

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

**Meeting 5, 14 March 2018**  
**Rydges Sydney Central (Riley room), 28 Albion Street, Sydney**

Members present	Stuart Richey AM (CommFish NSW Chair), Graeme Byrnes, John Luke, Greg Ryzy, Geoff Blackburn, Steven Everson, Mark Cranstone, Scott Massey, Mitchell Sanders, Darren Ward, Steve Hounsell, Greg Finn, John Jarvis, David McPherson, Brad Mackay (Executive Officer NSW DPI).
Invited guests	<ul style="list-style-type: none"> <li>• Peter Gallagher – Program Leader – Marine Operations, NSW DPI Fisheries</li> <li>• Mathew Richardson – Supervising Fisheries Officer, NSW DPI Fisheries</li> <li>• Dr Geoff Allan - Deputy Director General (DDG), NSW DPI Fisheries</li> <li>• Richard Stevens OAM –MFAC Chair</li> <li>• Stan Konstantaras – MFAC member, Recreational fishing representative</li> <li>• Mark Bulley - MFAC member, Aquaculture representative</li> <li>• Assoc Prof Stephan Schnierer - MFAC member, Aboriginal cultural fishing representative</li> <li>• Dr Sally Townley - MFAC member, Conservation of aquatic ecosystems representative</li> </ul>
Apologies	Nil

## 1. Member Welcome, Introductions and Housekeeping

The Chair opened the meeting at 9:00am, acknowledging the traditional owners of the land, past and present, and welcomed all Council members. The Chair indicated there had been an update to membership, following the resignation of the Ocean Trawl Council member and introduced Darren Ward as the new member for this position. The Chair also advised that there will be several guest invites attending, including Dr Geoff Allan (DDG NSW DPI Fisheries) and Ministerial Fisheries Advisory Council (MFAC) representatives. No apologies were received.

## 2. Review of Agenda

The Chair invited Council members to provide any additional agenda items; there were none from members. The Chair included one, MEMA’s assessment of resource use conflict between recreational and commercial fisherman at Pittwater.

## 3. Review, Declarations and update Register of Interests

The Chair asked all members to identify any pecuniary interests not previously disclosed on the distributed register of interests. The following was declared:

- Ocean Trap and Line and Lobster Council members have purchased a new partnership.
- The Estuary General Council member is no longer Director of NSW Fisherman’s Cooperative Association.

There was also confirmation provided in regard to the level of detail required to be included in the register of interests, with confirmation that number of shares is not required to be included for individual members in register, only the share classes held by each member.

**ACTION 5.1: The Executive Officer to amend the register of interests and redistribute to Council members for further updates as required.**

## 4. Confirmation of Minutes from Meeting 4

The Council accepted the draft minutes from the fourth meeting held on 28/29 November 2017 without change, as a true and accurate record of discussions. The Chair also brought to the attention of the Council that a correction, as supported by Council members out of session, had been made to the minutes of meeting 1 (section 7.2.1.4.3); an updated version is available on the NSW DPI public website. The Executive Officer clarified details of the correction.

## 5. Actions Arising from Meeting 4

The Chair and Council members reviewed previous actions agreeing that all had been substantially completed, noting the following:

Action item 4.2, regarding the organisation of an informal event as part of the next council meeting, 'NSW DPI to liaise with Council members that made invites and check if a letter response is required for any individuals.'

No official invites were sent by NSW DPI as the event was cancelled.

Action item 4.5, with regard to the establishment of a Murrumbidgee working group, 'NSW DPI to:

- Notify successful applicants on their industry membership and start on-boarding process.
- Update terms of reference where required and issue to working group.
- Organise first working group meeting.'

The Chair indicated that the working group had been established and that the outcomes of the working group meeting would be discussed at this meeting. The Executive Officer noted that one of the successful applicants, Garry Joblin, was unable to accept due to other commitments.

Action item 4.7, with regard to cost recovery principles, 'NSW DPI to provide separate papers to the Council to review and comment in regard to:

- Key principles and how to apply principles for first meeting next year and include.
- Actual costs and costs attributable to commercial fishing at a future Council meeting.'

The Chair confirmed that this is a standing action, and is to be progressed as soon as practicable, i.e. when the additional papers are prepared.

Action item 4.8, with regard to regulations for review, 'NSW DPI to update draft list of regulations from meeting 4 discussions and circulate to industry for comment'.

The Chair indicated that there is some clarification required by NSW DPI prior to releasing the list to industry; to be discussed further at this meeting.

Action item 4.10, with regard to the Annual Report to the Minister, 'NSW DPI to provide outcomes of cooperatives consultation to the Council prior to finalising the report out of session, to be handed to the Minister in May 2018.'

The Chair indicated that this is to be discussed at this meeting.

Action item 4.11, with regard to harvest strategies, 'NSW DPI to:

- Bring forward to the Council a draft policy for harvest strategies.
- Invite NSW DPI Research Leader to an early meeting next year to discuss development of NSW DPI fisheries harvest strategies.
- Invite another key speaker to an early meeting next year to discuss current harvest strategies that are in operation.
- Provide Council members with a copy of the Sean Sloane/FRDC paper on Harvest Strategies.'

The Chair indicated that this is a standing action, and requested that NSW DPI provide Council members a copy of the Sean Sloane paper on Harvest Strategies, to allow members to prepare themselves for future discussion on this topic.

**ACTION 5.2: Executive Officer to provide Council members a copy of Sean Sloane's harvest strategy paper in preparation for further harvest strategy Council discussion.**

## 6. Correspondence

The Chair indicated that correspondence was received and will be discussed as general business.

## 7. Mulloway Recovery Program working group outcomes

The Chair referred members to the working group outcomes and a letter received from the Minister. Further Council discussion included:

- That the industry members present on the working group indicated at meeting that they were pleased with the structure of the working group meeting held in Coffs Harbour.
- Estuary General member raised concerned in regard to extenuating circumstances prior to program initiation that may have impacted on the commercially recorded take of Mulloway (e.g. closures, recreational havens, restrictions and environmental factors), as this is not reflected in data or graphs.
- Estuary General Council member also expressed concern that the research update provided to the working group members was not supported to be shared externally, seeking support for external review of the currently available science.
- Members supported working group recommendations, but also suggested that consideration should be given to the potential impacts to individuals as a result of the recommendations.
- Concern was raised that interactions with juvenile mulloway may still occur if the limit increased to 70cm, as nets are unselective and mulloway interaction is highly variable.
- NSW DPI nominee requested Council member thoughts as to whether any additional recommendations were required in addition to those made by the working group.
- Additional research was recommended to confirm current evidence prior to any future management based decisions.

**ACTION 5.3: Council supports recommendations made by the Mulloway Recovery Program working group as an important continuing step, and recommends the additions below.**

#### **RECOMMENDATIONS (Meeting 5)**

- R5.1** Thanking Mulloway Recovery Program working group for the recommendations made to the Council.
- R5.2** Council members recommend that the 70cm size limit apply to all fisheries.
- R5.3** Additional research be undertaken (if not currently available), including stock assessment and success of recovery in areas previously closed to commercial operators.
- R5.4** Peer review of all available science, including support to include recreational data available.
- R5.5** Historical catch records reviewed and to include numbers, effort and area caught if available.
- R5.6** External influences documented that have impacted on commercial landings, including environmental impacts and other restrictions that have reduced commercial fishers' access to mulloway.
- R5.7** Full stock assessment and trigger points determined for management when mulloway are listed as fully recovered.
- R5.8** NSW DPI to provide an update at future Council meetings and provide a research proposal addressing the above recommendations.

## **8. Annual Report to the Minister**

The Chair indicated that the circulated draft be revised following this meeting and re-circulated for review. Further discussion included:

- Council members supported inclusion of an additional attachment to the report, outlining those recommendations made to NSW DPI in addition to those forwarded to the Minister's office directly and currently included in draft.
- NSW DPI nominee reiterated the need for consultation with the NSW Fishermen's Cooperative to be considered in the annual report, specifically in regard to the impact of reform on cooperatives, as per recommendation number 9 from Legislative Council and General Purpose Standing Committee No 5.

**ACTION 5.4: NSW DPI to update the draft Annual Report on the progress of the commercial fisheries reform, and redistribute to members for comment allowing 7 days for review, prior to seeking feedback from the cooperative association.**

## **9. List of regulations that could be considered for review**

The Chair indicated that NSW DPI is seeking clarification on some of the proposals contained within the draft regulation list, prior to releasing to industry. The specific items for clarification were tabled and clarified. Further discussion included:

- NSW DPI nominee clarified that consultation will also be required with the general community following industry consultation.
- Approach to industry consultation.
- Any final additions to the current list, with several council members to liaise with the Executive Officer in regard to these additions.

**ACTION 5.5: Council members to respond to the Executive Officer within 7 days with any final comments on the revised list of proposed regulations for review out of session, prior to release for consultation.**

## **10. Pittwater initiative**

The Chair introduced Dr Geoff Allan (DDG NSW DPI Fisheries) and Peter Gallagher (Program Leader NSW DPI Fisheries) who gave a brief background on his role; members also formally stated their representative roles in the Council. Further discussion included:

- NSW DPI Program Leader provided an overview of the users (including commercial fishers who have existing rights to fish in the area), their values and issues in regard to the shared use of the Pittwater area. The NSW Marine Estate Management Authority (MEMA) recommendations were also discussed.
- Options to address conflict were discussed, including additional public education and information to decision-makers to clarify commercial fisher's current access rights, and management arrangements for the area.
- The establishment by CommFish of a working group was discussed, to provide advice to the Council in regard to the MEMA recommendations.

**ACTION 5.6: Council requests that NSW DPI form a working group to discuss conflict issues at Pittwater and provide advice to Council in regard to the MEMA recommendations.**

**Working group representation is to include but not be limited to:**

- **Ocean Trap and Line and Lobster Council representatives who work in this area.**
- **One additional industry representative from each impacted fishery identified through review of participation in Estuary General hauling and Estuary General meshing at Pittwater.**

## **11. Proposed Category A Offences under the Penalty Demerit Scheme (PDS)**

The Chair introduced Mathew Richardson, Supervising Fisheries Officer (NSW DPI Fisheries), to update Council members and ascertain their views regarding the revised serious (Category A) offences under the previously discussed Penalty Demerit System (PDS). Additional items have been included in the list due to recent regulatory amendments. Council discussion included reviewing:

- Serious offences previously included and distributed.
- Additional serious offences.
- Any additional serious offences to be included in draft list.

**ACTION 5.7: Council members finalised specific regulations recommended to be included as Category A serious offences in PDS.**

## **12. Commercial Management work priorities 2018**

The Chair introduced the NSW DPI nominee to provide an update of the Commercial Management work priorities for 2018. Council discussion included that the Council may need an additional one day meeting this year to discuss results of industry consultation occurring at present, in relation to the Independent Allocation Panel (IAP).

**ACTION 5.8: Executive Officer to consult Council members regarding whether an additional meeting is required in 2018 to discuss IAP consultation results.**

### **13. Ministerial Fisheries Advisory Council (MFAC) joint meeting with CommFish**

The Chair introduced the MFAC Chair, Mr Richard Stevens, to introduce MFAC Council representatives. All MFAC and CommFish NSW Council members introduced themselves, providing a brief background and their respective roles for each Council. Further discussion included:

- MFAC's role, addressing broad strategic issues and providing leadership (e.g. resource sharing policy).
- MFAC's current focus, being co-management, cultural fishing issues, cost recovery and compliance PDS.
- Major issues addressed by CommFish NSW in 2017 and future issues to address in 2018.
- MFAC considered the challenges facing the commercial industry through discussions with CommFish members.
- Difficulties for Aboriginal fishers adapting to existing and new requirements for commercial fishers.
- Benefits of Ministerial Advisory Councils interacting, including correspondence between Council members.

**ACTION 5.9: Executive officers of MFAC and CommFish NSW to seek Council members support for the exchange of individual members contact details to the respective Councils.**

Mathew Richardson, Supervising Fisheries Officer (NSW DPI Fisheries) provided an update to MFAC and CommFish NSW members on progress and development of the PDS, previously discussed within both Councils respectively. Further discussion included:

- CommFish NSW Council members concern in regard to the risk to business owners from actions of authorised fishers.
- Feedback in relation to fisheries compliance advisory phase undertaken for the new reporting requirements implemented 1 December 2017.
- Supervising Fisheries Officer indicated potential to distribute further background to both Councils.

**ACTION 5.10: NSW DPI to provide additional information on the PDS to CommFish NSW and MFAC once available.**

MFAC Chair thanked CommFish NSW members for the opportunity and recognised the important role of CommFish NSW in representing the commercial industry.

### **14. General Business Items**

#### **14.1 Post sector harvest representative**

NSW DPI nominee requested a decision regarding correspondence received by the Department questioning whether Council would benefit from an additional member representing the post-harvest sector. Council discussion included:

- Not required as Council has opportunity to call experts or guest invites as required, with considerable experience of Council members.
- Potential to impact on Council discussions.

**ACTION 5.11: Council does not support the addition of a post-harvest representative as a standing member of Council, and resolved to invite expert guests as required.**

## 14.2 Correspondence received

The Chair noted that correspondence was received from various sources. Council members discussed the correspondence received, including discussing the following:

### 14.2.1 Minister letters to Chair – Investment Statement

Correspondence received from the Minister, previously dispersed to members and currently available on NSW DPI public website. Council indicated to thank the Minister for his response.

### 14.2.2 Minister letter to Chair – Ocean Haul Minimum Shareholding

Correspondence received from the Minister, previously dispersed to members. Council indicated to thank the Minister for his response, and upload the letter to the NSW DPI website.

### 14.2.3 Minister letter to Chair – Mulloway Recovery Program

Correspondence received from the Minister, previously dispersed to members. Council indicated to thank the Minister for his response, and upload the letter to the NSW DPI website.

**ACTION 5.12: Council: a) recommend thanking the Minister for his letters in regard to the Ocean Haul minimum shareholding, and the Mulloway Recovery Program, and b) approved uploading them to the NSW DPI public website.**

### 14.2.4 National Measurement Institute (NMI) information request

The Executive Officer indicated that a response, providing publically available contact information of relevant organisations, had been sent to NMI in response to the request for contact details in relation to changes in the National Test procedures for pre-packaged seafood.

### 14.2.5 Portal submission – Quota carry over and advance of quota

Correspondence received from Lobster Industry member in regard to carry over and advance of quota. Complexity and risks were discussed, with support for further discussion at a future meeting, once additional information available.

**ACTION 5.13: Council request: a) NSW DPI to provide additional background regarding the complexities and risks associated with the proposed carry over and advance of Lobster quota, for discussion at a future meeting, and b) Executive Officer to draft a letter thanking the industry member for the submission.**

### 14.2.6 Wild Caught Fisheries Coalition (WCFC) - Blue swimmer commercial size limit

Correspondence received dispersed to members for information. Council discussed the issue, including economic benefits of harvesting larger size crabs and current size restrictions in other states and the short term impacts on the industry as a result of the increase in legal minimum size.

**ACTION 5.14: NSW DPI to provide Council members copies of response from NSW DPI, to correspondence received form WCFC, when available for their information.**

**ACTION 5.15: Unanimous recommendation from Council to Minister that size limit remain as current for commercial fisheries (6.5 cm), noting that the size limit is greater in most other states and as a general principle should be consistent between sectors.**

#### **14.2.7 Previous correspondence further discussion – Request to review Ocean Hauling Closure**

The Chair indicated that as per action item 4.13 from last meeting, further discussion on this proposal is required.

**ACTION 5.16: Council members support: a) including the proposed closure removal in the draft list of regulations prior to distributing to industry (following information provided to Council by NSW DPI in regard to any barriers to remove fishing closure in this area), and b) Executive Officer to draft a letter responding to the individual with an update.**

#### **14.2.8 Aboriginal member submission – Previous meeting decision clarification**

Correspondence was received from an Aboriginal Commercial Fishers Council member seeking clarification of a previous Council decision regarding potential invites to member events, specifically the inclusion of young stakeholders. Further discussion included:

- Clarification that the original intent was for invitation to stakeholder events only or specifically to assist Council with an issues.
- Support for informal events to occur at regional areas and the potential to include additional guest invites to attend formal Council meetings.
- Benefits of considering the mentoring and capacity-building role the Council could play by occasionally inviting young commercial fishers as observers
- Confidentiality risks and potential solutions to this issue.
- Additional risks and benefits associated with invites to formal Council meetings.

**ACTION 5.17: Future meetings to potentially include guest invites nominated by Council members and supported by the Chair, with a particular focus on young, Aboriginal or female fishers.**

#### **14.2.9 Additional discussion**

Further Council discussion included:

- MFAC Council member requested an update in regard to the review of the fish receivers program previously discussed. The NSW DPI nominee indicated that review results will be provided when available.
- NSW DPI nominee noted that Southern Fish Trawl background papers are now publically available on the NSW DPI website.
- Ocean Trap and Line member raised concern regarding correspondence, dispersed to fishing business owners by NSW DPI, asking fishers to review previous catches reported to the Department for species that are under consideration by the Independent Allocation Panel (IAP) process. The NSW DPI nominee confirmed the intention is to have business owners review catch records data, and advise of any discrepancies identified between the records held by the Department and those held by fishers, so that any data entry errors may be corrected. The IAP panel may or may not recommend use of the data reported to the Department in determination of its criteria.

## **15. Next Meeting**



### **Confirm Date and Location**

The Chair confirmed that next meeting will be 5/6<sup>th</sup> of June 2018, commencing at 11am in Ballina. Council members discussed the possibility and benefits of inviting key stakeholders to an informal social event at the next meeting in Ballina.

**ACTION 5.18: NSW DPI to liaise with Council members in regard to invites of key stakeholders to an informal event at the next Council meeting at Ballina.**

### **Meeting Close**

The acting Chair closed the meeting at 6:05pm and thanked Council members for their contributions.

## ACTION Arising List

Meeting#	Action#	Action	Status
5	1	The Executive Officer to amend the register of interests and redistribute to Council members for further updates as required.	Executive Officer
4	2	NSW DPI to liaise with Council members that made invites and check if a letter response is required for any individuals.	NSW DPI
4	5	NSW DPI to <ul style="list-style-type: none"> <li>• Notify successful applicants on their industry membership and start on-boarding process.</li> <li>• Update terms of reference where required and issue to working group.</li> <li>• Organise first working group meeting.</li> </ul>	NSW DPI
4	7	NSW DPI to provide separate papers to the Council to review and comment in regard to: <ul style="list-style-type: none"> <li>• Key principles and how to apply principles for first meeting next year and include.</li> <li>• Actual costs and costs attributable to commercial fishing at a future Council meeting.</li> </ul>	NSW DPI
4	8	NSW DPI to update draft list of regulations from meeting 4 discussions and circulate to industry for comment.	NSW DPI
4	10	NSW DPI to provide outcomes of cooperatives consultation to the Council prior to finalising the report out of session, to be handed to the Minister in May 2018.	NSW DPI
4	11	NSW DPI to: <ul style="list-style-type: none"> <li>• Bring forward to the Council a draft policy for harvest strategies.</li> <li>• Invite NSW DPI Research Leader to an early meeting next year to discuss development of NSW DPI fisheries harvest strategies.</li> <li>• Invite another key speaker to an early meeting next year to discuss current harvest strategies that are in operation.</li> <li>• Provide Council members with a copy of the Sean Sloane/FRDC paper on Harvest Strategies.</li> </ul>	NSW DPI
5	2	Executive Officer to provide Council members a copy of Shaun Sloane paper in preparation for further harvest strategy Council discussion.	Executive Officer
5	3	Council supports recommendations made by the Mulloway Recovery Program working group as an important continuing step, and recommends the additions below. R5.1 Thanking Mulloway Recovery Program working group for the recommendations made to the Council. R5.2 Council members recommend that the 70cm size limit apply to all fisheries. R5.3 Additional research be undertaken (if not currently available), including stock assessment and success of recovery in areas previously closed to commercial operators. R5.4 Peer review of all available science, including support to include recreational data available.	NSW DPI/All members

		<p>R5.5 Historical catch records reviewed and to include numbers, effort and area caught if available.</p> <p>R5.6 External influences documented that have impacted on commercial landings, including environmental impacts and other restrictions that have reduced commercial fishers' access to mulloway.</p> <p>R5.7 Full stock assessment and trigger points determined for management when mulloway are listed as fully recovered.</p> <p>R5.8 NSW DPI to provide an update at future Council meetings and provide a research proposal addressing the above recommendations.</p>	
5	4	NSW DPI to update the draft Annual Report on the progress of the commercial fisheries reform, and redistribute to members for comment allowing 7 days for review, prior to seeking feedback from the cooperative association.	NSW DPI/External/All members
5	5	Council members to respond to the Executive Officer within 7 days with any final comments on the revised list of proposed regulations for review out of session, prior to release for consultation.	NSW DPI/All members
5	6	<p>Council requests that NSW DPI form a working group to discuss conflict issues at Pittwater and provide advice to Council in regard to the MEMA recommendations.</p> <p>Working group representation is to include but not be limited to:</p> <ul style="list-style-type: none"> <li>• Ocean Trap and Line and Lobster Council representatives who work in this area.</li> <li>• One additional industry representative from each impacted fishery identified through review of participation in Estuary General hauling and Estuary General meshing at Pittwater.</li> </ul>	NSW DPI/External/Ocean Trap and Line and Lobster members
5	7	Council members finalised specific regulations recommended to be included as Category A serious offences in PDS.	All members
5	8	Executive Officer to consult Council members regarding whether an additional meeting is required in 2018 to discuss IAP consultation results.	All members
5	9	Executive officers of MFAC and CommFish NSW to seek Council members support for the exchange of individual members contact details to the respective Councils.	Executive Officer/All members
5	10	NSW DPI to provide additional information on the PDS to CommFish NSW and MFAC once available.	All members
5	11	Council does not support the addition of a post-harvest representative as a standing member of Council, and resolved to invite expert guests as required.	All members
5	12	Council: a) recommend thanking the Minister for his letters in regard to the Ocean Haul minimum shareholding, and the Mulloway Recovery Program, and b) approved uploading them to the NSW DPI public website.	NSW DPI
5	13	Council request: a) NSW DPI to provide additional background regarding the complexities and risks associated with the proposed carry over and advance of Lobster quota, for discussion at a future meeting, and b) Executive Officer to draft	NSW DPI

		a letter thanking the industry member for the submission.	
5	14	NSW DPI to provide Council members copies of response from NSW DPI, to correspondence received from WCFC, when available for their information.	NSW DPI
5	15	Unanimous recommendation from Council to Minister that size limit remain as current for commercial fisheries (6.5 cm), noting that the size limit is greater in most other states and as a general principle should be consistent between sectors.	All members
5	16	Council members support: a) including the proposed closure removal in the draft list of regulations prior to distributing to industry (following information provided to Council by NSW DPI in regard to any barriers to remove fishing closure in this area), and b) Executive Officer to draft a letter responding to the individual with an update.	All members
5	17	Future meetings to potentially include guest invites nominated by Council members and supported by the Chair, with a particular focus on young, Aboriginal or female fishers.	All members
5	18	NSW DPI to liaise with Council members in regard to invites of key stakeholders to an informal event at the next Council meeting at Ballina.	NSW DPI/All members