

NSW Lobster Fishery Working Group meeting 20 May 2014 - Outcomes

OUT14/18507

Agenda Item	Summary and Outcome
1. Welcome, apologies and introductory remarks	<p>Meeting start 9am</p> <p><u>Attendance:</u> Nicholas Giles (Facilitator), Noel Gogerly, Lee Monin, Peter Offner, Daniel Stewart, Scott Westley, Oliver Wady Geoff Liggins, Tony Chen, Andrew Field.</p> <p><u>Non attendance:</u> NCC Representative</p>
2. Confirmation of final minutes of the previous meeting	<p>The NSW Lobster Fishery Working Group members confirmed the Final Draft minutes from the Lobster Industry Working Group meeting held on 18 June 2013 as being a true and accurate record of the meeting.</p>
3. Business arising from previous meetings	<p>The WG noted the current status of action items.</p> <p>Action items:</p> <ol style="list-style-type: none"> 1. NSW Rocklobster Association Inc. <p>The Association is an ongoing entity, initially formed to assist in funding the September 2013 Rocklobster Congress held in Sydney through voluntary contributions from NSW lobster fishery shareholders. Surplus funds will be donated to assist in holding the 2015 Congress in Western Australia. The Association may approach lobster shareholders with request for additional donations to assist with funding.</p> <p>Outcome – Noted</p> 2. Update on Reward system for reporting of illegal activity. <p>The first reward was payed recently following successful prosecution of a serious matter relating to the lobster fishery. Compliance will continue to investigate additional promotion of the system. The reward system applies to reports of illegal activity involving the take of rock lobster or abalone which lead to prosecution and conviction in court, or reports of illegal damage to marine vegetation which leads to the offender being issued a penalty notice or remediation order. The Working Group agreed that the system is beneficial in encouraging report of illegal activity, and thus value for money.</p>

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	<p>Outcome - Noted</p> <p>3. IVR and Online systems. See agenda item 12.</p> <p>4. Update re VMS costs.</p> <p>Compliance provided indicative cost of VMS hardware and operating costs. The potential cost/benefit of utilising a VMS system were discussed by the Working Group, noting the current development of IVR and Online reporting systems. Options to enhance compliance including VMS and reporting systems will continue to be assessed by DPI and industry as they are finalised.</p> <p>Outcome – Noted. DPI to report to working group on progress as appropriate.</p> <p>5. Validation process – options to enhance integrity.</p> <p>Compliance and Science & Research Branches will establish a project to examine weight differences between validated and final weights within the validation window.</p> <p>Outcome – Noted. DPI to report to working group on progress as appropriate</p>
<p>4. Update on the Total Allowable Catch Setting and Review Committee (TAC Committee) program for 2014/15</p>	<p>The Lobster Total Allowable Commercial Catch (TACC) meeting was held on the 21st of May 2014. All members of the Working Group attended the meeting, in addition to several additional lobster shareholders. Both the Working Group and TAC Committee members were provided with an overview presentation of the information submitted from DPI Management, Science & Research, and Compliance for the TAC Committees deliberations on the 2014/15 TACC. Both DPI and industry members provided additional information in response to queries from the TAC Committee. The Committee will subsequently make a determination on the TACC.</p> <p>Outcome – For information</p>
<p>5. Management charges for the 2014/15 financial year</p>	<p>A draft budget was supplied to industry members for comment. The proposed management charge of \$52.81 per share is an increase of \$1.24 from the previous year, attributable to CPI increase and redetermination of savings and FRDC contribution components.</p> <p>Outcome – The draft budget was supported by the Working Group. The Working Group noted that the review of cost recovery across all fisheries is yet to happen. DPI advised that this is an issue for the recently formed Ministerial Fisheries</p>

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	Advisory Council, and is expected to occur following finalisation of the Commercial Reform process.
6. Tags for the 2014/15 fishing period	<p>An initial order of 150,000 tags have been placed with Mega Fortris Australia Pty Ltd at a price of \$177 + GST per thousand. This is a total of \$26,550 excluding GST. The tags will be blue with laser engraved black text and white inserts.</p> <p>Outcome – For information. Noted by the Working Group. The Working Group also raised for consideration whether tag numbers could be revised to reduce the size of the number required to be recorded.</p> <p>Action Item – DPI to consider tag numbering in the 2015/16 fishing period.</p>
7. Outcomes of the season change consultation	<p>The change to season commencement of 1 August each year is in its third year of operation. On the initial change, DPI undertook to review the change at this time. All shareholders were consulted on the change via letter sent mid February 2014. A month was given for response, 23 submissions were received. The majority of industry supported retaining the 1 August commencement for the benefit of the State-wide industry, in particular to reduce the risk of a high proportion of the TACC not being taken if seasonal currents prevent access to deepwater traps – which may impact future determinations by the TACC Committee. It is noted that all submissions contained comment on the reasoning for either retaining or reverting, which assists Management in conducting the review. A letter was sent to all shareholders on the 28th of April 2014 advising on the outcome of the consultation.</p> <p>Outcome – For information. Noted by the Working Group.</p>
8. Retaining lobsters taken in demersal fish traps	<p>An industry member has raised the issue of retaining lobsters taken in demersal fish traps, which is not currently permitted. Retention of lobsters is prohibited under C17A of the <i>Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006</i>, which relates to use of the fish trap itself.</p> <p>Outcome – The working group noted that an ability to take lobsters from fish traps would enable increased efficiency in fishing operations for fishers who hold both lobster and demersal fish trap endorsements. At the time of the meeting, there are currently 34 dual endorsed shareholders, however nomination provisions may provide for more or less than this number. Monitoring of Catch per unit effort (CPUE) is a key monitoring strategy for both share classes, thus any changes in reporting in either share class may provide for skewed monitoring information which may affect indicators of the health of fish species/stocks (including lobster). This is particularly important in the lobster fishery as the TACC is set with consideration of CPUE indicators (as well as fishery independent information) as an indicator of lobster stock health. Fishing activity in either share class is often targeted with regards to fishing grounds, seasonality, and baits used. It is likely that lobster bycatch in fish traps is small compared to targeted fishing in the lobster fishery. Relaxing the requirement in</p>

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	<p>relation to fish traps would also raise for consideration the retention of lobsters in other non trap fishing gears, including trawl, however as above, effort reporting is critical, and thus would not be likely to receive support from DPI or Industry.</p> <p>Action Item – DPI to provide a background/history on why lobsters are not able to be retained in fish traps</p>
<p>9. Product branding for the NSW Lobster Fishery</p>	<p>The TAC Committee has provided recommendation that industry investigate marketing approaches to help with product differentiation (from other lobster products). Feedback is sought from industry on the benefits of product branding to differentiate NSW Eastern Rock Lobsters, noting the ‘Sustainable Wild Harvest’ printing on the underside of tags currently used. One way may be to use a consistent colour of tag with different coloured inserts each year, increasing recognisability of NSW ERL’s.</p> <p>Outcome – Due to the number of agenda items, this item was not discussed. Comment from industry is welcome at any time with suggestions which may raise the profile of NSW rock lobster product.</p>
<p>10. Economic Data – Industry support</p>	<p>The TAC Committee has recommended for a number of years that the collection of economic data would assist in determining a TACC which would provide the most economic benefit to industry. Industries position has been to focus on the building of biomass to ensure the sustainability of lobster stocks. Comment was sought by the working group on their current position.</p> <p>Outcome – The Working Group reiterated its view that the focus for the fishery is rebuilding the spawning biomass. Consideration may be given to gathering economic data in future years.</p>
<p>11. The next steps for the NSW Fishery – Industry Update</p>	<p>Comment and discussion sought from Working Group members on their vision for the next steps for the NSW Lobster Fishery.</p> <p>Outcome – Due to the number of agenda items, this item was not discussed. Comment is welcome at any time from shareholders on their vision for the future of the fishery.</p>
<p>12. IVR and Online Systems</p>	<p>Feedback was sought from working group members who have participated in the FishOnline pilot trial. Discussion was sought on freeing up the nomination provisions (including allowing nominations on more than one business) and the need for the 2x initial quota allocation transfer limit. These comments were sought in relation to the design and utilisation of online systems.</p> <p>Outcome – No comment was provided on the pilot trial. Industry holds concern regarding any pre landing report</p>

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	<p>requirements if fishers are obliged to remain at sea to satisfy a reporting time requirement, and questions the value of reporting benefits versus the burden of the requirement to do so.</p> <p>Industry members do not support fishers being able to be nominated on more than one lobster fishing business. Industry holds the opinion that this threatens the integrity of the demerit and share forfeiture system due to risk of administrative appeal on share forfeiture regarding correct accrual of demerit points. DPI noted that this matter was consulted on in March 2010, and no opposing submissions were received. Despite this, the industry considered that this was an oversight and this is a critical issue for the lobster fishery.</p> <p>Industry strongly supports the 2x initial allocation quota transfer limit in order to continue to encourage restructure of the fishery and ensure the integrity of the share forfeiture system (ie. to ensure that those fishers who take larger allocations of lobsters are required to have higher shareholdings).</p>
<p>13. Lobster fishing at night</p>	<p>Concerns were raised by an industry member regarding lobster fishing at night, and a greater ability to commit offences under cover of darkness.</p> <p>Outcome – The Working Group noted the issue, however noted that any restriction on night fishing would have a negative effect on legitimate operators. Any restriction on night fishing would prevent fishers from either travelling or fishing at night. The negative impacts would outweigh the positive outcomes of restricting fishing activity at night, and as such was not supported.</p>
<p>14. Review of the Lobster Fishery Code of Practice</p>	<p>The Lobster Fishery Code of Practice was distributed to all Working Group members prior to the meeting. It is available on the DPI website, and was last reviewed in 2008. Comment was sought on any required changes or updates.</p> <p>Outcome - No comments were received, the Code will be updated on the DPI website as reviewed.</p>
<p>15. Reform issue – Affect on Lobster Fishery of Demersal Fish Trap (DFT) Days option</p>	<p>The Working Group is extremely concerned about the effect of the Demersal Fish Trap Days option, and the likelihood that targeted fish trapping effort may be undertaken in the Lobster fishery in order to circumnavigate any restrictions on allocated DFT days. Reported by-product in the lobster fishery is monitored (and low volume), any significant increase may trigger review of the Lobster Plan. The Working Group notes that this option is not a final decision.</p> <p>Outcome – A detailed submission was prepared by the Lobster Manager on behalf of and with review by the Working group, and submitted prior to the Reform Consultation closing date of 30 May 2014. The option for fishers to submit individual submissions was also noted.</p>

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<p>16. Reform issue – Option to retain a daily bycatch of 2 lobsters per boat per day in the Ocean Trawl Fishery</p>	<p>The Working Group strongly opposes the potential change, for reasons including: Potential for high volumes to be taken; Black Market issues; Potential effect on the lobster TACC and fishery value; Equity – Lobster fishers are not able to take for personal consumption in excess of their commercial allocation; Taking of lobsters is not authorised under the <i>Fisheries Management Ocean Trawl Share Management Plan Regulation 2007</i>; Trawl gears are not an authorised recreational method; Recreational take of lobsters is not authorised in waters greater in depth than the 10m contour; Potential high effort component of trawl gear when compared to trap gear.</p> <p>Outcome – A detailed submission was prepared by the Lobster Manager on behalf of and with review of the Working group, and submitted prior to the Reform Consultation closing date of 30 May 2014. The option for fishers to submit individual submissions was also noted.</p>
<p>17. Remaining in or re-entering the lobster fishery following offences</p>	<p>A range of administrative procedures may be triggered following offences and/or convictions relating to the lobster fishery, including Share Forfeiture and CFL suspension or cancellation. Industry raises appropriate actions relating to offending fishers remaining in or re-entering the NSW Lobster Fishery in these circumstances.</p> <p>Outcomes – The strong industry position on taking administrative action following serious offences and/or convictions is noted, and is supported by DPI. The Working Group noted that administrative processes are established under the <i>Fisheries Management Act 1994</i>, <i>Fisheries Management (General) Regulation 2010</i>, and <i>Fisheries Management (Lobster Share Management Plan) Regulation 2000</i> which, in certain circumstances, provide for:</p> <ul style="list-style-type: none"> • Recording of demerit points against the relevant shareholders name, • Forfeiture of lobster shares following recording of 6 or more demerit points against a shareholders name, • Suspension, cancellation, or refusal to issue a Commercial Fishing Licence, • Suspension, cancellation, or refusal to issue a Lobster Endorsement, • Cancellation or refusal to allow nomination of a person on a lobster fishing business. <p>Administrative actions will be undertaken by DPI as appropriate considering the circumstances of each situation.</p>
<p>18. Reform issue – Option to allow use of rubber discs (bobbins)</p>	<p>The Working Group strongly opposes the potential changes. The spawning stock of lobsters is largely limited to the north coast. Any change which allows further access to north coast reef (including sponge, fern habitat etc) is likely to have negative impact on lobster spawning stocks and overall ecosystem health, with resulting impact on statewide stocks due to</p>

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<p>in fish trawl gear north of Seal Rocks, and allow the use of bobbins up to 150mm in all fish trawl gear</p>	<p>habitat loss/modification and potential direct interaction with lobster and/or fish stocks. The protection and further rebuilding of the spawning stock is critical to the ongoing success of the fishery. Any change which results in further access to reef areas south of Seal Rocks is also likely to negatively impact on habitat and overall ecosystem health, and increase potential direct interaction with lobster and/or fish stocks including a portion of the lobster spawning stock. The use of bobbin gear north of Seal Rocks, and use of larger bobbins south of Seal Rocks will enable fish trawl gear to traverse rougher ground (including reef area) than is currently feasible.</p> <p>Outcome – A detailed submission was prepared by the Lobster Manager on behalf of and with review of the Working group, and submitted prior to the Reform Consultation closing date of 30 May 2014. The option for fishers to submit individual submissions was also noted.</p>
<p>19. Presentation from Mega Fortris Pty Ltd – Mick Taylor</p>	<p>Mega Fortris Pty Ltd gave a presentation on their tag products and a smartphone application they are developing which is able to securely scan tag numbers and ranges.</p> <p>Outcome – Noted by the Working Group.</p>
<p>20. Meeting Close</p>	<p>The department thanked all participants for attending the meeting and closed the meeting at 4:30pm.</p>