



**Commercial Fishing NSW Advisory Council  
(CommFish NSW AC)  
Meeting 18, 23 February 2021  
Newcastle**

Members present	Stuart Richey AM	CommFish NSW Chair
	Peter Turnell	Director, Fisheries & Aquaculture Management
	Greg Finn	Member – Ministerial Fisheries Advisory Council Commercial Fisher Member – Abalone Share Managed Fishery
	Raymond Saunders	Member – Aboriginal Commercial Fishers
	Mark Cranstone	Member – Lobster Share Managed Fishery
	Mitchell Sanders	Member – Ocean Trap & Line Share Managed Fishery
	Steve Hounsell	Member – Inland Restricted Fishery
	Geoff Blackburn	Member – Estuary General Share Managed Fishery
	Darren Ward	Member – Ocean Trawl Share Managed Fishery
	Craig Shephard	Member – Sea Urchin and Turban Shell Fishery
	Steve Everson	Member – Estuary Prawn Trawl Share Managed Fishery
	Patrick Richardson	Member – Ocean Hauling Share Managed Fishery
	Stephen Bunney	Member – Abalone Share Managed Fishery
Executive Officer	Cherie Kirkman	
Invited guests	Darren Hale, Senior Fisheries Manager Darren Reynolds, A/Program Leader, Commercial Fisheries	
Apologies	John Jarvis – Member - Southern Fish Trawl Fishery	

**23 February 2021**

**1. Member Welcome, Introductions and Housekeeping**

**NOTED:**

- Chair opened the meeting at 8:30am and welcomed Council members.
- A warm welcome was given to the newly appointed members with the Abalone and Ocean Hauling members providing a brief introduction.
- The Aboriginal member acknowledged the traditional owners of the land, past, present and emerging.

**2. Review of Agenda**

**NOTED:**

Council accepted the agenda.

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

**NOTED:**

An updated pecuniary interest register will be provided due to new memberships

**ACTION: This is an ongoing action - EO to update pecuniary register and circulate.**

#### 4. Confirmation of Minutes from Meeting 17

**NOTED:**

Minutes from meeting 17 accepted without change, as a true and accurate record of the meeting.

#### 5. Current actions arising from Meeting 17

**NOTED:**

- The following action have been completed 10.12, 13.3, 13.4, 13.5, 14.1.1, 14.3, 14.5, 14.6.1, 14.8, 14.9, 15.2.1, 15.2.2, 15.3, 16.1, 16.2, 16.3, 16.4, 16.7.
- All other actions in progress.

#### 6. Business Efficiency Program

The below papers were presented to CommFish for consideration. A detailed summary and list of recommendations is provided in appendix B - G.

- Estuary General GP Hauling nets
- Ocean Hauling GP hauling nets
- Estuary General prawning nets
- Estuary General garfish bullringing
- Set lines in the Estuary General and Ocean Trap and Line fisheries
- Miscellaneous gear changes

#### 7. Marine Park Education consultation

Feedback was sought on the draft Marine Park Education Strategy.

**Q1.** How would you use the Marine Estate Education Strategy in your work?

**Response:** Consider incorporation into the Codes of Practice in each fishery.

**Q2.** Are there any areas we can improve upon or gaps in the Education Strategy?

**Response:** Focus needs to be of the younger generation to help with generation change

**Q3.** Would you like to partner with the Marine Estate Management Authority (MEMA) in the implementation of actions within the Education Strategy? If so, which actions?

**Response:** CommFish would be supportive of partnering with MEMA

**Q4.** Are there environmental education programs you are involved with that this Education Strategy can link with? If so, please provide further details.

**Response:** Majority of CommFish members are involved in fisheries programmes. For example, the whale entanglement mitigation project, Reef / Urchin rehabilitation programme, Ocean Haul signage, Master Fishers programme/ QR code by Ocean Watch Australia

**ACTION 18.1: EO to forward responses to the Marine Park Education Strategy to DPI.**

## 8. Commercial Fishing System Modernisation

### **NOTED:**

- NSW DPI has received funds to modernise current fisheries systems used to capture and view commercial fishers regulatory reporting data.
- Looking to create a streamlined and efficient data collection and reporting system.
- Input from commercial fishers will be used to modernise the system.

### **AGREE:**

- An improved system is required to make it easier for fishers to report their required catch and effort information.
- A VMS option should be considered.

## 9. BDO EconSearch presentation - NSW Fisheries Economic and Social Indicator Monitoring – Survey

BDO presented a draft of the NSW shareholder survey for comment. The survey is similar to the one used in Queensland and the reports for that project can be found via the link below.

<https://www.daf.qld.gov.au/business-priorities/fisheries/monitoring-research/monitoring-reporting/commercial-fisheries/economic-and-social-data>

### **NOTED:**

- The survey seemed very detailed and will be difficult for fishers to complete.
- That commercial fishers will be interviewed over the phone to assist them complete the survey.
- BDO confidentiality and consent.

### **AGREE:**

- Where possible it would be best to simplify the survey.
- To provide further feedback on the draft survey to BDO.
- CommFish members agreed to volunteer to undertake in the pilot survey program so that a final survey can be developed for the broader industry.

### **ACTION 18.2:**

- 1. CommFish members to provide further feedback to BDO.**
- 2. EO to email the link to the QLD BDO reports.**

## 10. General Business

### 10.1. Future submissions and transparency

#### **NOTED:**

- The Department suggested that to improve transparency in policy decisions all future submissions received on any fisheries consultation process should be made public with the option of requesting that certain sensitive or confidential information be withheld.
- Other fisheries jurisdictions publish submissions in full.
- Group submissions could indicate the number of people associated with the submission.

#### **AGREE:**

- Members supported that submissions received during fisheries consultation processes should be made public with the option of requesting that certain information be withheld.

## 10.2. Registered Fish Receivers

### **NOTED:**

- In July 2017 (CommFish meeting 2) a discussion was held on Fish Receivers. CommFish NSW recommended the following action:
- "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".
- CommFish would like to see urgent progress on this action.

### **AGREE:**

- That the fee for a Registered Fish Receiver is a cost burden and impediment to commercial fishers.
- Commercial fishers need to build their business by looking for opportunities to value add to local communities and restaurants without the burden of additional fees when they already pay fees for their fishing business.
- That DPI provide a paper at the next meeting regarding options for the future of Registered Fish Receivers.

### **ACTION 18.3:**

**NSW DPI to provide a paper on the removal of the Fish Receiver license**

## 11. Joint meeting with Recreational Fishing NSW Advisory Council (RFNSW)

**NOTED:** Further discussion regarding the agenda for the joint meeting with RFNSW.

## 12. Next meeting

Next meeting date to be advised

### **Meeting closed**

- 23 February 4:45pm

## Appendix A – Current Actions & Recommendations List for Meeting 18

### Actions

No.	Action	Whom	Comments	Status
8.9	Council members recommend that NSW DPI: 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	<b>Meeting 10:</b> Chair advised no change on timeline on this action. <b>Meeting 11:</b> Pending Red Tape reduction	In Progress
8.17	<b>Meeting 10: Action has been amended to:</b> 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	<b>Meeting 10:</b> Chair advised that this action is back on the agenda for today. Action 8.17 to be updated <b>Meeting 11:</b> Working with compliance	In Progress
8.19	Council members request that a NSW DPI recreational fishing manager attend a future Council meeting to provide a briefing on the recreational EIS development.	NSW DPI	<b>Meeting 10:</b> Chair advised – NSW DPI Recreational Fishing advised currently in “project planning stage” and to revisit request to attend in May/June 2019. <b>Meeting 11:</b> To arrange for meeting 12 <b>Meeting 12:</b> Waiting for travel restrictions to be relaxed	In Progress
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. <b>Meeting 11: Action amended to included</b> 2. Members to provide EO examples and EO to collate into a list for NSW DPI	NSW DPI  Council /EO	<b>Meeting 11:</b> A/GDCF&Aq advised review progressing	In Progress
10.12	NSW DPI to investigate how to expand the export list. Noted this related to permitted list	NSW DPI	<b>Meeting 11:</b> In progress <b>Meeting 18:</b> Completed	Completed
11.2	2. Implement a policy in relation to surrendered and forfeited shares.	NSW DPI	<b>Meeting 13:</b> 1. Has been completed, 2. Under investigation	2. In progress
11.4	NSW DPI to: 2. Consider CommFish NSW feedback when writing and implementing a firm policy.	NSW DPI	<b>Meeting 14:</b> 1. Completed forfeiture has been removed	2. In progress

No.	Action	Whom	Comments	Status
13.3	NSW DPI consult industry on 10-year commercial fishing licences.	NSW DPI	<b>Meeting 18:</b> Completed	Completed
13.4	NSW DPI consult industry on boat lengths and licences.	NSW DPI	<b>Meeting 18:</b> Completed	Completed
14.1	NSW DPI to: 1. Proceed with industry consultation on the proposed framework; 2. Consider that the methodology should be reviewed by an independent economist to ensure the most representative GVP figures are being used; and 3. Provide CommFish with the outcomes of the industry consultation.	NSW DPI	<b>Meeting 18:</b> 1. Completed, 2&3 in progress	1. Completed 2. In progress 3. In Progress
14.2	NSW DPI to consult with industry on Prawn ballots that do not involve re-visiting share linkage.	NSW DPI		In progress
14.3	NSW DPI to consult with industry on reducing the minimum nomination period from 48 hours to 12 hours.	NSW DPI	<b>Meeting 18:</b> Completed	Completed
14.4	NSW DPI to progress the proposed changes to crew in the Estuary General Fishery to the BEP working group for further discussion.	NSW DPI		In progress
14.5	NSW DPI to consult industry on the proposed changes to real-time reporting.	NSW DPI	<b>Meeting 18:</b> Completed	Completed
14.6	NSW DPI to: 1. Consult with industry on increasing the maximum shareholding in the Lobster Fishery and changes to endorsements in the Inland Fishery; and 2. Revisit the Fishing business transfer rules at a later date	NSW DPI	<b>Meeting 18:</b> 1. Completed, 2 In progress	1. Completed 2. In progress
14.8	NSW DPI to facilitate communication with fishers on behalf of OceanWatch when requested.	NSW DPI	<b>Meeting 18:</b> Completed	Completed
14.9	Executive Officer to: 1. Pass on CommFish comments and thanks regarding the logo to the designer; and 2. Amend all templates and work with members to update profiles on the website.	EO	<b>Meeting 16:</b> All completed except the updating of members profiles on website. <b>Meeting 18:</b> Completed	Completed

No.	Action	Whom	Comments	Status
15.1	NSW DPI: 1. To work to implement the actions arising from the NSW Government's initial response to the recommendations of the report.	NSW DPI		In progress
15.2	NSW DPI: 1. Engage BDO EconSearch to deliver the Economic and Social indicator monitoring; 2. To recommend funding for the proposal from the Commercial Fishing Trust Fund; and 3. Provide CommFish NSW with a balance of the Commercial Fishing Trust Fund.	NSW DPI	<b>Meeting 18:</b> 1&2 Completed, 3 in progress	1 &2 Completed 3. In progress
16.3	NSW DPI to go out to EOI for membership of the Abalone and Spanner Crab Working Groups.	NSW DPI	<b>Meeting 18:</b> Completed	Completed
16.4	NSW DPI to go out to industry consultation using the recommended paper.	NSW DPI	<b>Meeting 18:</b> Completed	Completed
16.5	NSW DPI to: 1. Provide CommFish members with the latest stock assessment report on Blue swimmer crabs for further consideration; 2. Revert back to CommFish in relation to Lobster take and possession in demersal fish traps and the Ocean Trawl fishery; and 3. Progress the following proposals to the joint working group for consideration: a. A reduced size limit of 28 cm for Silver trevally and 30 cm for Tiger Flathead taken in the Ocean Trawl fishery, noting that the minimum mesh size of 115 mm in the body of a fish trawl net should be considered at the same time; b. Allowing quota species subject to a size limit to be retained in prawn trawl nets in the Ocean Trawl fishery south of Smoky Cape.	NSW DPI		In progress

No.	Action	Whom	Comments	Status
16.6	<ol style="list-style-type: none"> <li>1. Retain a permitted, target and by-product species lists for the Estuary General and Estuary Prawn Trawl fisheries, respectively; and</li> <li>2. Progress the following proposed changes to these lists to the joint working group for consideration: <ol style="list-style-type: none"> <li>a. Estuary General permitted species list – add Wirrah, Diamond fish, Oxeye and Giant herring, Bigeye, Giant and Brassy trevally, Common pony fish, Barred/spotted grunter, Giant salmon catfish, Eastern shovelnose, Moses perch, Greenback flounder, Queenfish, Stargazer, Sweetlip, Slaty bream, Rock cod and Black spotted cod.</li> <li>b. Hunter EPT by-product list – add Silver biddies, Carp and Herring.</li> <li>c. Hawkesbury EPT by-product list – add Cuttlefish, Southern calamari, John dory, Giant boarfish, Scat, Diamond fish, Tripletail, Fantail mullet, Catfish, Black trevally, Tounge sole, Stingrays, Pike, Coral crab, Common pike eel, Eastern fiddler ray, Eastern shovelnose and Herring.</li> </ol> </li> </ol>	NSW DPI		
16.7	NSW DPI to seek \$5000 from the Commercial Fishing Trust Fund to contribute to the cost of the signage.	NSW DPI	<b>Meeting 18:</b> Completed	Completed
17.1	EO to update for pecuniary register and circulate.	EO	<b>Meeting 18:</b> Completed	Completed
17.2	The following items from the BEP – species restriction (miscellaneous), are recommended to move to the next step - BEP working group. (Refer to appendix B) Items: 6.1, 6.2, 6.3, 6.4, 6.7, 6.9 ,6.12 and 6.15.1	NSW DPI		In progress
17.3	The following items from the BEP – species restriction (miscellaneous), are recommended as no change and not required to move to next stage of the BEP. (Refer to appendix B) Items: 6.5, 6.6, 6.8, 6.11, 6.13 and 6.14.	NSW DPI		



<b>No.</b>	<b>Action</b>	<b>Whom</b>	<b>Comments</b>	<b>Status</b>
17.4	Item 6.10: (Refer to appendix B) NSW DPI to investigate further and consider amending the regulations.	NSW DPI		In progress
17.5	Item 6.15.2 (Refer to appendix B) NSW DPI to prepare a paper for CommFish consideration	NSW DPI		In progress
17.6	The following items from the BEP – Estuary General meshing nets, are recommended to move to the next step - BEP working group. (Refer to appendix C) Items: 7.1 and 7.4.	NSW DPI		In progress
17.7	The following items from the BEP – Estuary General meshing nets, are recommended as no change and not required to move to next stage of the BEP. (Refer to appendix C) Items: 7.2, 7.3, 7.5 and 7.7.	NSW DPI		In progress
17.8	Item 7.6: (Refer to appendix C) NSW DPI to write to the proponent to request further information.	NSW DPI		In progress
18.1	EO to forward responses to questions to Marine Park Education.	EO		
18.2	1. CommFish members to provide further feedback to BDO. 2. EO to email the link to the QLD BDO reports.	Council/ EO		
18.3	NSW DPI to provide a paper on the removal of the Fish Receiver license	NSW DPI		

No.	Action	Whom	Comments	Status
18.4	<p>The following items from the BEP, are recommended to move to the next step - BEP working group. (Refer to appendixes B-G)</p> <ul style="list-style-type: none"> <li>• <b>Estuary General GP Hauling nets (appx. B)</b> <ul style="list-style-type: none"> <li>○ Items 6.1, 6.2, 6.3.2, 6.4, 6.5, 6.7, 6.8 and 6.9.</li> </ul> </li> <li>• <b>Ocean Hauling GP hauling nets (appx. C)</b> <ul style="list-style-type: none"> <li>○ Items 7.1.1, 7.1.2, 7.2 and 7.3.</li> </ul> </li> <li>• <b>Estuary General prawning nets (appx. D)</b> <ul style="list-style-type: none"> <li>○ Items 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7 and 8.8</li> </ul> </li> <li>• <b>Estuary General garfish bullringing (appx. E)</b> <ul style="list-style-type: none"> <li>○ Items 9.1, 9.2 and 9.3</li> </ul> </li> <li>• <b>Set lines in the EG and OTL fisheries (appx. F)</b> <ul style="list-style-type: none"> <li>○ Items 10.1, 10.2 and 10.3</li> </ul> </li> <li>• <b>Miscellaneous gear changes (appx. G)</b> <ul style="list-style-type: none"> <li>○ Items 11.1, 11.2.1, 11.6 and 11.8.</li> </ul> </li> </ul>	NSW DPI		
18.5	<p>The following items from the BEP, are recommended as no change (Refer to appendixes B-G)</p> <ul style="list-style-type: none"> <li>• <b>Estuary General GP Hauling nets (appx. B)</b> <ul style="list-style-type: none"> <li>○ Items 6.3.1, 6.6</li> </ul> </li> <li>• <b>Ocean Hauling GP hauling nets (appx. C)</b> <ul style="list-style-type: none"> <li>○ 7.1.3</li> </ul> </li> <li>• <b>Miscellaneous gear changes (appx. G)</b> <ul style="list-style-type: none"> <li>○ Items 11.9 and 11.10</li> </ul> </li> </ul>	NSW DPI		
18.6	Appendix G - Item 11.1.2 - NSW DPI to write to the proponent to request further information on trap size.	NSW DPI		
18.7	Appendix G Items 11.3, 11.4, 11. 5 and 11.7. - To revisit at a later date.	NSW DPI		

## Appendix B – Outcomes from discussion on Business Efficiency Program – Estuary General GP Hauling nets

Topic discussed	Noted	CommFish Recommendation	Action
<b>6.1. Materials used to construct nets: monofilament</b>	<ul style="list-style-type: none"> <li>• The removal of the restriction on monofilament would enable fishers to adopt new potentially more efficient and durable materials that may help improve viability.</li> <li>• The meshing fishery is subject to day quota.</li> <li>• The TAE will be periodically reviewed from 2024.</li> <li>• Any unsustainable increases in catch could be managed by adjusting the TAE or introducing species-specific controls;</li> <li>• Subject to funding, a research project could help to inform the benefits of monofilament, including changes in catch rates which will be important for ongoing stock assessments including CPUE analysis.</li> <li>• Existing GP nets are costly, and replacement is generally 2-3 years, Monofilament seems to be more durable and therefore should provide a longer life span reducing cost.</li> </ul>	<p>That the proposal to allow all commercial nets (other than spanner crab nets) to be constructed of synthetic material that comprises less than 7 stands progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>
<b>6.2. Net configuration: maximum length of net and hauling lines</b>	<ul style="list-style-type: none"> <li>• Nets are normally built to suit local conditions and therefore by recommending to increasing the maximum net and hauling lines length does not mean all fishers will increase them.</li> <li>• The hauling fishery is subject to day quota.</li> <li>• The TAE will be periodically reviewed from 2024.</li> <li>• Any unsustainable increases in catch could be managed by adjusting the TAE or introducing species-specific controls.</li> <li>• Standardising net and hauling line length promotes consistency and efficiency.</li> </ul>	<p>That the proposal to standardise the maximum net length for all water at 500m and the maximum length of hauling lines for all waters at 1,000m progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>
<b>6.3. Net configuration: modifications to net for harvesting Sand whiting</b>	<ul style="list-style-type: none"> <li>• Sand Whiting is assessed as sustainable in NSW</li> <li>• How the net is used when working in different estuaries.</li> <li>• There are many pros (e.g. efficiency) and cons (e.g. meshing juvenile and under-sized fish) to the various proposals.</li> </ul>	<p>6.3.1 That the proposals to increase the minimum mesh size of the centre piece from 30 mm to 45 mm, increase the minimum mesh size of the shoulders from 57 mm to ~60 mm and allow a bunt only not be progressed.</p> <p>6.3.2 That the proposals to remove the requirement to have</p>	<p><b>6.3.1</b> <b>18.5: No change</b></p>

Topic discussed	Noted	CommFish Recommendation	Action
		two wings of equal length, allow the bunt to be positioned anywhere in the net and increase the length of the bunt to one-third the total length of the net (as per the Ocean Hauling Fishery) progress to the BEP working group.	<b>6.3.2</b> <b>18.4:</b> <b>Move to the next step (BEP working group).</b>
<b>6.4. Net configuration: maximum mesh size in net</b>	<ul style="list-style-type: none"> <li>• Currently there is a state-wide order in place authorising mesh up to 65mm.</li> <li>• Larger mesh can help to reduce bycatch.</li> <li>• Could help by reducing the number of nets that must be owned and maintained offering cost savings to the industry.</li> </ul>	The proposal to remove the maximum mesh size and have no maximum mesh size of the centre piece of the bunt progress to the BEP working group.	<b>18.4: Move to the next step (BEP working group).</b>
<b>6.5. The way a net must be used: snigging and re-shooting lines</b>	<ul style="list-style-type: none"> <li>• Difficulty in enforcing part of the proposal “provided the accumulated total of hauling line shot does not exceed the 1,000-metre hauling line”.</li> <li>• The benefits to fishers to work available ground by working around obstacles, such as submerged objects and having to navigate channels with high volumes of boat traffic.</li> <li>• Consideration should be given to continuous operation.</li> </ul>	The proposal to allow the hauling lines on a net to be snigged and re-shot progress to the BEP working group.	<b>18.4: Move to the next step (BEP working group).</b>
<b>6.6. Minimum number of fishers required to operate a net</b>	<ul style="list-style-type: none"> <li>• Whilst lighter nets are being used it is still not clear if the GP haul net is being used as intended.</li> <li>• There is a need to ensure that sufficient people are there to remove fish from net.</li> <li>• Crew arrangements are now flexible so that fishers can employ crew to assist.</li> </ul>	That the proposal to remove the requirement for a net to be operated with the assistance of at least 1 other person not be progressed.	<b>18.5: No change.</b>
<b>6.7. Handling of catch, including bycatch</b>	<ul style="list-style-type: none"> <li>• Two potential competing objectives: <ul style="list-style-type: none"> <li>○ Focussing on retrieval of a net, minimising the number of fish meshed in the net and careful handling of target catch for a premium product.</li> <li>○ Returning bycatch to the water as soon as possible, which was the original reason of the rule consistent with national</li> </ul> </li> </ul>	That the proposal to remove the requirement for any fish to be immediately removed from a part of the net upon removal of that part of the net from the water progress to the BEP working group.	<b>18.4: Move to the next step (BEP working group).</b>

Topic discussed	Noted	CommFish Recommendation	Action
	<p>and international obligations and the National Policy on Fisheries Bycatch.</p> <ul style="list-style-type: none"> <li>• Interrupting the haul shot to remove some fish seems counterproductive.</li> </ul>		
<p><b>6.8. Use of back net when hauling</b></p>	<ul style="list-style-type: none"> <li>• Some fishers use a back net to sort fish in water not on land.</li> <li>• There are other ways to achieve the same outcome.</li> </ul>	<p>That the proposal to make it optional to use a back net in coastal lakes and lagoons progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>
<p><b>6.9. Other controls to limit catch: one-shot-per-day rule</b></p>	<ul style="list-style-type: none"> <li>• Hauling is now subject to regional TAEs and day quota, which may be adjusted if catches are unsustainable.</li> <li>• The TAEs will not be reviewed until 2024.</li> <li>• Adjusting the TAEs (and quota) may not address the original reasons for prohibiting the 1000 m net and implementing the 'one-shot-per-day-rule'.</li> </ul>	<p>The proposal to remove the 'one-shot-per-day-rule' progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>

## Appendix C – Outcomes from discussion on Business Efficiency Program – Ocean Hauling GP hauling nets

Topic discussed	Noted	CommFish Recommendation	Action
<b>7.1. Net configuration: mesh sizes</b>	<ul style="list-style-type: none"> <li>• Consideration of the current mesh size in the centrepiece of the bunt used in the waters of Jarvis Bay and elsewhere.</li> <li>• Larger mesh may help to reduce bycatch in some areas of the net but mesh fish in other areas of the net.</li> <li>• Mullet season and the impacts of meshing fish.</li> <li>• Many are looking for consistency in the industry.</li> </ul>	<p>7.1.1 That the proposal to remove the maximum mesh size in the bunt for all waters outside of the mullet season progress to the BEP working group.</p> <p>7.1.2 That the proposal to increase the maximum mesh size in the wings during the mullet season progress to the BEP working group.</p> <p>7.1.3 That the proposal to reduce the minimum mesh size in the wings outside of the mullet season not be progressed. No change.</p>	<p><b>7.1.1 &amp; 7.1.2 18.4: Move to the next step (BEP working group).</b></p> <p><b>7.1.3 No change</b></p>
<b>7.2. Net configuration: position of bunt</b>	<ul style="list-style-type: none"> <li>• Similar to the EG item 6.3 there seems to be little benefit in restricting the position of the bunt in the net.</li> </ul>	<p>That the proposal to allow the bunt to be positioned anywhere in the net progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>
<b>7.3. Handling of catch, including bycatch</b>	<ul style="list-style-type: none"> <li>• This proposal is similar to EG item 6.7.</li> <li>• Two potential competing objectives                             <ul style="list-style-type: none"> <li>○ focussing on retrieval of a net, minimising the number of fish meshed in the net and careful handling of target catch for a premium product, and</li> <li>○ returning bycatch to the water as soon as possible, which was the original reason of the rule consistent with national and international obligations and the National Policy on Fisheries Bycatch.</li> </ul> </li> <li>• Interrupting the haul shot to remove some fish seems counterproductive.</li> </ul>	<p>That the proposal to remove the requirement for any fish to be immediately removed from a part of the net upon removal of that part of the net from the water progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>

## Appendix D – Outcomes from discussion on Business Efficiency Program – Estuary General prawning nets

Topic discussed	Noted	CommFish Recommendation	Action
<b>8.1. Net configuration: length of prawn running nets in Coila Lake</b>	<ul style="list-style-type: none"> <li>• Industry is looking for consistency.</li> <li>• In most lakes where the prawn running net is permitted, the maximum length is 75 m. The only variation to this is in Tuggerah Lakes and Lake Illawarra where the maximum length is 140 m.</li> <li>• The prawn running net is a passive net with few if any bycatch issues.</li> <li>• The primary target species, School prawn, is assessed as sustainable. The bulk of the School prawn catch in NSW is taken by commercial fishers.</li> <li>• Effort in the prawning sector is managed by numbers of endorsements (at the regional level).</li> </ul>	<p>That the proposal to increase the maximum length of the net for all waters to 140 m progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>
<b>8.2. Net configuration: length of set pocket nets in Lake Illawarra</b>	<ul style="list-style-type: none"> <li>• In waters where the prawn set pocket net is permitted, the maximum net length varies between 5 and 70 metres.</li> <li>• The primary target species, School prawn, is assessed as sustainable. The bulk of the School prawn catch in NSW is taken by commercial fishers.</li> <li>• Effort in the prawning sector is managed by numbers of endorsements (at the regional level).</li> <li>• 6 metres is consistent with the maximum length for a hand-hauled prawn net used by recreational fishers.</li> <li>• Increasing the maximum net length – in one or more estuaries – does not mean that all fishers will increase the length of their nets – they are often built to suite local conditions.</li> </ul>	<p>That the proposal to increase the maximum length for a prawn set pocket net used in Lake Illawarra and Tuggerah Lakes to 6 metres progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>

Topic discussed	Noted	CommFish Recommendation	Action
<b>8.3. Net configuration: length of hauling lines in Manning River</b>	<ul style="list-style-type: none"> <li>• In waters where the prawn hauling net is permitted, the maximum hauling line length varies between 90 and 220 metres. Refer Attachment B.</li> <li>• Wallis Lake and the Manning River are the only waters where the maximum length of the hauling lines on one end are different to the other end of the net.</li> <li>• The primary target species, School prawn, is assessed as sustainable. The bulk of the School prawn catch in NSW is taken by commercial fishers.</li> <li>• Effort in the prawning sector is managed by numbers of endorsements (at the regional level).</li> <li>• Increasing the maximum hauling line length – in one or more estuaries – does not mean that all fishers will increase the length of their hauling lines – they are often built to suite local conditions.</li> </ul>	<p>That the proposal to reduce the number of different maximum hauling line lengths throughout the State from 5 down to 1 by allowing all nets to be fitted with hauling lines up to 220 metres in length in all waters progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>
<b>8.4. The way a net is used: staking running nets in Lake Illawarra</b>	<ul style="list-style-type: none"> <li>• This is a rule specific to Lake Illawarra.</li> <li>• The number of fishers has decreased; therefore, competition is likely to have decreased as well.</li> </ul>	<p>That the proposal to allow prawn running nets in Lake Illawarra to be staked progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>
<b>8.5. The way a net is used: prawn running nets and high-water mark</b>	<ul style="list-style-type: none"> <li>• The reason for this rule is not clear. It may have something to do with allowing access around the net.</li> <li>• Nets that are not staked may already be used within 10 metres of the high-water mark.</li> </ul>	<p>That the proposal to allow prawn running nets that are staked to be set within 10 metres of the high-water mark progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>
<b>8.6. Prawn hauling nets used in the Manning River and Wallis Lake</b>	<ul style="list-style-type: none"> <li>• Need to reduce red tape and be consistent across the state. Need to allow fishers to be innovative or efficient without so much restriction.</li> <li>• Would allow the use of winches in the Manning River.</li> <li>• The regulations relating to the Manning River and Wallis Lake are highly prescriptive, presenting issues including: <ul style="list-style-type: none"> <li>○ High risk of misinterpretation of the regulations, and</li> </ul> </li> </ul>	<p>That the proposal to remove the prescriptive regulations relating to the Manning River and Wallis Lake and incorporate any necessary requirements (e.g. description of nets) into the regulation for the net that applies to all other waters (clause 21) progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>



Topic discussed	Noted	CommFish Recommendation	Action
	<ul style="list-style-type: none"> <li>○ High risk of fishers inadvertently (or accidentally) breaching the law.</li> </ul>		
<b>8.7. Prawn net (set pocket): leaving net unattended</b>	<ul style="list-style-type: none"> <li>• Need to have a flexible arrangement.</li> <li>• A marked buoy could be used for identification using FB number.</li> <li>• Could consider a time limit but not recommended due to it would be hard to police.</li> <li>• Need consistency, should be a state-wide approach.</li> <li>• Difficulty identifying whether the fisher using the net is licensed, endorsed and authorised to fish the site because the net and boat do not display information that can be used to identify who set the net, noting that pocket nets are the only set gear not required to be marked, and nominations may change in real time.</li> <li>• Potential social and safety issues include: <ul style="list-style-type: none"> <li>○ Safe navigation for boaters and interactions that may be avoided if the fisher using the net is present.</li> <li>○ Issues with nets and the fisher not being present to address the issue (e.g. a net coming away).</li> </ul> </li> </ul>	<p>That the proposal to remove the requirement for nets to be attended but require the net to be marked with a buoy for identification purposes (like other set gear) progress to the BEP working group.</p>	<b>18.4: Move to the next step (BEP working group).</b>
<b>8.8. Prawn net (hauling): carriage at same time as seine net (prawns)</b>	<ul style="list-style-type: none"> <li>• These rules were most likely introduced to give integrity to restrictions on the species that may be taken in each net, which differ in some cases.</li> <li>• Not unique to prawning nets or the commercial fishing industry – there are many gear types in NSW subject to different rules or species restrictions that may be used or in possession at the same time.</li> </ul>	<p>That the proposal to allow possession of prawn hauling nets and seine nets at the time progress to the BEP working group.</p>	<b>18.4: Move to the next step (BEP working group).</b>

## Appendix E – Outcomes from discussion on Business Efficiency Program – Estuary General garfish bullringing

Topic discussed	Noted	CommFish Recommendation	Action
<b>9.1. Net configuration: length of net</b>	<ul style="list-style-type: none"> <li>• Industry is looking for consistency and flexibility.</li> <li>• Category 1 and 2 hauling, which include bullringing, are now subject to regional TAEs and day quota.</li> <li>• The TAE will be periodically reviewed from 2024.</li> <li>• Few fishers are actively using the net.</li> <li>• Any unsustainable increases in catch could be managed by adjusting the TAE or introducing species-specific controls.</li> <li>• Net is not permitted to be used in December and January each year or on weekend in many estuaries.</li> <li>• It is unlikely that all fishers would increase the maximum net as their nets are sometimes built to suite local conditions.</li> </ul>	That the proposal to pursue a state-wide maximum length of 550 metres progress to the BEP working group.	<b>18.4: Move to the next step (BEP working group).</b>
<b>9.2. Net configuration: length of hauling lines</b>	<ul style="list-style-type: none"> <li>• Similar to item 9.1 above</li> <li>• Category 1 and 2 hauling, which include bullringing, are now subject to regional TAEs and day quota.</li> <li>• Few fishers are actively using the net.</li> <li>• The TAE will be periodically reviewed from 2024.</li> <li>• Any unsustainable increases in catch could be managed by adjusting the TAE or introducing species-specific controls;</li> <li>• Net is not permitted to be used in December and January each year or on weekend in many estuaries.</li> <li>• It is unlikely that all fishers would increase the maximum net as their nets are sometimes built to suite local conditions.</li> </ul>	That the proposal to increase maximum length for the hauling lines to 100 metres progress to the BEP working group.	<b>18.4: Move to the next step (BEP working group).</b>
<b>9.3. Net configuration: mesh size</b>	<ul style="list-style-type: none"> <li>• Economically may allow the taking of bigger than smaller fish</li> <li>• Both Snub-nosed and River garfish appear capable of spawning in the season immediately after the one in which they were born.</li> <li>• There is currently no minimum legal length for either species in NSW waters.</li> </ul>	That the proposal to increase maximum mesh size from 36mm to 45mm progress to the BEP working group.	<b>18.4: Move to the next step (BEP working group).</b>

## Appendix F – Outcomes from discussion on Business Efficiency Program – Set lines in the EG and OTL fisheries

Topic discussed	Noted	CommFish Recommendation	Action
<b>10.1. Set configuration: for flexibility and reduced costs</b>	<ul style="list-style-type: none"> <li>• Industry benefits could be delivered by reducing costs associated with anchors and buoys for each set line.</li> <li>• There is also a benefit to reduce time spent to set and retrieve lines.</li> <li>• Fewer buoys may reduce navigation risks for other waterway users. It could also reduce marine mammal entanglement in ocean waters.</li> <li>• There has been a reduction in potential effort in the EG and OTL handlining sectors, yet there was no change to the gear that may be used.</li> <li>• Effort in both handlining sectors is managed by the number of endorsements. Any unsustainable increases in catch could be managed by introducing specific controls if needed.</li> </ul>	That the proposal to allow 10 setlines with 60 hooks in total (e.g. one line with 60 hooks or two lines with 30 hooks or three lines with 20 hooks etc.) progress to the BEP working group.	<b>18.4: Move to the next step (BEP working group).</b>
<b>10.2. Estuary General – linking hooks numbers to shares</b>	<ul style="list-style-type: none"> <li>• May help fishers to maximise profitability. Industry are looking for consistency.</li> <li>• Will not result in increased total fishing capacity.</li> <li>• Owners can already have multiple businesses operating simultaneously by nominating others to operate each fishing business. It would be flexible at a FB level.</li> <li>• The change would be consistent with arrangements applying to the use of some other set fishing gear in the Estuary General (EG) and Ocean Trap and Line (OTL) fisheries.</li> <li>• Effort in the handlining sector is managed by the number of endorsements. Any unsustainable increases in catch could be managed by introducing specific controls.</li> <li>• If a business by business approach is pursued for the EG Fishery, the same could be considered for the OTL Fishery (inside 3 nm).</li> </ul>	That the proposal to pursue a fishing business by fishing business approach to the line and hook limits in the EG and OTL fisheries and Yabby traps in the Inland fishery progress to the BEP working group.	<b>18.4: Move to the next step (BEP working group).</b>
<b>10.3. The way a set line is used: automatic</b>	<ul style="list-style-type: none"> <li>• Key species taken in the line (east) sector of the Ocean Trap and Line Fishery are now quota managed.</li> <li>• Automatic baiting machines are permitted in the</li> </ul>	That the proposal to allow the use of automatic baiting machines in the line (east) sector progress to the BEP working group.	<b>18.4: Move to the next step (BEP working</b>

Topic discussed	Noted	CommFish Recommendation	Action
baiting machine	Commonwealth fishery, and in some cases used on the same grounds fished by NSW line (east) fishers.		group).

## Appendix G – Outcomes from discussion on Business Efficiency Program – Miscellaneous gear changes

Topic discussed	Noted	CommFish Recommendation	Action
<b>11.1. Net configuration: mesh size of bait nets in EGF</b>	<ul style="list-style-type: none"> <li>• 10mm mesh is better sourced than the 13mm.</li> <li>• The bait net may be used by holders of category 1 and 2 hauling endorsements in the Macleay River only, to target Whitebait (or Sandy Sprat). The maximum length of the net is 25 metres and the hauling lines must not exceed 20 metres.</li> <li>• Size monitoring has been conducted on catches, but there is little local biological information available and mortality rates have not been estimated.</li> </ul>	<p>That the proposal to reduce the minimum mesh size for the bait net to 10mm progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>
<b>11.2. Trap configuration: eel traps in the EGF</b>	<ul style="list-style-type: none"> <li>• Better product, less damage is likely if the mesh size is reduced.</li> <li>• Increased bycatch is unlikely to be an issue, noting that it is already a requirement for entrance funnels to be fitted with 100 mm rings to prevent air breathing animals entering traps.</li> <li>• Eels are often exported live and keeping damage to a minimum is essential.</li> <li>• Increasing the size of eel traps may help to prevent theft (if in fact an issue) and reduce damage to eels.</li> <li>• Any increase would not stop fishers using their current traps.</li> <li>• The proposal to increase the size of traps does not indicate what size trap would be appropriate.</li> </ul>	<p>11.2.1. That the proposal to reduce the minimum mesh size for eel trap to 15mm move to the BEP working group.</p> <p>11.2.2. More information required on what size would be appropriate for an eel trap.</p>	<p><b>11.2.1</b> <b>18.4: Mesh Size to move to the next step (BEP working group).</b></p> <p><b>11.2.2</b> <b>18.6. NSW DPI to write to the proponent to request further information on trap size.</b></p>

Topic discussed	Noted	CommFish Recommendation	Action
<b>11.3. Marking requirements: traps in the EGF and time release devices</b>	<ul style="list-style-type: none"> <li>• Using time-release mechanisms or other such technology would assist with current high levels of trap theft in some estuaries.</li> <li>• It would be some time before FisherMobile could be enhanced to support a new approach to reducing trap theft.</li> <li>• Potential issues with the proposal include:               <ul style="list-style-type: none"> <li>○ Increased risk of navigation issues for boaters, particularly in shallow waters.</li> <li>○ Risk of loss of traps and ghost fishing.</li> <li>○ Compliance costs enforcing the requirement to report trap locations.</li> </ul> </li> <li>• How are trap limits enforced under this proposal?</li> <li>• There is a project underway in the Ocean Trap and Line Fishery to reduce risk of whale entanglement in trap ropes – it may be worthwhile revisiting this issue across all commercial fisheries once the results of that project are available.</li> </ul>	<p>That the proposal to change the current trap marking requirements in the EGF and time release devices not be progressed at this stage and be revisited at some later date.</p>	<p><b>18.7 To revisit at a later date.</b></p>
<b>11.4. Marking requirements: traps in the OTL and time release devices</b>	<ul style="list-style-type: none"> <li>• In the Ocean Trap and Line Fishery, replacing surface-set headgear with time-release mechanisms or other such technology would assist with:               <ul style="list-style-type: none"> <li>○ Risk of whale entanglements, trap theft or tampering,</li> <li>○ Loss of traps due to ships (and other boats), and</li> <li>○ Traps being moved as a result of the above.</li> </ul> </li> <li>• There is a project underway in the Ocean Trap and Line Fishery to reduce risk of whale entanglement in trap ropes – it may be worthwhile revisiting this issue across all commercial fisheries once the results of that project are available.</li> </ul>	<p>That the proposal to the current trap marking requirements in the OTL and time release devices not be progressed at this stage and be revisited at some later date.</p>	<p><b>18.7 To revisit at a later date.</b></p>

Topic discussed	Noted	CommFish Recommendation	Action
<b>11.5 Trap configuration: escape panels in OTL fish traps</b>	<ul style="list-style-type: none"> <li>• Sourcing suitable material is difficult. Current supplier is not up to a quality standard. The current material is not durable.</li> <li>• Pig Fish and Silver Trevally get meshed and does more damage than good.</li> <li>• Loss of marketable catch.</li> <li>• Need to revisit and consider location of trap as well.</li> <li>• The requirement to fit escape panels was introduced in response to the environmental assessment of the fishery. The reduction in bycatch and current mesh size were based on scientific findings and industry consultation.</li> <li>• The fact that some fish get meshed in the panel supports that other fish (bycatch) are escaping through the panel.</li> <li>• Removing the requirement to fit escape panels and having no alternative in place will result in increased bycatch mortality, including from barotrauma when trapping deeper waters.</li> <li>• There have been other instances where gear requirements have been adjusted slightly (mesh sizes and gauge of chain) to account for issues sourcing materials.</li> </ul>	<p>That the proposal to change the current trap configuration requirements for escape panels in OTL fish traps not be progressed at this stage and be revisited at some later date.</p>	<p><b>18.7 To revisit at a later date.</b></p>
<b>11.6. Trap configuration: weights on lobster trap ropes</b>	<ul style="list-style-type: none"> <li>• Removal of weight will assist in reducing effort and cost to the fisher. Safety is also a consideration.</li> <li>• In some other fisheries (EG and OTL), a new outcome-based approach applies that involves requiring the position of a trap to be "...indicated by a buoy moored in such a way that no rope is floating on the surface of the water...".</li> <li>• This approach allows fishers flexibility to decide how to best achieve the desired outcome.</li> </ul>	<p>That the proposal to replace the requirement for a weight to be attached to the rope with a requirement that no rope is floating on the surface of the water progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>
<b>11.7 New fishing activities/ fishing gear</b>	<ul style="list-style-type: none"> <li>• A preliminary assessment by DPI of each of the fishing activities (or gear) is required to determine if: <ul style="list-style-type: none"> <li>○ The fishing activity (or gear) requires environmental assessment under the NSW Planning and Environmental Assessment Act 1979, and if so the level of assessment and</li> </ul> </li> </ul>	<p>CommFish recommends that DPI conducts a preliminary assessment of all the proposed fishing activities (or gear) once the balance of the proposals to the BEP have been finalised. To be revisited at a later date.</p>	<p><b>18.7 To revisit at a later date.</b></p>

Topic discussed	Noted	CommFish Recommendation	Action
	<p>whether the costs of the assessment should be borne by the Government or proponent of a combination thereof.</p> <ul style="list-style-type: none"> <li>○ The fishing activity (or gear) falls within the scope of the NSW Developmental Commercial Fisheries Policy.</li> <li>● Devoting DPI resources to conduct preliminary assessment of the proposals has the potential to delay the balance of the BEP or impact other important commercial fishing programs, some of which are mandatory and ongoing and cannot be set aside.</li> <li>● The focus of the BEP is "...existing commercial fisheries regulations that, following the recent reforms to the NSW commercial fishing industry, are no longer necessary and continue to impede business efficiency.</li> </ul>		
<p><b>11.8. How a yabby trap must be used – maximum setting period</b></p>	<ul style="list-style-type: none"> <li>● Travel distance is a real safety concern.</li> <li>● Traps currently have a 90 mm ring in the funnel to reduce bycatch mortality.</li> <li>● This '48-hour rule' was originally introduced to: <ul style="list-style-type: none"> <li>○ Maintain product quality, given that yabbies sometimes die in a relatively short period when waters are warm.</li> <li>○ Minimise bycatch mortality.</li> </ul> </li> <li>● It is understood fishers seek changes to accommodate fishing long distances from home and the time it takes to travel to and from their place of fishing.</li> <li>● Although the '48-hour rule' can be costly to enforce, removing it and allowing traps to be set for unlimited periods may result in perverse outcomes such as traps being abandoned and ghost fishing.</li> <li>● Traps used in other commercial fisheries are not subject to maximum soak times.</li> </ul>	<p>That the proposal to the removal of the '48-hour rule' progress to the BEP working group.</p>	<p><b>18.4: Move to the next step (BEP working group).</b></p>



Topic discussed	Noted	CommFish Recommendation	Action
<p><b>11.9. Register of waters where lobster trap head-gear must be sunk</b></p>	<ul style="list-style-type: none"> <li>• This provision was introduced to give industry and Government flexibility to require head-gear to be sunk in specified waters – to reduce risks to the public and industry.</li> <li>• The proponent appears to be concerned with fishers’ ability to find the register and what may be in it.</li> <li>• Regarding these concerns: <ul style="list-style-type: none"> <li>○ The regulation clearly identifies that any such register must be notified in writing to shareholders.</li> <li>○ The regulation clearly identifies that the register is to specify waters where commercial lobster traps must be set or used with the buoy submerged.</li> <li>○ Presently, there are no waters where buoys must be submerged and therefore there is no such register.</li> </ul> </li> <li>• The regulation of interest is there for use if needed – to minimise public navigation or safety issues and maintain the industry’s social licence.</li> <li>• The regulation is not “...a regulation that, following the recent reforms, is no longer necessary and continues to impede business efficiency...”</li> </ul>	<p>CommFish recommends that the proposal is outside the scope of the BEP because the regulation concerned is not “...a regulation that, following the recent reforms, is no longer necessary and continues to impede business efficiency...” Therefore, no change.</p>	<p><b>18.5: No change</b></p>
<p><b>11.10. Marking where lobster traps where head-gear must be sunk</b></p>	<ul style="list-style-type: none"> <li>• This provision, along with the one discussed in the previous paper, are part of the package introduced to give industry and Government flexibility to require head-gear to be sunk in specified waters – to reduce risks to the public and industry.</li> <li>• The proponent appears to be concerned with fishers’ knowing the size and type of plastic tag or concrete block required to be used.</li> <li>• Regarding this concern, when the Secretary informs the endorsement holder number allocated to him or her for use on the trap, the Secretary would also advise the endorsement holder the size and type of plastic tag or concrete block to use.</li> <li>• Where such determinations are made, the determination is generally specified in an ‘Instrument of Determination’ that is</li> </ul>	<p>CommFish recommends that the proposal is outside the scope of the BEP because the regulation concerned is not “...a regulation that, following the recent reforms, is no longer necessary and continues to impede business efficiency...”. Therefore, no change.</p>	<p><b>18.5: No change</b></p>

Topic discussed	Noted	CommFish Recommendation	Action
	<p>published on the NSW DPI website, on the homepage for the fishery concerned.</p> <ul style="list-style-type: none"> <li>• Presently, there are no waters where buoys must be submerged and therefore the Secretary has not been required to determine and communicate the size and type of plastic tag or concrete block fishers must use in waters where the head-gear must be sunk.</li> <li>• As per the regulation discussed in the previous paper, this regulation is not "...a regulation that, following the recent reforms, is no longer necessary and continues to impede business efficiency..."</li> </ul>		