



**Commercial Fishing NSW Advisory Council
(CommFish NSW Advisory Council)
Meeting 22 16 & 17 February 2022
Newcastle and Teleconference**

Members present	Stuart Richey AM	Chair
	Craig Shephard	Sea Urchin & Turban Shell Fishery
	Darren Ward	Ocean Trawl Fishery
	Greg Finn	Ministerial Fisheries Advisory Council
	Geoff Blackburn	Estuary General Fishery
	John Jarvis	Southern Fish Trawl Fishery
	Mark Cranstone	Lobster Fishery
	Mitchell Sanders	Ocean Trap & Line Fishery
	Patrick Richardson	Ocean Hauling Fishery
	Peter Turnell	Director, Fisheries and Aquaculture Management
	Raymond Saunders	Aboriginal Commercial Fishers
	Stephen Bunney	Abalone Fishery
	Steve Everson	Estuary Prawn Trawl Fishery
Executive Officer	Cherie Kirkman	
DPI staff	<ul style="list-style-type: none"> • Darren Hale, Senior Fisheries Manager, Commercial Fisheries • Simon Clark, Program Leader, Commercial Fisheries 	
Invited staff and guests (present for relevant presentations only)	<p>16th Feb 2022</p> <ul style="list-style-type: none"> • Anders Magnussan, BDO EconSearch • Brett Fifield, Deputy Director General, Engagement & Industry Assistance • Jenianne Hall, Director Digital Transformation • Sean Sloan, Deputy Director General, Fisheries <p>17th Feb 2022</p> <ul style="list-style-type: none"> • Andrew Moriarty, Director, Fisheries Compliance • Carl Bevilacqua, Senior Fisheries Manager, Aboriginal Fishing • Helen Cribb, Senior Policy Officer, Fisheries Strategy & Program Delivery • Phil Bolton, Senior Fisheries Manager, Recreational Fisheries 	
Apologies	<ul style="list-style-type: none"> • Steve Everson, Estuary Prawn Trawl Fishery member on the 17th February • Steve Hounsell, Inland Fishery member 	

Day 1 16 February 2022

1. Member Welcome, Introductions and Housekeeping

Meeting opened 08:30

NOTED:

- The Chair welcomed Council members and NSW DPI staff.
- The traditional owners of the land, past, present, and emerging were acknowledged.

2. Review of Agenda

NOTED:

Council accepted the agenda.

3. Review, Declarations and update Register of Interests

NOTED:

Members confirmed that they have reviewed and updated their pecuniary interest register information, prior to the meeting. An updated register will be circulated to members.

ACTION: EO to update pecuniary interests register and circulate (permanent action)

4. Confirmation of Minutes from Meeting 21

NOTED:

The minutes for meeting 21 were accepted as a true and accurate record of the meeting.

5. Current actions arising from Meeting 21

NOTED:

- The following actions have been dealt with 8.19, 19.12, 21.1, 21.4 21.7 and 21.8.
- All other actions are in progress.

6. Correspondence received

NOTED:

Several pieces of correspondence were received outside the timeframe for this meeting. The Chair directed two be sent to members out of session for information and the other to DPI for consideration on the basis it was operational. The correspondence related to:

- Moruya River and Wapengo Lake closures
- Operation of CommFish
- Lobster Harvest Strategy

7. Business Efficiency Program

NOTED:

BEP proposals concerning the temporal controls applying to the harvest of Spanner Crab will be addressed by the Spanner Crab Harvest Strategy Working Group.

The below papers were presented to CommFish for consideration. A summary of key issues noted and recommendations to the Minister are provided in Appendices B – E

- Lobster Fishery
- Further EG Fishery spatial and temporal controls, plus supplementary paper
- Further species restrictions

- Further proposals that may be out of scope.

8. NSW Commercial Fisheries Economic and Social Indicators 2019/20 results

Anders Magnussan, BDO EconSearch, provided a presentation of the commercial fisheries' economic and social report for 2019/20.

Members were presented with the outcomes of the report and provided an opportunity to provide feedback and ask questions, which occurred.

NOTED:

- The estimates of state gross value of product are determined at the first point of sale.
- The reports provide a benchmark for future comparisons and will be improved over time as more fishers participate in the surveys and catch and effort data improves.
- Some CommFish members that participated in the survey spent considerable time helping the interviewers and that this should help with future surveys and survey results.

9. Modernising Commercial Fisheries Systems (Digital Restart Fund update)

DPI (Brett Fifield and Jenianne Hall) gave a presentation on the progress of the Digital Restart Fund project to modernise FishOnline and supporting systems.

NOTED:

DPI explained the steps taken so far, including to better understand fishers' experiences with FisherMobile and to work out ways to make it easier for fishers to use. These steps included

- (a) engagement with fishers to understand their needs and challenges, and
- (b) testing of changes to improve fishers' experience.

Key issues noted were:

- pre-filling fields is a focus of the project to make using the system easier for fishers, but that this would require all fishers using it to log-on a fishing event before they go fishing.
- connectivity when at sea and out-of-range will be addressed by caching data. This will enable fishers to use the system anywhere and when a fisher is within range of a network the data will automatically upload.
- it would be beneficial for DPI to check-out the Commonwealth's electronic reporting system because it is tried and tested and good to use - the Southern Fish Trawl member invited the project team to see his system onboard his boat.
- industry consultation will be required before changes are implemented and the project team will give CommFish further updates as the project progresses.

ACTION 22.1: EO to provide member contact details to the digital restart team so that the team may arrange to check-out the Commonwealth's electronic reporting system and to contact any member of CommFish should expert industry advice be required.

10. RFNSW proposal to review recreational management of Snapper & Kingfish

NOTED:

- RFNSW are considering options to improve recreational fishing experiences for those recreationally targeting Snapper and Kingfish.
- The options under consideration are not being proposed for the commercial industry.
- Both species are classified sustainable.
- A proactive approach to recreational take is important given that the NSW population is increasing and observations that externalities such as COVID-19 can drive sometimes significant (and in some cases short term) increases in recreational fishing pressure.
- Harvest Strategies for Snapper and Kingfish are proposed to be developed which will use the best science available and this will require commercial industry involvement.

11. General Business

Confidentiality:

A concern was raised that comments by a member during a joint advisory council meeting with RFNSW have been taken out of context and included in a recreational fishing publication. DPI confirmed that the issue has been referred to the Chair of RFNSW.

Crowdy Head mullet season:

Crowdy Head fishers seek a permit to access waters on the southern side of Crowdy Head pending finalisation of a BEP proposal relating to these waters on the basis the beach on the northern side has been washed away and the mullet season is about to start.

ACTION 22.2: DPI to consider the request, subject to any directions given by the Minister.

BEP items considered

It was raised that an item previously considered and not supported was not clearly articulated at the time a decision was made. Given the high volume of items considered by CommFish it will continue to progress the supported proposals, recognising that the current program is unlikely to be the only opportunity for future business efficiency improvements.

Boat licensing changes – Hawkesbury EPTF

Members discussed that some Hawkesbury EPT fishers are concerned with the decision to implement a new maximum boat length of 16 m for the EPT Fishery. It was noted:

- there are multiple views.
- the fishery operates on the doorstep of the most heavily populated region in NSW.
- relevant considerations include ability to cost effectively replace boats, boats suitable for the waters concerned, opportunity for onboard processing to add value, likelihood of additional *large* boats, safety, and the industry's social licence.

ACTION 22.3: DPI to consider the concerns of Hawkesbury EPT fishers, subject to any directions given by the Minister.

12. Update from the Deputy Director General Fisheries

New Minister

The Hon. Dugald Saunders has been appointed as the new Minister for Agriculture and Minister for Western New South Wales.

Business Efficiency Program

DPI NSW are working to implement the first batch of BEP proposal on the 1st of July 2022 noting that there are factors outside of DPI's control that could impact delivery by this date.

Harvest Strategies

- The Trawl Whiting Harvest Strategy was adopted and used by the Total Allowable Fishing Committee to set the TAC for the upcoming season.
- Harvest strategies are in the process of being developed for Spanner Crab and Mulloway.
- Upcoming harvest strategies include Abalone and key inshore ocean species that may be of interest to OTL fishers.

Peak Body

Work continues with industry representative bodies (PFA and WCFC) and an independent facilitator to progress the establishment of a peak body. The peak body would serve a different role to CommFish. DPI supports and appreciates the hard work that CommFish has been doing.

Woolworths

DPI is working with Woolworths to support the ongoing the stocking and sale of School Prawn and Eastern King Prawn into the supermarket.

Southern Fish Trawl (SFT) transitions

DPI is working on the proposal to transition the NSW SFT Fishery to control.

Eat more seafood

Further "eat more seafood" grants have been allocated. A marketing strategist has been engaged to investigate NSW species to promote and species that could be better utilised.

National Fisheries Plan

A National Fisheries Plan will be released soon by the Commonwealth government.

13. Meeting Closed

Closed at 4:45pm.

Day 2 17 February 2022 meeting continued

Opened at 08:00am.

14. Recreational Fishing Environmental Assessment (EA) update

CommFish were given an update on Environmental Assessment of recreational fishing in NSW.

NOTED:

The project aims to deliver:

- Environmental Assessment (EA) covering environmental, social, economic and cultural issues for saltwater and freshwater fishing.
- A Recreational Fishing Management Strategy (RFMS) that includes goals, objectives, risk mitigation measures and a monitoring program.

ACTION 22.4: DPI to provide further updates, including before the EA and RFMS are finalised.

15. Aboriginal Cultural Fishing Local Management Plan (LMP)

CommFish were given a presentation on a proposed pilot cultural fishing management plan for the Hastings region.

NOTED:

- DPI has partnered with the Hastings and Tweed coastal Aboriginal communities to draft a pilot cultural fishing management plan for these areas.
- The local management plans will give structure to the approach to cultural fishing in relation to the waters that may be fished under the plan, the use of fishing gear, take and possession limits for culturally significant species, and ongoing involvement of local Aboriginal communities.
- CommFish congratulated DPI and the local Aboriginal community on their constructive engagement and development of an agreed approach to cultural fishing and appreciated the presentation.

ACTION 22.5: DPI to provide further updates, including before each plan is finalised.

16. Fisheries regulation amendments – (compliance and enforcement)

CommFish were given an update on a proposed batch of fisheries regulation amendments focussing on enforcement and related matters, including new penalty infringement notice amounts (fines) and fit and proper person tests for commercial fishers.

NOTED:

- the fit and proper person test will initially only apply to new entrants
- fines are one way to influence fisher behaviour, including for the benefit of fisheries resources and the stakeholders who enjoy or rely on them
- additional species are to become indictable species
- stronger enforcement powers are important to deter illegal activity and to help protect the future of the NSW commercial industry
- enforcement options include cautions, fines, and prosecution and various requirements apply to the exercise of these powers including, for example, obligation to take into account the seriousness of an offence and mitigating factors
- under current law, it is not an offence to purchase fish from someone who is not a licensed commercial fisher

RECOMMENDATION:

CommFish recommends the following:

- increase the fine for interfering with set fishing gear (e.g. \$5,000),
- increase the fine for possessing crustaceans with ova or with ova removed (e.g. \$1,000),
- all species subject to commercial quota are declared 'indictable species', and
- the penalty notice amount for quota reporting is not increased until FishOnline is

upgraded and is more stable and reliable.

The first three recommendations are made to further deter ongoing unlawful activity known to be taking place and because the fines proposed are unlikely to deter such activity.

ACTION 22.6: Chair to write to the Director of Compliance with the advice (recommendations) of the Council.

17. General update from the Director of Compliance and discussion

NOTED:

The following were noted, some of which were in response to issues raised by members.

- It was noted that a decision to not issue a commercial fishing licence to a person because the person is not fit to hold a licence may be appealed to the National Civil and Administrative Tribunal (NCAT), and that DPI proposes to consider the tests or principles applied by the NCAT when making such decisions.
- In response to concern from members over the low penalties for fisheries offences issued by some courts, DPI advised that it is investigating options that involve engaging courts (or magistrates) to improve their awareness of the importance of fisheries laws and the severity of relevant offences.
- Members highlighted a potential emerging fisheries compliance issue involving the online marketing of illegally harvested seafood and associated implications including:
 - non-reporting of catches, tax avoidance, non-compliance with health and safety requirements, and potential biosecurity and health risks,
 - lower prices for seafood and the impact this will have on legitimate commercial fishers and markets, and
 - the overall negative impacts this could present for the profitability and mental health of those in the commercial fishing industry.

ACTION 22.7: Chair to include in the letter above (refer previous action) council's gratitude for the recent recruitment of additional Fisheries Officers and the need for more along with the emerging fisheries compliance issue identified by members.

18. Next meeting

Next meeting date to be advised.

Meeting closed 11:45am

Appendix A – Current Actions & Recommendations List for Meeting 22

No.	Action	Whom	Comments	Status
8.9	<p>Council members recommend that NSW DPI:</p> <ol style="list-style-type: none"> Investigate the potential of automatic disqualification for certain high-level offences such as trafficking fish. Provide further information on the topic of automatic disqualification for Council members review at a future meeting. 	NSW DPI	<p>Meeting 10: Chair advised no change on timeline on this action.</p> <p>Meeting 11: Pending Red Tape reduction</p> <p>Meeting 22: Action as part of meeting discussion</p>	Completed
8.17	<p>Meeting 10: Action has been amended to:</p> <ol style="list-style-type: none"> NSW DPI to work through on-ground examples with a working group comprised of fishers and members to gain a solution. NSW DPI to approve record of possession form and distribute to fishers for use. 	Council NSW DPI	<p>Meeting 10: Chair advised that this action is back on the agenda for today. Action 8.17 to be updated</p> <p>Meeting 11: Working with compliance</p>	In Progress
8.19	<p>Council members request that a NSW DPI recreational fishing manager attend a future Council meeting to provide a briefing on the recreational EIS development.</p>	NSW DPI	<p>Meeting 10: Chair advised – NSW DPI Recreational Fishing advised currently in "project planning stage" and to revisit request to attend in May/June 2019.</p> <p>Meeting 11: To arrange for meeting 12</p> <p>Meeting 12: Waiting for travel restrictions to be relaxed</p> <p>Meeting 22: Recreational Fisheries Manager to provide presentation on the 17/2/2022</p>	Completed

No.	Action	Whom	Comments	Status
14.2	NSW DPI to consult with industry on Prawn ballots that do not involve re-visiting share linkage.	NSW DPI		In Progress
14.6	NSW DPI to: 2. Revisit the Fishing business transfer rules at a later date	NSW DPI	Meeting 18: 1. Completed, 2 In progress	2. In Progress
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
17.8	Item 7.6: (Refer to appendix C) NSW DPI to write to the proponent to request further information.	NSW DPI		In Progress
18.6	Appendix G - Item 11.1.2 - NSW DPI to write to the proponent to request further information on trap size.	NSW DPI		In Progress
18.7	Appendix G Items 11.3, 11.4, 11.5 and 11.7. - To revisit at a later date.	NSW DPI		In Progress
19.2	CommFish recommend: 1. NSW DPI to consult with fishers and existing registered fish receivers on the four	NSW DPI NSW DPI		In Progress

No.	Action	Whom	Comments	Status
	<p>options.</p> <p>2. NSW DPI and Industry work to improve compliance with existing record-keeping and reporting requirements.</p>			
19.3	NSW DPI to investigate the sending of links to industry members.	NSW DPI		In Progress
19.4	The EG member is to provide an example of a proposed industry standard with the assistance of the EO and revert back to CommFish for further discussion.	EG & EO	<p>Meeting 20: Update –</p> <ul style="list-style-type: none"> • EG member has raised with NSWSIC as the appropriate body. • It was resolved to draw up an Industry standard that NSWSIC would endorse. <p>Meeting 21: Update –</p> <p>EG member advised that a draft has been prepared and is with the Chair of NSWSIC.</p>	In Progress
19.7	Item 1.2 DPI to work with proponent and report back to CommFish (refer to appendix C).	NSW DPI		In Progress
19.9	The following items from the BEP are recommended for further discussion with RFNSW Item 2.5 and 2.9 (refer to appendix D)	NSW DPI		In Progress
19.10	Item 4.1 from the BEP is to be considered at a later date. (refer to appendix F)	NSW DPI		In Progress

No.	Action	Whom	Comments	Status
19.11	Item 5.1 from the BEP is for DPI to investigate and report back to CommFish on amending the Act or regulation. (refer to appendix G)	NSW DPI		In Progress
19.12	Item 6.1.1 from the BEP (refer appendix H) 1. DPI to work with shareholders on a co-management approach. 2. Move to the next step (BEP working group).	NSW DPI	Meeting 22: 6.1.1 & 6.1.2 will now progress to the Spanner crab Harvest Strategy Working Group.	Completed
19.13	Item 7.2 from the BEP is for DPI to work with relevant shareholders and revert back to CommFish for further consideration (refer to appendix I)	NSW DPI		In Progress
20.2	1. NSW DPI to release the Trawl Whiting Harvest Strategy for public consultation. 2. NSW DPI to investigate why quota could not be transferred prior to the end of the fishing period between fishing business with the same business owner.	NSW DPI	Meeting 22: 1. Completed 2. In Progress	1. Completed 2. In Progress
20.5	The following items from the BEP are to be revisited after seeking feedback from relevant fishers: (Refer to appendixes B; Items 1.1, 1.2, 1.3, and 1.5).	NSW DPI		In Progress
20.6	The following items from the BEP are recommended to progress to the next step - BEP working group (Refer to appendixes B, C, D,	NSW DPI		In Progress

No.	Action	Whom	Comments	Status
	E and F; Items 1.4, 2.1, 2.2, 3.1, 3.2 3.3, 3.4.1, 4.2 and 4.3).			
20.7	The following items from the BEP are recommended as no change (Refer to appendixes D, E and F; Items 3.4.2, 4.1, 4.5, 4.6, 5.1, 5.2, 5.3.1, 5.5, 5.6.1, and 5.7).	NSW DPI		In Progress
20.8	NSW DPI to seek further information from the proponents. (Bait nets various waters; Item 4.4.)	NSW DPI		In Progress
20.9	Dive members to consider an alternative approaches to enhance diver safety (Item 5.3.2)	CFNSW		In Progress
20.10	NSW DPI to investigate post catch reconciliation of quota and report back to CommFish (Item 5.4)	NSW DPI		In Progress
20.11	Regulations are amended to clarify that hanging of SUTS species is not permitted (Item 5.6.2)	NSW DPI		In Progress
21.1	Chair to provide a written response to the correspondence in relation to the operation of CommFish.	Chair	Meeting 22: Response sent 19/11/2021	Completed

No.	Action	Whom	Comments	Status
21.2	1. NSW DPI to release the draft NSW Lobster Harvest Strategy for public consultation. 2. NSW DPI to provide CommFish with a summary of the public feedback and the final draft harvest strategy for review.	NSW DPI		In Progress
21.3	1. NSW DPI to proceed with public consultation on the implementation of a mud crab tagging program and to seek feedback on a tagging management framework. 2. If after public consultation it is viewed that tagging is to be implemented, NSW DPI is to seek approval for funding from the Commercial Fishing Trust fund. 3. NSW DPI is to consider any potential future income going back into the Commercial Fishing Trust fund.	NSW DPI		In Progress
21.4	1. NSW DPI to provide CommFish with a summary of public feedback and the final draft of NSW Trawl Whiting Harvest Strategy out of session. 2. CommFish to provide NSW DPI with their recommendation on the NSW Trawl Whiting Harvest Strategy out of session.	NSW DPI Council	Meeting 22: Members were provided with the NSW TWHS out of session with the Chair providing their recommendation on the 17 th December 2022 to DPI	Completed
21.5	NSW DPI to make a grant application to the Commonwealth and provide CommFish with an	NSW DPI	Meeting 22: DPI have submitted grant application	In Progress

No.	Action	Whom	Comments	Status
	update on its progress.			
21.6	The EO is to investigate training opportunities available within DPI to table at the next meeting.	EO	Meeting 22: EO advised that an induction package is being developed.	In Progress
21.7	Invite the Director, Fisheries Compliance to the next CommFish meeting that is face to face.	NSW DPI	Meeting 22: Director attending meeting 17/2/2022	Completed
21.8	Members ensure future harvest strategy working group's TOR provide for at least one membership position from CommFish.	Council	Meeting 22: Email to be sent to Resource Management confirming that Members will be reviewing future ToR's to ensure CommFish representation.	Completed
21.9	The following items from the BEP are recommended as no change (Refer to appendixes B) Items 5.8.1, 5.10 and 5.11.1.	NSW DPI		In Progress
21.10	DPI to pilot co-management with Clarence School Prawn Committee.	NSW DPI		In Progress
21.11	That Item 5.9 (Appendix B) move to the next step (BEP working group).	NSW DPI		In Progress
21.12	A separate review of rights of priority be revisited at a later date.	NSW DPI Council		In Progress

No.	Action	Whom	Comments	Status
22.1	EO to provide member contact details to the digital restart team so that the team may arrange to check-out the Commonwealth's electronic reporting system and to contact any member of CommFish should expert industry advice be required.	EO		In Progress
22.2	DPI to consider the request, subject to any directions given by the Minister.	NSW DPI		In Progress
22.3	DPI to consider the concerns of Hawkesbury EPT fishers, subject to any directions given by the Minister.	NSW DPI		In Progress
22.4	DPI to provide further updates, including before the EA and RFMS are finalised.	NSW DPI		In Progress
22.5	DPI to provide further updates, including before each plan is finalised.	NSW DPI		In Progress
22.6	Chair to write to the Director of Compliance with the advice (recommendations) of the Council.	Chair		In Progress
22.7	Chair to include in the letter above (refer previous action) council's gratitude for the recent recruitment of additional Fisheries Officers and the need for more along with the emerging fisheries compliance issue identified	Chair		In Progress

No.	Action	Whom	Comments	Status
	by members.			
22.8	The following items from the BEP are recommended to progress to the next step - BEP working group (Refer to appendixes B and C Items 1.1, 1.5, 2.2, 2.3.2 and 2.7)	NSW DPI		In Progress
22.9	The following items from the BEP are recommended as no change (Refer to appendixes B - E items 1.2.1, 1.3, 1.4, 1.6.1, 2.4, 2.8.1,3.1, 3.2, 4.1.1, 4.1.2, 4.2)	NSW DPI		In Progress
22.10	1.2.2 EO to forward email to relevant DPI staff.	NSW DPI		In Progress
22.11	1.6.2 EO to refer issue to NSW DPI compliance.	NSW DPI		In Progress
22.12	DPI to investigate and refer to CommFish for further consideration. (Refer to appendixes B and C Items 1.7, 2.1.1, 2.5, 2.6, 2.8.2)	NSW DPI		In Progress
22.13	2.1.2 EO to refer issue to NSW DPI compliance.	NSW DPI		In Progress
22.14	2.3.1 DPI to consider engaging industry on a region by region basis to gauge interest in standardising weekend closures regionally.	NSW DPI		In Progress

Appendix B – Outcomes from discussions on Business Efficiency Program – Lobster Fishery

Topic discussed	Noted	CommFish recommendation	Action
1.1 Provision of tags	<ol style="list-style-type: none"> 1) If a nominated fisher has not received lobster tags from DPI the fisher cannot take lobsters. 2) The nominated fisher should take responsibility to ensure they receive the tags from either DPI (as requested by the shareholder) or directly from the shareholder prior to fishing. 	That the proposal to remove the onus of responsibility from shareholder to ensure nominated fishers have received tags from DPI move to the next step.	22.8: Move to the next step (BEP working group).
1.2 Landing lobster using a lighter	<ol style="list-style-type: none"> 1) Primary concern is risk of quota evasion. 2) Compliance costs could increase to keep track of lobsters being landed at any location along the NSW coastline using small secondary boats. 3) CommFish was not convinced there is much industry interest in the proposal or need for change and that the risks may outweigh the benefits. 4) The penalty for breach of the rules relating to the use of lighters is low, but that this would be better considered by the Lobster Working Group (LWG). 	<ol style="list-style-type: none"> 1) The proposal to land Lobster using a lighter at any location along the NSW coastline is not to progressed. 2) DPI to consider referring to LWG increasing the penalty notice amount for breach of rules relating to the use of lighters. 	22.9: 1.2.1 No Change. 22.10: 1.2.2 EO to forward email to relevant DPI staff.
1.3 Lobster traps only used if quota held	<ol style="list-style-type: none"> 1) Fishers can hold as little as 0.1kg of quota and still set traps. 2) Compliance risks and enforcement costs could increase if traps can be let in the water without quota and that the benefits of the proposal do not appear to outweigh these costs . 	The proposal to be able to set or leave traps in the water without holding quota is not progressed.	22.9: No Change

Topic discussed	Noted	CommFish recommendation	Action
1.4 Carriage of docket book (or logbook)	<ol style="list-style-type: none"> 1) "Possession" does not mean fishers must take logbooks to sea in small boats. For example, logbooks may be left in a car at the boat ramp until the fisher returns to port. 2) The LWG is investigating the introduction of new real time electronic reporting requirements in which case carriage of paper-based logbooks may no longer be an issue. 	That the proposal to amend the Lobster Share Management plan to clarify the carriage of docket book (or logbook) is not progressed.	22.9: No Change
1.5 Completing daily log sheets ('25-meter rule')	<ol style="list-style-type: none"> 1) It was agreed the rule can be problematic in peak time, high traffic areas, and when weather conditions are unfavourable. 2) In some circumstances, fishers need to move more than 25 meters from landing to accommodate members of the public. 3) The LWG is investigating the introduction of new real time electronic reporting requirements and that rules such as this will likely be reviewed as part of that process. 4) Adjusting the 25-meter distance pending the review of real-time reporting by the LWG was discussed. 	The 25-meter requirement be increased to 50 metres pending the review of real-time reporting by the LWG progress to the next step.	22.8: Move to the next step (BEP working group).
1.6 Immediate vicinity	There is benefit Fisheries Officers having flexibility interpreting and applying the concept of "immediate vicinity" but there is also benefit helping fishers to understand how it may be applied so that they can abide by the law and not be prosecuted.	<ol style="list-style-type: none"> 1) That the proposal to amended to clarify "Immediate vicinity" not progress. 2) NSW DPI compliance to consider establishing publicly available information on application of 'immediate vicinity' to assist fishers. 	22.9: 1.6.1 No change 22.11: 1.6.2 EO to refer issue to NSW DPI compliance.

Topic discussed	Noted	CommFish recommendation	Action
1.7 Carry-over of quota	1) Benefits could include increased business flexibility and profit. 2) There is benefit investigating this at the same time as other similar concepts that have been discussed by CommFish including post-catch reconciliation of quota.	DPI to investigate carry-over of quota across all fisheries at the same time it investigates post-catch reconciliation of quota etc. for consideration by CommFish.	22.12: DPI to investigate and refer to CommFish for further consideration.

Appendix C – Outcomes from discussions on Business Efficiency Program – further EG fishery spatial & temporal controls

Topic discussed	Noted	CommFish Recommendation	Action
2.1 Possession of meshing nets in the Clarence River (travelling)	<ol style="list-style-type: none"> 1) CommFish has already recommended and the Minister has approved DPI investigating the following two similar issues and that this proposal could be included as part of that review: <ol style="list-style-type: none"> a) unlawful possession of gear in, on or adjacent to waters generally, and b) travelling with gear outside the operating hours for the Clarence River trawl fishery. 2) Issuing the closed water authority for more than one year may help to reduce the administrative burden on the local District Fisheries Officer (DFO) pending further investigation of cost effective options. 	<ol style="list-style-type: none"> 1) DPI to include this issue in its broader review into the possession of fishing gear in, on or adjacent to closed waters for consideration by CommFish. 2) In the meantime, the local DFO could consider issuing closed water authorities for more than one year. 	<p>22.12: 2.1.1 DPI to investigate and refer to CommFish for further consideration.</p> <p>22.13: 2.1.2 EO to refer issue to NSW DPI compliance.</p>
2.2 Moruya River - Entrance	<ol style="list-style-type: none"> 1) The closure was introduced at the request of industry, specifically a commercial hauling crew working nearby beaches concerned about competing with new entrants to the industry working in the estuary nearby. 2) Moving the upstream boundary would give fishers access to the boat ramp on the northern bank without needing a 'closed water authority' which would reduce administrative burden. 3) Removing that part of the closure to the south of the wall would result in access to fishing grounds historically used. 	That the proposal to modify the closure (by opening the waters of the main channel of the river only downstream of a line drawn from the boat ramp on the northern bank near the airport south to the opening in the southern breakwall) move to the next step of the BEP.	22.8: Move to the next step (BEP working group).
2.3 Commercial fishing on weekends	<ol style="list-style-type: none"> 1) Regions across the state have different needs therefore a blanket approach to the standardisation of weekend closures is likely to present issue including loss of working hours for some, but there would be merit in approach this on a region by region 	<ol style="list-style-type: none"> 1) DPI to consider engaging industry on a region by region basis to gauge interest in standardising 	22.14: 2.3.1 DPI to consider engaging industry on a

Topic discussed	Noted	CommFish Recommendation	Action
	<p>basis.</p> <p>2) Amending the closures for Lake Illawarra and the Shoalhaven and Crookhaven Rivers to give fishers one extra hour to retrieve meshing nets is a fair proposal that would be particularly beneficial during winter when the sun rises later.</p>	<p>weekend closures regionally.</p> <p>2) The proposal to amend the closures for Lake Illawarra and the Shoalhaven and Crookhaven Rivers to give fishers 1 extra hour to retrieve meshing nets move to the next step of the BEP.</p>	<p>region by region basis to gauge interest in standardising weekend closures regionally.</p> <p>22.8: 2.3.2 Move to the next step (BEP working group).</p>
2.4 Flathead nets on weekends	<p>1) Standardising the weekend closures for flathead nets to reflect the current arrangements applying to Wallis Lake would result in fishers losing access on weekends to Tuggerah Lake and one night of fishing in Lake Illawarra.</p> <p>2) The BEP is more about remove restrictions than creating new restrictions.</p>	<p>That the proposal to standardise flathead net weekend closures to be in line with Wallis Lake is not progressed.</p>	<p>22.9: No Change</p>
2.5 Nets on weekends during the 'mullet season'	<p>1) The proposal is unclear and may relate to meshing or hauling.</p> <p>2) The 'mullet season' is a special time, particularly in ocean waters, because it is for a limited time only.</p> <p>3) The 'mullet season' is defined differently in different regulations, and there may be a need to define the mullet season for different parts of the State.</p> <p>4) Weekend closures are in place in the EG fishery to help manage interaction with other stakeholder groups and maintain or improve the industry's social licence.</p>	<p>DPI to:</p> <p>1) seek additional information from the proponent on the methods of interest and then</p> <p>2) engage broader industry on appropriate months for the use of relevant nets on weekends – for waters other</p>	<p>22.12: DPI to investigate and refer back to CommFish for consideration.</p>

Topic discussed	Noted	CommFish Recommendation	Action
	5) Allowing nets to be used on weekends in estuaries is likely to be highly contentious. 6) Further information is needed to make an informed decision.	than the Manning and Clarence Rivers.	
2.6 Mud crab traps and fish traps	1) The traps concerned present limited by-catch or habitat issues. 2) The proposal may be contentious with other stakeholders and present social licence issues. 3) Further information is needed to make an informed decision.	DPI to ask the proponent to refine his or her proposal to, for example, specific estuaries or a specific region.	22.12: DPI to investigate and refer back to CommFish for consideration.
2.7 Meshing in Willinga and Wapengo Lakes	1) It is recognised that commercial fishing in Region 7 estuaries has been severely impacted (compared to other parts of the State) due to Recreational Fishing Havens and Marine Parks. 2) Commercial fishers in the region require support, being the primary supplier of fresh seafood to their community. 3) The proposal may be contentious with other stakeholders and present social licence issues. 4) This proposal is specific to Willinga Lake and Wapengo Lake.	That the proposal to allow meshing in Willinga Lake and Wapengo Lakes move to the next step of the BEP.	22.8: Move to the next step (BEP working group).
2.8 All commercial fishing methods	1) The EG member declared his interest in the first proposal relating to all waters. 2) The first proposal was considered too broad to be considered. 3) With respect to the proposals relating to region 7: <ol style="list-style-type: none"> a) commercial fishing in Region 7 estuaries has been severely impacted (compared to other parts of the State) due to Recreational Fishing Havens and Marine Parks, b) increased recreational boating has resulted in issues for commercial fishers using boat ramps and accessing waters 	1) The first proposal is not progressed. 2) DPI to ask the proponent to refine his or her proposal to, for example, specific estuaries and fishing methods.	22.9: 2.8.1 No change 22.12: 2.8.2 DPI to investigate and refer back to CommFish for consideration.

Topic discussed	Noted	CommFish Recommendation	Action
	<p>open to the fishery, and</p> <p>c) these and other issues are compounding stress for some local commercial fishers.</p>		

Appendix D– Outcomes from discussions on Business Efficiency Program – Further species restrictions

Topic discussed	Noted	CommFish Recommendation	Action
3.1 Trap and line Fishery	<ol style="list-style-type: none"> 1) The proposal to have no restrictions on species that may be taken is too general and does not address that there may be conservation concerns with some species. 2) Some of the restrictions concerned were introduced to protect the value of other fishers' quota shares, including by reducing the misreporting of catch to evade quota. 3) The proposal is unlikely to be supported by the community and other commercial fishers, including because it is too broad. 	That the proposal for no restrictions on the species that may be taken in the Trap and Line Fishery is not progressed.	22.9 No Change.
3.2 Remove all species restrictions (excluding threatened species)	<ol style="list-style-type: none"> 1) Some of the restrictions concerned were introduced to protect the value of other fishers' quota shares, including by reducing the misreporting of catch to evade quota. 2) The proposal is unlikely to be supported by the community and other commercial fishers, including because it is too broad. 	That the proposal to allow the taking of all species that are not threatened species is not progressed.	22.9 No Change.

Appendix E– Outcomes from discussions on Business Efficiency Program – Further proposals that may be out of scope

Topic discussed	Noted	CommFish Recommendation	Action
<p>4.1</p> <p>4.1.1 Nominating endorsement holders (48-hour rule)</p> <p>4.1.2 Multiple nominated fishers on a single fishing business</p>	<p>4.1.1 The Minister has approved changes to the 48-hour rule following public consultation and previous CommFish advice.</p> <p>4.1.2 CommFish has previously recommended and the Minister has approved deferring review of the Fishing Business Transfer Rules, which if removed or relaxed could pave the way for fishing business owners to restructure their businesses such that they could have multiple fishers working for them.</p>	<p>4.1.1 That the proposals relating to the 48-hour minimum nomination period does not progress to the next step of the BEP.</p> <p>4.1.2 That the proposals requesting multiple nominated fishers on a single fishing business does not progress to the next step of the BEP.</p>	<p>22.9</p> <p>No Change</p> <p>(4.1.1 & 4.1.2)</p>
<p>4.2 Proposals that may be out of scope.</p>	<p>It was agreed that all proposals listed are out of scope for one or more of the following reasons:</p> <ul style="list-style-type: none"> a) they are not BEP proposals, b) they relate to a socio-economic study already finalised, and c) one relating to meshing in Termeil Lake is already lawful. 	<p>That the proposals do not progress to the next step of the BEP as they are already lawful otherwise outside the scope of the BEP.</p>	<p>22.9</p> <p>No change</p>