



Commercial Fishing NSW Advisory Council (CommFish NSW AC)

Meeting 2 – Minutes

11/12 July 2017

Rydges Sydney Central (Oxford 2 room), 28 Albion Street, Sydney

Members Present

- Stuart Richey AM, CommFish NSW Chair
- Graeme Byrnes, Member – Ministerial Fisheries Advisory Council (Commercial Fisher)
- John Luke, Member – Aboriginal Commercial Fishers
- Greg Ryzy, Member - Abalone Share Managed Fisheries
- Geoff Blackburn, Member – Estuary General Share Managed Fisheries
- Mark Cranstone, Member – Lobster Share Managed Fisheries
- Scott Massey, Member – Ocean Hauling Share Managed Fisheries
- Mitchell Saunders, Member – Ocean Trap & Line Share Managed Fisheries
- Diego Bagnato, Member – Ocean Trawl Share Managed Fisheries
- Steve Hounsell, Member – Inland Restricted Fisheries
- Greg Finn, Member – Sea Urchin & Turban Shell Restricted Fisheries (SUTS)
- John Jarvis, Member – Southern Fish Trawl Restricted Fisheries (SFT)
- David McPherson, Nominee– Group Director Commercial Fisheries & Aquaculture (NSW DPI)
- Brad Mackay, Executive Officer (NSW DPI)

Invitees

- Dr Geoff Allan - Deputy Director General (DDG), NSW DPI Fisheries (Day 1)
- Patrick Tully - Director Fisheries Compliance, NSW DPI Fisheries (Day 1)
- Mathew Richardson – Supervising Fisheries Officer, NSW DPI Fisheries (Day 1)
- Doug Ferrell - Director Fisheries Analysis, NSW DPI Fisheries (Day 1)
- Heath Calder - Senior Business Analyst, NSW DPI Fisheries (Day 2)
- Mika Malkki - Director Fisheries Operations, NSW DPI Fisheries (Day 2)
- The Hon. Niall Blair MLC - Minister for Primary Industries, Regional Water, Trade & Industry (Day2)
- Miranda Pade - Policy Advisor, Office of The Hon. Niall Blair MLC (Day 2)
- Ian Lyall - Manager Aquaculture, NSW DPI Fisheries (Day 2)

1 Member Welcome & Introductions, Housekeeping

The Chair opened the meeting at 12:40am acknowledging the traditional owners of the land past and present and welcoming Council members and invitee Dr Geoff Allan (DDG DPI Fisheries). The Chair also discussed the benefits of new meeting schedule, other housekeeping details and invited DDG DPI Fisheries to say a few words. With remarks including, thanking the Chair and Council members for their recommendations resulting from CommFish NSW meeting 1 and indicating that the Department is interested in helping all of industry on adjusting to new requirements in the Commercial Fisheries Business Adjustment Program (BAP).

2 Review of Agenda

The Chair expressed interest to the Council to indicate any additional agenda items. The Estuary General Council member indicated that he would like to discuss several additional issues in the general business section.

3 Apologies -

Steve Everson, Estuary Prawn Trawl Share Managed Fisheries member.

4 Review and update Register of Interests

The Chair asked all Council members to indicate if individual pecuniary interests had changed significantly from register of interests distributed, noting that any recent changes in shareholdings to be indicated to the Executive Officer.

DECISION: Council members to update any changes to shareholdings through Executive Officer.

4.1 Declarations of Interest

The Chair and Council members indicated any significant amendments as required.

- Ministerial Fisheries Advisory Council (MFAC) Council member tabled new interest recording for company and also noted requirements for interest declaration is different between CommFish NSW and MFAC.
- DDG DPI Fisheries indicated support for individual interests as this Council is not a decision making body.
- Inland Council member advised he is now authorised to target different species due to fishing business change.

ACTION: The Executive Officer to amend the register of interests as required and redistribute to Council members.

5 Confirmation of the Minutes of Meeting 1

The Council accepted the draft minutes without change as a true and accurate record of discussions from the first meeting held on 25/26 May 2017.

6 Actions Arising from Meeting 1

The Chair and Council members reviewed the action items list agreeing that all actions had been substantially completed noting the following:-

- Action item 1.3 – ‘All CommFish NSW papers to be made available on the NSW DPI Website, including the Chair statement.’ – Council discussed that the Minutes from CommFish NSW meeting 1 had not been uploaded and approvals incomplete, noting that the Chair statement had been uploaded and indicates that the minutes will be available on the NSW DPI website once they have been approved and the Minister has received advice on the recommendations.
- Action item 1.4 – ‘Draft a media release that includes how decisions are made, that members and other NSW stakeholders have input into recommendations and promote working groups.’ – The Chair indicated that the Council Executive Officer had advised that this action had not been

completed, noting that this action is in contrast to a previous decision that working groups would be formed only on a needs basis. The Council noted the requirement to engage industry and table correspondence received and not to undertake the media release previously proposed.

DECISION: Make time at CommFish NSW meetings to table and consider correspondence received.

The Council discussed the mechanisms possible to facilitate engagement with industry. Noting that correspondence received should clearly identify topic or issue, provide background, a solution or recommendation and not be limited to emails.

DECISION: Create pro forma to structure correspondence received from Council members or external parties and email address for CommFish NSW to facilitate contact.

RESULTING ACTION: NSW DPI to create pro forma and email address for CommFish NSW and include section on NSW DPI website to facilitate contact with CommFish NSW.

- Outcome Items 1.1 to 1.19 – ‘NSW DPI BAP consultation papers recommendations.’ – DDG DPI Fisheries indicated that all except one of the recommendations were accepted and that a letter from Minister is to be received in regard to CommFish NSW meeting 1 outcome items.

DECISION: Once received publish the letter from the Minister in regard to CommFish NSW meeting 1 outcome items, while decisions to reject any recommendations made from CommFish NSW should still be published.

RESULTING ACTION: Once letter from Minister is received in regard to meeting 1, progress upload to NSW DPI website.

7 Correspondence

Correspondence was provided from Ocean Haul Council member that was received from an industry stakeholder and to be discussed in general business section.

8 Strategic Agenda Item 1 - Compliance Overview Presentation

The Chair introduced Patrick Tully, NSW DPI Director of Fisheries Compliance, who provided a compliance overview presentation.

Several Council members also indicated concerns over increased illegal activity and lack of compliance resources. The Chair indicated that could recommend to Minister that CommFish NSW concerned about increased illegal fishing related to introduction of BAP.

The Chair thanked both Director of Fisheries Compliance and Supervising Fisheries Officer for their participation and indicated benefits of compliance attendance to future CommFish NSW meetings.

DECISION: NSW DPI compliance to be invited to future CommFish NSW meetings, including strategic agenda items of cost recovery.

RESULTING ACTION: Invite compliance to attend CommFish NSW meeting 4 with agenda item of cost recovery.

9 Results from Share Trading Market (Moved forward 15:20)

The Chair introduced NSW DPI Director of Analysis Doug Ferrell who provided a brief update on BAP Share Trading Market results. Several Council members questioned the tax implications of the share market. NSW DPI representative member indicated each individual case may be different, that the Department are investigating this issue further and that fishers should seek advice from their financial advisors, particularly in relation to CGT implications.

10 Review last meeting General Business Items

The Chair, Council members and DDG DPI Fisheries briefly discussed further in regard to increased compliance funding required initiated in section 8, as a result of BAP regulations to be implemented. Discussion included:-

- Risks to other shareholders, support for demerit points, current measures not hard enough to deter illegal activity, licence suspension and that compliance are to re-attend future meetings to discuss further.
- NSW DPI Council nominee and DDG DPI Fisheries indicated that understand message coming across and will raise compliance issues with the Minister.

10.1 Abalone season & Compliance Enforcement

The Chair introduced the topic, as raised and background provided by Abalone Council member, indicating that the Council can't make recommendation of season timing, but can recommend what needs to be investigated further to achieve results.

DECISION: No action on Abalone season timing until further correspondence to Abalone industry has occurred in regard to any proposed changes.

10.2 Trip limits, logbooks & Foot lines in Trawl Fishery

The Chair introduced SFT Council member to present on the issue and background material provided. The Council discussion included:-

- Trip limits introduced when no VMS on Commonwealth, but still in place with little research to support.
- DDG DPI Fisheries provided overview history, including OCS agreement for the trip limits.
- Need to discuss further with Commonwealth and recreational sectors.
- DDG DPI Fisheries indicated that more data required on discards.
- Current foot line arrangements and 6/7 inch foot lines recommended by SFT Council member.

ACTION: Recommend trip limits, logbooks and foot lines in the Trawl Fishery further investigated by NSW DPI as part of the Offshore Constitutional Settlement discussions with the Commonwealth.

Estuary General Council member raised concern at direction of agenda items not being high level topics. The Chair indicated that results have been achieved in addressing the above two topics.

11 Mulloway Paper – Monitoring and assessment of the impact of management changes under the Mulloway recovery program

The Chair introduced NSW DPI Council nominee who indicated that the Department is seeking CommFish NSW position on this topic and how the commercial sector can improve Mulloway recovery. Council discussion included:-

- Correspondence received from stakeholder, indicated in the correspondence section was provided to all Council members.
- Concern of understanding the data with mixed views on increase/decrease of stocks.
- Potential for working group to investigate further issues.

DECISION: CommFish NSW should discuss the Mulloway Recovery Program further in tomorrow's session, including potential to form a small working group.

12 Quota regime discussion (Port visit tour)

Chair discussion deferred to next meeting.

ACTION: Include quota regime of different jurisdictions (Port visit tour) in meeting 3 agenda.

13 Meeting close (Day 1 at 5:30pm)

The Chair thanked DDG DPI Fisheries, clarified dinner arrangements and that day 2 will commence at 8:30am in contrast to the agenda.

14 Welcome and Agenda Review (Day 2 commence 8:30am)

The Chair opened the meeting at 8:30pm and welcomed all Council members, the invitees Mika Malkki, Director of Fisheries Operations and Heath Calder, Senior Business Analyst of the NSW DPI.

15 Housekeeping

NSW DPI Council nominee indicated topics on agenda have been prioritised structured around meetings strategic agendas, with background to Council members prior to discussion.

The topic of the Mulloway recovery program was discussed further by the Council members. The Council discussed for the need for NSW DPI to establish a working group, the structure of this working group, terms of reference and need to include industry in working group.

DECISION: CommFish to:

- 1. Form a small working group of 3 fishers, 1 scientist and 2 CommFish members (Estuary General and Ocean Haul Council members) to assess and develop industry position on its contributions to improving mulloway recovery.**
- 2. Develop Terms of Reference for Working Group.**
- 3. Invite expressions of interest (EOI) from industry for 3 positions on the Working Group.**
- 4. Report back to CommFish with recommendations after assessing all options and their benefits and risks.**

ACTION:

- **CommFish to release EOI for positions on Working Group.**

- **NSW DPI to compile catch reports for commercial fishers to understand primary beneficiaries of change and impacts of changes.**

RESULTING ACTION: NSW DPI to identify and provide list of key industry stakeholders to CommFish NSW for selection and develop terms of reference through email out of session.

16 Conflict of Interest Declarations

Previously addressed, no further information provided.

17 Strategic Agenda Items 2a - Fishing Activity Reporting & Digital Authority

The Chair invited Senior Business Analyst to provide a live demonstration of FisherMobile, a secure link that allows real time reporting. The presentation included:-

- Viewing available quota, including negative balance if evident, in future real time transfers in FisherDirect.
- Completion pre/post land reported in the Spanner Crab Fishery (Day/kg linkages to complete real time reports).
- Digital authorities (Commercial Fishing licence and FB Cards, replaces cards, has security features to avoid fraud and has endorsement requirements for each share class).
- NSW DPI sought comment from the Council on its ease of use, with the Council suggesting need to keep it simple and future additions to its functionality, including a review page prior to confirming real time report.
- The Council also discussed cost recovery advantages of online quota transfers and more flexible business operations through instant trading in real time.
- Commonwealth fees comparison, with significant reduction for online reporting.

18 Strategic Agenda Item 2b - Engage Fishers, Training & Online Products

NSW DPI Council nominee indicated that NSW DPI is seeking initial view and how best to approach industry and transition to new BAP online reporting requirements as at 1 Dec 2017. Discussion included:-

- Requirement for targeted training in small specific training sessions (Cost recovery benefits).
- Current support available to Spanner Crab FisherMobile users (e.g. Online demonstrations, individual user support and trips to locations to address individual issues).
- Benefits of third providing training support, similar to BAP share trading.
- Need to talk to individual managers about share class specific reporting requirements.
- Targeted demonstration/tutorial videos for each share class requirements once specific requirements decided for each share class.
- NSW DPI representative member indicated that can look into a recommendation to Minister in regard to cost recovery and reduction of fees for those that transition and report FisherDirect system as an incentive.

19 Fish Receivers (General Business item)

The Chair introduced MFAC Council member to introduce the issue brought forward and background paper provided on Fish Receiver registration.

- Two issues – Cost & Existence of mechanism (is it required red tape).
- Places NSW fisherman at a disadvantage, excluding inland areas, Commonwealth registration has no cost, done online and received on day.
- As per IPART review and questions raised at recent parliamentary inquiry.

Recommendations - Fees brought into line & Consideration if this licencing mechanism remains (existence to be reviewed).

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.

20 Minister attendance

The Chair welcomed and thanked the Minister for Primary Industries The Hon. Niall Blair and Policy Advisor Miranda Pade for their attendance. The Minister reciprocated thanks and discussed a number of issues relating to the development of a pathway to a profitable and sustainable NSW fishing industry. Minister comments included:-

- Appreciated significant outcome regarding the recommendations from last meeting. Noting he accepted all recommendations except one deviation in regard to the proposal that the new species shares can be held by anyone. Minister proposes a change to stage it so that existing Fishing Business owners get the first chance to acquire species shares before they are available to anyone.
- Acknowledged significant compliance resources required to protect value in shares generated from reforms and asked for CommFish NSW recommendations to assist.
- Commitment to BAP, including working with all industry to meet minimum shareholding and taxation advice.

The Chair then provided comment to the Minister on several current issues that have been discussed at the Council, including:-

- Chair indicated the Council supports targeted education to new FisherMobile reporting requirements and benefits of third party trainer.
- Minister confirmed support for additional resources to further assist to make sure shareholders understand responsibility, entitlements and need to identify any misunderstandings.
- Chair indicated the Council concerned about increased illegal fishing related to introduction of BAP and current OCS arrangements in Ocean Trawl Fisheries.
- Chair indicated that Mulloway issue appears to be a problem and Council started process to form a working group, with potential recommendations resulting.
- The Chair indicated that a list of regulations to be reviewed is to be collated that will include the current Fish receiver registration requirements.
- Minister indicated that Fish Receivers and recognises importance to traceability of sale to catch.
- MFAC Council member indicated Fish Receivers fees and disadvantages to industry.

- Minister indicated cooperative issues need to be looked at further.
- Chair indicated other regulations likely to be recommended for review, as industry moves to new Output controls.
- Minister indicated support for investment through species shares.
- The Chair indicated need to protect the bank's asset so they can invest and suggested large fines instead of share forfeiture. Minister indicated need advice on compliance systems and implications.
- Estuary General Council member brought up prohibition of trusts holding licence issue and advantages in investment, with the Minister indicating need further advice on this topic before comment.
- Ocean Haul Council member indicated TACC not until 2024 and there is a risk of increasing minimum shareholding in certain share classes, such as estuary prawning.
- Minister indicated need to look at further and any other share classes to be impacted. Council indicated Ocean Trap and Line.
- MFAC Council member indicated unconfirmed tax implications of the BAP share market trading, with the Minister indicating high priority and noting importance to individuals to get their own advice.
- Minister confirmed support for committee's importance.

The Chair and Council members thanked the Minister for his attendance and reciprocated by the Minister.

21 Draft NSW Marine Waters Sustainable Aquaculture Strategy (WWSAS)

Chair introduced Ian Lyall, NSW DPI Manager of Aquaculture, to provide a briefing on the Draft NSW Waters Sustainable Aquaculture Strategy. Manager of Aquaculture thanked for opportunity and indicated after feedback and comments on the strategy.

The Chair thanked Manager of Aquaculture for the comprehensive presentation and Ian indicated that he will re-attend and provide additional correspondence once the draft is completed.

DECISION: NSW Marine Waters Sustainable Aquaculture Strategy to be included in agenda of a future CommFish NSW meeting.

22 General Business Items

NSW DPI Council nominee indicated benefits of clear strategy, is there a need to have a similar strategy for Commercial Fisheries, such as the Draft Aquaculture Strategy, that is linked to the investment plan.

DECISION: DPI to bring forward a paper on a future strategic plan for commercial fisheries in NSW.

22.1 Investment Plan Workshop (Facilitated workshop)

The Chair introduced NSW DPI Council nominee who indicated the Minister wants us to develop Investment Plan for Commercial Fishing Trust, including investment priorities. It is a legislative requirement that the Minister consults with relevant committees.

DECISION: NSW DPI to develop a workshop for next meeting on the Investment Plan for Commercial Fishing Trust, allowing half a day in agenda of this meeting.

RESULTING ACTION: NSW DPI to develop and provide further information to CommFish NSW members for a workshop on the Investment Plan for Commercial Fishing Trust, prior to meeting 3.

22.2 Nominate list of Regulations that require Amending

The Chair opened the table for Council members to nominate any regulations that require amending, noting that the Council had already discussed several (e.g. Fish Receivers). Further Council discussion included:-

- NSW DPI Council nominee indicated that NSW DPI has a list of approximately 100 regulations and will disperse list to Council members.
- Inland Council member nominated *Fisheries Management (General) Regulation 2010* clause 183 that restricts inland commercial fisher's ability to hold multiple different endorsements in the inland fishery at the same time.
- Ocean Haul Council member identified issue of unlicensed crew and assistance with prawn running nets.
- Chair indicated need to identify criteria, usefulness, any restrictions on trade and compliance.

DECISION: CommFish NSW to review list of regulations identified by NSW DPI and include further identified.

RESULTING ACTION: NSW DPI to provide list of regulations identified for review prior to next CommFish NSW meeting and include as an item on next meeting agenda.

23 Next Meeting – Confirm Date and Location

Chair confirmed that next meeting will be 18/19th of September 2017 commencing at 12pm in Sydney at same venue. The NSW DPI Executive Officer indicated that had recently received advice that the approval had been completed for the release of the minutes from meeting 1 and would progress this. The Chair closed the meeting at 2:00pm and thanked Council members for their contributions.

DECISION Arising List

Meeting#	Decision#	Action	Status
2	1	Council members to update any changes to shareholdings through Executive Officer.	All members
2	2	Make time at CommFish NSW meetings to table and consider correspondence received.	NSW DPI/All members ongoing
2	3	Create pro forma to structure correspondence received from Council members or external parties and email address for CommFish NSW to facilitate contact.	NSW DPI Exec Officer
2	4	Once received publish the letter from the Minister in regard to CommFish NSW meeting 1 outcome items, while decisions to reject any recommendations made from CommFish NSW should still be published.	NSW DPI/All members ongoing

2	5	NSW DPI compliance to be invited to future CommFish NSW meetings, including strategic agenda items of cost recovery.	NSW DPI
2	6	No action on Abalone season timing until further correspondence to Abalone industry has occurred in regard to any proposed changes.	NSW DPI
2	7	CommFish NSW should discuss the Mulloway Recovery Program further in tomorrow's session, including potential to form a small working group.	NSW DPI/All members
2	8	CommFish to: 1. Form a small working group of 3 fishers, 1 scientist and 2 CommFish members (Estuary General and Ocean Haul Council members) to assess and develop industry position on its contributions to improving mulloway recovery. 2. Develop Terms of Reference for Working Group. 3. Invite expressions of interest from industry for 3 positions on the Working Group. 4. Report back to CommFish with recommendations after assessing all options and their benefits and risks.	NSW DPI/Some members
2	9	NSW Marine Waters Sustainable Aquaculture Strategy to be included in agenda of a future CommFish NSW meeting.	NSW DPI
2	10	DPI to bring forward a paper on a future strategic plan for commercial fisheries in NSW.	NSW DPI
2	11	NSW DPI to develop a workshop for next meeting on the Investment Plan for Commercial Fishing Trust, allowing half a day in agenda of this meeting.	NSW DPI/All members
2	12	CommFish NSW to review list of regulations identified by NSW DPI and include further identified.	NSW DPI/All members

ACTION Arising List

Meeting#	Action#	Action	Status
2	1	The Executive Officer to amend the register of interests as required and redistribute to Council members.	NSW DPI Exec Officer
1	3	All CommFish NSW papers to be made available on the NSW DPI Website, including the Chair statement	All members
1	4	Draft a media release that includes how decisions are made, that members and other NSW stakeholders have input into recommendations and promote working groups.	NSW DPI
2	2	NSW DPI to create pro forma and email address for CommFish NSW and include section on NSW DPI website to facilitate contact with CommFish NSW.	NSW DPI
2	3	Once letter from Minister received in regard to meeting 1, progress upload to NSW DPI website.	NSW DPI
2	4	Invite compliance to attend CommFish NSW meeting 4 with agenda item of cost recovery.	NSW DPI

2	5	Recommend trip limits, logbooks and foot lines in the Trawl Fishery further investigated by NSW DPI as part of the Offshore Constitutional Settlement discussions with the Commonwealth.	NSW DPI
2	5	Include quota regime of different jurisdictions (Port visit tour) in meeting 3 agenda.	Chair/NSW DPI
2	6	<ul style="list-style-type: none"> • CommFish to release EOI for positions on Working Group. • NSW DPI to compile catch reports for commercial fishers to understand primary beneficiaries of change and impacts of changes. 	NSW DPI
2	7	NSW DPI to identify and provide list of key industry stakeholders to CommFish NSW for selection and develop terms of reference through email out of session.	NSW DPI
2	8	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.	NSW DPI
2	9	NSW DPI to develop and provide further information to CommFish NSW members for a workshop on the Investment Plan for Commercial Fishing Trust, prior to meeting 3.	NSW DPI/All Members
2	10	NSW DPI to provide list of regulations identified for review prior to next CommFish NSW meeting and include as an item on next meeting agenda.	NSW DPI