

MEETING	Southern Fish Trawl Transitioning Working Group		
MEETING NO.	2	DATE	27 & 28 October 2017
LOCATION	Sydney Fish Market	TIME	9am, Thurs 27 October 8:30am, Friday 28 October
ATTENDEES	<p>Members: Dr Bruce Mapstone (Chair) Simon Boag (SETFIA EO) Tricia Beatty (PFA EO) Paul Bagnato (NSW SFT; SET SFR) Wayne Cheers (SET SFR) Richard Bagnato (NSW SFT) Dr Brigid Kerrigan (AFMA) Dr Doug Ferrell (NSW DPI)</p> <p>Executive officers: Dr Veronica Silberschneider (NSW DPI); Cate Coddington (AFMA).</p>		
APOLOGIES	Observer: Stuart Curran (Department of Agriculture and Water Resources).		
PREPARED BY	NSW DPI		

### Previous meeting

Action Items from SFTTWG Meeting 1 circulated with Meeting 2 agenda

### This meeting

Item	
1.	<p><b>Issue:</b> Acceptance of agenda Review of Meeting 1 Action Items</p> <p><b>Discussion:</b> Agenda accepted. Meeting 1 Outcomes accepted. Action Items updated.</p> <p><b>Actions:</b> ❖ NSW DPI to circulate a revised Actions list post-Meeting 2.</p>
2.	<p><b>Issue:</b> Update regarding: a. project timelines b. SFT transition discussions with respective stakeholders.</p> <p><b>Discussion:</b> a) Timeline provided with Meeting 1 outcomes. Consultation timing – needs to take into account potential ‘consultation fatigue’ of NSW industry (other consultative processes include: commercial fishing industry reform, MEMA/Marine Parks, Mobile App training in November). Timeline seems achievable. IAP time block to move up a few months.</p> <p><b>Actions:</b> ❖ AFMA &amp; DPI to discuss timeline details. To circulate result to SFTTWG for information. ❖ SETFIA to provide advice on education activities based on their experience. ❖ Education section to be extended and additional detail to be included on what is required. ❖ Amend timeline so consultation document is released mid-late January, port meetings February, final SFTTWG meeting March.</p> <p>b) PFA provided outcomes of Sydney meeting discussion in relation to Coastal Waters</p>

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	<p>permit/boat SFR, proposal to use specific gear, and the creation of an email group to keep SFT endorsement holders (who attended meeting and provided their email address) informed. SETFIA – meeting pending - 15 Nov AGM and general meeting to update members.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>❖ PFA &amp; DPI to continue to work together to disseminate information to NSW industry on progress of discussions.</li> </ul>
3.	<p><b>Issue:</b> VIT integration to the SESSF - Background to permit allocation, quota allocation, area of access</p> <p><b>Discussion:</b> Presentation provided by AFMA about the process and timeframes involved with integrating the Victorian Inshore Trawl Fishery into the Commonwealth SESSF. The OCS agreement between the Victorian and Commonwealth governments occurred prior to all parameters being determined and quota being allocated the provision of a permit through that process has provided ongoing access over time.</p>
4.	<p><b>Issue:</b> Other regulatory issues:</p> <ol style="list-style-type: none"> <li>a. Other non-quota species size limits in the NSW fishery and provide information to the SFTTWG;</li> <li>b. Any issues with other NSW regulations or stakeholders that might arise when moving SFT operations to Commonwealth requirements for size limits.</li> </ol> <p><b>Discussion:</b></p> <ol style="list-style-type: none"> <li>a) A table outlining size limits of non-quota species was provided to the SFTTWG (Attachment 1).</li> <li>b) Some stakeholders (predominantly recreational fishers) may object to fish being landed (legally) that are below the NSW minimum size limits. While not related to size limits, additional issues identified were: <ul style="list-style-type: none"> <li>o Removal of trip limits for SFT, OT and OTL fisheries that are likely to occur as part of the transition process as they aren't meaningful for an output managed fishery.</li> <li>o Potential activation of latent effort to catch allocated quota within 3nm (more boats fishing).</li> </ul> </li> </ol>
5.	<p><b>Issue:</b> Draft transition package</p> <ol style="list-style-type: none"> <li>a. Access rights – permits and boat SFRs</li> <li>b. Gear needs in NSW coastal waters</li> <li>c. Potential closures in NSW coastal waters</li> </ol> <p><b>Discussion:</b></p> <ol style="list-style-type: none"> <li>a. AFMA's preferred model – 1 fishery where the SFT is integrated fully into the CTS as part of SESSF and does not become a separate sector (i.e. where <u>all</u> boats have access to all applicable waters under identical CTS SFRs). That the waters/areas within 3 nm that are of major concern in terms of perceived larger boats fishing be closed under NSW legislation and therefore outside the OCS.</li> </ol> <p>NSW industry stated that they preferred to have a boat SFR rather than a permit as it was a stronger right, be able to continue with existing gear, that quantum of quota provided by AFMA is to recognise both landed and discarded catch, and that there be a smooth transition in moving from state to Commonwealth management.</p> <p>SETFIA preferred model – no increase in the number of boats inside 3nm or outside 3nm. SETFIA <u>does not</u> agree to have a transitional arrangement where SFT operators have an interim permit to access waters outside of 3nm until such time that a boat SFR is acquired.</p> <p>NSW DPI and NSW industry raised concerns about additional effort (larger boats) fishing within 3nm. <u>AFMA confirmed that placing conditions on boat size could only be done on a permit not a boat SFR.</u> AFMA restated general position of SFTTWG at meeting 1 that there be no increase in the number of boat SFRs i.e. no new boat SFRs created. There would need to be acquisition of boat SFRs for current SFT-only operators from the existing SFR pool.</p>

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	<p>SFTTWG accepts that various changes to Commonwealth SESSF management rules are needed to accommodate various needs. A Permit is the only mechanism by which boat lengths can be restricted within 3nm of the NSW coast. Industry requested that if permits are created they are valid for multiple years. AFMA advised that permits are typically issued for 1 year, with a potential for 5 year permits. Note that permits have always been used as an access right in the Coral Sea Fishery.</p> <p>Additional options were discussed but didn't satisfy the principle of being able to restrict boat length within 3nm.</p> <p>Discussion on acquisition of CTS boat SFRs from the existing pool. Industry was interested in who would pay for the boat SFRs as they were of considerable cost to purchase and to maintain annually (AFMA annual levies: 2017-18 CTS trawl boat SFR \$9476.07). industry proposed that the NSW government provide assistance to those current SFT endorsement holders who <u>need</u> a boat SFR to access waters outside 3nm. It was suggested that eligibility criteria apply to any such assistance measures as not all operators were in need (e.g. if no activity had been reported for the SFT fishing business up until the time of the Investment Warning in April 2017, then they didn't need access to additional waters). However, determining 'need' criteria may be impossible given the differences in the way both jurisdictions manage their fisheries. SETFIA in particular raised considerable issues and inequities for operators with establishing criteria based on 'need'.</p> <p>Approximately half of the SFT operators already have access to the two jurisdictions.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>❖ AFMA to explore multiple year permits and advise before next meeting (January 11–12, 2018).</li> <li>❖ NSW DPI to explore assistance measures for the acquisition of boat SFRs and eligibility criteria that might apply to such assistance and advise of options before next meeting (January 11–12, 2018).</li> </ul> <p><b>Discussion:</b></p> <p>b. NSW industry gear proposal - mesh on wings is 90 mm (for targeting eastern school whiting). Cod-end also to be 90 mm (consistent with NSW rules). This could be applied via the access rights under the SESSF.</p> <p>NSW industry outlined that being unable to have multiple gear types for use in different areas (inside &amp; outside 3nm) on board their boats concurrently would reduce their efficiency and would be a concern. Measures can be put in place in future if deemed that operators are circumventing regulations.</p> <p>Discussed compliance risk of using the nets with smaller mesh outside 3nm if it was permissible to have both gear types (gear that could be used within 3nm only and gear that can be used outside 3nm only) on board a boat at the same time for those operators that are dual endorsed.</p> <p>Discussion as to whether BRDs can be modified (as per current NSW rules) for use in NSW inshore waters to catch whiting. <u>AFMA advice</u> – principles of reducing discards in fisheries, being accountable with respect to discarding, utilisation of product, optimisation of gear, and aiming for continuous improvement in fisheries. Accepts allowing specific gear for this 'boutique fishery' with the proviso that there be research in future on gear modifications, use of BRDs, and larger mesh. There also will need to be an acquittal of all quota that is landed. Can have specific condition on a permit to operate with specific gear for taking of whiting (see Attachment 2). At this stage the condition will state that the gear can only be used within 3nm. Potential for negotiating being able to carry this gear on board the vessel when operating outside 3nm but not using it (this is not a preference for AFMA).</p> <p>Request funding for research (from FRDC or other funding source) to optimise fishing gear in the fishery and ensure that loss of catch is minimised.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>❖ AFMA to internally discuss compliance and policy implications of multiple gear types being on vessels for those operators that are dual endorsed, and provide advice back to the SFTTWG within 2 weeks of this meeting.</li> <li>❖ NSW DPI to provide the SFTTWG with a summary of a NSW Fisheries technical report on</li> </ul>

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	<p>BRDs/gear authored by Ken Graham.</p> <p><b>Discussion:</b></p> <p>c. Closures: Noted that the Marine Estate consultation on the Hawkesbury Shelf bioregion is yet to occur and that closures may be implemented as part of that process. Noted that the Marine Estate process and OCS negotiations are separate. Further noted that any proposed closures should be defined and provided in the consultation document so that all stakeholders are provided with an opportunity to comment.</p> <p>NSW industry outlined that fishery operators are already excluded from areas including the submarine cables area and existing marine parks</p> <p>Closures, if proposed, also need to be defined so that they can be excluded from waters transferred to the Commonwealth for the purpose of fish trawling. The boundaries of any such waters not transferred to the Commonwealth need to be simple and easily defined in legislation.</p> <p>NSW SFT industry has indicated that there isn't enough information on stakeholder views on this issue and that the proposal of closures may be dependent on the transition package (e.g. closures proposed only if boat SFRs are provided or if they can gain additional area in Commonwealth waters so as to offset loss of fishing grounds). If no closures are proposed for the consultation paper, and the result is that closures are needed, consultation with industry post public consultation will need to be in a short timeframe to meet the OCS timeline to which the SFTTWG is working. NSW Industry, DPI and other stakeholders would be involved in those consultations or negotiations as necessary.</p> <p>AFMA reiterated the need to focus on using the boundary of the OCS (i.e. exclude areas from the OCS) to mitigate stakeholder concerns. Identifying any areas now that would be excluded from the OCS is needed before the broader stakeholder consultation occurs. Keep arrangements simple, focus on that the SESSF is an output controlled fishery, therefore need to minimise input controls. Simplified management arrangements to minimise costs, noting cost recovery.</p> <p>There was a request for independent analysis of risks/impacts of the transition package and various options to provide the SFTTWG with more certainty in providing a preferred transition package and any associated adjustments, such as fishery-specific closures. Recommending ad hoc fishery-specific closure options without information about the need or risks of same, and in parallel with MEMA associated process was not favoured.</p> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>❖ A risk assessment be undertaken on proposed transitional arrangements and that funds are to be allocated from the \$500K set aside to support the transition. Mitigation strategies to any perceived risks, including fishery specific closures, should also be included.</li> </ul> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>❖ PFA/DPI to source and fund an independent consultant to undertake a desktop risk assessment of the proposed transitional arrangements. The report is to be provided to the SFTTWG for consideration.</li> <li>❖ AFMA and NSW DPI to work together to frame the desktop risk assessment study.</li> <li>❖ Timeline to be updated to reflect the independent risk assessment project.</li> </ul>
6.	<p><b>Issue:</b> Reported landings from NSW fisheries of Commonwealth SESSF quota species.</p> <p>For information</p>
7.	<p><b>Issue:</b> Discussion of Recommended Biological Catch (RBC) and how this may be divided, including report of preliminary analysis of NSW observer data on discards.</p> <p><b>Discussion:</b> For the purposes of calculating the annual Commonwealth TAC for a particular SESSF species the Commonwealth trawl ISMP derived discard rate is applied to the total catches (total Commonwealth catch + total NSW catch (all fishery methods)). For example Flathead: RBC – State catch – total discards = Commonwealth TAC. The amount of State catch that has been historically deducted from the RBC that comes from the SFT is the starting point for allocation of quantum of quota to NSW.</p>

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	<p>DPI advised that a report documenting the level of discards from observed trips in the SFT has been provided to ABARES for review to help inform decisions relating to the level of discarding related to regulations (trip limit and size limit differences between jurisdictions). This may then help inform decisions as to the quantum of quota that would be nominally allocated to NSW fishers by AFMA at the beginning of the SFT transition.</p> <p>It was noted that there were project limitations including: lack of information about the type of gear used as selectivity of gear determines discards (NSW logbooks don't specify what type of gear is used), the differences between the NSW and the Commonwealth logbooks, and observed discards are extrapolated across the fishery but whole fishery may not use the different types of gear in the same proportions. Observer uptake was not compulsory and some operators did not accept observers. Noted potential changed behaviour by operators when observers were on-board. Discussed discarding due to size limits and/or trip limits for flathead, eastern school whiting &amp; silver trevally. Estimated discard rate used by CSIRO is less than what is estimated from the observer survey for flathead. This is opposite for silver trevally and eastern school whiting (based on the draft report). AFMA awaiting outcome of the ABARES review to determine the usefulness of the report in recalculating (based on purported levels of discarding) initial NSW catch quantum for quota allocation.</p> <p><b>Agreed</b> – Recommend that landings should be included in quantum of quota allocated excluding any catch taken (and landed) in excess of trip limits.</p> <p><b>Agreed</b> – Recommend that discards associated with trip limits should be considered in quantum of quota allocated.</p> <p><b>Agreed</b> – SFTTWG stakeholders to consider allocation of quota between difference in size limits of flathead and silver trevally.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>❖ NSW DPI to provide AFMA with appropriate NSW catch data to inform quantum of quota to be allocated to the SFT sector.</li> <li>❖ SFTTWG to determine principles on how discards should be treated in allocation of quantum of quota.</li> <li>❖ NSW DPI to undertake a qualitative assessment of discard rates from other NSW fisheries for quota species. AFMA to provide discard rates used in assessments.</li> </ul>
8.	<p><b>Issue:</b> Consider operational and regulatory items that need to be in place by the implementation date of 1 May 2019 and those that might be implemented most effectively after 1 May 2019</p> <p><b>Discussion:</b> Discussion surrounding whether industry would be agreeable for details to be determined after commitment to transfer with the signing of the OCS (as outlined in the VIT example – Item 3). Potential Plan B option. General view of SFTTWG was to get everything sorted out now. SFTTWG to recommend preferred option for the transition to occur with industry informed as much as possible.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>❖ Members to consider further items that need to be completed by 1 May 2019 and provide to the next meeting of the SFTTWG.</li> </ul>
9.	<p><b>Issue:</b> Broader stakeholder consultation</p> <ul style="list-style-type: none"> <li>• Process</li> <li>• Discussion paper</li> <li>• Working group involvement</li> </ul> <p><b>Discussion:</b> Broader stakeholder consultation to be commenced in late January/early February when the discussion paper is to be released. This item will be discussed further at the next meeting.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>❖ NSW DPI &amp; AFMA to circulate the draft consultation paper (as complete as possible) for discussion at the next meeting.</li> </ul>

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10.	<p data-bbox="252 246 657 309"><b>Issue:</b> Final Report &amp; Recommendations</p> <p data-bbox="252 322 555 358">Deferred to next meeting.</p>
11.	<p data-bbox="252 392 437 454"><b>Issue:</b> Other Business</p> <p data-bbox="252 468 475 504">No other business.</p>
12.	<p data-bbox="252 519 938 582"><b>Issue:</b> Next meeting – 11-12 January 2018. Location: Melbourne</p> <p data-bbox="252 595 1417 721"><b>Discussion:</b> It was agreed that an additional meeting is needed to further discuss items that are still to be resolved. Final SFTTWG meeting is to be held after the consultation period (anticipated early April 2018).</p>
13.	<p data-bbox="252 739 497 801"><b>Issue:</b> Review of outcomes</p> <p data-bbox="252 815 533 851">Reviewed post meeting</p>

## Attachment 1

Agenda Item 4a – NSW size limits for species reportedly landed in the SFT that are non-quota species in the SESSF and their reported landings and estimated value.

Common name	Minimum Legal Length	Reported landings (kgs) 2009/10 - 2015/16	Estimated value (\$) 2009/10 - 2015/16
Yellowfin Bream	25 cm	1,125	\$11,600
Tarwhine	20 cm	1,297	\$8,400
Flathead, Dusky	36 cm	1,102	\$9,600
Flounder ( <i>Bothidae</i> spp & <i>Pleuronectidae</i> spp)	25 cm	9,248	\$27,900
Spotted Mackerel	60 cm	2,514	\$27,300
Grey Morwong	30 cm	19,849	\$72,600
Red Morwong	30 cm	71	\$650
Sea Mullet	30 cm	584	\$1,800
Mulloway	70 cm	626	\$5,900
Snapper	30 cm	25,429	\$214,000
Tailor	30 cm	2,416	\$19,700
Teraglin	38 cm	432	\$3,200
Sand whiting	27 cm	9,209	\$131,000
Yellowtail Kingfish	65 cm	4,734	\$38,000

SESSF quota species that have size limits in NSW:

- Tiger Flathead and Blue Spotted Flathead – 33 cm
- Silver Trevally – 30 cm
- Jackass Morwong – 30 cm
- School Shark – 91 cm

## Attachment 2

### SFTTWG Draft Transition Package (as at 26/10/2017)

Current Access Right	Proposed Access Right when integrated into the SESSF
SFT endorsement (to operate only within NSW coastal waters i.e. within 3nm of low water)	New South Wales Coastal Waters (NCW) Permit (with the option of accessing a CTS Boat SFR from the existing pool of CTS SFRs <sup>1</sup> )
SFT endorsement and CTS Boat SFR	NCW Permit and CTS Boat SFR (retaining their existing access)
CTS Boat SFR	CTS Boat SFR (retaining their existing access)

Proposed Conditions
When operating under NCW permit maximum vessel length of 25m. The purpose of limiting vessel length within 3nm is to address concerns from NSW recreational fishers, coastal communities, and environmental groups.
Fishing gear <sup>2</sup> : when operating under NCW permit to target school whiting the use of otter board gear with 90mm single mesh for wing and 90mm double braided mesh (200 round) codend without BRDs. Research and development to be conducted to ensure continuous improvement for minimising bycatch and discarding
MLS for all Flathead (excluding deepwater) species <sup>3</sup> : 280mm TL
All vessels to operate under Seabird Management Plan with one of 3 approved seabird mitigation devices.
All vessels to operate under VMS, use E-Logs to submit catch and discards, to provide quota lease and sale price data as required by AFMA.
All other SESSF Trawl boat SFR conditions will apply to the NCW Permit/SFR.

1. CTS Boat SFR's to be acquired from the existing pool of CTS Boat SFR's: transfer assistance package to be negotiated with NSW government.
  2. AFMA to consider compliance implications of multiple gear types being carried on board.
  3. Flathead species: include those currently under the SESSF flathead quota category: toothy flathead (*Platycephalus aurimaculatus*); tiger flathead (*P. richardsoni*); southern sand flathead (*P. bassensis*); bluespotted flathead *P. caeruleopunctatus*; and southern bluespotted flathead *P. speculator*).
- AFMA advises (18/08/2017: post SFTTWG meeting 1)**
4. Restrictions on vessel length operating inside 3nm: Commonwealth policy precludes vessel length restrictions being placed on boat SFR's. Regulation of vessel size would need to be through conditions attached to the NCW Permit.
  5. Additional class of SFR (i.e. NCW SFR) can be created under the SESSF Management Plan but will not enable the restriction of boat size.