

Southern Fish Trawl Transition Working Group (SFTTWG)

Meeting Outcomes

11-12 January 2018

Members:

Chair	Dr Bruce Mapstone—Independent Chair
AFMA:	Brigid Kerrigan
NSW DPI:	Doug Ferrell
Industry:	Paul Bagnato—dual endorsed: NSW SFT & Cwlth CTS Wayne Cheers—Cwlth CTS
Industry Associations:	Simon Boag—SETFIA Tricia Beatty—PFA

Apologies Diego (Ritchie) Bagnato

Observer George Day

Executive Officers: Veronica Silberschneider—NSW DPI
Cate Coddington—AFMA

Preliminaries – Adoption of Agenda and conflicts of interest

- P.1 Members updated their conflicts of interest.
- P.2 Members AGREED to the agenda NOTING that:
- the intent of the meeting is to agree on the elements of the transition package
 - regardless of whether the working group members agree on the elements the agencies will be undertaking consultation on the transition.

Item 1 – Membership and actions arising

1a SFTTWG membership

- 1.1 Members NOTED that:
- Richard Bagnato has resigned from the working group
 - Following this meeting, Brigid Kerrigan is being replaced by George Day as the representative of AFMA.
- 1.2 Members SUPPORTED John Jarvis joining the working group as he is aware of the issues and constraints and NOTED that he was unable to attend this meeting due to the late notice, but he is willing join the working group for the last meeting.

1b actions arising

- 1.3 Members DISCUSSED the actions arising from SFTTWG #2 ([Attachment 1](#)):

Item 2 – transition package of management arrangements the SFTTWG reached previously

- 2.1 Members NOTED the draft transition package from SFTTWG #2 as a starting point for this meeting.

Item 3 – Matters to be resolved at the meeting

3.1 Members NOTED that:

- It is important to have the matters as resolved as possible prior to consultation to ensure the best possible outcomes for industry.
- Most outstanding matters will be discussed at Agenda Items 4, 5, 6 and 7.

Item 4 – OCS boundary

4.1 Members AGREED that it is unnecessary for the group to recommend area closures NOTING that:

- there is also a NSW Marine Estate Management Authority process being undertaken
- all waters that are currently open will be transitioned to the Commonwealth
- NSW coastal waters permit for fishers will enable boat size restrictions etc. which will mitigate perceived risks
- A desktop risk assessment was conducted to consider the risks of the transition given the parameters thus far. NSW DPI reported that the assessment has established that the risks are social not ecological.

Item 5– Relevant species for quota allocation

5.1 Members DISCUSSED which species/species group may be appropriate for quota statutory fishing rights (SFR) to be issued by the Commonwealth and the NSW Independent Allocation Panel to assess. Considerations included:

- the value of the SFR versus the cost of allocating for each additional species
- there may be insignificant catches of some species in state waters
- NSW regulation precludes some species being landed in the SFT
- some SFRs may be of limited value as there isn't a market for some species.

5.2 Members AGREED in principle that the following species should be recommended for inclusion for quota statutory fishing right provision:

- School whiting (*Sillago flindersi*)
- Silver trevally (*Pseudocaranx georgianis*)
- Flathead (*Platycephalus aurimaculatus*, *P. richardsoni*, *P. bassensis*, *P. caeruleopunctatus*, & *P. speculator*)
- John dory (*Zeus faber*)
- Redfish (*Centroberyis affinis*)
- Sawshark (*Pristiophorus cirratus* & *P. nudipinnis*)
- Blue warehou (*Seriola brama*)
- Jackass morwong (*Nemadactylus macropterus*)
- School shark (*Galeorhinus galeus*)
- Elephant fish (Families – Callorhynchidae & Rhinochimaeridae)
- Ocean perch (*Helicolenus barathri* & *H. percoides*)
- Gummy shark (*Mustelus antarcticus*) (this species is subject to catch sharing arrangements with Victoria, Tasmania and South Australia)

5.3 Members AGREED in principle that the following species should not be recommended for inclusion for quota statutory fishing right provision as they are either unlikely to be caught or are regulated fish in the NSW state waters*:

- Mirror dory*
- Blue-eye trevalla*
- Gemfish*

- Pink ling*
- Silver Warehou
- Deepwater shark

Action items

1. NSW DPI to examine whether the funds set aside for the transition could be used for supporting the provision of quota SFRs for both NSW and AFMA processes.
2. AFMA to estimate the cost for the initial allocation of quota SFRs and the marginal cost of allocations of quota for little-caught quota species.
3. AFMA to circulate (in-confidence) the table of species determined during the working group meeting to be candidates form quota allocation.
4. NSW DPI to update the IAP Terms of Reference based on the discussion in the meeting.

Item 6 – Quantum of quota and treatment of discard

- 6.1 Members DISCUSSED principles for the determination of the quantum of initial quota allocation to business transitioning SFT to SESSF management arrangements and the potential use of discards that have been made in NSW waters due to trip limits and/or size limit differences between the jurisdictions.
- Need a fair and reasonable approach for all fishery right holders including Commonwealth quota SFR holders that are accessing the same fish stock.
 - The Recommended Biological Catch (RBC) has been set on the best available information and takes in the account the NSW landings data which are provided to the CSIRO.
 - It is best to have an internally consistent process that aligns with the RBC setting process.
 - Allocation decisions need to be consistent with the Fisheries Management Paper 8 – *Allocation of fishing concession where management arrangements change*. An important principle in this document is to not redistribute wealth – the quantum of the RBC set aside for NSW historically is likely to be the quantum available for allocating. Proportional allocation between the relevant jurisdictions relates to access by the Commonwealth and all the relevant states (not just NSW).
 - Both Commonwealth and State fishers have constraints placed upon fishing levels – input controls for NSW fishers (including trip limits); output controls for Commonwealth fishers (largely Total Allowable Catches).
 - Commonwealth has allocated quota based on landed catch, not discards, to Commonwealth fishers. Landed catch in NSW has a significant value.
 - A proportion of NSW discard is still potential harvest and NSW fishers want it considered.
 - NSW observer report provides a snapshot of fishery – indicative that there may be differences in level of discards between existing NSW practice and discard rates applied when calculating RBC.
- 6.2 Members NOTED that:
- Decisions on the quantum of quota are largely outside SFTTWG’s remit; and
 - Different species are included in ‘basket’ quota groups in the State and Commonwealth jurisdictions — for example:
 - stout and school whiting are considered together in NSW –but only school whiting is considered by the Commonwealth; and

- several species of flathead are grouped in the Commonwealth which will not have the same grouping in NSW .
- 6.3 Members SUPPORTED that the consultation document should include a suggestion that the initial allocation for NSW quota should reflect historical landed catches plus a proportion of NSW discards that have been estimated in the RBC setting process for species where there are regulatory differences (flathead and silver trevally). The specific amount of NSW discards to be included in the initial allocation was not resolved.

Item 7 – Remaining issues

PFA meeting – SFT industry

- 7.1 Members NOTED that the PFA held a Southern Fish Trawl Fishery Industry meeting. Fifteen fishery fishing business owners eligible for an endorsement attended—both PFA members and not members. It seems that considerable concern is being created within industry due to uncertainty about how the allocations of quota to individuals will be undertaken. Industry feedback from the meeting included:
- Fishers would like to be able to carry their whiting gear on board in both the NSW coastal and Commonwealth water areas;
 - Purse seine operators want to continue to be able to use their current gear (these are already complementary);
 - They would like no further changes for 5-10 years after the transition time;
 - They see no attractions in undertaking the transition as they can currently catch 75t of flathead per year;
 - They believe there is more discarding in NSW waters than in Commonwealth waters because of trip limits and different size limits and this should be taken into account during quota SFR provision;
 - That they will bear a greater cost burden under the Commonwealth system than under NSW management;
 - Some wish to exit with dignity, with voluntary buyout compensation;
 - There is some concern about the installation of VMS, BRDs and e-logs where fishers have to pay for these items and they would like transitional assistance – for practical (operational and administrative) costs (i.e. not giving handouts);
 - Discussed the potential for levy relief – ease initial set up costs to assist, put money toward training, noting that there are not many boats that don't already have bafflers, VMS or e-logs;
 - It has been requested that all catch data since 2000 be included in the reference period for determining initial allocation of total NSW quota and allocations of quota to individuals as many of the operators are not as active as they used to be.
- 7.1 Members DISCUSSED the outcomes of the PFA meeting, including:
- This is a transition of a fishery from one governance jurisdiction to another — not broad scale change. Recognise that there will be some costs in the transition but there is not a compelling case for exit 'handouts' or buyouts. Consideration will be given to assist with the change. The nature of the assistance will be determined by Government.
 - In general the rules that apply in the SESSF will be the rules that apply in NSW waters after the transition — for example no size limits for most species. Notable exceptions relate to limits on vessel size and specific gear conditions that will apply within 3 nm of the NSW coast.
 - NSW will look at the best way to assist with the transition money when the Department has a better picture of possibilities to ensure that it is targeted appropriately.
 - The fishery is moving into the Commonwealth as the majority of fishers in the past expressed a desire to move that way and to harmonise management of many species that span NSW and Commonwealth or other states' waters.

- The reference period of 2009–10 to 2015–16 is being touted as an appropriate period as the data from those years are the most accurate, data from prior years do not relate clearly to the species & fishery arrangements under consideration, and that is already a longer period than usually is used for an allocation period.

Action items

5. NSW DPI to investigate the use of data prior to 2009–10 for the reference period of the Independent Allocation Panel (responsible for allocating quota among businesses).
6. AFMA and SETFIA to discuss the use of data earlier than 2009–10 for the initial allocation of gross quota to (all) transitioning NSW SFT businesses.

Item 8 – Recap of the package of management arrangements - SFTTWG

8.1 Members DEVELOPED the updated transition package for consultation ([Attachment 2](#))

Action items

7. AFMA to investigate the acceptability of having the special NSW whiting trawl gear on-board while in waters further out than 3nm, given the precedence of the carriage of royal red prawn gear.

Item 9 – Consultation – how, when, where

9.1 Members AGREED —

- to the following schedule for consultation:
 - 7 February - Draft consultation document (NSW leading) to the SFTTWG;
 - 14 February – Comments from SFTTWG back;
 - 28 February – consultation document released into the public domain;
 - 19-21 March – information sessions (Eden, Ulladulla, Sydney);
 - 9 April – closing date for public submissions on the consultation document;
 - 4 May – SFTTWG meeting to discuss outcomes.
- That there will be information sessions held in the ports of Sydney, Ulladulla and Eden.
- That there will be AFMA / NSW DPI and at least one industry representative from the working group at each information session.
- Veronica Silberschneider, NSW DPI, and George Day, AFMA, will be the agency contact.

9.2 Members NOTED that:

- The draft consultation document for the Independent Allocation Panel processes will be released in April for the NSW share fisheries (including the Northern Fish Trawl Fishery);
- Details for allocation in the SFTF will not be released until later, but the IAP SFTF consultation document is likely to be based on principles consistent with those applied to the Northern Fish Trawl Fishery and other fisheries and may provide information relevant for operators to consider;
- The prospective amount of total NSW catch will be tabled in the public consultation document;
- The August 2018 deadline for the agreement of the OCS arrangement is strict.

Action items

8. *NSW DPI to draft the consultation document.*
9. *AFMA to organise the logistics of the information sessions in the ports.*

Item 10 – Next meeting

10.1 Members AGREED that the:

- 4th SFTTWG meeting will be held in Sydney on 4 May 2018 (tentatively at the MLC tower).

Action items

10. *NSW DPI to organise the 4th meeting at the MLC tower, or similar venue, or liaise with Paul Bagnato to book a room at the Sydney Fish Markets if a suitable alternative venue is not available.*

Actions from SFTTWG meeting #2 (25-26 October 2017)

Item		Status
1	Issue: Acceptance of agenda & Review of Meeting 1 Action Items	
	Actions: 1. NSW DPI to circulate a revised Actions list post-Meeting 2.	Complete
2	Issue: Update regarding: a. project timelines b. SFT transition discussions with respective stakeholders.	
	Actions: 2. AFMA & DPI to discuss timeline details. To circulate result to SFTTWG for information. 3. SETFIA to provide advice on education activities based on their experience. 4. Education section to be extended and additional detail to be included on what is required. 5. Amend timeline so consultation document is released mid-late January, port meetings February, final SFTTWG meeting March. 6. PFA & DPI to continue to work together to disseminate information to NSW industry on progress of discussions.	2, 4 & 5: Complete – circulated at meeting 3: Complete – provided verbally at the meeting 6: Ongoing
3	Issue: VIT integration to the SESSF - Background to permit allocation, quota allocation, area of access	
	No Actions.	
4	Issue: Other regulatory issues: a. Other non-quota species size limits in the NSW fishery and provide information to the SFTTWG; b. Any issues with other NSW regulations or stakeholders that might arise when moving SFT operations to Commonwealth requirements for size limits.	
	No Actions	
5	Issue: Draft transition package a. Access rights – permits and boat SFRs b. Gear needs in NSW coastal waters c. Potential closures in NSW coastal waters	
	Actions: 7. AFMA to explore multiple year permits. 8. NSW DPI to explore assistance measures for the acquisition of boat SFRs and eligibility criteria that might apply to such assistance. 9. AFMA to internally discuss compliance and policy implications of multiple gear types being on vessels for those operators that are dual endorsed, and provide advice back to the SFTTWG within 2 weeks of this meeting. 10. NSW DPI to provide the SFTTWG with a summary of a NSW Fisheries technical report on BRDs/gear authored by Ken Graham. 11. PFA/DPI to source and fund an independent consultant to undertake a desktop risk assessment of the proposed	7: Complete - Multiple year permits are within scope of AFMA policy – decision will need to be made by the commission 8: Complete - No measures to assist and not exploring further – fishers will not be disadvantaged from status quo 9: Ongoing - Deepwater prawn

Attachment 1

Item		Status
	<p>transitional arrangements. The report is to be provided to the SFTTWG for consideration.</p> <p>12. AFMA and NSW DPI to work together to frame the desktop risk assessment study.</p> <p>13. Timeline to be updated to reflect the independent risk assessment project.</p>	<p>gear can be carried on board already – however, bycatch is not as high in deeper waters</p> <p>10: Pending – Summary report is yet to be completed</p> <p>11 & 12: Ongoing – report being edited</p> <p>13: Complete – does not impact timeline</p>
6	<p>Issue: Reported landings from NSW fisheries of Commonwealth SESSF quota species.</p>	
	<p>No Actions.</p>	
7	<p>Issue: Discussion of Recommended Biological Catch (RBC) and how this may be divided, including report of preliminary analysis of NSW observer data on discards.</p>	
	<p>Agreed – Recommend that landings should be included in quantum of quota allocated excluding any catch taken in excess of trip limits.</p> <p>Agreed – Recommend that discards associated with trip limits should be considered in quantum of quota allocated.</p> <p>Agreed – SFTTWG stakeholders to consider allocation of quota between difference in size limits of flathead and silver trevally.</p> <p>Actions:</p> <p>14. NSW DPI to provide AFMA with appropriate NSW catch data to inform quantum of quota to be allocated to the SFT sector.</p> <p>15. SFTTWG to determine principles on how discards should be treated in allocation of quantum of quota.</p> <p>16. NSW DPI to undertake a qualitative assessment of discard rates from other NSW fisheries for quota species. AFMA to provide discard rates used in assessments.</p>	<p>14: Complete</p> <p>15: To be discussed at Agenda Item 6</p> <p>16: Ongoing</p>
8	<p>Issue: Consider operational and regulatory items that need to be in place by the implementation date</p>	
	<p>Actions:</p> <p>17. Members to consider further items that need to be completed by 1 May 2019 and provide to the next meeting of the SFTTWG.</p>	<p>Not complete – deferred until after consultation</p>
9	<p>Issue: Broader stakeholder consultation</p>	
	<p>Actions:</p> <p>18. NSW DPI & AFMA to circulate the draft consultation paper (as complete as possible) for discussion at the next meeting.</p>	<p>Not complete – to be circulated prior to consultation</p>

SFTTWG Draft Transition Package

Current Access Right	Proposed Access Right when integrated into the SESSF
SFT endorsement (to operate only within NSW coastal waters i.e. within 3nm of low water)	New South Wales Coastal Waters (NCW) Permit
SFT endorsement and CTS Boat SFR	NCW Permit and CTS Boat SFR (retaining their existing access)
CTS Boat SFR	CTS Boat SFR (retaining their existing access)

Proposed Conditions
When operating under NCW permit maximum vessel length of 25m. The purpose of limiting vessel length within 3nm is to address concerns from NSW recreational fishers, coastal communities, and environmental groups.
Fishing gear when operating under NCW permit to target school whiting the use of otter board gear with 90mm single mesh for wing and 90mm double braided mesh (200 round) codend without BRDs. Research and development to be conducted to ensure continuous improvement for minimising bycatch and discarding.
MLS listed in SESSF Management Plan will apply.
All vessels to operate under Seabird Management Plan with one of 3 approved seabird mitigation devices.
All vessels to operate under VMS, use E-Logs to submit catch and discards, to provide quota lease and sale price data as required by AFMA.
All other SESSF Trawl boat SFR conditions will apply to the NCW Permit/SFR.