18.2 Harvest Strategies (SUTS member)

The acting Chair noted general business submission from Council member and introduced SUTS member to further discuss that submission, noting that harvest strategies implementation could support enhanced market opportunities, continued fisher access and improved resource sustainability. The Council considered the merits of developing harvest strategies. Council discussion included-

- SFT member indicated that he is currently involved in process of developing a harvest strategy and has previous experience from Commonwealth harvest strategies implementation.
- Harvest strategies could in the future replace current Fishery Management Strategies.
- DPI nominee indicated that it is timely that the Council is provided with further information on this topic.
- Cost recovery implications need to be considered.

**DECISION:** SFT member to check available material from current involvement in harvest strategy process and disseminate to NSW DPI to disperse to Council members within 2 weeks.

**RESULTING ACTION:** NSW DPI to disseminate further information to Council members in regard to harvest strategies.

**DECISION:** Harvest strategies to be further discussed at CommFish NSW meeting 4, incorporating information dispersed if available.

**RESULTING ACTION:** Add harvest strategies to agenda for CommFish NSW meeting 4.

### **18.3 Regulation addition (Estuary Prawn Trawl member)**

Acting Chair noted that general business submission received from Estuary Prawn Trawl member in regard to regulation to review and confirmed with Executive Officer that this submission is included in the list of regulations dispersed to members.

## **19 Next Meeting**

### **19.1 Confirm Date and Location**

The acting Chair confirmed that next meeting will be 27/28<sup>th</sup> of November 2017, commencing at 12pm in Coffs Harbour. Council members discussed the possibility to change of date of next meeting to avoid Monday and Friday meetings.

**DECISION:** NSW DPI to consult with chair in regard to mid-week meeting date change for meeting 4.

**RESULTING ACTION:** Advise Council members of outcome in regard to potential schedule change for meeting 4.

### **19.2 Informal Event Invites**

Council members discussed possibility of inviting key stakeholders to an informal social event at next meeting in Coffs Harbour. Further Council member's discussion included the benefit of this occurring to allow Council members to discuss key issues in the area more broadly. The Acting chair noted that such informal stakeholder functions were the regular practice of MFAC and had proven to be a very successful.

**DECISION:** NSW DPI to collate key stakeholder invites from Council members to informal gathering at next meeting.

**ACTION:** NSW DPI to liaise with Council members and make decision on invites to key stakeholders to an informal event at next Council meeting at Coffs Harbour.

### **19.3 CommFish NSW website**

Ocean Haul member indicated concerns that ease of navigation on the NSW DPI website for external parties to information on CommFish NSW could be improved.

**DECISION:** NSW DPI to investigate potential to improve the accessibility to information on CommFish NSW at the NSW DPI website.

### **19.4 Meeting Close**

The acting Chair closed the meeting at 11:30am and thanked Council members for their contributions.



## DECISION Arising List

| Meeting# | Decision# | Action   | Status               |
|----------|-----------|--|----------------------|
| 3        | 1         | MFAC member to act as chair for day 2 of CommFish NSW meeting 3.   | MFAC Council member  |
| 3        | 2         | Council members to update any changes to pecuniary interests at meeting 3 or through Executive Officer as required.  | All members          |
| 3        | 3         | NSW DPI to complete review of Fish Receivers and bring review back to CommFish NSW when available.   | NSW DPI              |
| 3        | 4         | Progress the pro forma development on the NSW DPI website, including changes identified, with NSW DPI to make decision on inclusions to CommFish agenda and distribution to members.   | NSW DPI Exec Officer |
| 2        | 10        | DPI to bring forward a paper on a future strategic plan for commercial fisheries in NSW.   | NSW DPI              |
| 3        | 5         | Include paper on a future strategic plan for commercial fisheries in NSW at a future CommFish NSW meeting.   | NSW DPI              |
| 2        | 8         | The Council confirmed contents of the draft Mulloway working group paper as distributed by the Executive Officer.  | All members          |
| 3        | 6         | NSW DPI to progress extension to industry for the Mulloway working group.  | NSW DPI              |
| 3        | 7         | MFAC member to provide updates to CommFish NSW on MFAC meetings at future Council meetings.  | MFAC Council member  |
| 3        | 8         | Include recommendation number 9 on agenda for next meeting to further discuss, so that at first meeting next year can progress and provide annual report to Minister by May 2018.  | NSW DPI              |
| 3        | 9         | CommFish NSW endorses NSW DPI to progress targeted education programs, with Council members providing advice on specific requirements for each fishery.  | All members          |
| 3        | 10        | NSW DPI to collate and review further regulations identified by Council members out of session received within 2 weeks, with list to come back to CommFish at future meeting for final review before making available to industry for input before recommendations to Minister | NSW DPI              |
| 3        | 11        | Further discussion to occur on Draft PDS paper to be included at Council meeting day 2.  | All members          |
| 3        | 12        | Council members to further review draft paper on Penalty Demerit System out of session and provide individual comment to NSW DPI within 2 weeks  | All members          |
| 3        | 13        | NSW DPI to invite Executive Officer of the PFA to the next meeting to discuss correspondence received and present on topics.   | NSW DPI              |
| 3        | 14        | SFT member to check into available material from current involvement in harvest strategy process and disseminate to NSW DPI to disperse to Council members within 2  | SFT Council member   |

|   |    |   |                     |
|---|----|---|---------------------|
|   |    | weeks.  |                     |
| 3 | 15 | Harvest strategies to be further discussed at CommFish NSW meeting 4, incorporating information dispersed if available. | NSW DPI/All members |
| 3 | 16 | NSW DPI to consult with chair in regard to mid-week meeting date change for meeting 4.                                  | NSW DPI/Chair       |
| 3 | 17 | NSW DPI to collate key stakeholder invites from Council members to informal gathering at next meeting.                  | NSW DPI/All members |
| 3 | 18 | NSW DPI to investigate potential to improve the accessibility to information on CommFish NSW at the NSW DPI website.    | NSW DPI             |

#### **ACTION Arising List**

| <b>Meeting#</b> | <b>Action#</b> | <b>Action</b>   | <b>Status</b>        |
|-----------------|----------------|---|----------------------|
| 3               | 1              | The Executive Officer to amend the register of interests and redistribute to Council members for further updates as required  | NSW DPI Exec Officer |
| 2               | 8              | Support department reviewing Fish Receivers as a matter of priority in accordance with recommendations of IPART and Palmer reports, as a boost to industry and consider immediate waiving the fee in line with other jurisdictions. | NSW DPI              |
| 2               | 2              | NSW DPI to create pro forma and email address for CommFish NSW and include section on NSW DPI website to facilitate contact with CommFish NSW.  | NSW DPI              |
| 3               | 2              | Implement Council changes to draft of external pro forma submission and make live for external stakeholders to make contact with the Council.   | NSW DPI Exec Officer |
| 3               | 3              | NSW DPI to compile the list of further regulations identified out of session by Council members, review amended list and redistribute back to the CommFish NSW for release to industry for input.                                   | NSW DPI              |
| 3               | 4              | NSW DPI to collate individual Council member comments received, disperse to Council members and provide feedback received to NSW DPI Director of Fisheries Compliance.  | NSW DPI              |
| 3               | 5              | NSW DPI to disseminate further information to Council members in regard to harvest strategies.  | NSW DPI              |
| 3               | 6              | Add harvest strategies to agenda for CommFish NSW meeting 4.  | NSW DPI              |
| 3               | 7              | Advise Council members of outcome in regard to potential schedule change for meeting 4.   | NSW DPI Exec Officer |
| 3               | 8              | NSW DPI to liaise with Council members and make decision on invites to key stakeholders to an informal event at next Council meeting at Coffs Harbour.  | NSW DPI              |