

**Commercial Fishing NSW Advisory Council
(CommFish NSW AC)
Meeting 11, 25 & 26 February 2020
Rydges, 28 Albion Street, Surry Hills**

Members present	Stuart Richey AM	CommFish NSW Chair (Chair)
	Darren Reynolds (AG)	Group Director – Commercial Fisheries & Aquaculture DPI Fisheries (GDCF&Aq)
	Greg Finn	Member – Ministerial Fisheries Advisory Council - Commercial Fisher Member – Abalone Share Managed Fishery
	Raymond Saunders	Member – Aboriginal Commercial Fishers(ACF)
	Mark Cranstone	Member – Lobster Share Managed Fishery (LF)
	Mitchell Sanders	Member – Ocean Trap & Line Share Managed Fishery (OTLF)
	Steve Hounsell	Member – Inland Restricted Fishery (IF)
	John Jarvis	Member – Southern Fish Trawl Restricted Fishery (SFT)
	Tony Virtu	Member – Ocean Hauling Share Managed Fishery (OHF)
	Steve Everson	Member – Estuary Prawn Trawl Share Managed Fishery (EPTF)
	Darren Ward	Member – Ocean Trawl Share Managed Fishery (OTF)
Cherie Kirkman	Executive Officer, NSW DPI Fisheries (EO)	
Invited guests	Day 1	
	<ul style="list-style-type: none"> Sean Sloan, Deputy Director General DPI Fisheries (DDG) Rebecca Chapman, Senior Project Officer DPI Fisheries David Kirby, Fisheries Manager DPI Fisheries. 	
Invited guests	Day 2	
	<ul style="list-style-type: none"> Patricia Beatty, Chief Executive Officer: Professional Fisher’s Association (PFA) <ul style="list-style-type: none"> Greg Saliba - Consultant Duncan Leadbetter - Consultant Lowri Pryce – Chief Executive Officer: OceanWatch 	
Apologies	Craig Shephard - Member – Sea Urchin & Turban Shell Restricted Fishery (SUTS)	
	Geoff Blackburn - Member – Estuary General Share Managed Fishery(EGF)	

Day 1 – 25 February 2020

1. Member Welcome, Introductions and Housekeeping

NOTED:

- Chair opened the meeting at 8:35am and welcomed Council members and guests.
- Chair also welcomed the reappointed and new Council members:

Craig Shephard (SUTS)	John Jarvis (STF)	Steve Hounsell (IF)	Steve Everson (EPTF)
Raymond Saunders (ACF)	Tony Virtu (OHF)	Geoffery Blackburn (EGF)	Greg Finn (MFAC)

- The Chair gave his expectation of members and that of CommFish NSW.
- The Aboriginal member acknowledged the traditional owners of the land, past and present, acknowledging that the meeting was held on the traditional lands of the Cadigal people.

2. Review of Agenda

NOTED:

Council members provided additional general business items for discussion (Item 12).

3. Review, Declarations and update Register of Interests

NOTED:

EPTF member declared that he is now a Director of Sydney Fish Market.

ACTION 11.1:

EO to amend Pecuniary Interest Register and circulate.

4. Confirmation of Minutes from Meeting 10

NOTED:

Minutes from meeting 10 accepted without change, as a true and accurate record of discussions.

5. Current actions arising from Meeting 10

NOTED:

The Current Actions and Recommendation list was reviewed for updates (Appendix A), and further discussion was had on actions 8.2, 9.3, 10.5 and 10.10.

6. Information update from NSW DPI

6.1 Share Appeal Panel

NOTED:

All appeals have been heard except one, now on to the determination stage.

6.2 Business Efficiency Program - Action 8.2 - NSW DPI to form a focus group once the release of the full list of regulation (Red Tape reduction) is approved by Minister.

NOTED:

- The start of consultation process is imminent. It will be an open submissions process and will be open for a couple of months.
- Industry liaison officers will be travelling up and down the coast and help with submissions, they will have a general timetable to show when they will be available.

6.3 Social and Economic Monitoring

NOTED:

It has been suggested by the consultant that CommFish NSW be the group to provide further industry input into the Economic Analysis & Social and Economic Monitoring.

6.4 Mud crab tagging - Action 10.10 NSW DPI to consider who should be required to tag Mud crab and how crabs should be tagged.

NOTED:

NSW DPI are continuing to work with industry on mud crab tagging. Fishers are currently testing the tags.

ACTION 10.10: Amended to:

NSW DPI to write to mud crab trappers providing an update on the mud crab tagging trials.

6.5 King Fish

NOTED:

A working group to discuss Kingfish stocks will take place in March 2020, with a Commercial and Recreational fisher to attend.

6.6 Consultation - Clarence River crab trapping closure.

NOTED:

- EPTF member conveyed that within industry there is a lot of conflict in the Clarence regarding this issue and there is no consensus on a way forward; and
- The ACF member conveyed concerns that commercial fishers have a larger size limit for Blue Swimmer crabs compared with recreational fishers.

6.7 Consultation - Total Allowable Catches

NOTED: A new timeline for Total Allowable Catch and Effort determinations is now provided on the Commercial Fishing website.

6.8 Southern Fish Trawl

NOTED:

- Both State and Commonwealth Ministers are considering the transition of the SFT to the Commonwealth management; and
- SFT member noted if the transition does not go ahead the issue of uncapped catches, especially Eastern School Whiting and Flathead needs to be addressed.

7. Cost recovery - Action 9.3 – NSW DPI to model a flat charge for each class of shares held in each fishery and report to CommFish NSW for further consideration).

NOTED:

- A fair and equitable management fee framework is required.
- Consider not to disadvantage diverse fisher. The more shares you have the more you should pay;
- Fees should be attributable to quota shares;
- No change to Abalone and Lobster at this time; and
- A flat charge would not be fair or equitable for the industry.

ACTION 9.3: Amended to:

1. EO to amend title to: A fairer system of management charges for NSW Commercial Fisheries.

2. NSW DPI to provide out of session papers for further comment by CommFish NSW members.

8. Surrendered and forfeited shares

NOTED:

- Members discussed the pros and cons of the Minister cancelling/selling or retaining shares;
- The cancellation of shares previously surrendered was noted;
- Members declared an interest in relation to shares owned;
- DPI suggested implementation of a policy that governs the fate of surrendered and forfeited shares into the future; and
- AFC member expressed that region 7 shares could be held for the future.

AGREED:

Majority of members agreed to recommend to the Minister that the shares be cancelled.

ACTION 11.2:

Recommend that the Minister cancel shares and implement a policy that governs the fate of surrendered and forfeited shares into the future.

9. Harvest Strategies

NOTED:

- Supportive of the development of Harvest Strategies and noted the case study species Lobster, Pipi, Spanner crab and Kingfish.
- Every fishery and species is different - the harvest strategy has to be specific to the species and fisheries and be flexible in approach.
- Draft NSW Fisheries Harvest Strategy Policy has been provided for CommFish NSW comments.

ACTION: 11.3

CommFish NSW members to provide comments on the draft Harvest Strategy Policy by 7-4-2020 to EO.

10. Debt recovery

NOTED:

- Need a firm policy, as this has impacts on the collection of money that funds management, compliance and research of fisheries;
- Entitlements should be suspended and licence cancelled if fees are outstanding or if a payment plan is not honoured, remain cancelled until debt paid;
- Share forfeiture may be a barrier to access to capital and should be removed from policy; and
- Other jurisdictions have policies in place to ensure the recovery of debt.

AGREE: Members agreed that:

- You can't go fishing until overdue debt is paid;
- The forfeiture provisions should be removed.

ACTION: 11.4 NSW DPI to:

1. Amend the draft debt recovery policy to remove forfeiture.

2. Consider CommFish NSW feedback when writing and implementing a firm policy.

11. Coronavirus

NOTED:

- This is normally the busiest time for the NSW Lobster industry, though Tasmania is dropping Lobster for \$45 kilo into the Sydney Fish Market, profits are down. It also means the Asian market will buy them over the NSW Lobster;
- Western Australia Lobster is more reliant on export;
- Abalone 95% of the business shut down. Importers in China are going bust.
- Share market is going south; and
- Significant drop in buyer numbers at the Sydney Fish Market, it has since seen around 50% drop.

12. MFAC member update and discussion – Adequate resources and funding to mitigate risk to marine environment

NOTED:

NSW DPI provided an update on their input into the impacts of bush fires on the fishing industry to broader Government.

13. General Business (GB)

- Correspondence provided since last meeting was deemed as NSW DPI operational issues and have been placed on the list to be held as part of the fishing business efficiency review.
- The OTLF member mentioned correspondence that was sent in regarding Wobbeongs Bag limit of 6, consideration should be given to 12. Confirmed that this has been placed on the list for review.
- The OHF member mentioned that Purse Seine is the only fishery that has quota on Mackerel and Yellowtail.
- The IF member advised that the condition on the license, being 48 hours for traps is not adequate time to drive up to 1000km to a market and get back within this time. Consideration of 72 hours would be more appropriate.
- The SFT member mentioned that if Southern Fish Trawl does not transition the rules regarding Whiting and Flathead may need to be addressed. A decision on the transition needs to be made and communicated to industry.
- The OTF member raised an OH fishing closure in relation to Crowdy Head, and was advised that it has been placed on the list for review.
- The Garfish weekend OH fishing closure was mentioned and members were advised that it has been placed on the list for review.

NOTED:

Members noted the general business discussions.

ACTION: 11.5

1. NSW DPI to review GB and those relating to the Business Efficiency Program are recorded on the list for review.

2. EO to ensure all correspondence received since the last meeting have been actioned to advise that submissions will be held as part of the Business Efficiency Program review.

14. Meeting roundup

NOTED:

Meeting to recommence at 8am on the 26 February 2020

Day 2 – 26 February 2020

Meeting commenced at 8am

15. Industry Vision (NSW Seafood Industry Council)

NOTED:

Greg Saliba presented the Industry Vision – “Developing a profitable & sustainable NSW Fishing Industry” In brief:

- Presented the NSW Seafood & Aquatic Resources Strategic Intent and Roadmap;
- Discussed the need for cultural change within the industry, working beyond the current ways;
- A collaborative group of stakeholders working with Government towards co-management is required;
- Industry should work together to achieve a vibrant and profitable industry;
- Requires a change in the values, beliefs and assumptions of industry; and
- Further engagement with Industry on the Roadmap is required.

16. Update from PFA

NOTED:

Tricia Beatty presented an overview on:

- The PFA organisational structure, Strategic Plan and Strength, Weakness, Opportunities and Threats;
- What the PFA have been doing to promote NSW seafood and the industry; and
- The funding PFA have secured from Government and DPI.

17. Marine Stewardship Council (MSC) – Initiatives to safeguard & create benefits to Industry.

NOTED:

Duncan Leadbetter presented the PFA’s MSC project:

- MSC have two standards – one for sustainable fisheries and the other for traceability;
- PFA - Pre-assessments have been completed for a number of species;
- Lobster industry working group will be meeting to discuss MSC;
- NSW fishing industry need to consider the costs and benefits of MSC accreditation, including ongoing costs; and
- Any decisions to pursue MSC accreditation, including consideration of the costs and benefits is a matter for industry.

18. Whale entanglement mitigation program.

NOTED:

Lowri Pryce presented OceanWatch Australia's PFA east coast whale entanglement mitigation project:

- Workshop was conducted with the aim of considering development of an East Coast Whale Entanglement Code of Practice and the development of a pathway for gear trails and innovative solutions;
- Gear has been selected for trial and trials to commence; and
- Thanked DPI for assisting with the issue of permits to trial gear.

NOTED:

That not all gear affecting Whales are necessarily from NSW fishing gear.

19. Next meeting

Next meeting dates were discussed:

- 26 & 27 May 2020 – Eden (proposed meeting with Recreational Fishing NSW);
- 27 & 28 August 2020 – Sydney; and
- November 2020 – Sydney (proposed around 18th)

Meeting closed

26 February 2020 at 1:45pm

Appendix A – Current Actions & Recommendations List for Meeting 11

Actions

No.	Action	Whom	Comments	Status
8.2	<p>Meeting 10: Action has been amended to include:</p> <ol style="list-style-type: none"> 1. NSW DPI to form a focus group once the release of the full list of regulation (Red Tape reduction) is approved by Minister. 	NSW DPI	<p>Meeting 10: Chair advised - An update to be provided by NSW DPI and a paper for discussion is on the agenda for today. Actions 8.2 to be updated</p> <p>Meeting 11: Update to be provided at today's meeting</p>	In progress
8.4	<p>Meeting 10: Action has been amended to:</p> <ol style="list-style-type: none"> 3. Letter and paper to be sent from the Chair to the Minister. 	EG/SUTS & AB; NSW DPI	<p>Meeting 10: Chair advised</p> <ol style="list-style-type: none"> 1. Completed 2. Completed <p>Action 8.4 to be updated</p> <p>Meeting 11: Further discussion with NSW DPI required to complete Compliance paper.</p>	3. In Progress
8.9	<p>Council members recommend that NSW DPI:</p> <ol style="list-style-type: none"> 1. Investigate the potential of automatic disqualification for certain high level offences such as trafficking fish. 2. Provide further information on the topic of automatic disqualification for Council members review at a future meeting. 	NSW DPI	<p>Meeting 10: Chair advised no change on timeline on this action. For future meeting after the public submissions on regs?</p> <p>Meeting 11: Pending Red Tape reduction</p>	In Progress
8.17	<p>Meeting 10: Action has been amended to:</p> <ol style="list-style-type: none"> 1. NSW DPI to work through on-ground examples with a working group comprised of fishers and members to gain a solution. 2. NSW DPI to approve record of possession form and distribute to fishers for use. 	Council NSW DPI	<p>Meeting 10: Chair advised that this action is back on the agenda for today. Action 8.17 to be updated</p> <p>Meeting 11: Working with compliance</p>	In Progress
8.19	<p>Council members request that a NSW DPI recreational fishing manager attend a future Council meeting to provide a briefing on the recreational EIS development.</p>	NSW DPI	<p>Meeting 10: Chair advised – NSW DPI Recreational Fishing advised currently in “project planning stage” and to revisit request to attend in May/June 2019.</p> <p>Meeting 11: To arrange for meeting 12</p>	In Progress
9.3	<p>Meeting 11: Action has been amended to:</p> <ol style="list-style-type: none"> 1. Change to A fairer system of management charges 	EO	<p>Meeting 10: Chair advised</p>	1. In Progress

	for NSW Commercial Fisheries. 2. NSW DPI to provide out of session papers for further comment by CommFish NSW members.	NSW DPI	2. This will be an agenda item for next meeting. A member raised that consideration should be given to the diverse fisher when creating the model. Meeting 11: On today's agenda.	2. In Progress
9.4	Meeting 10: Action has been amended to: 3. NSW DPI to investigate the impacts on export approvals as a consequence of amending the list of permitted species and will provide a further update to correspondence recipient.	EO	Meeting 10: Chair advised 3. NSW DPI provided their findings on the investigation of a new list. Action 9.4.3 to be updated Meeting 11: EO provided update to the correspondence recipient 26 March 2019.	3. Completed
9.10	Meeting 10: Action has been amended to: NSW DPI to issue an order under section 37 of the Act, to those endorsement holders to use on a trial basis for 2 years the full suite of modifications of interest to active fishers.	NSW DPI	Meeting 10: Chair advised - This item is on the agenda for today. Action 9.10 to be updated Meeting 11: Implemented for 5 years (July 2024)	Completed
10.1	EO to amend Pecuniary Interest Register and circulate to members.	EO	Ongoing	Completed
10.2	NSW DPI to investigate increasing the bag limit from 0kg to 25kg for trawl whiting.	NSW DPI	Meeting 11: Implemented for 5 years (May 2024)	Completed
10.3	NSW DPI to work with purse seine fishers to find a solution to accurately weigh and report on quota species when mixed catch is taken.	NSW DPI	Meeting 11: A/g GDCF&Aq provided an update – it would seem 72 hours is adequate	Completed
10.4	NSW DPI to implement a managed compliance approach for fishers that may experience difficulty satisfying final catch reporting timeframes.	NSW DPI	Meeting 11: A/g GDCF&Aq advised that Compliance are working with fishers when this occurs	Completed
10.5	1. DPI NSW to investigate the link between pre-fish, post-land and catch and effort reports as part of the catch and effort review. Meeting 11: Action amended to included 2. Members to provide EO examples and EO to collate into a list for NSW DPI	NSW DPI Council/ EO	Meeting 11: A/g GDCF&Aq advised review progressing	In Progress
10.6	NSW DPI to discuss with new appointed Minister the vacant positions on CommFish NSW as a priority.	NSW DPI	Meeting 11: New members have been appointed	Completed

10.7	1. EO to respond to Correspondence No.49. 2. NSW DPI to liaise and respond to Correspondence No.50. EO to investigate the submission portal to ensure it is working.	EO NSW DPI EO	1. EO sent response to No.49 26 March 2019 2. Email sent to confirm 3. EO advised that portal was done from early February 2019. All submissions have now been captured.	Completed
10.8	NSW DPI to investigate hiding of floats around Christmas period and the introduction of an octopus trigger trap to reduce octopus invading crab trap.	NSW DPI	Meeting 11: Trial commencing this year	Completed
10.9	NSW DPI to investigate the use of mono net in the Estuary General fishery.	NSW DPI	Meeting 11: Listed to be considered as part of the Red tape reduction review	Completed
10.10	Meeting 11: Action has been amended to: NSW DPI to write to mud crab trappers providing an update on the mud crab tagging trials	NSW DPI	Meeting 11: On today's agenda	In progress
10.11	NSW DPI Compliance to investigate the enforcement of cultural permits.	NSW DPI	Meeting 11: Compliance reviewed	Completed
10.12	NSW DPI to investigate how to expand the export list.	NSW DPI	Meeting 11: In progress	In progress
10.13	NSW DPI representative to liaise with the SUTS Fisheries Manager in the viability of this suggestion.	NSW DPI	Meeting 11: For consideration in Total Allowable Catch (TAC)	Completed
11.1	EO to amend Pecuniary Interest Register and circulate	EO		
11.2	NSW DPI to cancel shares and implement a policy in relation to surrendered and forfeited shares.	NSW DPI		
11.3	CommFish NSW members to provide comments on the draft Harvest Strategy Policy by 7-4-2020 to EO.	Council		
11.4	NSW DPI to: 1. Amend the debt recovery process to remove forfeiture. 2. Consider CommFish NSW feedback when writing and implementing a firm policy.	NSW DPI		
11.5	1. NSW DPI to review GB and those relating to the Business Efficiency Program are recorded on the list for review. 2. EO to ensure all correspondence received since the last meeting have been actioned to advise that	NSW DPI		

	submissions will be held as part of the Business Efficiency Program review.	EO		
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Recommendations

8. Surrendered and forfeited shares

Majority of members agreed to recommend to the Minister that the shares be cancelled.