

Minutes

Lobster Industry Working Group Meeting

Details

Location:	Hibiscus Room Novotel Sydney International Airport
Date/time:	31 May 2023 9:00am-4:15pm
Chairperson:	Simon Clark (DPI)

People present

Members

Daniel Stewart (LIWG – Region 1)
Noel Gogerly (LIWG – Region 2)
Lee Monin (LIWG – Region 3)
Mark Cranstone (LIWG – Region 4)
Mark Horne (LIWG - Region 5)
Oly Wady (LIWG -Recreational) (absent from 09:00 to 12:00)

Observers

Les Muller (Observer)
Allan Blake (Observer)
Scott Westley (Observer)
Tricia Beaty (PFA)
Kristen Hall (PFA)

DPI staff

Simon Clark (DPI management)
Damian Young (DPI management)
Josie Krause (DPI management)
Matt Cartwright (DPI fisheries compliance)
Jason Carey (DPI fisheries compliance)
Geoffrey Liggins (DPI Research)

Apologies

Nil

May 31, 2023 – Meeting Opened 09:00am

1. Welcome, apologies and introductory remarks

The Chair welcomed members, meeting attendees and DPI representatives, and acknowledged the Gadigal of the Eora Nation as the traditional custodians.

2. Confirmation of final minutes from previous meeting

The previous Lobster Industry Working Group (LIWG) meeting was held on 31 May 2022. The final draft outcomes were reviewed by members out of session.

It was agreed to convene an additional meeting (video conference) to be held in August 2023 to discuss the draft outcomes from the 2023 meeting.

2.1.1 ACTION: DPI to distribute draft minutes from today meeting (31/05/2023) to LIWG members by 21 June 2023.

2.1.2 ACTION: Coordinate follow up LIWG meeting (videoconference) by early August.

2.1.1 RESOLUTION: LIWG meeting outcomes from 2022 confirmed as final.

3. Lobster Industry Working Group Terms of Reference

Members were advised a review of the TOR is scheduled. Through the review members were encouraged to consider an opportunity to revise the TOR and increase responsibility of the LIWG in managing the resource. One item to consider was increasing its role in the TACC setting process now that the fishery has an approved harvest strategy that has a set of rules. Discussion included remaining a DPI working group or considering options to establish an independent group, with an independent Chair and process that meets co-management responsibilities (i.e. include other stakeholders). Members requested time to consider options for the future coordination of the LIWG.

3.1.1 ACTION: DPI management to send a link to the Lobster Share Management Plan (LSMP) to members.

3.1.2 ACTION: LIWG members to discuss the Terms Of Reference at the next meeting.

4. Update on the Total Allowable Catch (TAC) Setting program for 2022/23

Members were advised the TAC meeting is scheduled for 1 June 2023 and that reports have been submitted to the Total Allowable Fishing Committee (TAFC) from the management, research, and compliance branches of DPI. A public call for submissions was advertised on the DPI website from 17 April to 17 May 2023, with notification sent to all Lobster Fishery shareholders and nominated fishers.

DPI provided a summary of the information submitted to the TAFC for review and discussion.

The requirement for nil returns was discussed. It was requested DPI investigate whether there is an alternative process, particularly through the FishOnline system when no real time reporting has occurred for the reporting period.

4.1 ACTION: DPI management to investigate alternative options of managing nil returns, and whether they can be automated to appear in the FishOnline system.

4.2 ACTION: A hard copy of the management and research presentations to be shared with the LIWG prior to future meetings.

5. MSC Update

The Professional Fisher's Association (PFA) provided the working group a brief update on the MSC process. It was suggested the NSW lobster fishery will receive MSC certification by early July 2023. This is dependent on finalising the client action plan, which requires some changes to satisfy concerns identified during the peer review of the MSC auditor's report.

The client action plan sets out strategies to meet the benchmark set by MSC to continue future certification. The PFA provided a summary of the client action plan to the working group. There were no additional costs or requirements by fishers as a result of the plan.

The PFA suggested being the first fishery in NSW to receive MSC certification, there was an opportunity to promote the fishery. Members were requested to put ideas forward on where the media launch could take place, noting the level of investment by the PFA to support an event.

It was recommended members send a letter to Industry noting the LIWG support for MSC as a future proofing exercise for the fishery and advising shareholders of the opportunity to register to be part of the unit of effort for MSC certification prior to the fishery receiving accreditation.

The committee discussed the inclusion of the MSC logo on lobster tags to promote the fishery as certified. It was noted that there are some administrative issues that require overcoming before implementing a program, including implementation of a process for fishers to opt in or out of using MSC branded tags.

5.1 ACTION: Members to draft a letter with DPI to send to industry advising of the opportunity to register to the unit of effort for MSC accreditation.

6. Seafood Trade Advisory Group (STAG) and National Working Group

The STAG representative advised they are still in negotiations with the department and commonwealth trade group and currently there is movement in export discussions with China.

The region 5 member advised he was resigning the STAG representative.

6.1 RESOLUTION: Members supported appointing Scott Westley (shareholder) as the new industry representative to the STAG.

6.1 ACTION: The LIWG to write a letter to Jane Gallagher (STAG) advising of the change to the industry representative.

7. Trans-Tasman Lobster Association update

Members were advised the Tran-Tasman Rock Lobster Conference will be held in South Australia on the 25-27th July this year. DPI has emailed a link to information and registrations out to industry.

Members discussed if the NSW Rock Lobster Association would like to sponsor a morning tea at this year's conference.

DPI Research advised members a lobster research & management event will be held in Fremantle at the end of October.

7.1 RESOLUTION: Members supported the NSW Rock Lobster Association to sponsor the 2023 morning tea at the Tran-Tasman Rock Lobster Conference with remaining funds.

7.1 ACTION: DPI research to send out details of the event being held in Fremantle.

8. Loss of Lobster traps due to interactions with trawl gear

Scott Wesley advised members he is currently lobbying the Commonwealth to introduce a 6-month closure to trawling inside a section of Commonwealth marine park off Jervis Bay, to prevent further losses of lobster traps due to interactions with trawl gear.

Noted.

9. Lobster Tagging

The group discussed the compliance issue relating to ensuring lobster tags are trimmed "off flush" with the tag. It was discussed that due to the volume of animals processed and the availability of tools that produce a flush finish made it difficult to adhere to the regulations as they stand. It was recommended that management, compliance, and Mark Cranstone meet to discuss possible solutions.

DPI advised members that should changes be pursued a consultation process will be required.

9.1 ACTION: Fisheries compliance, management, and Mark Cranstone to meet prior to the August meeting to discuss changing the word flush to a measurement (i.e., 3mm) and provide further advice back to the LIWG.

10. Online reporting development

DPI advised members online reporting development is progressing through the Digital Restart Fund. The project goal is to modernise the FishOnline applications to make it fit for purpose. Its due to be delivery by 30 June 2024.

10.1 RESOLUTION: It was noted the Digital Restart Program will be modernising FishOnline to improve fishery reporting.

11. Lobster Management charge for the Lobster Fishery 2023/24 financial period

DPI tabled a draft budget for the management charges for the 2023/24 fishing period.

There was discussion with respect to the recent number of staff changes in the management and business services positions which from an industry perspective are impacting the level of service

being received. An example was provided where the time taken to receive additional tags after submitting a request has increased.

11.1 RESOLUTION: The LIWG supported the tabled budget for the 2023/24 season.

11.1 ACTION: DPI management to report back to the next meeting whether that has been any new procedural changes implemented when assessing and processing tag requests.

12. Tags for the 2023/24 fishing period

DPI advised an additional 25,000 tags were ordered for the 2022/23 fishing period to account for the 20 tonnes increase in the TAC. Tags for the 2023/24 fishing period will be white with laser engraved black text and red NSW Waratah.

Noted.

13. Unused Lobster Tags

DPI management advised members the current practice of destroying unused tags is under review. The conversation focused on two activities.

The first was the potential to use tags in a future cycle when colours are repeated. It was noted that the numbers on the tags are sequential, thus business services will need to be consulted on how this might impact on records. The second item to investigate was continuing to use leftover tags in possession into the next fishing period to reduce wastage and costs.

Fisheries compliance advised different coloured tags for each fishing period is extremely useful when undertaking inspections of large numbers of lobsters, supporting quicker and less costly inspections. It was agreed further information is required to assess the future of unused tags.

13.1 ACTION: DPI management, compliance, business services and LIWG representative Mark Cranstone to provide information back to the LIWG on the pros and cons of the two proposals.

14. Administrative sanction review

DPI advised members the administrative sanction review is progressing and that a draft policy was recently presented to CommFish NSW for their consideration.

Noted

15. Landing Lobster using a lighter

The LIWG recommendation to increase the penalty notice amount from \$200 to \$1000 for breach of rules relating to the use of lighters in the Lobster fishery.

15.1 ACTION: DPI Fisheries compliance to advise the LIWG (at the August meeting) whether the proposed increase to the penalty relating to the use of lighters is included in the current changes been put forward for implementation.

16. Reporting of quota and share trading price

It was discussed reporting the value of quota being traded and share trading is a key economic performance indicator for the TAFC committee to track changes in fishery's value and economic performance. This information assists the TAFC when assessing the fishery.

16.1 ACTION: DPI management to investigate whether the reporting price information on quota shares can be included in fisher direct platform.

17. Business Efficiency Program (BEP)

DPI advised members some BEP changes relevant to the lobster fishery were implemented earlier this year including:

- The requirement to have a 50-gram weight attached to a buoy rope was removed, which was replaced by regulating that no slack line can be present on the surface.
- The minimum nomination period was reduced from 48 hours to 12 hours
- The maximum shareholding for the fishery was increased from 350 shares to 3,848 lobster shares, consistent with the basis for the maximum shareholding that applies in each of the 5 multi-species share management fisheries.

There was some discussion the maximum shareholding was too high. However the working group did not resolve to make any changes.

Noted.

18. Requirement to carry a measuring device

A proposal was tabled by a shareholder recommending the removal of the requirement to carry a suitable measuring device (Cl 45 Fisheries Management (Lobster Share Management Plan) Regulation 2000). It was noted there is a regulation prohibiting the take of undersize and oversize lobsters. It was discussed that fishers are responsible for ensure lobsters meet legal size requirements.

Fisheries compliance advised the rules is used are part of a quality check. There was support by members for DPI to review this requirement. DPI management advised members a consultation process would be required as part of any change process.

18.1 ACTION: DPI management to review the requirement to carry a measuring device and undertake consultation if required.

19. Maximum Leasing

A proposal was tabled by a shareholder recommending removal of the restriction on the amount of quota a shareholder can lease during a fishing period (Cl 4C (3A) Fisheries Management (Supporting Plan) Regulation 2006), noting it was originally introduced in 1994 to encourage consolidation of shareholding in the fishery, which is no longer an issue. There was support by members for DPI to review the item. DPI management advised members consultation would also be required as part of the process.

19.1 ACTION: DPI management to review the restriction on the amount of quota that can be leased within a fishing period and progress as required.

20. Recreational Catch

DPI advised members work was continuing through the Ministerial advisory committees to progress pathways for the implementation of lobster catch reporting by recreational fishers.

Noted.

21. Retention of Lobsters in Demersal Fish Traps

DPI management advised members the retention of lobsters taken in fish traps in the ocean trap and line fishery by lobster shareholders is a proposal currently been considered under the BEP process. DPI management advised members public consultation would also be required as part of the process.

DPI research advised they would need to be able to distinguish between lobsters caught in lobster and fish traps specifically as it will impact catch per unit effort (CPUE) calculations. Further discussion is required to assess and pros and cons of progressing this as an option.

21.1 ACTION: DPI management to continue to advise members of the progress of this BEP proposal.

22. Oversize Fishery

Members discussed the opportunity to allow the take of oversized lobsters in the fishery now the fishery has recovered. It was advised larger female lobsters are important for the sustainability of the fishery and carry up to 2 million fertilized eggs in comparison to up to 1 million eggs for smaller size female lobsters. Members were also advised a specifically designed tank study would be required to determine if sperm in larger male lobsters remains viable to fertilise female lobster eggs.

Members agreed the scheduled review of the lobster harvest strategy in four years was the appropriate mechanism to investigate assigning a portion of the TACC to oversize lobsters into the future.

22.1 ACTION: DPI research to incorporate a review of size criteria options through the lobster harvest strategy review process.

23. Commercial Permit to use Hookah Gear

It was raised whether a permit authorising the use of hookah gear to take lobster had been renewed and whether any data had been gathered to support the practice. DPI management advised the permit has been renewed and as this is a BEP proposal currently under consideration, the data collected will potentially assist in the assessment of this proposal.

23.1 ACTION: DPI management to provide LIWG a copy of the data log sheet required to be completed as a condition of the S37 permit.

24. Next Meeting:

To be advised (Early August)

Actions Table

No.	Action	Responsibility	Outcome
2.1.1	DPI to distribute draft minutes from today meeting (31/05/2023) to LIWG members by 21 June 2023.	NSW DPI	Complete
2.1.2	Coordinate follow up LIWG meeting (videoconference) by early August.	NSW DPI	Complete
3.1.1	DPI management to send a link to the Lobster Share Management Plan (LSMP) to members.	NSW DPI	Complete
3.1.2	LIWG members to discuss the Terms Of Reference at the next meeting.	LIWG	
4.1	DPI management to investigate other options of managing nil returns, and whether they can be automated to appear in the FishOnline system.	NSW DPI	
4.2	A hard copy of the management and research presentations to be shared with the LIWG prior to future meetings.	NSW DPI	Noted
5.1	Members to draft a letter with DPI to send to industry advising of the opportunity to register to the unit of effort for MSC accreditation.	NSW DPI LIWG	In Progress

6.1	The LIWG to write a letter to Jane Gallagher (STAG) advising of the change to the industry representative.	LIWG	
7.1	DPI to send out details of the event being held in Fremantle.	NSW DPI	
9.1	Fisheries compliance, management, and Mark Cranstone to meet prior to the August meeting to discuss changing the word flush to a measurement (i.e., 3mm) and provide further advice back to the LIWG.	NSW DPI Compliance Mark Cranstone	
11.1	DPI management to report back to the next meeting whether that has been any new procedural changes implemented when assessing and processing tag requests.	NSW DPI	In Progress
13.1	DPI management, compliance, business services and LIWG representative Mark Cranstone to provide information back to the LIWG on the pros and cons of the two proposals.	NSW DPI LIWG	
15.1	DPI Fisheries compliance to advise the LIWG (at the August meeting) whether the proposed increase to the penalty relating to the use of lighters is included in the current changes been put forward for implementation.	NSW DPI Compliance	
16.1	DPI management to investigate whether the reporting price information on quota shares can be included in fisher direct platform.	NSW DPI	
18.1	DPI management to review the requirement to carry a measuring device and undertake consultation if required.	NSW DPI	
19.1	DPI management to review the restriction on the amount of quota that can be leased within a fishing period and progress as required.	NSW DPI	
21.1	DPI management to continue to advise members of the progress of this BEP proposal.	NSW DPI	Ongoing
22.1	DPI research to incorporate a review of size criteria options through the lobster harvest strategy review process.	NSW DPI Research	
23.1	DPI management to provide LIWG a copy of the data log sheet required to be completed as a condition of the S37 permit.	NSW DPI	