



Commercial Fishing NSW Advisory Council

Meeting 27, 24 and 25 October 2023, Sydney and Teleconference

Members present	Stuart Richey AM	Chair
	Craig Shephard	Sea Urchin & Turban Shell Fishery
	Greg Finn	Ministerial Fisheries Advisory Council
	Graeme Byrnes	Estuary General Fishery
	John Jarvis	Southern Fish Trawl Fishery
	Mark Cranstone	Lobster Fishery
	Patrick Richardson	Ocean Hauling Fishery
	Raymond Saunders	Aboriginal Commercial Fishers
	Peter Turnell	Director Fisheries & Aquaculture Management
	Stephen Bunney	Abalone Fishery
	Steve Everson	Estuary Prawn Trawl Fishery
	Taylor Henderson	Inland Fishery
	Peter Turnell	Director, Fisheries and Aquaculture Management
Mentee	Paul Aquilina	
Executive Officer	Cherie Kirkman	
NSW DPI staff	<ul style="list-style-type: none"> • Aimee Cavanagh, Program Leader Business Analytics, Fisheries Services (Via Teams) • Darren Hale, Senior Fisheries Manager, Commercial Fisheries • Darren Reynolds, Program Leader Fisheries Innovation & Development (via Teams) • Nick Giles, Senior Fisheries Manager, Harvest Strategies (via Zoom) • Simon Clark, Program Leader, Commercial Fisheries • Sarah Fairfull, Director Aboriginal Fishing & Marine Conservation (via Teams) 	
Invited guess	<ul style="list-style-type: none"> • Jo Marshall, Wellbeing Programs Manager, Seafood Industry Australia • Shelley Nancarrow, Assistant Manager, Adaptation and New Industries Division Offshore Renewable Energy Branch, Department of Climate Change, Energy, the Environment and Water (DCCEEW) 	
Apologies	<ul style="list-style-type: none"> • Mitch Sanders, Ocean Trap and Line – Member • Darren Ward, Ocean Trawl - Member 	

1. Member welcome, introductions, and housekeeping

The Chair welcomed Council members, NSW DPI staff, and the mentee. Aboriginal Commercial Fishers member acknowledged the traditional owners of the land.

2. Review of agenda

The council accepted the agenda.

3. Register of interests

The pecuniary interest register was updated prior to the meeting.

ACTION: Executive Officer to update pecuniary interests register and circulate.

4. Confirmation of minutes from Meeting 26

The minutes for meeting 26 were accepted as a true and accurate record of the meeting.

5. Actions from Meeting 26

The following actions have been completed and all others are in progress: 17.4, 18.7, 19.7, 19.9, 20.5, 20.9, 20.11, 22.12, 24.2, 25.7, 25.8, 26.1, 26.2, 26.3, 26.4, 26.5, 26.6, 26.7, 26.8, 26.9, 26.10, 26.12, 26.13, 26.14, 26.15.

6. Correspondence

The following correspondence items were considered operational and were forwarded to NSW DPI to respond, topics included:

- Mud crab closure line on the Clarence River.
- Spanner Crab quota
- Pipi and Beachworm quota
- Wildcaught Coalition letter

A letter recommending that industry be notified at least six weeks prior to a CommFish NSW meeting being convened was tabled.

CommFish NSW considered the recommendation, noting in some instances council members do not receive confirmation 6 weeks prior to a meeting being coordinated.

Action 27.1 : DPI to publish meeting dates on the CommFish NSW web page as soon as practical once a date has been confirmed.

7. MFAC member update

The MFAC member spoke of several key topics that he continues to pursue:

- Secure long term access to the resource.
- Access to market, including fish receiver.
- The cost of doing business, noting the increasing cost of freight and fuel.
- CommFish members were also informed that the Commercial and Recreational MFAC members are working together on a water quality project.

The Council discussed their support for the fish receiver fees to be reviewed and reflected as a transactional fee, similar to the logic applied to commercial fishing licences.

The committee further discussed their support for DPI to undertake a consultation process on the future of the registered fish receiver program, as it is a cost burden on small businesses including the fees (which are currently \$1,200 per annum for a commercial fisher and \$3,900 for a seafood business) to be reviewed and consider whether they should be reflected as a transactional fee.

RESOLUTION: CommFish support NSW DPI to undertake consultation on the fish receiver program.

8. COMMFISH and RFNSW joint meeting

CommFish attended a joint meeting with the Recreational Fishing NSW Advisory Council (RFNSW) where they were provided with an update from the Director, Aboriginal Fishing & Marine Conservation, and a presentation from DCCEEW.

[Director, Aboriginal Fishing & Marine & Marine Conservation update](#)

Following is a summary of the update provided:

- Draft Network Management Plan (NMP) for NSW Mainland Marine Parks– the draft plans and associated submissions reports have been submitted by the Marine Estate Management Authority to the Minister for Agriculture and Minister for the Environment for consideration.
- Marine Park Advisory Committees – the next meeting, the committee is scheduled for November 2023. The membership of four of the committees is due to expire in February 2024. A process will be undertaken to seek expressions of interest to fill the vacancies.
- Friends of Bongin Bongin Bay – have submitted a proposal for a no-take aquatic reserve – DPI Fisheries will meet with the group to discuss their proposal. The department’s current priority is effective management of the existing network of marine protected areas, particularly finalising and implementing the National Management Plans across the five mainland marine parks and progressing management rules review in line with the rules-related actions in the DNMP.
- Australian Marine Conservation Society (AMCS) – Prof David Booth has authored a report on behalf of the AMCS, titled “Creating a World Class Marine Protected Areas system: Getting NSW Back on Track. A link to the report was circulated for the members information.
- Draft Aboriginal cultural fishing regulation – It was noted the first draft regulation had been received, which was informed by the advice from the fisheries advisory council round table (held on 30 June) and the Aboriginal Fishing Advisory Council.
- Aboriginal Fishing Advisory Council (AFAC) – an expression of interest process to fill four vacant regional member roles and to create a talent pool for future regional membership roles is underway from 01 November – 01 December. The next meeting of AFAC is scheduled for 14-15 November.

DCCEEW presentation on Wind Farms

DCCEEW delivered a presentation on the zoning process for offshore renewable energy and subsequent application process for wind farms. This provided council members raised the following keys issues during the presentation:

- The short timeframe allowed for the public to provide a submission.
- Concern over the impact of exclusion zones on fishing activity for both commercial and recreational fisheries.
- The impact that the wind farms will have on migratory species and the ecosystem.

DCCEEW indicated that the commercial fishing sector will be consulted as part of the feasibility stage once underway.

It was noted there was an opportunity to provide submissions on the Illawarra wind farm proposal.

9. Fish Online Modernisation Program update

The committee was advised that the program build is going well and is currently targeting implementation on 1 July 2024.

The council discussed how it could provide further support to assist in removing any blocks to ensure the timeline is met. Council members are keen to see the delays in the rehosting of the suite of applications for FishOnline resolved. It is understood this will require Department of Planning and Environment to work proactively with NSW DPI Fisheries.

CommFish agreed that this is an important project that will improve efficiency for both industry and the Department. It is foreseen that the output of this program will generate many benefits for the management of the marine resource through improved information. This will benefit both the commercial sector and other marine resource stakeholders.

ACTION 27.2: The Chair to write to the DDG Fisheries indicating the councils support for the project and seek assistance to ensure there are minimal delays.

10. Vessel Monitoring System (VMS)

The council noted an update from the Program Leader, Fisheries Innovation & Development, on the progress of the VMS project. The council was advised that the trials were progressing positively. It was also mentioned that NSW DPI are working with the Commonwealth to extend the period to roll out VMS on commercial vessels that are transiting through or operating within Commonwealth Marine reserves or Marine Parks.

NOTED: CommFish noted the progress.

11. Commercial Fisheries Data Requirements

The Fisheries Innovation & Development Program Leader presented on the data collection requirements project. NSW Fisheries are reviewing the data limitations for fish stock assessment reports, Total Allowable Fishing Committee recommendations and harvest strategy development to improve the quality of the data captured. The review will also consider any changes that may impact on compliance.

CommFish members agreed on the importance of sound data for the improved management

of the resource.

RESOLUTION: Members reviewed and supported the proposed list tabled to the meeting.

12. Resource Management update

An update on harvest strategies was provided. It was noted that the Line and Trap Harvest Strategy Working Group will be meeting in November followed by the Mulloway Harvest Strategy Working Group in December.

There was discussion on the pending transitional quota determinations that will be reviewed, for the first time since being set, by the Total Allowable Fishing Committee (TAFC) in 2024.

- It was noted that communication with industry is a priority, particularly in the lead up to the determinations. The council was informed a communique outlining the process, including engagement opportunities, will be distributed soon.
- It was identified that industry prefer advanced notice of any quota changes prior to the start of the new fishing season. It has been five years since the quotas were implemented and as per good business practices, fishers require time to review their business model, particularly should there be a change.

Council members were reminded of the opportunity for fishers to have input into the management of the fishery, through attending pre-stock assessment sessions (online) where scientists are seeking advice on factors that may affect catch trends, public submission periods and that fishers can attend the TAFC meetings.

RESOLUTION: CommFish supported the pending industry update to describe the process for setting the TAC for the transitional fishing determinations.

13. Stay Afloat and Sea safe

Council was provided an update on the Stay Afloat and Sea safe programs.

14. Program Leader, Commercial Fisheries update

The council were provided an update on general items by the Program Leader Commercial Fisheries.

Peak Body

The Government has made an election commitment to support the development of a peak body. A budget has been committed to underpin the commitment. An independent facilitator along with the working group, consisting of the Professional Fishers Association and the Wildcaught Coalition directors, are progressing the process to establish a peak body. The new peak body will not impact on the role or operation of Commfish

White spot

The process of coordinating Estuary Prawn Trawling Clarence River and Estuary General Prawn region 2 shareholders to temporarily stop fishing to receive an 'act of grace' payment has been completed. Correspondence presenting the opportunity for voluntary buy outs is immanent.

The process of demonstrating the Clarence River is white spot free is in progress, which is being led by the DPI Biosecurity team.

NOTED: The Estuary Prawn Trawl CommFish member thanked the Minister and the Department for their support in the white spot response.

Southern Fish Trawl Working Group (SFTWG).

The SFTWG met on 23 October 2023 to provide advice on DPI proposed interim management arrangements for the fishery. The arrangement are to ensure whiting species stock is not adversely impacted by activated effort in the fishery as a result of the recent Commonwealth management changes to the Southern and Eastern Scalefish and Shark Fishery.

DPI proposed introducing a total catch trigger limit for whiting, which will result in a trip limit, to restrain the fishery's catch to historic harvest levels. With respect to depleted species, particularly Silver trevally and Grey morwong, DPI is coordinating a review and will set catch limits across all sectors. It also presents an opportunity to remind fishing business owners of the 2017 investment warning.

RESOLUTION: CommFish noted and supported the principles underpinning the direction for the proposed changes to the Southern Fish Trawl Fishery (recognising the details of the changes are still being developed).

CommFish expiring positions.

An expression of interest will be forthcoming for the positions that expire in January 2024.

NOTED: The chair thanked all members for their contributions and encouraged all members whose terms are expiring, to reapply. The chair strongly promoted council members to spread the word of the opportunity for other commercial fishers to nominate.

Northern Fish Trawl Cultural Development Workshop

The FRDC funded Northern Fish Trawl Culture project has been enlightening and provided an opportunity for both DPI and industry to build a better understanding of each other's processes and the barriers and opportunities for future collaboration. The last meeting was held on 4 October 2023.

Lobster Working Group

DPI is considering three minor changes as a result of outcomes from the Lobster Industry Working Group meetings. These items include removing the maximum allowable quota that can be leased by a fishing business, remove the requirement to carry a measuring device and efficiency gains in the use of lobster tags. DPI will work through the required processes.

RESOLUTION: CommFish noted and supported the proposed changes raised by the Lobster Industry Working Group.

Pipi management

DPI completed consultation with Pipi endorsement owners on future management arrangements, including an option to establish a relative biomass estimate. Feedback from those that responded indicated general support for a seasonal closure for region 4 during the spawning period. There was also support for closing the eastern end of Stockton Beach in recognition of the high level of recreational activity. There was mixed support for a daily/weekly bag limit within region 4. Further work is required with respect to any trip limits and the opportunity to develop a relative abundance index.

RESOLUTION: CommFish noted and supported the progress on implementing changes to the Pipi fishery for a seasonal closure in region 4, including ongoing work with the fishery on the other items raised.

Boarding safety

An action from the last meeting was raised. The item refers to the liability of fishing boat owners or skippers with respect to compliance officers being injured while boarding vessels. It was noted that DPI is responsible for the safety and associated liability for compliance officer through their work operations including boat boardings.

However, skippers and business owners are responsible for ensuring they are adhering to their safety management systems and NSW Safe Work rules. Importantly, the Australian Marine Safety Authority require compulsory reporting of any incident. It was noted that it is important that skippers are aware of their work health and safety obligations in general.

Members discussed boarding vessels without prior warning can startle fishers. It was suggested that a warning would be appropriate. It was suggested a startled person's response is unpredictable, and likely to negatively impact interactions.

ACTION 27.3: The Program Leader Commercial Fisheries to investigate options for a process for a working group from CommFish to engage with the DPI Compliance.

15. Trust Ownership

The Estuary General (EG) Member tabled a paper on the options for ownership of shares and the limitations of using trusts to lead to more efficient fishing business management. The Fisheries Management 1994 s92 restricts the ownership of shares by a trust.

ACTION 27.4: NSW DPI to prepare feedback to CommFish with respect to section 92 and the use of trusts for fishing businesses.

16. Management of Prawn Set Pocket Net Priority Determinations – Myall Lakes

CommFish considered options tabled by DPI, for potential consultation with prawn endorsed fishing business owners in region 4, with respect to the Myall Lake prawn draw. It was reiterated that the principle of access should remain proportional to the shares owned. The options were developed by DPI Fisheries in response to concerns raised by individual fishers and the Wildcaught Coalition on the Myall Lakes prawn set pocket net Priority determinations. CommFish provided the following feedback:

- There was support to seek feedback on reviewing the draw period.
- There was support to consult on amendments to the determination rules reduce the opportunity to transfers share for the draw period only.
- There was support to consider alternative fishing methods, however it was advised, given social license considerations, in addition as the area is a marine park, it not adversely impact the pocket set fishery, and hand haul nets are permitted for another sector, that consultation for additional methods is confined to hand hauling net only, with consideration to being able to use a crew without the additional shares for this method only.

ACTION 27.5: CommFish supported the process tabled by DPI to pursue further consultation with prawn endorsed fishing business owners in region 4.

17. General Business

Abalone

The NSW Abalone Association has drafted an Abalone Harvest Strategy and has provided the document to NSW DPI for review. The Program Leader Commercial Fishing commended the association for their forward thinking and advised that the document will be reviewed by NSW DPI, and used as a starting point for the harvest strategy process.

Raised a concern with the current marine heatwave and the effect it may have on the fish species, particular Abalone, which is relatively sedentary. The unknown impact is a concern.

Update from the Inland Member

The management of the fish kills in the Menindee Lakes was discussed and a desire for the inland fishery to pro-actively contribute where practical. DPI are reviewing options to support native fish, and reduce the risk of fish kills, through reducing European Carp biomass.

Action 27.6: DPI to keep CommFish and Inland member updated with DPI strategies with respect to managing European Carp in the Menindee Lakes system as appropriate.

Meeting closed at 4:45pm.

Day 2: 25 October 2023 – Meeting continued

Opened at 08:20am.

18. Introductions and Insight into Sydney Fish Market (SFM)

The council welcomed Mr Greg Dyer and Mr Craig Davison who provided an update on the Sydney Fish Market future and SFM Blue.

19. Business Efficiency Program papers

Council considered the following 6 papers with the outcomes of each provided in Appendix B to these minutes:

- CommFish NSW Paper 43 - Business Efficiency Program – EG Fishery - size of eel traps.
- CommFish NSW Paper 44 - Business Efficiency Program – OH Fishery - where garfish hauling nets may be used.
- CommFish NSW Paper 45 - Business Efficiency Program – EG Fishery - use of the PAB net in various waters.
- CommFish NSW Paper 46 - Business Efficiency Program – OTL Fishery - allowing limited take of byproduct species.
- CommFish NSW Paper 47 - Business Efficiency Program – OH Fishery - the 80 20 rule and Yellowtail Kingfish.
- CommFish NSW Paper 48 - Lobster & EG Fishery - lobster '25 metre rule' & EG traps.
- CommFish NSW Paper 49 - Business Efficiency Program - OT Fishery - Danish seine

research permit.

20. Next meeting

To be determined

Meeting closed 11:30am

21. Appendix A – Current Actions & Recommendations List for Meeting 27

No.	Action	Whom	Comments	Status
8.17	Meeting 10: Action has been amended to: NSW DPI to work through on-ground examples with a working group comprised of fishers and members to gain a solution. NSW DPI to approve record of possession form and distribute to fishers for use.	Council NSW DPI	Meeting 10: Chair advised that this action is back on the agenda for today. Action 8.17 to be updated Meeting 11: Working with compliance. Meeting 27: In progress	In Progress
17.4	Item 6.10: (Refer to appendix B) NSW DPI to investigate further and consider amending the regulations.	NSW DPI	Meeting 27: Confirmed that proposal relating to Freshwater Shrimp – Inland Restricted Fishery is now tracked on the NSW DPI BEP tracking list for action and can be completed off this list.	Completed
18.7	Appendix G Items 11.3, 11.4, 11. 5 and 11.7. – To revisit at a later date.	NSW DPI	Meeting 27: The proposals relating to: <ul style="list-style-type: none"> • 11.3 Marking requirements: traps in the EGF and time release devices. • 11.4 Marking requirements: traps in the OTL and time release devices. • 11.5 Trap configuration escape Panels in OTL fish trap • 11.7 New fishing activities/fishing gear Confirmed that all are being tracked on the NSW DPI BEP tracking list for action and can be completed off this list.	Completed
19.3	NSW DPI to investigate the sending of links to industry members.	NSW DPI	Meeting 26: NSW DPI is working to improve the website once completed will revisit request and liaise with OH member. Meeting 27: In progress	In Progress

No.	Action	Whom	Comments	Status
19.7	Item 1.2 DPI to work with proponent and report back to CommFish (refer to appendix C).	NSW DPI	Meeting 26: CommFish will receive a presentation today on the research that is being done. Meeting 27: NSW DPI has confirmed that the further proposals concerning fishing gear–Danish seine nets used in the Ocean Trawl Fishery is confirmed to be now tracked on the NSW DPI BEP tracking list for action and can be completed off this list.	Completed
19.9	The following items from the BEP are recommended for further discussion with RFNSW Item 2.5 and 2.9 (refer to appendix D)	NSW DPI	Meeting 26: To be discussed at today’s meeting. This action is completed refer to action 26.15	Completed
20.5	The following items from the BEP are to be revisited after seeking feedback from relevant fishers: (Refer to appendixes B; Items 1.1, 1.2, 1.3, and 1.5).	NSW DPI	Meeting 26: Still in progress Meeting 27: The proposals relating to: 1.1 EG – Prawn net (set pocket) and various waters. 1.2 EG – Port Stephens prawning nets. 1.3 EG – Prawn running net and various waters. 1.4 EG – Tuggerah Lakes seasonal prawning closure Confirmed that all are being tracked on the NSW DPI BEP tracking list for action and can be completed off this list.	Completed
20.9	Dive members to consider an alternative approach to enhance diver safety (Item 5.3.2)	CFNSW	Meeting 26: Chair to seek member nominations SUTS and Abalone member to provide alternative approaches. Meeting 27: Presentation at today’s meeting on the Stay safe program. Action can be completed	Completed
20.11	Regulations are amended to clarify that hanging of SUTS species is not permitted (Item 5.6.2)	NSW DPI	Meeting 26: Still in progress Meeting 27: Confirmed now tracked on the NSW DPI BEP tracking list for action and can be completed off this list	Completed

No.	Action	Whom	Comments	Status
21.3	<p>1. NSW DPI to proceed with public consultation on the implementation of a mud crab tagging program and to seek feedback on a tagging management framework.</p> <p>2. If after public consultation it is viewed that tagging is to be implemented, NSW DPI is to seek approval for funding from the Commercial Fishing Trust fund. NSW DPI is to consider any potential future income going back into the Commercial Fishing Trust fund.</p>	NSW DPI	<p>Meeting 26: In progress</p> <p>Meeting 27: In progress</p>	In Progress
21.10	DPI to pilot co-management with Clarence School Prawn Committee.	NSW DPI	<p>Meeting 26: Still in progress</p> <p>Meeting 27: In progress</p>	In Progress
22.4	DPI to provide further updates, including before the EA and RFMS are finalised.	NSW DPI	<p>Meeting 25: Update presented at meeting.</p> <p>Meeting 26: Still in progress</p> <p>Meeting 27: In progress, EO provided a short update at the meeting</p>	In Progress
22.12	DPI to investigate and refer to CommFish for further consideration. (Refer to appendixes B and C Items 1.7, 2.1.1, 2.5, 2.6, 2.8.2)	NSW DPI	<p>Meeting 26: Still in progress</p> <p>Meeting 27: The proposals relating to:</p> <p>1.7 Carry-over of quota</p> <p>2.1.1 Possession of meshing nets in the Clarence River (travelling)</p> <p>Nets on weekends during the “mullet season”</p> <p>2.5 Nets on weekends during the “mullet season”</p> <p>2.6 Mud crab traps and fish traps – allow take of quota species in closed waters.</p> <p>2.8.2 All commercial fishing methods – remove</p>	Completed

No.	Action	Whom	Comments	Status
			closures. Confirmed that all are being tracked on the NSW DPI BEP tracking list for action and can be completed off this list.	
24.2	NSW DPI to provide more data to ascertain if the transferring of shares issue is real or perceived and to consult with Myall Lakes fishers to provide nominations for a person(s) to be endorsed to coordinate the draw	NSW DPI	Meeting 25: Action to be updated: NSW DPI to provide more data to ascertain if the transferring of shares issue is real or perceived and to consult with Myall Lakes fishers to provide nominations for a person(s) to be endorsed to coordinate the draw. Meeting 26: Draw portion of action completed. Meeting 27: Paper to be presented at today's meeting	Completed
24.7	NSW DPI to review fishing business transfer rules and advise if changes are required.	NSW DPI	Meeting 26: Still in progress Meeting 27: In progress	In Progress
25.7	EO to collect SFM Blue items from CommFish members and provide to Chair for consideration share with SFM Blue operators.	CFNSW	Meeting 26: Email to be sent for comment collection. Meeting 27: Email was sent 4 May 2023; several comments provided and note that SFM attendance at day 2 CommFish meeting.	Completed
25.8	Invite NSW DPI Compliance to a future meeting to discuss the progress of the fit and proper person test and penalty demerit scheme.	NSW DPI	Meeting 26: Still in progress Meeting 27: Director of Compliance will be attending today's meeting and will remain on agenda for future updates	Completed
26.1	Executive Officer to circulate presentations and member's contact details so that council members may engage with Dr Broadhurst.	EO/Council	Meeting 27: Email sent 4 May 2023	Completed

No.	Action	Whom	Comments	Status
26.2	NSW DPI to review processes so that fishing business owners can view fish records submitted by their nominated fishers in relevant fisheries.	NSW DPI	Meeting 27: Referred to the Program Leader Business Analytics, Fisheries Services to review as part of the FishOnline Modernisation project	Completed
26.3	Executive Officer to send background information about the project to council members and members to advise should they are able to participate.	EO/Council	Meeting 27: PLCF advised that CommFish OT fishery representative attended	Completed
26.4	Chair to write to the Deputy Director General Fisheries to indicate Council's support for the administrative sanctions policy and recommend that the Penalty Demerit Scheme also be progressed.	Chair	Meeting 27: Correspondence sent to DDG on 23 May 2023	Complete
26.5	NSW DPI to share details for relevant fishery managers.	NSW DPI	Meeting 27: Sent email 18 October to CommFish members	Completed
26.6	Remove MFAC member from the BEPWG, add Inland representative as a member and Estuary General representative as a potential proxy.	NSW DPI	Meeting 27: Inland representative attended BEPWG meeting 3	Completed
26.7	CommFish Chair to write to the Chair of the Mulloway Harvest Strategy Working Group to advise that Estuary Prawn Trawl member will attend a future working group meeting.	Chair	Meeting 27: Letter sent on the 12 May 2023	Completed
26.8	Executive Officer to initiate and collect feedback from other members on this topic to assist the MFAC representative in his deliberations.	EO	Meeting 27: Email sent 16 May 2023	Completed

No.	Action	Whom	Comments	Status
26.9	NSW DPI to consider potential responses to manage any increase in effort in the Southern Fisher Trawl Fishery that may arise due to changes in the adjacent Commonwealth Southern and Eastern Scalefish and Shark Fishery.	NSW DPI	Meeting 27: A SFTWG met on 23 October 2023	Completed
26.10	NSW DPI to check that internal processes provide for consultation with industry when assessing planning applications.	NSW DPI	Meeting 27: PLCF to provide insight at today's meeting	Completed
26.11	NSW DPI to discuss with the Inland member the proposal for research to reduce bycatch (traps already have a 90 mm ring) and its link with the 48-hour rule.	NSW DPI	Meeting 27: In progress	In Progress
26.12	DPI to engage proponent and provide further advice for consideration by CommFish.	NSW DPI	Meeting 27: DPI has engaged and will provide further advice to CommFish. This has been confirmed that it is on the NSW DPI BEP tracking list to come back to CommFish.	Completed
26.13	Items 2 & 4 Move to the next step (BEP working group). Refer to Appendix B	NSW DPI	Meeting 27: Confirmed that the proposals EG Fishery – Number of meshing nets that may be used and OT&L Fishery – species restrictions south of the Moruya River have moved to the BEPWG tracking sheet and can be completed from this list.	Completed
26.14	Move to the next step (BEP working group) subject to any issues that DPI may identify in which case it should be returned to CommFish.	NSW DPI	Meeting 27: Confirmed that the proposals EG fishery – Size of eel traps and EG Fishery – Use of bait nets in various waters has moved to the BEPWG tracking sheet and will come back to CommFish if necessary, can be completed from this list.	Completed
26.15	NSW DPI to prepare papers for consideration by CommFish.	NSW DPI	Meeting 27: Confirmed that the proposals concerning meshing in currently closed areas in the Nambucca	Completed

No.	Action	Whom	Comments	Status
			River, Warrell Creek and Merimbula Lake are on the NSW DPI BEP tracking list to prepare a paper to come back to CommFish.	
27.1	DPI to publish meeting dates on the CommFish NSW web page as soon as practical once a date has been confirmed.	NSW DPI		
27.2	The Chair to write to the DDG Fisheries indicating the councils support for the project and seek assistance to ensure there are minimal delays.	Chair		
27.3	The Program Leader Commercial Fisheries to investigate options for a process for a working group from CommFish to engage with the DPI Compliance.	PLCF		
27.4	NSW DPI to prepare feedback to CommFish with respect to section 92 and the use of trusts for fishing businesses.	NSW DPI		
27.5	CommFish supported the process tabled by DPI to pursue further consultation with prawn endorsed fishing business owners in region 4.	NSW DPI		
27.6	DPI to keep CommFish and Inland member updated with DPI strategies with respect to managing European Carp in the Menindee Lakes system as appropriate.	NSW DPI		
27.7	Items 1 & 4 Move to the next step (BEP working group). Refer to Appendix B	NSW DPI		

No.	Action	Whom	Comments	Status
27.8	Item 2 - Return to the BEP working group for advice on high-risk hotspots. Refer to Appendix B	NSW DPI		
27.9	Item 3 -NSW DPI to liaise with relevant proponents and deliver a revised proposal for further consideration by CommFish. Refer to Appendix B	NSW DPI		
27.10	Item 5 – Move to the next step (public consultation). Refer to Appendix B	NSW DPI		
27.11	<ol style="list-style-type: none"> 1. Item 6 - The '25-metre rule' proposal is considered under the electronic reporting project. 2. The EG trap proposals, modified as agreed or noted in this meeting, move to the next step (public consultation). 	NSW DPI		
27.12	NSW DPI to continue this research and issues permits as needed to support it. Refer to Appendix B	NSW DPI		

22. Appendix B – Outcomes from discussion on Business Efficiency Program

Topic discussed	Noted	CommFish Recommendation	Action
<p>1. CommFish Paper43 - EG Fishery - Size of eel traps</p>	<p>a) NSW DPI engaged further with the proponent who suggests the following benefits if the maximum width of the 'larger-sized eel trap' in regulation is increased from 0.5 metres to 1 metre consistent with the width of the 'smaller-sized eel trap' in regulation:</p> <ul style="list-style-type: none"> • the traps would stack better on a boat and not fall over, • to reduce risk of damage to eels inside the trap, and • to reduce risk of theft of traps. <p>b) There was no forthcoming feedback with respect to a new maximum trap size.</p> <p>c) Retaining the maximum overall length of 4 metres may help to ensure that traps cannot be used like a fyke net.</p> <p>d) Any increase to the maximum trap size would not stop fishers using their current traps.</p> <p>e) With respect to a request from NSW DPI for CommFish to consider that larger traps may present workplace health and safety (WHS) risks for fisheries officers, CommFish noted:</p> <ul style="list-style-type: none"> • the weight of commercial traps would be a greater WHS risk, yet the weight of traps is not regulated and should not be regulated, • larger traps are used in some other sectors, including the fish trap sector operating in estuarine waters, and • if the WHS risk identified is a significant issue for DPI, DPI could consider investing in trap lifting gear. 	<p>That the proposal progress to the next step of the BEP process.</p>	<p>27.7 Move to the next step (BEP working group).</p>

Topic discussed	Noted	CommFish Recommendation	Action
	<p>f) It was agreed that the proposal to increase the maximum width of the 'larger-sized eel trap' in regulation from 0.5 metres to 1 meter proceed to the next step of the BEP.</p>		
<p>2. CommFish Paper 44 – OH Fishery – Where garfish hauling nets may be used</p>	<p>a) The proposal was presented to the BEPWG where there were concerns including risk of unacceptable interaction with land-based recreational fishers and surfers etc., with CommFish members present agreeing that CommFish could revisit the proposal.</p> <p>b) At this meeting CommFish noted:</p> <ul style="list-style-type: none"> • Sustainability and sharing of access to Eastern Sea Garfish is managed through quota and the TAC will be reviewed by the independent Total Allowable Fishing Committee next year (2024). • Garfish hauling nets are not used in the surf zone and not a risk to surfers. • Access is also important to the commercial fishing industry, including the fishers who hold Eastern Sea Garfish quota and have a limited season to catch it. • CommFish could not identify any recreational fishing hotspots where there would be high risk of objectionable interaction with recreational fishers. 	<p>That the proposal be referred to the BEPWG to identify any high-risk hotspots, otherwise released for public consultation during which any such hotspots may be identified.</p>	<p>27.8 Return to the BEP working group for advice on high-risk hotspots.</p>
<p>3. CommFish Paper 45 - EG Fishery - Use of PAB net in various waters</p>	<p>a) As requested by CommFish in meeting 26, NSW DPI prepared a paper for the BEPWG but when doing so identified issues (mainly relating to spatial and temporal controls) requiring consideration by CommFish.</p> <p>b) At this meeting CommFish noted:</p> <ul style="list-style-type: none"> ○ The proposal should be amended to exclude take of garfish species given that garfish are important to other commercial fishers. 	<p>That NSW DPI liaise with the proponents and refine the proposal (spatially and temporally) to avoid risk of adverse public reaction and increase</p>	<p>27.9 NSW DPI to liaise with relevant proponents and deliver a revised proposal for further</p>

Topic discussed	Noted	CommFish Recommendation	Action
	<ul style="list-style-type: none"> ○ Allowing the PAB net in all waters previously considered by CommFish will likely result in use of the PAB in locations that may draw community concern (e.g., alongside caravan parks etc.) and risk the industry's social licence to operate. 	the likelihood of the proposal proceeding.	consideration by CommFish.
<p>4. CommFish Paper 46 – OT&L Fishery – allowing limited take of by-product species</p>	<p>a) This proposal was discussed at meeting 26 where CommFish recommended that it progress to the next step of the BEP.</p> <p>b) The proposal has been brought back to CommFish by NSW DPI to clarify whether the by-product bag limit of 50 kg for school and gummy shark endorsement holders should include species subject to quota in NSW.</p> <p>c) At this meeting CommFish noted:</p> <ul style="list-style-type: none"> • Excluding species that are subject to quota would be consistent with decisions made during the Business Adjustment Program. • Excluding species that are subject to quota reduces risk of quota evasion – by removing opportunity for quota species to be mis-reported as taken in a sector (in this case the school and gummy shark sector) where quota does not apply. 	That the byproduct bag limit of 50 kg for school and gummy shark endorsement holders does not include species that are subject to quota in NSW, and that the proposal progress to the next step of the BEP process.	27.7 Move to the next step (BEP working group).
<p>5. CommFish Paper 47 – OH Fishery – the 80/20 rule and Yellowtail Kingfish</p>	<p>a) The proposal was presented to the BEPWG where there were concerns over the potential for increased targeting of Yellowtail Kingfish in the beach hauling sector.</p> <p>b) At this meeting CommFish noted:</p> <ul style="list-style-type: none"> • Given apprehension in the recreational sector about Yellowtail Kingfish, support to remove the 80/20 rule is unlikely unless they can be convinced that its removal will not result in increased catches of Yellowtail Kingfish in the beach hauling sector. 	That the proposal be released for public consultation with a proposed daily bag limit of 500kg per hauling net (general purpose) endorsement holder.	27.10 Move to the next step (public consultation).

Topic discussed	Noted	CommFish Recommendation	Action
	<ul style="list-style-type: none"> Including relevant facts in the public consultation paper, such as the opportunistic nature of such catches and limited take (<2% of total commercial and recreational take), may not be enough to garnish the community support that may be needed for this proposal to succeed. A daily bag and possession limit could assist allay such concerns. Based on data considered, a daily bag and possession limit of 500kg per hauling net (general purpose) endorsement holder may allay such concerns and at the same time have minimal impact on the industry. 		
<p>6. CommFish Paper 48 – Lobster & EG Fishery – ‘25 metre rule’ & EG traps</p>	<p>a) The following two issues have previously been considered by CommFish and the BEP working group.</p> <p>b) DPI’s advice that changing the ‘25 metre rule’ that applies to lobster fishers completing daily log sheets would be best progressed as part of the process of introducing new electronic reporting requirements.</p> <p>c) DPI’s intention to include in the public consultation paper concerning EG traps a proposal to require at least two escape gaps (instead of one) to be fitted to collapsible soft-mesh traps with mesh less than 90 mm – consistent with published research demonstrating benefits.</p> <p>d) With respect to a request from NSW DPI for CommFish to consider that larger traps may present workplace health and safety (WHS) risks for fisheries officers, CommFish noted:</p> <ul style="list-style-type: none"> the weight of commercial traps would be a greater WHS risk, yet the weight of traps is not regulated and should not be regulated, if the WHS risk identified is a significant issue for DPI, DPI could consider investing in trap lifting gear just as some fishers do, 	<p>a) That the ‘25-metre rule’ be considered as part of the new electronic reporting project.</p> <p>b) The DPI proposal to include in the EG trap public consultation paper a requirement for two escape gaps in relevant traps was noted.</p> <p>c) The proposal to increase the maximum diameter of collapsible soft mesh traps to 2</p>	<p>27.11</p> <p>1) The ‘25-metre rule’ proposal is considered under the electronic reporting project.</p> <p>2) The EG trap proposals, modified as agreed or noted in this meeting, move to the next step (public consultation).</p>

Topic discussed	Noted	CommFish Recommendation	Action
	<ul style="list-style-type: none"> • no changes are proposed for the larger rectangular (wire) trap used in some estuaries to target bream etc., and that such traps are not used to target crabs, • the traps most used and inspected by fisheries officers are the collapsible soft-mesh traps and: <ul style="list-style-type: none"> ▪ the maximum diameter allowed currently is 1.6 metres, ▪ most traps in use are less than 1.6 metres in diameter, and ▪ for practical reasons few if any fishers would use traps between 1.6 and 2 metres (the proposed maximum) in diameter. <p>e) Requiring escape gaps in smaller-mesh collapsible traps may impact catches of octopus taken by some fishers and in any event could be considered questionable given that bycatch is generally released alive.</p> <p>f) Any consultation paper should aim to inform current octopus catch (and value) spatially and temporally and potential impacts on catch.</p> <p>g) If fishers are required to modify traps to include escape gaps, a transition period will be needed.</p>	metres is not pursued.	
<p>7. CommFish Paper 49 – OT Fishery – Danish Seine research permit</p>	<p>a) DPI seeks CommFish support to continue research to improve the selectivity of Danish seine nets in NSW.</p> <p>b) Research results over many years and recently demonstrating that bycatch is significantly less in the Danish seine nets used in this study compared to bycatch when otter board trawling (fish or prawn).</p> <p>Additional note: a link to relevant research is provided here: https://www.sciencedirect.com/science/article/pii/S0165783623001716</p>	That the research continues, and permits are issued as needed to support it.	27.12 NSW DPI to continue this research and issues permits as needed to support it.