

**Commercial Fishing NSW Advisory Council
(CommFish NSW AC)
Meeting 10, 6 March 2019
Rydgcs, 28 Albion Street, Surry Hills**

Members present	Stuart Richey AM	CommFish NSW Chair
	David McPherson	Group Director – Commercial Fisheries & Aquaculture Department of Primary Industries (DPI) Fisheries (GDCAF&Aq)
	Craig Shephard	Member – Sea Urchin & Turban Shell Restricted Fishery (SUTS)
	Graeme Byrnes	Member – Ministerial Fisheries Advisory Council (Commercial Fisher) (MFAC)
	John Luke	Member – Aboriginal Commercial Fishers (ACF)
	Steve Everson	Member – Estuary Prawn Trawl Share Managed Fishery
	Geoff Blackburn	Member – Estuary General Share Managed Fishery (EGF)
	Mark Cranstone	Member – Lobster Share Managed Fishery (LF)
	Mitchell Sanders	Member – Ocean Trap & Line Share Managed Fishery (OTLF)
	Steve Hounsell	Member – Inland Restricted Fishery (IF)
	Cherie Kirkman	Executive Officer (EO), NSW DPI Fisheries
Invited guests	Kate Brooks – Independent consultant, Kal Analysis, Health Calder – NSW DPI Senior Business Analyst, Michael Lowry – NSW DPI Research Leader Fisheries Resource Assessment, Damian Young & Anthony Harding – NSW DPI Fisheries Managers	
Apologies	Scott Massey - Member Ocean Hauling, Greg Finn –Member Abalone, Darren Ward – Member Ocean Trawl, John Jarvis – Member Southern Fish Trawl	

Member Welcome, Introductions and Housekeeping

NOTED:

- Chair opened the meeting at 9 am and welcomed Council members and guests.
- Chair also welcomed the new Council SUTS member, Craig Shephard. Craig provided a short introduction to his background and experience.
- The Aboriginal member acknowledged the traditional owners of the land, past and present, acknowledging that the meeting was held on the traditional lands of the Cadigal people.

1. Review of Agenda

NOTED: Council members provided additional general business items (Items 13.2- 13.10).

2. Review, Declarations and update Register of Interests

NOTED:

Member – Estuary Prawn Trawl Share Managed Fishery declared he is no longer a Director of the Clarence River Fishermen’s Co-operative.

ACTION 10.1: EO to amend Pecuniary Interest Register and circulate to members
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3. Confirmation of Minutes from Meeting 9

NOTED:

Draft minutes from meeting 9 accepted without change, as a true and accurate record of discussions.

4. Current actions arising from Meeting 9

NOTED:

The Current Actions and Recommendation list was reviewed for updates (Appendix A), and further discussion was had on actions 7.4, 9.3.1, 8.2, 8.17 and 9.10.

5. Information update on industry operational issues raised

5.1 Ocean Haul – Possession of trawl whiting taken in the purse seine fishery:

NOTED:

- The risk of compliance action for unintentionally being in possession of small incidental catch of trawl whiting caught in purse seine nets.
- This risk is unique to purse seine due to the methods involved in catching, handling and processing fish.
- Concerns that this may open a loop hole for the catching of whiting at 25kg per trip.
- Liability concerns raised by member when bag is detached on beach, containing under size fish.

AGREED:

- Members agree that NSW DPI investigate an increase of the bag limit from 0kg to 25kg for trawl whiting taken in purse seine nets.
- Members agree that NSW DPI should monitor the take of trawl whiting in the purse seine and consider what action could be taken as a consequence of any increase in landings.
- Members agree that NSW DPI to clarify possession when processer has received for example 4 boats all with 25kg of whiting each, as this would mean 100kg of whiting instead of 25kg.

ACTION 10.2: NSW DPI to investigate increasing the bag limit from 0kg to 25kg for trawl whiting.

5.2 Ocean Trawl and Haul – Reporting accurate weights of mixed quota/non-quota species in purse seine fishery.

NOTED: CommFish NSW members note the Department’s intention to work with purse seine fishers on the accurate weighing and reporting of quota species when mixed catches are taken.

ACTION 10.3: NSW DPI to work with purse seine fishers to find a solution to accurately weigh and report on quota species when mixed catch is taken

5.3 Post land reporting times:

NOTED:

- That NSW DPI will implement a managed compliance approach for fishers that may experience difficulty satisfying final catch reporting timeframes from time to time due to legitimate reasons outside of the control of the fisher.
- It was suggested a hotline to contact NSW DPI may be appropriate when this occurs.

AGREED: Members support NSW DPI approach.

ACTION 10.4: NSW DPI to implement a managed compliance approach for fishers that may experience difficulty satisfying final catch reporting timeframes.

6. Royal Red Prawn Action 9.10 - NSW DPI to provide a further update to CommFish NSW for consideration.

NOTED:

- That it is premature to amend the regulations given that NSW DPI and fishers are still working together to determine the preferred net configuration for the NSW deepwater prawn fishery and any regulation changes might benefit from further trial and reported information.
- The suggestion to issue an order under section 37 of the Act that authorises all deepwater prawn endorsement holders to use on a trial basis the full suite of modifications of interest to active fishers.

AGREED: CommFish NSW members agree:

- This will provide more time for NSW DPI and fishers to work together on the preferred gear:
- Will provide equal opportunity for fishers to contribute to the development of new gear: and
- Enable opportunity to use on a trial basis the same gear as Commonwealth fishers.
- To support NSW DPI in the issue of an order under section 37 of the Act for 2 years.

ACTION 9.10: Amended to:

NSW DPI to issue an order under section 37 of the Act, to those endorsement holders to use on a trial basis for 2 years the full suite of modifications of interest to active fishers.

7. Possession and Transport Action 8.17 - Council members support NSW DPI investigating options and further discussion at a future Council meeting around issue of possession and transport of catches of non-quota species by authorised agents.

NOTED:

- This is a problematic issue requiring further work to find a solution.
- In the Commonwealth possession ends at disposal.

AGREED: CommFish members agree:

- Requires real examples to workshop a solution.
- Outcomes need to be practical for the fisher and secure from a compliance perspective.
- The draft record of possession form should be approved and distribute to fishers to use with the inclusion of non-quota species and quota species.

ACTION 8.17: Amended to

1. NSW DPI to work through on-ground examples with a working group comprised of fishers and members to gain a solution.
2. NSW DPI to approve record of possession form and distribute to fishers for use.

8. List of Regulations – principles for prioritising reform proposals (Part of Action 8.2)

NOTED:

- The call for submissions on the full list of regulations is yet to be approved for release.
- A working group will prioritise the list of submissions once received.
- Representation on the working group should include the knowledge of each fishery. Several CommFish NSW members nominated to be on the working group.
- The working group ideally would have 3 commercial and 3 recreational advisory council members, with representation from NSW DPI.
- One member should be common across the working groups.

AGREED:

- Working group to be formed,
- Prioritise the regulation reform proposals
- Expedite consideration of the proposals that have been prioritised

ACTION 8.2: Amended to include

NSW DPI to form working group once the release of the full list of regulation is approved by Minister.

9. FisherMobile – Fishing Activity Reporting Changes for 1 May 2019 (including multi species and processing codes) - Presentation

NOTED:

- As a consequence of the introduction of new multi-species quota in May 2019, FisherMobile will be modified for simplicity.
- Concern raised that pre-fish, post land and catch and effort reports do not regularly link together.
- Training will be provided to fishers in April 2019.

ACTION 10.5: DPI NSW to investigate the link between of pre-fish, post-land and catch and effort reports as part of the catch and effort review

10. Barriers to work health and safety in the fishing industry – research findings update

NOTED:

- There is room for improvement in all areas
- There is a strong culture of caring about safety in the industry, however a disconnect exists in the perception between what fishers do to keep safe, and how regulations are treated that are targeted at increasing safety.
- Current barriers to adopting safety include, financial capacity to upgrade equipment.

11. Harvest Strategy update Action 7.4 and 9.3.1

NOTED: A presentation was given by NSW DPI in relation to Harvest Strategies. The presentation included:

- How harvest strategies are developed

- That FishPath (decision making tool, based on fishery diagnostics questioning and cost database) is a useful tool in the development of Harvest Strategies
- Draft strategy (hand gathering beach fishery) in review.
- Further work needs to be done to Harvest Strategies to all sectors.

12. CommFish NSW – vacant positions 8 May 2019

NOTED:

- NSW DPI representative thanked all members for their contributions and encouraged to consider reapplying.
- Vacant positions will be filled for a 3 year term.
- The following positions become vacant on the 8 May 2019.
 - Sea Urchin & Turban Shell Restricted Fishery Member
 - Estuary General Share Managed Fishery Member
 - Southern Fish Trawl Restricted Fishery Member
 - Aboriginal Commercial Fishers Member
 - Estuary Prawn Trawl Share Managed Fishery Member
 - Inland Restricted Fishery Member
- Discussion with the new appointed Minister will take place, to seek direction on filling vacant positions.

ACTION 10.6: NSW DPI to discuss with new appointed Minister the vacant positions on CommFish NSW as a priority.

13. General Business

13.1 Correspondence received:

NOTED:

- A total of two submissions were received since the previous CommFish meeting. Topics listed for discussion:
 - Correspondence No. 49 –Submission to Western Rock Lobster industry (McGowan Government).
 - Correspondence No. 50 – Eel trapping in farm dams and impoundments.
- Executive Officer was asked to check the submission portal due to member was advised that a fisher had submitted a submission back in February 2019 that was not listed.

ACTION 10.7:

1. EO to respond to Correspondence No.49
2. NSW DPI to liaise and respond to Correspondence No.50
3. EO to investigate the submission portal to ensure it is working.

- Action 9.4.3 - Correspondence No.46 from meeting 9
NSW DPI has found that the issue is complex. There are two options:
 1. Review existing list of permitted species with a view to potential change.
 2. Replace the permitted list with a prohibited species list.

Each option has various implications including possible impact on export approvals and the Fishery Management Strategy.

ACTION 9.4.3: Update to:

NSW DPI to investigate the impacts on export approvals as a consequence of amending the list of permitted species and will provide a further update to correspondence recipient.

13.2: Blue swimmer crabs**NOTED:**

- Both the MFAC and General Estuary members declared their interest in blue swimmer and mud crabs.
- Wallis Lake Coop has requested a meeting to discuss the 6.5cm blue swimmer crab size limit.
- Previous minutes confirmed and CommFish NSW members agreed again that the size should remain at 6.5cm.
- Consideration to not have to mark traps with floats to reduce poaching around Christmas. Need to consider Haulers, as part of this investigation.
- Consideration of one octopus trigger trap to be attached to the crab trap to reduce octopus invading catch.

AGREED: Members reaffirmed their support for the 6.5cm size limit.

ACTION 10.8: NSW DPI to investigate hiding of floats around Christmas period and the introduction of an octopus trigger trap to reduce octopus invading crab trap.

13.3: Fishing gear

NOTED: Consideration should be given to the use of mono net, as a fishing gear material in the Estuary General Fishery.

ACTION 10.9: NSW DPI to investigate the use of mono net in the Estuary General fishery.

13.4: Mud Crab tagging**NOTED:**

- Industry-based working group has been working on options for tagging of mud crabs.
- QLD and NT are experimenting with tagging mud crabs also.
- If mud crab tagging is going to be implemented, consideration should be given to apply to both commercial and recreational fishing.
- Tagging of mud crabs could have a marketing advantage.

ACTION 10.10: NSW DPI to consider who should be required to tag mud crab and how crabs should be tagged.

13.5: Cultural permit

NOTED: Consideration should be given for compliance to enforce cultural permits that exceed the expiry date.

Action 10.11: NSW DPI compliance to investigate the enforcement of cultural permits.

13.6: Export list

NOTED:

- Due to the market changing there is a need to investigate how the NSW export list can be expanded.
- Consideration is given to sustainability of the resource and bio-security can be a concern to navigate.

ACTION 10.12: NSW DPI to investigate how to expand the export list

13.7: Assistance in the water for SUTS fishers

NOTED:

- When diving SUTS fisher cannot have someone in the water to assist with catch.
- This should be submitted as part of the regulation review.

13.8 Management of urchin in the Hawksbury Marine Park

NOTED: Consideration to have a rotational closure within the marine park for purple urchin and the opening of sub zone to H3 for red urchin.

ACTION 10.13: NSW DPI representative to liaise with the SUTS Fisheries Manager in the viability of this suggestion.

13.9 Paying of fees

NOTED:

- Concerns were raised that fishers are continuing to fish when they have not paid their fees or charges.
- This is unfair for those that are up to date with their fees.
- A new debt recovery policy has been drafted and will be submitted to the new Minister for approval.

13.10 Update from NSW DPI representative

NOTED:

- Total Allowable Fishing committee (TAFC) process for quota managed species will commence in April 2019. NSW DPI role is to provide the data to the TAFC. The TAFC will make the determination.
- The positive media release from Minister Stokes regarding Pittwater's commercial fishing rules and co-operative approach achieved with commercial fishers that regularly use the area.
- A review of the Catch and Effort reporting will commence shortly.

Close of Meeting

NOTED: Meeting closed at 5pm, all Council members and invited guests were thanked for their contributions and for their attendance.

Appendix A – Current Actions & Recommendations List for Meeting 10

Actions

No.	Action	Whom	Comments	Status
7.4	Invite Research Leader Fisheries Resource Assessment (NSW DPI) to attend the next Council meeting and provide an update on the development of fishery harvest strategies.	NSW DPI	<p>Meeting 8: Chair indicated that this a standing item with DPI to provide updates at future meeting</p> <p>Meeting 9: Chair advised that NSW DPI representative for harvest strategies be invited to attend next meeting</p> <p>Meeting 10: Chair advised - That this item is on the agenda for today</p>	Completed
7.8	Council supports NSW DPI, MFAC and Estuary General Members developing signage options in support of NSW commercial fishing for tabling at a future Council meeting.	NSW DPI/ MFAC,& EG	<p>Meeting 8: Chair indicated that this is a standing agenda item.</p> <p>Meeting 9: Chair advised still in progress</p> <p>Meeting 10: Chair advised - NSW DPI has implemented the supporting seafood future program, which is designed to build marketing and promotion capability through grants.</p>	Completed
7.22	<p>The Council recommends:</p> <ol style="list-style-type: none"> 2. Further discussion on boat licences to be included at a future Council meeting. 3. Including discussing changes to NSW DPI Fisheries compliance practices with onset of mobile reporting systems at a future Council meeting. 	Council& NSW DPI	<p>Meeting 8: Chair advised boat licencing and compliance are standing items. With further update required regarding FisherMobile</p> <p>Meeting 9: Chair advised that Item 1 was completed and item 2 & 3 to be discussed further at a later meeting</p> <p>Meeting 10: Chair advised and asked</p> <ol style="list-style-type: none"> 2. This is part of the regulation review and can be closed 3. Removed has been addressed 	<ol style="list-style-type: none"> 2. Completed 3. Completed
8.2	<ol style="list-style-type: none"> 1. NSW DPI to release a call for submissions, on the full list of regulations. 2. EO to write to the Recreational Fishing NSW Advisory Council (RFNSW AC) inviting comment on the consultation paper when released. 	NSW DPI	<p>Meeting 9: Actions to 8.2 have been updated</p> <p>Meeting 10: Chair advised - An update to be provided by NSW DPI and a paper for discussion is on the agenda for today. Actions 8.2 to be updated</p>	In progress

Actions continued

	<p>Meeting 10: Action has been amended to include:</p> <p>3. NSW DPI to form working group once the release of the full list of regulation is approved by Minister.</p>			
8.4	<p>1. SUTS Member to liaise with DPI NSW Compliance on the draft recommendations and make amendments where applicable.</p> <p>2. EO to recirculate to members for further feedback.</p> <p>Meeting 10: Action has been amended to:</p> <p>3. Letter and paper to be sent from the Chair to the Minister.</p>	EG/SUTS & AB; NSW DPI	<p>Meeting 9: Action to 8.4 has been updated.</p> <p>Meeting 10: Chair advised</p> <p>1. Completed</p> <p>2. Completed</p> <p>Action 8.4 to be updated</p>	<p>1. Completed</p> <p>2. Completed</p> <p>3. In progress</p>
8.9	<p>Council members recommend that NSW DPI:</p> <p>1. Investigate the potential of automatic disqualification for certain high level offences such as trafficking fish.</p> <p>2. Provide further information on the topic of automatic disqualification for Council members review at a future meeting.</p>	NSW DPI	<p>Meeting 9: Chair advised in progress</p> <p>For future meeting after the public submissions on regs?</p> <p>Meeting 10: Chair advise no change on timeline on this action</p>	In Progress
8.16	<p>Council recommend NSW DPI draft written response to industry individual that has provided multiple submissions to the Council, issue deemed NSW DPI operational.</p>	NSW DPI	<p>Meeting 9: Chair advised that this has been drafted and will be sent out within the next few days.</p> <p>Meeting 10: Chair advised - Correspondence No.16,18,19,20, 23,25,26 29& 36 Response sent 6/12/18</p>	Completed
8.17	<p>Nominated CommFish NSW members to further review DPI NSW recommendations and provide feedback back to progress this action.</p> <p>Meeting 10: Action has been amended to:</p> <p>1. NSW DPI to work through on-ground examples with a working group comprised of fishers and members to gain a solution.</p> <p>2. NSW DPI to approve record of possession form and distribute to fishers for use.</p>	Council NSW DPI	<p>Meeting 9: Action 8.17 updated. The following members Estuary Prawn Trawl, Estuary General, Lobster, MFAC and Ocean Trawl are to review and provide recommendations.</p> <p>Meeting 10: Chair advised that this action is back on the agenda for today. Action 8.17 to be updated</p>	In Progress

Actions continued

8.19	Council members request that a NSW DPI recreational fishing manager attend a future Council meeting to provide a briefing on the recreational EIS development.	NSW DPI	<p>Meeting 9: Chair advised possible attendance at next meeting</p> <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>	In Progress
9.1	<ol style="list-style-type: none"> EO to collate feedback from members to draft a letter of thanks to Brad Mackay on behalf of CommFish members. A letter of thanks is to be sent to Greg Ryzy on behalf of CommFish members. 	EO	<p>Meeting 10: Chair advised</p> <ol style="list-style-type: none"> Email sent to Brad on 7/1/19 Letter sent to Mr Greg Ryzy 7/1/19 	Completed
9.2	EO to amend Pecuniary Interest Register and circulate to members	EO	Meeting 10: Chair advised, updated register sent 24/12/18	Completed
9.3	<ol style="list-style-type: none"> Stock assessments and harvest strategies are to be completed. NSW DPI to model, a flat charge for each class of shares held in each fishery and report to CommFish for further consideration. 	NSW DPI	<p>Meeting 10: Chair advised</p> <ol style="list-style-type: none"> Update provided as part of action 7.4, on agenda for today. This will be an agenda item for next meeting. A member raised that consideration should be given to the diverse fisher when creating the model. 	<ol style="list-style-type: none"> Completed In Progress
9.4	<ol style="list-style-type: none"> EO to respond to Correspondence No. 43, 46, 47 and 48 NSW DPI to respond to Correspondence No. 44 and 45 NSW DPI to investigate the list of species and consult with CommFish NSW on the advantages and disadvantages of introducing a non-permitted species list instead of a permitted list. <p>Meeting 10: Action has been amended to:</p> <ol style="list-style-type: none"> NSW DPI to investigate the impacts on export approvals as a consequence of amending the list of permitted species and will provide a further update to correspondence recipient. 	EO	<p>Meeting 10: Chair advised</p> <ol style="list-style-type: none"> No.43. response sent 10/12/2018 No. 46.47 &48 response sent 12/12/18, No.44 response sent 7/1/19, No. 45 sent 25/2/19 NSW DPI provided their findings on the investigation of a new list. Action 9.4.3 to be updated 	<ol style="list-style-type: none"> Completed Completed In Progress
9.5	A letter from the Chair to Minister is to be drafted and sent in relation to low interest loans for all fishers in	Council	Meeting 10: Chair advised - Letter has been sent to Minister	Completed

Actions continued

	the fishing industry to support adoption of new and innovative technology.			
9.6	EO to investigate if meeting information was sent to all members.	EO	Meeting 10: Chair advised – Second package not sent to 1 member. Noted for future.	Completed
9.7	NSW DPI to review the IFAR process.	NSW DPI	Meeting 10: Chair advised - Members were provided with update on the progress of this review - Sent via email on 28/2/19	Completed
9.8	NSW DPI to provide a further update to CommFish NSW for consideration.	NSW DPI	Meeting 10: Chair advised - that this would be considered as part of the regulation review.	Completed
9.9	NSW DPI representative to review the approval process to upload minutes to the website.	NSW DPI	Meeting 10: Chair advised – NSW DPI confirmed that the Minister has instructed that approval is required prior to the upload of minutes to website.	Completed
9.10	NSW DPI to investigate the appropriateness of amending NSW regulations to be more in line with the Commonwealth regulations as applicable to catching Royal Red Prawns. Meeting 10: Action has been amended to: NSW DPI to issue an order under section 37 of the Act, to those endorsement holders to use on a trial basis for 2 years the full suite of modifications of interest to active fishers.	NSW DPI	Meeting 10: Chair advised - This item is on the agenda for today. Action 9.10 to be updated	In progress
10.1	EO to amend Pecuniary Interest Register and circulate to members.	EO		In progress
10.2	NSW DPI to investigate increasing the bag limit from 0kg to 25kg for trawl whiting.	NSW DPI		In progress
10.3	NSW DPI to work with purse seine fishers to find a solution to accurately weigh and report on quota species when mixed catch is taken.	NSW DPI		In progress
10.4	NSW DPI to implement a managed compliance approach for fishers that may experience difficulty satisfying final catch reporting timeframes.	NSW DPI		In progress
10.5	DPI NSW to investigate the link between pre-fish,	NSW DPI		In progress

Actions continued

	post-land and catch and effort reports as part of the catch and effort review.			
10.6	NSW DPI to discuss with new appointed Minister the vacant positions on CommFish NSW as a priority.	NSW DPI		In progress
10.7	1. EO to respond to Correspondence No.49. 2. NSW DPI to liaise and respond to Correspondence No.50. 3. EO to investigate the submission portal to ensure it is working.	EO NSW DPI EO		In progress
10.8	NSW DPI to investigate hiding of floats around Christmas period and the introduction of an octopus trigger trap to reduce octopus invading crab trap.	NSW DPI		In progress
10.9	NSW DPI to investigate the use of mono net in the Estuary General Fishery.	NSW DPI		In progress
10.10	NSW DPI to consider who should be required to tag mud crab and how crabs should be tagged.	NSW DPI		In progress
10.11	NSW DPI Compliance to investigate the enforcement of cultural permits.	NSW DPI		In progress
10.12	NSW DPI to investigate how to expand the export list.	NSW DPI		In progress
10.13	NSW DPI representative to liaise with the SUTS Fisheries Manager in the viability of this suggestion.	NSW DPI		In progress