



Commercial Fishing NSW Advisory Council (CommFish NSW AC) -

Meeting 4 – Minutes -

28/29 November 2017 -

Novotel Pacific Bay (Emerald room), Corner Bay Drive and Pacific Hwy, Coffs Harbour -

Members Present

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

Invitees

- Mathew Richardson – Supervising Fisheries Officer, NSW DPI Fisheries (Day 1)
- Dr Geoff Allan - Deputy Director General (DDG), NSW DPI Fisheries (Day 1)
- Rebecca Chapman – Senior Project Officer, NSW DPI Fisheries (Day 1)
- Tricia Beatty - Executive Officer , Professional Fisherman’s Association (PFA) – (Day 2)

1 Member Welcome & Introductions, Housekeeping

The Chair opened the meeting at 11:00am, acknowledging the traditional owners of the land past and present and welcoming Council members and invitee present Dr Geoff Allan (DDG DPI Fisheries). The Chair also advised that Mathew Richardson (NSW DPI Fisheries) and Rebecca Chapman (NSW DPI Fisheries) would be attending to clarify any discussions and sections of the Draft papers of the Penalty Demerit Points and Cost Recovery respectively. The Chair invited DDG DPI Fisheries to say a few words. With remarks including, thanking the Chair and Council members for their recommendations resulting from previous CommFish NSW meetings and indicating that NSW DPI and Minister are pleased with the Council’s progress.

2 Review of Agenda

The Chair invited Council members to provide any additional agenda items, with no additional inclusions from members identified.

The Chair advised of additions to the agenda. Including:-

- Attendance of Dr Geoff Allan (DDG DPI Fisheries) and Rebecca Chapman (Senior Project officer, NSW DPI Fisheries) attending for day 1 of meeting.

3 Apologies

- Geoff Blackburn, Estuary General will be absent for part of day 2
- Diego Bagnato, Ocean Trawl Share Managed Fisheries Council member.
- Greg Ryzy, Abalone Share Managed Fisheries Council member.

4 Review, declarations and update Register of Interests

The Chair asked all Council members to indicate if individual pecuniary interests had changed significantly from register of interests distributed prior to meeting. Council members indicated:-

- MFAC member advised he now holds Fish Receiver registration and is listed as director.
- SUTS member has altered his Abalone shareholding.
- Estuary General member has purchased estuary general trapping region 2 shares.

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

5 Confirmation of the Minutes of Meeting 3

The Council accepted the draft minutes without change as a true and accurate record of discussions from the third meeting held on 18/19 September 2017. The Chair indicated that the approval to release the minutes from the previous meeting has not yet been completed.

6 Actions Arising from Meeting 3

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

- Action item 3.5 – ‘NSW DPI to disseminate further information to Council members in regard to harvest strategies’. The Chair advised the Council that no information was obtained to distribute to Council members, but included for further discussion on day 2.
- Action item 3.8 – ‘NSW DPI to liaise with Council members and make decision on invites to key stakeholders to an informal event at next Council meeting at Coffs Harbour.’ NSW DPI nominee advised the Council that due to changes in availability the decision was made not to continue with the event on this occasion. Chair apologised to all members that made an effort to provide names for invitation to the event and when the meeting schedule is finalised for next year will be in a better position to organise events.

ACTION: NSW DPI to liaise with Council members that made invites and check if a letter response is required for any individuals.

7 Correspondence

The Chair indicated that correspondence has been received and will be discussed on day 2 in the general business section.

8 Investment Strategy for the Commercial Trust - Workshop Draft Paper

The Chair asked Council members for comment on the Draft paper developed following the facilitated workshop, on developing an Investment Strategy for the Commercial Trust. Council members supported the Draft paper as an accurate report of the workshop.

ACTION: NSW DPI to respond to facilitator and indicate no changes required to draft paper and finalise.

The Council members further discussed the investment strategy paper as being a report on the workshop and not suitable as an investment plan. It was agreed to produce an investment statement as the Council's position for the Commercial Fishing Trust Fund.

ACTION: NSW DPI to disperse a draft of investment statement to Council members for comment.

9 Mullet Recovery Program industry working group (11:50 am - Moved forward from Day 2)

The Chair and NSW DPI nominee indicated that expressions of interest had been received and reviewed. Council discussion included:-

- Expressions of interests received and share classes drawn from.
- Working group membership, with industry shareholder member positions finalised as Stephen Reed, Darren Mayer, John Hewitt, Garry Joblin and Troy Billin.
- Other member positions and procedures.
- Timing and information from working group meetings to be provided to Council ASAP.

DISCUSSION: Council supports:

- 1. - The working group is a DPI working group established under DPI Fisheries policy on working groups**
- 2. - Extending industry shareholder membership to 5 individuals.**
- 3. - Selected industry membership proposal.**
- 4. - The NSW DPI Estuary General manager to be the permanent NSW DPI member.**
- 5. - NSW DPI Scientist position to be an observer and advisor not a member**
- 6. - Chairperson of working group to be Estuary General Council member.**
- 7. - NSW DPI to issue Terms of Reference.**
- 8. - Working Group to provide advice to CommFish NSW before first meeting of CommFish NSW in 2018.**

ACTIONS: NSW DPI to

- **Notify successful applicants on their industry membership and start on-boarding process.**
- **Update terms of reference where required and issue to working group.**
- **Organise first working group meeting.**

10 Next year’s meeting dates, locations (12:10 pm - Moved forward from Day 2).

The Chair discussed rough dates for next year’s meetings to occur as follows, with MFAC member suggesting to check parliament sitting weeks to allow Minister every opportunity to attend Council meetings. Draft date and location as follows:-

Meeting #	Date (Location)
1	Start of March (Sydney)
2	Start of June (Regional – Ballina)
3	End of August (Regional – Newcastle)
4	End of November (Sydney)

ACTION: Executive Officer to liaise with Chair in regard to finalising next year’s meeting dates and notify Council members prior to confirming final decision.

11 MFAC update (12:20 pm - Moved forward from Day 2)

The Chair introduced MFAC commercial fisher member to give an update of MFAC Chair summaries from meetings this year. MFAC member gave the Council an overview of MFAC topics discussed, with particular focus on the draft cost recovery paper, which MFAC having already provided initial comments and to be discussed by CommFish at this meeting.

12 Penalty Demerit System (PDS) Draft Paper – Finalise position

The Chair introduced Mathew Richardson, Supervising Fisheries Officer (NSW DPI Fisheries), to discuss and answer any questions that Council members may have on the Draft paper, provided as background and initially discussed at meeting 3, on Penalty Demerit System (PDS) and modernising enforcement and other associated provisions. Further Council discussion involved:-

- General support for the proposed scheme and interest in expanding to include other sectors as appropriate, including registered fish receivers
- General support for application to proposed serious offences
- General support for penalties to apply to the fisher offending, and the shareholder where different to the fisher but managed so as to reduce risks to investment
- Supervising Fisheries Officer indicating which sections of the paper have been revised from previous consultation, including last Council meeting.
- Confirming details of sections of paper that required further clarification and discussion to finalise Council’s position on the draft paper.

Invitee indicated that he would provide feedback to the Director of Fisheries Compliance from meeting discussions and progress development. The Chair thanked Mathew Richardson for his attendance.

13 Application of Government Cost Recovery Principles (Moved forward 14:40)

The Chair introduced Rebecca Chapman, Senior Project Officer (NSW DPI Fisheries), to discuss and answer any questions that Council members may have on the Draft paper, provided as background to the meeting, on Application of Government Cost Recovery Principles to DPI Fisheries. Council discussion included:-

- DDG DPI Fisheries suggesting Council should focus on key principles, application of key principles and degrees of cost recovery before actual costs considered.
- Important to ensure cost recovery is consistently applied within and across sectors.
- Differences between fisheries, achieving reduction of costs incurred and application to cost recovery.

ACTIONS: NSW DPI to provide separate papers to the Council to review and comment in regard to:

- **Key principles and how to apply principles for first meeting next year and include.**
- **Actual costs and costs attributable to commercial fishing at a future Council meeting.**

The Chair thanked Dr Geoff Allan and Rebecca Chapman (NSW DPI Fisheries) for their attendance and participation in Council discussions for this section.

14 Meeting close (Day 1 at 5:05pm)

The Chair closed the meeting at 5:05 pm.

15 Welcome and Agenda Review (Moved day 2 commence 8:30am)

The Chair opened the meeting at 8:30am acknowledging the traditional owners of the land past and present and welcoming Council members. The Chair indicated that as previously discussed, the Investment Strategy paper is to be developed to an investment statement, with NSW DPI nominee distributing a draft to the Council. The Council supported the statement as presented.

16 Professional Fisherman Association (PFA) – Executive Officer presentation (Moved forward to 8:35 am)

The Chair introduced Tricia Beatty, Executive Officer of PFA, to further discuss correspondence received and distributed to Council members at the previous Council meeting. All members then introduced themselves and a short presentation followed, including Executive Officer of PFA distributing the draft PFA strategic plan 2018-2023.

The Chair thanked Executive Officer of PFA for her attendance and presentation provided and allowed members the opportunity to confirm any details in the presentation.

17 List of regulations that could be considered for review (Not discussed day 1, moved day 2)

The NSW DPI nominee introduced the discussion on the revised list of regulations provided to Council members, including those member comments received from last meeting.

Further Council discussion included:-

- Any required to be added or removed to current draft list.
- Look to distribute to industry and how Council prioritises submissions received, with potential to form a working group to discuss industry submissions received.

ACTION: NSW DPI to update draft list of regulations from meeting 4 discussions and circulate to industry for comment.

18 Culture within Industry – Earn more>work less (Not occurred day 1, moved to day 2)

The Chair discussed that need to ensure in all deliberations that Council members keep in mind how industry can maximise the return from their catch and make the most money with the least number of unnecessary restrictions and hindrances to their economic efficiency.

19 Annual Report to the Minister – Upper House Inquiry Recommendation number 9

The Chair indicated that he has participated in a meeting with the Minister since the last CommFish meeting, discussed progress that Council has made and sought advice on the format the Minister requires for the report

ACTION: Chair and NSW DPI to prepare a draft report and include annual report and recommendation number 9 on agenda for first meeting next year, so that Council can review and comment on the draft report before providing it to the cooperatives for comment.

The Chair indicated that consultation with cooperatives to occur after Council has commented on the first draft of the report at the first meeting next year.

ACTION: NSW DPI to provide outcomes of cooperatives consultation to the Council prior to finalising the report out of session, to be handed to the Minister in May 2018.

20 Harvest Strategies

The Chair, as previously indicated that no background information was attained for distribution to Council members. The Chair lead a short discussion on Harvest Strategies, the policy supporting them, the basic rules/trigger points required and how the Harvest Strategy for each fishery would become the rules within which each fishery operated.

ACTIONS: NSW DPI to:

- 1. - Bring forward to the Council a draft policy for harvest strategies.**
- 2. - Invite NSW DPI Research Leader to an early meeting next year to discuss development of NSW DPI fisheries harvest strategies.**
- 3. - Invite another key speaker to an early meeting next year to discuss current harvest strategies that are in operation.**
- 4. - Provide Council members with a copy of the Sean Sloane/FRDC paper on Harvest Strategies.**

21 General Business Items

21.1 MFAC update (occurred day 1)

21.2 Correspondence received

21.2.1 SUTS member

The Chair tabled an email from the SUTS Council member requested an update on recommendation from meeting 1 in regard to outstanding fees attributed to the SUTS fishery. NSW DPI nominee indicated that NSW DPI is looking at outstanding fees and indicated that further advice will go to shareholders regarding outstanding fees and charges.

21.2.2 Aboriginal member

The Chair indicated that Aboriginal commercial fisher member had provided correspondence to the Council, in regard to Council communication and objectives from the Council charter. Further Council discussion included:-

- Will be certain circumstances when topics or related information is confidential and others where industry input and consultation called for.
- SUTS member indicated that aboriginal commercial fisher member has done a great job recently in meeting with Aboriginal commercial fishers around the state to develop his role and background knowledge of relevant issues.
- The Chairman advised that all matters are confidential unless otherwise stated to give the Minister the courtesy of receiving the advice before it is released publicly.

21.2.3 Aboriginal Fishers

Correspondence received in regard to an Aboriginal fisher that currently does not meet minimum shareholding provided to members. Further Council discussion included:-

- Matter for the department not CommFish NSW
- NSW DPI nominee indicated NSW DPI has been working with all fishers to access shares required to reach new minimum shareholding.

ACTION: Draft a response to correspondence received from Aboriginal fisher, including information received from NSW DPI.

21.2.4 Request to Review Ocean Hauling Closure

Correspondence received in regard to a location closure for ocean hauling dispersed to members and discussed within the Council, including potential to add to list of regulations for industry comment.

ACTIONS: In regard to ocean hauling closure correspondence received:

- Refer to NSW DPI for advice on issue.
- Include on next meeting agenda for further discussion as to whether it should be included in the draft list of Regulations to be reviewed.
- Draft a response to correspondence received.

21.2.5 Wild Caught Fisheries Coalition Inc. (WCFC)

The Chair indicated that several separate items of correspondence had been received from WCFC.

21.2.6 Impacts to participants of NSW Fishery reform and Industry participant letter

Correspondence received dispersed to members and discussed within the Council.

21.2.7 Questions to Chair/Council

Correspondence received dispersed to members and discussed within the Council.

ACTION: Executive Officer to draft response to correspondence received from WCFC in regard to Council operations and provide to Council members for information prior to release.

21.2.8 Mulloway resource management and recreational fishing magazine publicity

Correspondence received dispersed to members and discussed within the Council.

ACTION: NSW DPI to draft response to correspondence received from WCFC in regard to mulloway and provide to Council members for information prior to release. Response to clarify that DPI is responsible for managing fish stock (in this case Mulloway) and regulating the take of fish (in this case Mulloway), not to advocate for any sector or industry.

21.2.9 NSW Fisheries BAP

Correspondence received dispersed to members and discussed within the Council.

21.2.10 Other

- Ocean Trap and Line member requested any updated information in regard to tax implications related to the share trading market. NSW DPI nominee indicated that information will be available to industry soon.
- Estuary Prawn Trawl member indicated require progress with linkages to set pocket netting to be completed.

22 Chair Summary - Meeting Close

22.1 Next year's meeting dates, locations and priorities (Discussed day 1).

The Chair confirmed that next meeting will be in Sydney, with exact date to be confirmed and follow current format and commence at approx. 11:00 am.

22.2 Meeting Close

The Chair closed the meeting at 2:15 pm and thanked Council members for their contributions.

ACTION Arising List

Meeting#	Action#	Action	Status
4	1	The Executive Officer to amend the register of interests and redistribute to Council members for further updates as required.	NSW DPI
3	5	NSW DPI to liaise with Council members and make decision on invites to key stakeholders to an informal event at next Council meeting at Coffs Harbour.	NSW DPI/All members
3	8	NSW DPI to liaise with Council members and make decision on invites to key stakeholders to an informal event at next Council meeting at Coffs Harbour.	Some members/NSW DPI
4	2	NSW DPI to liaise with Council members that made invites and check if a letter response is required for any	NSW DPI

		individuals.	
4	3	NSW DPI to respond to facilitator and indicate no changes required to draft paper and finalise.	NSW DPI
4	4	NSW DPI to disperse a draft of investment statement to Council members for comment.	NSW DPI
4	5	NSW DPI to <ul style="list-style-type: none"> • Notify successful applicants on their industry membership and start on-boarding process. • Update terms of reference where required and issue to working group. • Organise first working group meeting. 	NSW DPI
4	6	Executive Officer to liaise with Chair in regard to finalising next year's meeting dates and notify Council members prior to confirming final decision.	NSW DPI/Chair
4	7	NSW DPI to provide separate papers to the Council to review and comment in regard to: <ul style="list-style-type: none"> • Key principles and how to apply principles for first meeting next year and include. • Actual costs and costs attributable to commercial fishing at a future Council meeting. 	NSW DPI
4	8	NSW DPI to update draft list of regulations from meeting 4 discussions and circulate to industry for comment.	NSW DPI
4	9	Chair and NSW DPI to prepare a draft report and include annual report and recommendation number 9 on agenda for first meeting next year, so that Council can review and comment on the draft report before providing it to the cooperatives for comment.	NSW DPI/All members
4	10	NSW DPI to provide outcomes of cooperatives consultation to the Council prior to finalising the report out of session, to be handed to the Minister in May 2018.	NSW DPI
4	11	NSW DPI to: <ul style="list-style-type: none"> • Bring forward to the Council a draft policy for harvest strategies. • Invite NSW DPI Research Leader to an early meeting next year to discuss development of NSW DPI fisheries harvest strategies. • Invite another key speaker to an early meeting next year to discuss current harvest strategies that are in operation. • Provide Council members with a copy of the Sean Sloane/FRDC paper on Harvest Strategies 	NSW DPI
4	12	Draft a response to correspondence received from Aboriginal fisher, including information received from NSW DPI.	NSW DPI
4	13	In regard to ocean hauling closure correspondence received: <ul style="list-style-type: none"> • Refer to NSW DPI for advice on issue. • Include on next meeting agenda for further discussion as to whether it should be included in the draft list of Regulations to be reviewed. 	NSW DPI

		<ul style="list-style-type: none"> • Draft a response to correspondence received. 	
4	14	Executive Officer to draft response to correspondence received from WCFC in regard to Council operations and provide to Council members for information prior to release.	NSW DPI/All members
4	15	NSW DPI to draft response to correspondence received from WCFC in regard to mulloway and provide to Council members for information prior to release. Response to clarify that DPI is responsible for managing fish stock (in this case Mulloway) and regulating the take of fish (in this case Mulloway), not to advocate for any sector or industry.	NSW DPI/All members