

Establishing a NSW Commercial Fishing Industry Representative Organisation

(Detailed Concept Discussion Paper for Industry Consultation)

Purpose of this Discussion Paper

This '*Detailed Concept Discussion Paper*' is provided to give more information to you as a person registered as a fishing business owner with the NSW DPI (Fisheries Division).

This Discussion Paper is to assist you to understand in greater detail the proposal to establish a NSW Commercial Fishing Industry representative organisation (**Peak Body**).

Details of how to access further information is set out later in this paper.

Details re further consultation opportunities to be carried out in the very near future are contained at the end of this Discussion Paper.

You are encouraged to get involved in discussions on this very important issue (see below).

Yours sincerely,

A handwritten signature in black ink that reads "BMcCallum". The signature is written in a cursive, flowing style.

Brett McCallum,
Independent Facilitator
15th November 2023

1. Background

In late 2020 concerned industry representatives wrote to the NSW DPI outlining that it was time all parties came to the table to discuss a way forward for representing the industry in a system that recognises all fishers. They recommended a meeting of representatives of all parties in the NSW Seafood Industry to determine a democratic process of establishing a funded catching sector Peak Body.

The workshop highlighted that:

- It is a positive sign that leaders of the various catching sector groups have come together. The respective committees/boards of PFA and WCFC will need to continue to work together to demonstrate the required sense of unity in purpose for the catching sector.
- Multiple industry organisations failed to present a united industry position. Neither PFA nor WCFC can claim peak body status given their respective membership numbers.
- Securing long-term funding arrangements was important to sustain effective outcomes.
- A strong, united industry peak body, working in partnership with DPI, is critical for improving the fisheries management consultation processes leading to reduced conflict within industry and with Government.
- Any peak body framework must allow input from fishers on a regional and/or fishery basis under a system that allows for democratic elections of representatives.

The workshop agreed that the Wild Caught Fishers Coalition and the Professional Fishers Association, would continue to work together over the coming months, with the assistance of the independent facilitator, to build a concept peak catching sector body, consultation process and resourcing options for further consideration at a future workshop.

A key principle was that once the peak body is established the government should formally recognise the organisation as the 'peak catching sector body' and provide initial seed funding (3-5 years) to assist the organisation in its formative years to demonstrate its credentials to grass roots industry for buy-on through membership.

NSW DPI supported this initiative and agreed in June 2021 to fund an independently facilitated process to bring together a working group of catching sector industry representatives from the Wild Catch Fishers Coalition (WCFC) and the Professional Fishers Association (PFA) to work out how a Peak Body could be achieved.

This Working Group has met on several occasions since to consider the type of organisation best suited to represent the commercial catching sector in NSW.

2. Why have a peak industry representative body?

A peak industry representative body is an Australian term for an association of individuals with allied interests. Such bodies are generally established to act on behalf of all members when interacting with government or promoting the interests of the members or for the purposes of developing industry standards and processes.

Peak body status is often evidenced by inclusion in government consultations and requests for media comment and present a unique and cost-effective opportunity for governments to access robust and coherent advice from a single point of contact representative of industry.

In NSW over the last 15 years there have been a number of studies, workshops, discussion papers, reviews and government directions into peak industry body arrangements. All these

reports recommended establishing a peak industry body to reduce conflict within industry, improve trust and better working relationships between fishers and government and provide a well-resourced and effective voice for the Industry to enable progress towards adoption of co-management frameworks.

It was also identified a lack of engagement of grass roots fishers in consultation processes has created inconsistent information flow to industry, leading to mistrust and an underlying tension within industry. It was felt that a strong industry peak body, working in partnership with DPI, is critical for improving management consultation processes, reducing conflict within industry and with Government, will shift responsibility to industry to ensure it understands the need for management changes and provide greater industry ownership over developing effective solutions.

Successful fishing peak industry bodies have common threads:

- A fractured industry came together with a shared vision and high motivation to have a greater say in issues affecting industry, fisheries management decisions and drive profitability.
- An embedded respect for each other and pride in industry by recognising that 'all' sectors are part of the fishing industry.
- Rarely (if ever) had taken votes to determine an industry position – preferring to go away and come back again to continue discussions, be prepared to give a little and to reach consensus.
- Where multiple views still prevail then the peak body may, in some cases, put forward all views (with weighting if required) and thus maintains it's status as the formal framework through which industry consults and presents industry views to the final decision-makers.
- Importantly a strong regulatory, consultation and management decision framework is required with co-management arrangements in place.
- Using direct political channels (eg going to the Minister or parliament) in the first instance was not preferable as this puts the industry issue into the mix with a range of other vagaries (eg marginal seats, party politics etc). Ministers are rarely contacted as the peak bodies are far more effective working directly within the fisheries management process through department officials and fishery managers.

3. What will a Peak Body Do?

The industry representatives listed a range of non-fishery specific issues that a Peak Body could work on *as well as assisting industry with fisheries management consultation with DPI.*

Issue	Issue
Access rights in licences	Renewable energy infrastructure (wind or wave farms), communications cables
Recreational fishing – resource access	Local councils – boat ramps, access to beaches
Indigenous fishing – resource access	Marine and Workplace safety
Marine Parks, national parks, protected areas – State and Commonwealth	Training / Workforce development
Coastal development – marinas, aquaculture, fish attracting devices, artificial reefs	Taxation / Financial – fuel excise, asset write-off, stamp duty, transfer costs
Pollution – sewerage, oil spills, plastics	Access fees / Cost recovery

Domestic / Export market – freight, packaging, trade agreements, imports, biosecurity	Country-of-origin labelling, substitution
Animal welfare	Endangered and threatened species
Waterways management – river, creeks, estuaries	Biosecurity – exotic pest management, Ballast water, imported seafood products, out-break management
Climate change	Research and Development

4. Guiding Principles for a NSW commercial fishing industry representative organisation.

The working group developed a set of guiding principles for the Peak Body including:

1. Ensure a democratic process is a fundamental principle entrenched in any proposal for the establishment of a NSW commercial fishing industry representative organisation.
2. The Peak Body must have the capacity to be inclusive and represent all members of the commercial catching sector of the fishing industry through providing adequate consultation across the state on matters of interest.
3. Any Peak Body should create in the constitution seven (7) regional representative groups with capacity for licensed shareholders residing in each Region to democratically elect delegate/s from their Region to make up the organisation's Board of Directors.
4. There is an urgent need to establish a formal fisheries management consultation process between DPI and Industry. A Peak Body can play a significant co-management role in this process.

5. Name of Peak Body

The Working Group proposes the name '*NSW Commercial Fishing Industry Association*'.

6. The Objectives of the Peak Body

- i) Objective 1: A strong representative voice for the NSW commercial wild harvest fishing industry.
- ii) Objective 2: Strong fishing rights that will provide long term access, and a viable future for NSW commercial fishing industry.
- iii) Objective 3: The NSW wild harvest fishing industry is recognised by the community and government as sustainable and a valued food source.
- iv) Objective 4: To apply industry driven research used to support good management and decision making.
- v) Objective 5: Relationships established with government & non-government agencies in pursuit of long-term outcomes.

7. Membership

Membership shall consist of:

- Ordinary Member (voting rights)
- Associate Member (no voting rights)

An Ordinary Member will be a fishing business owner in a NSW commercial fishery and registered with the NSW DPI (Fisheries Division).

Each Ordinary Member will be asked to nominate the Region in which they reside for voting purposes.

The Regions will be set in accordance with the *NSW Fisheries Region Boundaries*. There is a small amendment to create Region 4 (North) and Region 4 (South) as recommended by the working group given the number of shareholders operating. (See map at end of paper)

Each Ordinary member shall have one (1) vote.

An Associate member can be a person who is not an Ordinary Member but is affiliated with the commercial fishing industry. There are no voting rights for Associate members.

8. Governance

The Peak Body will operate under a formal Constitution under appropriate legislation.

The Peak Body will create in the constitution, seven (7) Regions aligned with the *NSW Fisheries Region Boundaries* (see map attached). There is a small amendment to create Region 4a and 4b recommended by the working group given the number of shareholders operating.

The Peak Body will have a democratically elected Board of Directors responsible to manage the affairs of the organisation.

Directors will be elected from each Region by the Ordinary members who have nominated in which Region they reside when applying for membership.

Ordinary Members will be asked to nominate in which Region they reside when applying for membership. This nomination will establish in which Region they will vote for Board members.

Ordinary members will be able to nominate for election to the Board of Directors within the Region that they have nominated that they reside.

Each Ordinary Member in a Region shall have one (1) vote.

Where a Region has less than 10 ordinary members that Region may have a maximum of 1 Board member and where a Region has greater than 10 ordinary members that Region may have a maximum of 2 Board members.

A minimum of 1 Board member in each Region will be re-elected each year.

It is proposed that the Constitution allows for appointment to the Board of an Independent Chair and an Independent Director. Independent Board members bring experiences from other industries to assist the organisation deliver services to its members.

An Independent Chair removes the claims of bias that often befalls a person holding the position of Chair of an industry organisation while also being a fishing licence holder.

Initially an 'Interim Board' is to be appointed consisting of representatives from WCFC and PFA to commence the operations of the Peak Body until the first round of formal elections are held for the Board. This must be within 18 months of commencement.

The Working Group has used the existing PFA constitution (*suitably amended where required to fit agreed key principles including a name change*), to enable establishment of a peak catching sector body status in the most timely fashion, reduce legal costs of establishment of a new constitution, continue experienced staff engagement, take advantage of existing infrastructure and networks.

A link to the proposed draft Constitution is available later in the document.

9. Funding of the Peak Body

Any peak body needs funding to operate – staff, office space, support network, travel, meetings and industry consultation expenses.

The Working Group has developed a budget to support a baseline organisation capable of delivering a professional Peak Body service to the commercial catching sector of the fishing industry.

The NSW Government has enacted an election commitment and provided support funding over three years to assist with the establishment of the Peak Body. This commitment will end by the beginning of 2027 and the expectation is that the Peak Body will be self-sufficient by that time through membership and other revenue streams.

This means that industry membership will require membership fees to be paid to keep the organisation operating.

A link to a detailed draft budget is available later in the document.

This draft budget proposes initial membership fees as follows (dependent on numbers) to allow the budget to breakeven:-

400 members at \$14/wk or \$700/year

500 members at \$11/wk or \$500/year

800 members at \$ 7/wk or \$360/year

Where to from Here?

1. Make Yourself Aware of the Concept

As a fishing business owner in the NSW Commercial Fishing Industry you are encouraged to make yourself aware of the proposal outlined in this *Concept Discussion Paper for Consultation*.

Copies of the Draft Constitution and Draft Operational Budget are available at:

<https://www.dpi.nsw.gov.au/fishing/commercial/consultation/peak-industry-body-for-nsw-commercial-fishers>

2. Online Forums to Provide Further Information

A number of online forums will be held to assist industry members to better understand the concepts outlined and answer questions. These will be independently facilitated.

Online forums will be held as follows. Please use the link provided to attend:

- Wednesday, 6th December - commencing at 2pm (AEDT)
 - <https://us02web.zoom.us/j/86800424446?pwd=Vk9jMTdleU95eWtQZjVYYkFPbmhsZz09>
- Thursday, 7th December - commencing at 10am (AEDT)
 - <https://us02web.zoom.us/j/86345064091?pwd=NUVQWENYM3lBRDUrRDVJblVCdHVWUT09>
- Thursday, 7th December - commencing at 4pm (AEDT)
 - <https://us02web.zoom.us/j/88076135200?pwd=eWJhSjFMaXYyd21QZHpRTGk1RzVtZz09>
- Friday, 8th December - commencing at 10am (AEDT)
 - <https://us02web.zoom.us/j/84384477869?pwd=RUpVcHFkTE02MXhiNk10a1d4Q3N2dz09>

3. Online Survey to Gauge Support

The Working Group is proposing to follow-up this discussion paper and the online forums with an online survey to gauge industry support for the concept of a NSW Commercial Fishing Industry Representative Organisation.

This will be an online survey sent to you by separate email within the next few weeks.

4. Initiate the NSW Commercial Fishing Industry Representative Organisation.

If the survey results indicate industry support for the proposal then an Interim Board will be appointed and commence establishment of Peak Body.

