

**Abalone Management Advisory Committee Meeting**  
**DRAFT AGENDA**  
**21 April 2010**  
**9:15am to 4:30pm**  
**Cronulla Central**  
**38- 60 Croydon Street, CRONULLA, NSW 2230**  
**(Cnr Croydon and Kingsway opposite Police station)**

**Committee Attendees:**

Warren	Martin	Chairperson
George	Chung	Industry
Anthony	Fry	Industry
Steven	Hunter	Industry
Dennis	Luobikis	Industry
Jim	Miller	Industry
Annissa	Lawrence	Conservation
Peter	Plunkett	Recreational Representative
Cameron	Westaway	I&I NSW, Senior Fishery Manager Abalone
Michelle	Fordham	Secretariat

**Observers:**

Geoff	Liggins	I&I NSW, Science & Research Branch
Nicholas	Schroder	I&I NSW, Compliance Branch
Doug	Ferrell	I&I NSW, Fisheries Resources Management
Duncan	Worthington	Industry Advisor

## Agenda Items

1. Preliminaries a. Welcomes and Apologies b. Agreement on Agenda for 21 April 2010 c. Confirmation of final draft outcomes from previous AbMAC meeting held on 18 April 2008	Chairperson
2. Business arising from previous meetings a. Action list	Chairperson
3. Number of AbMAC meetings in previous 2 years	Industry
4. 2011/12 Draft Budget 2008/09 & 2009/2010 Expenditure, Budget sub-committee	I&I NSW / Industry
5. Record support for outstanding fee arrangements and note SIAC resolution	Industry
6. FMS/EIS budget	I&I NSW
7. Perkinsus Report	I&I NSW
8. The role of shareholders' responsibility to his/her divers	Industry / I&I NSW
9. Region 1 South update	I&I NSW
10. Release of Administrative report and SARG report	Industry / I&I NSW
11. Finer Scale Management/Variable size limits	I&I NSW / Industry
12. Update on the Total Allowable Catch Setting and Review Committee (TAC Committee) program/processes and reports for 2011/12	I&I NSW
13. Indictable Offences update/IVR pre&post reporting/rewards.	I&I NSW / Industry
14. Agenda item from Shareholder John Smythe	Chair person
15. Catch Reporting Arrangements	I&I NSW / Industry
16. Spatial Catch Information	I&I NSW / Industry
17. SUTS fishery	Industry / I&I NSW
18. Court Actions	Industry
19. Committee Meeting Expenses Claims	I&I NSW / Industry
20. Updates: SIAC Committee Representatives	Industry
21. Indigenous permits	I & I NSW
22. Other Business - carried over from AbMAC meeting 18 April 2008	Industry / I & I NSW
23. Chairperson's summary and next meeting date	Chairperson

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1. Draft Outcomes AbMAC meeting 18 April 2008	

## **Agenda Item 1**

**Chairperson**

### **Issue**

Preliminaries

## **Agenda Item 1a**

### **Issue**

Welcome and apologies

### **Background**

The Chairperson welcomes all the representatives and observers to the first AbMAC meeting for 2010 and acknowledges the local aboriginal tribe, the Dharawal people for holding the meeting on their land.

Kate Montgomery, the Fisheries Management Officer (Abalone), has recently left this position. Kate has been involved in the abalone fishery for nearly 4 years, and her skills and efficient administration processes will be greatly missed. Michelle Fordham has replaced Kate and will be undertaking a secretariat role for AbMAC.

### **Outcomes**

**Annissa Lawrence apologised for being late due to family issues.**

**Industry happy with size, fee & closures  
Dissatisfaction with timeframes for Agenda**

## **Agenda Item 1b**

### **Issue**

Agreement on the Agenda for this meeting

### **Background**

A notice of the meeting and call for agenda items was circulated to Committee members, abalone shareholders, abalone processors and coastal fisheries offices on 18 March 2010.

All Agenda Items proposed by Industry Members of AbMAC and abalone shareholders have been included in the draft agenda. Advice on a preliminary draft agenda was also sort from AbMAC members on 9 April 2010. This agenda has been circulated to all Committee members.

### **Outcomes**

## **Agenda Item 1c**

### **Issue**

Confirmation of final draft outcomes for AbMAC meeting held on 18 April 2008 (Attachment 1).

### **Background**

Following the AbMAC meeting on 18 April 2008, draft outcomes were forwarded to the Chairperson to confirm the document was an accurate record of that meeting. These draft outcomes were then forwarded to the Committee on 2 May 2008 for comment by close of business on 12 May 2008. No comments were received during this period, however on 13 May 2008, Mr Jim Miller, on behalf of all Industry members of AbMAC, suggested 'the documents should remain in preliminary draft form'.

**Outcomes**

**Industry does not accept previous minutes as some of the original outcomes as recorded at the meeting were not reflected in the circulated minutes.**

**Agenda Item 2**

**Chairperson**

**Issue**

Business arising from or since previous meetings

**Background**

Action Items List on pages 5 & 6

**Outcomes**

## Action Items List

Action Items	Date Raised	I & I NSW Status
1. I&I NSW to conduct a survey with the aim of standardising bin weights	March 05	Underway - Survey complete. Note: Bin weights are not required to be reported under the catch records reforms project, proposed to commence 1 July 2009.
2. I&I NSW to inform AbMAC on the progress of the SIAC nominations	Sept 07	Complete – Mr Jim Miller appointed to SIAC until 31 July 2010
3. I&I NSW to provide reconciliation with explanations of expenditures on FMS and EIS projects, particularly in relations to an apparent overspend of the budget and confirm if the budget is finalised.	Sept 07 and April 08	Complete agenda Item. 6
4. I&I NSW to draft policy on payment of sitting fees and travel allowances from MAC meetings, TAC meetings and meetings with the minister AbMAC supported being paid Sitting Fees and Travel allowance at MAC meetings. Travel allowance only for TAC meetings and for meetings with the Minister and departmental representatives (regardless if the meeting was instigated by the representative or not). It was agreed that members who attended the meetings in 2007 be reimbursed and reconciled from the 2007/08 Abalone Management budget. It was noted that additional funding will be required to support the additional travel expenditure.	April 08	Pending – I&I NSW Refer to Agenda Item 19
5. Perkinsus report to be forwarded to Industry once finalised	Sept 07	Complete – Agenda Item 4
6. Agreement on TAC timeframes and scheduling	April 08	Complete - Request considered by TAC Secretariat. Priority is TAC Committee Members availability and providing the Committee with current I&I NSW data.
7. AbMAC and I&I NSW to examine proposed objectives, performance indicators and triggers points from AbMAC agenda of 27-09-2007 prior to next full AbMAC meeting	Sept 07	Pending – Carried forward from AbMAC 18.04.08
8. Industry Representatives of AbMAC Members to forward concerns on the Catch Records Reform Project to Peter Brown, I&I NSW	April 08	Concerns received and noted. Agenda Item 8
9. I&I NSW devote more resources into the estimates on the Recreational and Illegal Catches of Abalone	April 08	Pending
10. The introduction of an agreed finer scale management policy and a solution to the resources to fund it	April 08	Agenda Item 11

Ongoing Action Items	Date Raised	I & I NSW Status
1. Committee representatives to provide written reports prior to AbMAC meetings for inclusion in future agenda	Sept 07	I&I NSW endeavours to distribute the agenda and additional papers as early as possible
2. Provide progress updates in future AbMAC agendas on management responses from the FMS	Sept 07	Summary in TACC papers
3. I&I NSW to provide an update on the number of fishers currently active in the Abalone and SUTS fishery	Sept 07	The number of SUTS divers reported fishing in 2008 & 2009 was 11 and 13 respectively. Active abalone divers are set out in the TACC report.
4. Other items from previous meetings raised as agenda items for this meeting		
Outstanding Action Items from previous MACs		
· Budget Working Group and specific budget concerns raised by MAC members.		See Agenda item 4
· Marine Park data, and develop policy for compensation/buyout/displaced fishing.		Complete: Previous advice has been provided to AbMAC
· TAC Committee timing.		Complete See Action item 6 above
· ACIL Tasman Report.		Internal report not completed
· EIS/FMS budget complaint.		Complete See Agenda Item 6
· Sitting fees framework, attendance at Consultation and Administration Review, some members paid others not.		Agenda item 19
· SUTS REF and fees.		Not an AbMAC issue see agenda item X for information
· Forward Perkinsus report onto AbMAC representatives.		See Agenda item 7
· Advise Minister of conflict of interest caused by using estimates of recreational and Illegal catch in budget setting.		

## Outcomes



### Agenda Item 3

I&I NSW / Industry

#### Issue

Number of MAC meetings in previous 2 years

#### Background

No AbMAC meeting has been held since April 2008. A meeting set down for April 2009 was cancelled by the Chair because industry felt previous issues had not been progressed and that there would not be a quorum after Industry members indicated they would not attend.

**Outcomes: Chair cancelled meeting because industry felt previous issues had not been progressed. If the issues were raised again the chair would hold a meeting and advise the minister that industry members had not attended. Industry members did not attend because the agenda papers were inappropriate. Industry members concerned about the lack of indigenous representatives at meeting. Industry has concerns about the lack of MAC meetings. Having regard to the legislation the Chair is to write to the Minister. Next meeting tentatively in October. Protocols for out of session items raised for discussion. Process for presenting issues, processing issues. Roll of the MAC is to advise the Minister. Inadequate consultation with out of session MAC items.**

### Agenda Item 4

I&I NSW / Industry

#### Issue

2011/12 Draft Budget & 2008/09 & 2009/10 Expenditure

#### Background

The budgets for the 2008/09 and 2009/10 fishing periods were set after negotiations with Industry MAC representative Jim Miller. The budgets were not set until late 2009 and therefore the expenditure accounting was still at the 2007/08 settings and would show an over expenditure from the budget. However this expenditure will be reconciled and only budgeted amounts will be charged against the abalone fund. The expenditure for abalone management and compliance is significantly in excess of the budgeted amount. The primary management costs above budget relate to dealing with debt recovery and responding to correspondence from Industry AbMAC members.

The proposed management charge for 2010/11 is \$41.10/share (**Appendix A**). The management charges for 2008/09 & 2009/10 were \$35.57 and \$40.74 respectively. This represented a reduction of \$132.83/share (or 78%) from the previous fishing period. The Final Draft Abalone Share Management Fishery Expenditure Report for 2007/08 is attached in **Appendix B**.

For the 2010/11 budget, it is proposed that the level of charges by I&I NSW will remain similar to the 2009/10 budget with a 4% increase to allow for salary increases and recognising that actual costs are far in excess of the budget. I&I NSW are happy to hold a budget sub-committee meeting with Industry MAC members with telephone link to discuss the proposed budget.

**Outcomes: Industry would like expenditure reports 08/09 and 09/10. I&I NSW isn't prepared to spend the time to determine an accurate amount however this amount is in excess of the budget.**

**Industry express support for past management charge reductions**

**The industry members express concern of calculation of recreational adjustment, I&I to investigate and report to MAC**

**Industry to support a budget working group. I&I NSW has currently agreed to working group to be telephone hook up to discuss budget**

**Industry would support the intent of the budget but reserve full support pending the working group outcomes. With best endeavours recommended timeframe 2 months.**

**Agenda Item 5**

**Industry**

**Issue**

Record support for outstanding fee arrangement & Note SIAC resolution

**Background**

After close liaison with industry representatives, the Principal-Director, Fisheries & Compliance approved payment arrangements pursuant to s.76 (5) of the Act for those charges and any unpaid fees or charges that each shareholder owed for 2007/08 and previous years as follows :

\$56.42 per share payable in 209/10 financial year, in quarterly instalments. That would cover all of the 2009/10 charge and part of the 2008/09 charge;

The instalments payable on 30 September 2009, 31 December 2009, 31 March 2010 and 30 June 2010; and,

The balance of the 2008/09 charge (\$19.89 per share) payable with the 2010/11 charge and any residual debt would be payable on the basis that the total payable in any year by all shareholders would not exceed 10% of the estimated GVP of the fishery.

**Outcomes**

**The industry supports the above process and the arrangements for paying outstanding fees. I&I NSW stated that there are still some outstanding fees under this process. I&I NSW are committed to getting outstanding fees back in the longer term. Industry members support the continuation of this process. I&I NSW can't confirm continuation, note the tabled response from Peter Turnell to Industry members on the MAC.**

**Agenda Item 6**

**I & I NSW**

**Issue**

FMS/EIS budget

**Background**

The final budget report for the FMS/EIS process is attached (Appendix C) for ABMAC's information.

The total expenditure on the project was \$500K compared with the original projected budget of \$459K, with the difference attributable mainly to the significant amount of additional work the Department had to do reviewing draft documents, responding to consultant requests and additional JAWG consultation, compared with that forecast (noting that the initial budget assumed the project would be complete by October 2003). The cost of contractor fees ("The Ecology Lab") were also greater than first budgeted for, but savings were able to be made on advisory body reviews and production of the various reports (i.e. design, printing and distribution).

The total contribution made by shareholders toward the cost of the process, assuming all shareholders fully paid the relevant charges, equates to \$459K. The Department does not propose to seek to recover the additional \$41K difference.

**Outcomes:**

**Formal complaint has not been address to Industry satisfaction. Detailed question that a**

**Independent assessment of how the charges (whole budget) were justified**

**I&I NSW believe that comprehensive budget provided. Final budget that was presented, consider matter finalised.**

**Agenda Item 7**

**I&I NSW**

**Issue**

Perkinsus Report

**Background**

Perkinsus Report

The draft final report of the "Perkinsus Project" was submitted to the Fisheries Research and Development Corporation (FRDC) in July 2008. The FRDC review was received at the end of November 2008. Amendments and clarifications to the draft report, as a result of the review process, were completed by the end of February 2009. Further review of the document is required

Dr Geoff Liggins will provide a summary of major findings and will seek an industry nominee to assist in the review.

**Outcomes: MAC thanks Geoff for his interim report and nominates Duncan as peer reviewer in conjunction with Geoff. Note extended delays.**

**Agenda Item 8**

**Industry/I&I NSW**

**Issue**

The role of shareholders' responsibility to his/her divers

**Background**

For Discussion. Excerpts of legislation relevant to Shareholder diver responsibilities are attached at Appendix E

**Outcomes**

Unclear to shareholder on guidance to divers. How to guide nominated fisher on legislation.

Ask department where Shareholder is responsible

Get general information on what's going on.

New diver to have an interview with Fisheries office

New diver to sign agreement with Shareholder

**Agenda Item 9****I&I NSW/Industry****Issue**

Region 1 South update

**Background**

In consultation with industry, the Department will facilitate a research fishing program in Region 1 south. However until the research program is finalised that area of the fishery will remain closed. I & I NSW will give an update on the research proposal.

**Outcomes: AbMAC agrees with the concept. Send Duncan docs next week. Protocols are required for financial arrangements and timeframe. I&I NSW aim to start fishing in May/June. To get results out of survey analysed and get to the TAC Committee within 6 months.**

**Agenda Item 10****Industry/I&I NSW****Issue**

Release of Administrative report and SARG report

**Background**

These documents are Ministerial documents and any release is at the discretion of the Minister. I & I NSW understand that industry MAC members have written to the Minister, amongst other things seeking release of the Administrative & SARG reports.

**Outcomes: department abstains. Formal motion moved by Jim, second by George, seeking the Chair to write to the Minister seeking the release of the reviews above (Administrative & SARG reports).**

**Agenda Item 11****Industry/I&I NSW****Issue**

Finer Scale Management (FSM)/Variable size limits

**Background**

Industry sought discussion on variable size limits and how they will be implemented.

A 120mm size limit will be introduced south of Wonboyn as of 1 May 2010.

Advice was sought on the proposal from AbMAC as an Out of Session Item. Industry members expressed their strong support and appreciation of the intent of the change.

However a number of concerns were expressed over proposed reporting arrangements. After subsequent negotiations the majority of Industry's suggestions were accepted and reporting arrangements will be as follows:

The waters south of Wonboyn (sub zones Z1 to Z5 inclusive) ('the 120mm zone') will be closed to all commercial abalone fishing unless the following conditions are complied with:

1. Abalone taken must have a shell diameter length of 120mm or greater (measured along the shell's longest axis).
2. The endorsement holder must provide the Eden Fisheries Office on 0419784415 with prior notice of intent to fish in the 120mm zone. This prior notice must be given within 24 hours prior to leaving port.
3. The prior notice must include:
  - a) The name of the endorsement holder;
  - b) A statement to the effect that the endorsement holder is fishing in the 120mm zone;
  - c) A specified 24 hour period during which the fishing will occur;
  - d) A designated time of departure
  - e) An estimated time of return;
  - f) Details of the ramp that the endorsement holder is to operate from;
  - g) The licensed fishing boat number of the boat to be used by the endorsement holder.
4. The endorsement holder must not leave port earlier than 1 hour prior to the designated departure time. (Note: If you intend to leave more than an hour earlier you must cancel the prior notice and submit a new prior notice).
5. If the actual time of return is to be either more than one hour earlier or more than one hour later than the estimated time of return given in the prior notice, the endorsement holder must notify the Eden Fisheries Office of the revised estimated time of return on 0419784415 no later than immediately prior to landing;
6. Any abalone taken by the endorsement holder in the 24 hour period specified in the prior notice from waters other than the 120mm zone shall have a shell diameter length of 120mm or greater (measured along the shell's longest axis);
7. A prior notice may be withdrawn at any time up to one hour after the designated time of departure by notifying the Eden Fisheries Office on 0419784415 ('the cancellation notice').
8. The cancellation notice is to include the following information:
  - a) The name of the endorsement holder; and
  - b) A statement to the effect that 120mm fishing for the specified 24 hour period is cancelled.

**Outcomes:**

**Industry supports finer scale size limits rather than the broader**

**Concerns:**

**1. amount of required prior reporting, reporting LFB.**

**2. 24 hour period. Clarify dawn to dusk or actual 24 hour**

**Not I&I intention to go into next day period.**

**1 May**

**Industry and conservation representatives support the need for stability i.e. 2 years of no variation in size limits to better access the impacts**

**Agenda Item 12**

**Industry/I&I NSW**

**Issue**

Update on the Total Allowable Catch Setting and Review Committee (TAC Committee) program/Processes and reports for 2011/12

**Background**

Industry have requested a discussion on TAC setting processes and discussion of reports Departmental TACC reports have been sent to AbMAC members

For discussion

**Outcome: Industry expressed concern regarding Industry input and processes and timelines.**

**TAC was not reviewed within this fishing period when the committee stated that there maybe a review subject to more information.**

**Industry would like to be involved in the process that selects new members into the committee. Industry would seek an industry member on the committee and have made representations to this effect.**

**Some errors on beach price in the TACC Management Report.**

**Some of these issues may be resolved following discussions this afternoon.**

**Agenda Item 13**

**I&I NSW/Industry**

**Issue**

Indictable Offences update/ IVR catch reporting.

**Background**

Senior Compliance staff will give an update on the new legislation amending the FMA to increase indictable offences which has commenced as of the 1<sup>st</sup> of April 2010. They will also discuss the IVR and online catch reporting system.

**Outcome**

For information

**Agenda Item 14**

**Chairperson**

**Issue**

Agenda item from Shareholder John Smythe

**Background**

See Appendix D

**Outcome**

Thank John Smythe for submitting. Industry to provide further comment.  
Unsure if John Smythe is referring to the MAC or the Industry members of the MAC.

**Agenda Item 15**

**I&I NSW/Industry**

**Issue**

Catch Reporting Arrangements

**Background**

I & I NSW will give an update on reporting arrangements

**Outcome**

Catch reporting didn't provide spatial data until recently. Industry and department supporting of subzones in catch data, subject to reporting bins by time to data logger.

**Agenda Item 16**

**Industry/I&I NSW**

**Issue**

Spatial Catch Information

**Background**

I & NSW will provide an update on spatial catch at the meeting

**Outcome**

**Agenda Item 17**

**Industry/I&I NSW**

**Issue**

Sea Urchin & Turban Shell Fishery (SUTS), Management charges

**Background**

The Abalone MAC is not the Ministerial Advisory Committee for the SUTS fishery. As a courtesy to SUTS fishers present at the MAC, I&I NSW will inform members of an upcoming review of charges in the SUTS Fishery.

**Outcome**

Industry expressed concern while AbMAC is not formally for SUTS because of the long standing relationship with the industry the MAC has acted in that role for some time since that industry has split because many abalone shareholders retains SUTS endorsements the similar issues facing the two fisheries the lack of a formal consultative body or process and the lack of recent consultation with SUTs endorsement holders despite significant issue facing the fishery industry AbMAC consider it appropriate to consider and provide advice to the Minister on the SUTS fishery. I&I NSW stands by its position. MAC expressed concern about recreational over fishing and illegal take of turbin shells in the solitary islands marine park.

**Agenda Item 18****Chairperson****Issue**

Court Action.

**Background**

Industry will update the committee on relevant Court Action

**Outcome**

Active action in the high court about VIC Abalone fishery and it's possible implications for NSW

**Agenda Item 19****Industry / I&I NSW****Issue**

Committee Meeting Expenses Claims

**Background**

At the AbMAC Meeting 18 April 2008 the Committee supported being paid Sitting Fees and Travel allowance at MAC meetings. Travel allowance is only payable for TAC meetings and for meetings with the Minister and departmental representatives (regardless if the meeting was instigated by the representative or not).

AbMAC outcome: DPI to develop policy having regard to government guidelines and protocols

Note I&I NSW does not support payment for meetings instigated by industry unless agreed to prior to meeting as this is contrary to government policy.

**Outcomes**

**Chase up with Andy. Copy of rules and send out to MAC members. MAC and TAC meetings are covered other meetings by agreement.**

**Agenda Item 20****Industry****Issue**

SIAC Update

**Background**

SIAC representatives to give update

**Outcome**

Duncan to provide background

Jim's current appointment ends in July and he would like to be up for renomination. Jim Miller and Steve Hunter up for renomination confirmed by MAC.

**Agenda item 21****Industry****Issue**



## Permits for Indigenous fishing

### Background

An Indigenous Fisheries Strategy and Implementation Plan developed by I & I NSW aims to recognise the importance of traditional cultural fishing activities of Aboriginal communities and encourage their involvement in the stewardship of fishery resources. The Strategy is based on achieving key results including the sustainability of the resource, respect for Aboriginal fishing heritage, involvement of Aboriginal people in fisheries management, access to social and economic development and employment opportunities in the fishing industry.

The Minister has established the Aboriginal Reference Group to provide high level advice in relation to Government policies, legislation, regulation and services and implementation of initiatives associated with areas related to primary industries. A key area of consideration for the Group is to assist the progression of Aboriginal Fishing Initiatives that build on the work already done under the Indigenous Fishing Strategy.

Aboriginal people requesting exemption from possession limits may make representation to the Department from time to time. The Department's policy remained unchanged since previous years, where the applicant must supply the Department with a written request outlining the proposed target species and quantity to be retained. Under this policy a permit allowing exemption from particular regulations for special events may be issued

District / Area	Issue Date	Target species	No of Abalone authorised to be collected.
EDEN	7/11/2008	abalone, lobsters, mussels, oysters, fish	450
MONTAGUE	24/12/2009	abalone, lobster, groper	150
EDEN	6/07/2009	abalone, lobster, oyster, turban snails, periwinkles, mussels, sea urchins	100
BATEMANS BAY	16/10/2009	abalone, lobster, oysters, mussels	1000
BATEMANS BAY	29/09/2009	abalone, lobster, mussels, oysters, finfish	480
BATEMANS BAY	27/11/2009	abalone, lobster, oysters & cockles	300
SHOALHAVEN	24/11/2009	abalone & lobster	30
BATEMANS BAY	22/12/2009	abalone, lobster, cockles, oyster, mussels, finfish	150
BATEMANS BAY	23/12/2009	abalone, lobster, cockles, groper	150
BATEMANS BAY	11/02/2010	abalone, lobster, oyster, mussels, fish, prawns	800

**Table 5.** Location of district/area, issue data, target species and number of abalone permitted to be taken for each indigenous permit issued during the 2008/09 and 2009/10 fishing periods.

**Outcome**

**Advice on history of catch taken under permit. Duncan to provide further points.**

**Agenda Item 22**

**Industry**

**Issue**

Other Business - carried over from AbMAC meeting 18 April 2008

**Background**

Performance Reports to DEWR

I&I NSW Correspondence to AbMAC for consideration and input: 8 September 2008, 15 September 2008, 22 October 2008, 13 November 2008 and 25 November 2008.

SIAC Representative

Action Item 2

Committee Sitting Fees

Agenda Item 19

Marine Parks

Industry representatives have been concerned about the lack of transparency and inappropriate level of buyout for the recent Marine Parks, and have repeatedly requested details on how the buyout was determined. At the last meeting, the MAC requested that I&I NSW provide information detailing how all estimates of reef alienation were calculated including specific data, and how shareholders were selected for buyout. The MAC also resolved that an improved and transparent process for calculating and buying out endorsements needs to be defined, agreed and articulated for any future buyouts.

The MAC now seeks updates on progress with these resolutions.

At the AbMAC meeting on 27 September 2007 Industry members expressed concerns regarding a number of issues related to past Marine Park Buyouts. The meeting outcomes note Industry representatives were pursuing matters in relation to this motion through an external avenue in another forum\*. I&I NSW representative advised it would be inappropriate for I&I NSW to discuss this issue in detail until the external actions initiated by industry personnel were finalised.

\*Note: Industry Members of the Committee contacted the NSW Ombudsman about I&I NSW procedures for the earlier buyout of shares in the NSW Abalone fishery. Following extensive inquiries with both I&I NSW and AbMAC in relation to these matters the office of the NSW Ombudsman decided not to conduct an investigation into the complaint noting

'I consider the agency has not engaged in wrong conduct or maladministration' and the Probity Advisor report's concluded the selection process for buyouts were appropriate & met the highest probity standards'.

Industry members have asked that the following comments from the ombudsman also be included in the Agenda

"In addition, while the methods used to calculate the buyout may conflict with the prevailing views of ABMAC, the minister has the final determination in these matters and as such this office has no jurisdiction to investigate.

...

With regard to the actions by DPI, the Ombudsman can only make recommendations after formally investigating a matter and finding wrong conduct has occurred. Even where wrong conduct is found, the Ombudsman cannot compel agencies to implement any recommendations arising from the investigation. A court on the other hand, can make legally binding orders and would therefore be a more effective way of dealing with your difficulties."

## Outcomes

### Agenda Item 23

Chairperson

#### Issue

Chairperson's summary and next meeting date

### Other Business

**Duncan raised a number of issues on the ARPG including referral on management issues to the MAC.**

## Draft budget for the 2010 / 2011 fishing period

	Industry MAC	2008/09	2009/10	2010/11 Proposed
<b>Management</b>	<b>Proposed</b>			
Fisheries Manager 6/8 (50%)	\$34,129.08	\$34,129.00	\$34,129.00	\$35,494.16
Fisheries Management Officer 3/4 (part time)	\$0.00	\$14,742.25	\$14,742.25	\$15,331.94
Oncosts (23.35%)	\$7,969.14	\$11,411.44	\$11,411.44	\$11,867.89
<b>Total Salaries &amp; Oncosts</b>	<b>\$42,098.22</b>	<b>\$60,282.69</b>	<b>\$60,282.69</b>	<b>\$62,693.99</b>
Overheads (48% of Salaries)	\$16,381.96	\$23,458.20	\$23,458.20	\$24,396.53
<b>Total Salaries &amp; Oncosts &amp; Overheads</b>	<b>\$58,480.18</b>	<b>\$83,740.89</b>	<b>\$83,740.89</b>	<b>\$87,090.52</b>
Travel - Other	\$1,000.00	\$1,000	\$1,000	\$1,000
Freight, Cartage and Postage				
Telephone - Mobile	\$210.00	\$210.00	\$210.00	\$210.00
Printing - General	\$2,520.00	\$2,520.00	\$2,520.00	\$2,520.00
IT lease	\$840.00	\$840.00	\$840.00	\$840.00
Purchases - Plant and Equipment	\$2,520.00	\$2,520.00	\$2,520.00	\$2,520.00
Stores - Consumables	\$420.00	\$420.00	\$420.00	\$420.00
Rewards				
<b>Total Operating</b>	<b>\$7,510.00</b>	<b>\$7,510</b>	<b>\$7,510</b>	<b>\$7,510</b>
<b>MAC</b>				
Sitting Fees	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
Fees General	\$500.00	\$250.00	\$500.00	\$500.00
Travel	\$2,000.00	\$2,000.00	\$4,500.00	\$4,500.00
Travel - MV Employee Expenses	\$500.00	\$1,000.00	\$1,000.00	\$1,000.00
<b>Total Operating</b>	<b>\$5,000.00</b>	<b>\$5,250.00</b>	<b>\$5,000.00</b>	<b>\$5,000</b>
<b>Research</b>				
Scientific Officer (period to October 2008)	0			

Fisheries Technician G3.3 (50%)				
Oncosts (23.35%)	0			
<b>Total Salaries &amp; Oncosts</b>	<b>0</b>			
Overheads (48% of Salaries)	0			
<b>Total Salaries &amp; Oncosts &amp; Overheads</b>				
Operating & Travel	0			
Fees General	0			
Total Operating	<b>\$0.00</b>			
	\$10,000.00			
	\$20,000.00			
	\$20,000.00			
<b>Compliance</b>				
		0		
Fisheries Officer .25%	\$16,027.67	\$15,750.00	\$15,750.00	\$16,380.00
Oncosts (23.35%)	\$3,742.46	\$3,677.63	\$3,677.63	\$3,824.73
<b>Total Salaries &amp; Oncosts</b>	<b>\$19,770.13</b>	<b>\$19,427.63</b>	<b>\$19,427.63</b>	<b>\$20,204.73</b>
Overheads (48% of Salaries)	\$7,693.28	\$7,560.00	\$7,560.00	\$7,862.40
<b>Total Salaries &amp; Oncosts &amp; Overheads</b>	<b>\$27,463.41</b>	<b>\$26,987.63</b>	<b>\$26,987.63</b>	<b>\$28,067.13</b>
Travel		\$1,325.50	\$1,325.50	\$1,325.50
Motor Vehicle Lease	\$2,625.00	\$2,625.00	\$2,625.00	\$2,625.00
Marine Craft Running	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
Fees General	\$2,350.00			
Telephone	\$0.00	\$1,050.00	\$1,050.00	\$1,050.00
IT				
Stores consumable	\$2,650.00	\$2,650.00	\$2,650.00	\$2,650.00
Overtime		\$1,062.50	\$1,062.50	\$1,062.50
Stores/Uniform	\$550.00	\$550.00	\$550.00	\$550.00
<b>Total Operating</b>	<b>\$9,675.00</b>	<b>\$10,763.00</b>	<b>\$10,763.00</b>	<b>\$10,763.00</b>
<b>Total expenditure</b>	<b>\$158,128.59</b>	<b>\$134,251.51</b>	<b>\$134,001.51</b>	<b>\$138,430.65</b>
Carry over from 2007/08	\$0.00	-\$32,218.99		

Funds raised from quota transfers 2007/08	\$0.00	-\$6,734.00	-\$6,734.00	-\$6,734.00
NSW DPI Contribution	-\$19,596.24	-\$25,247.52	-\$25,247.52	-\$26,257.42
<b>Total additional funds required</b>	<b>\$138,532.35</b>	<b>\$70,051.00</b>	<b>\$102,019.99</b>	<b>\$105,439.23</b>
Recreational (Savings 6.2%)	-\$12,052.31	-\$4,343.16	-\$6,325.24	-\$6,537.23
Marine Park (Savings 6.6%)	-\$9,143.14	-\$4,623.37	-\$6,733.32	-\$6,958.99
FRDC Levy	\$11,775.00	\$11,775.00	\$10,900.00	\$4,750
Data loggers and spatial research		\$10,000.00	40,000	40,000
Data loggers and spatial research		\$20,000.00		
Data loggers and spatial research		\$20,000.00		
<b>Total Industry Contribution</b>	<b>\$129,111.90</b>	<b>\$122,859.47</b>	<b>\$139,861.43</b>	<b>\$136,693.01</b>
	<b>\$37.38</b>	<b>\$35.57</b>	<b>\$40.74</b>	<b>\$39.58</b>

## Appendix B

Abalone Share Management Fishery EXPENDITURE 2007 / 2008				
		BUDGET	TOTAL EXPENDITURE 2007/08	% of EXPENDITURE vs budget
<b>Management</b>	Fisheries Manager 6/8 (50%)	\$38,447.85		
	Fisheries Management Officer 3/4	\$56,701.01		
	Oncosts (24.5%)	\$23,311.47		
	<b>Total Salaries (inc oncosts)</b>	<b>\$118,460.33</b>	<b>\$101,108.94</b>	<b>85%</b>
	Overheads (48%)	\$45,671.45	\$45,671.00	
	<b>Total Salaries+oncosts+o./heads</b>	<b>\$164,131.78</b>	<b>\$146,779.94</b>	<b>89%</b>
	Travel - Other	\$3,000.00	\$3,574.50	
	Freight, Cartage and Postage	\$1,500.00	\$63.63	
	Telephone - Mobile	\$250.00	\$6.98	
	Printing - General	\$3,000.00	\$0.00	
IT lease	\$1,000.00	\$419.34		
Purchases - Plant and Equipment	\$3,000.00	\$4,158.01		
Stores - Consumables	\$500.00	\$5.82		
Rewards	\$10,000.00	\$225.00		
<b>Total Operating</b>	<b>\$22,250.00</b>	<b>\$8,453.28</b>	<b>38%</b>	
<b>MAC</b>	Sitting Fees	\$6,000.00	\$2,525.84	
	Fees General	\$1,500.00	\$2,944.04	
	Travel	\$8,500.00	\$10,371.24	
	Travel - MV Employee Expenses	\$1,000.00	\$189.75	
	<b>Total Operating</b>	<b>\$17,000.00</b>	<b>\$16,030.87</b>	<b>94%</b>
<b>Fisheries Research</b>	Scientific Officer G3.1	\$74,527.00		
	Fisheries Technician G3.3 (50%)	\$30,899.00		
	Oncosts (24.5% of salaries)	\$25,829.37		
	<b>Total Salaries (inc oncosts)</b>	<b>\$131,255.37</b>	<b>\$136,571.40</b>	<b>104%</b>
	Overheads (48%)	\$50,604.48	\$50,604.00	
<b>Total Salaries+oncosts+o./heads</b>	<b>\$181,859.85</b>	<b>\$187,175.40</b>	<b>103%</b>	
<b>Total Operating</b>	<b>\$34,282.00</b>	<b>\$6,617.59</b>	<b>19%</b>	
<b>Compliance</b>	Investigator	\$76,689.00		
	Fisheries Officer	\$62,547.00		
	Oncosts (24.5%)	\$34,112.82		
	<b>Total Salaries (inc oncosts)</b>	<b>\$173,348.82</b>	<b>\$170,961.00</b>	<b>99%</b>
	Overheads (48%)	\$66,833.28	\$66,834.00	
<b>Total Salaries+oncosts+o./heads</b>	<b>\$240,182.10</b>	<b>\$237,795.00</b>	<b>99%</b>	
Operating - Various		Significant overtime, travel and fleet charges for unbudgeted major compliance operations		
<b>Total Operating</b>	<b>\$56,220.00</b>	<b>\$79,983.00</b>	<b>142%</b>	
<b>Total Expenses *</b>	<b>\$715,925.73</b>	<b>\$682,835.08</b>	<b>95%</b>	
<b>Outsourced</b>	<b>Independent Survey</b>	<b>\$ 189,585.18</b>	<b>\$ 190,456.84</b>	<b>100%</b>

Savings	Department Contribution (Savings)*	<b>\$206,925.56</b>	<b>\$200,234.91</b>
	Industry Contribution (non outsource)	<b>509000.18</b>	<b>482600.17</b>
	Stock Assessment (outsourced)	<b>189585.18</b>	<b>190456.84</b>
	Adjustment from 2006/07	<b>-116915.16</b>	<b>116915.16</b>
	<b>Total Industry Contribution</b>	<b>581670.20</b>	<b>556141.85</b>
	Management Charge per share (3454)	<b>168.40</b>	
	*Recreational and Marine Park subsidy of 12.6% provided		

## Appendix C Final EIS/FMS Budget

### NSW DPI BUDGET TRACKING FOR ABALONE FMS/EIS PROCESS - *FINAL BUDGET REPORT* (Up to and including August 2007)

Tasks	Components	Original budget	Actual expenditure	Revised budget (incl. variations)	Percent of revised budget expended
<b>Previously NSWF charged costs</b>	NSWF costs attributed to project prior to Dominion	\$ 27,500.00	\$ 27,500.00	\$ 27,500.00	100%
<b>Dominion Consulting</b>	Develop project plan and first draft FMS	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	100%
<b>NSWF costs to 31 Jan 03</b>	Refer to previous spreadsheet provided to JAWG	\$ 11,406.70	\$ 11,406.70	\$ 11,406.70	100%
<b>Previous costs</b>		<b>\$ 58,906.70</b>	<b>\$ 58,906.70</b>	<b>\$ 58,906.70</b>	<b>100%</b>
<b>Projected costs (NSW DPI)</b>	Consultation with Project Mgr (A)	\$ 6,520.21	\$ 5,881.37	\$ 6,520.21	90%
	Monthly budget reconciliation (B)	\$ 5,293.50	\$ 8,581.07	\$ 8,581.07	100%
	Attend JAWG meetings (C)	\$ 8,150.26	\$ 17,525.99	\$ 17,525.99	100%
	NSWF review of documentation and feedback to consultant (D)	\$ 12,971.77	\$ 78,985.58	\$ 78,985.58	100%
	Consultation with ABMAC (E)	\$ -	\$ 1,194.15	\$ 1,194.15	100%
	Managing Govt approvals process for project management contract (F)	\$ 3,970.12	\$ 5,888.19	\$ 5,888.19	100%
	Specialist input to FMS/EIS compilation (G)	Cost unknown	\$ 9,444.22	\$ 9,444.22	100%
	Ongoing project admin/liaison (H)	\$ 9,528.30	\$ 13,544.45	\$ 13,544.45	100%
<b>NSW Fisheries costs (post Jan 03)</b>		<b>\$ 46,434.16</b>	<b>\$ 141,045.04</b>	<b>\$ 141,683.88</b>	<b>100%</b>
<b>Projected costs (advisory bodies)</b>	Review by FRCAC (I)	\$ 26,500.00	\$ 17,561.45	\$ 26,500.00	66%
	Review by Ministerial Advisory Councils (out-of-session) (J)	\$ 2,981.17	\$ -	\$ 2,981.17	0%
<b>Advisory bodies costs</b>		<b>\$ 29,481.17</b>	<b>\$ 17,561.45</b>	<b>\$ 29,481.17</b>	<b>60%</b>
<b>External costs</b>	Contract fees - Project Manager - The Ecology Lab (K)	\$ 131,713.00	\$ 169,040.77	\$ 169,059.37	100%
	Contract fees - other (L)	\$ 71,800.00	\$ 54,421.62	\$ 51,597.27	105%
	Report Production - drafts & final (M)	\$ 47,330.00	\$ 15,608.62	\$ 47,330.00	33%
	Postage & Handling - drafts & final (N)	\$ 6,250.00	\$ 3,962.71	\$ 6,250.00	63%
	Graphic design (O)	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00	50%
	Advertising (P)	\$ 16,500.00	\$ 19,953.96	\$ 16,500.00	121%
	External peer review (Q)	\$ 12,000.00	\$ 13,954.55	\$ 12,000.00	116%
	JAWG industry member meeting costs (R)	\$ -	\$ 4,619.25	\$ 4,000.00	115%
<b>External costs</b>		<b>\$ 287,593.00</b>	<b>\$ 282,561.48</b>	<b>\$ 308,736.64</b>	<b>92%</b>
<b>Project variations (NSW DPI)</b>	Recovery of late fee payments (S)	\$ -	\$ -	\$ -	-
<b>Additional NSW Fisheries costs</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>-</b>
	Contingency (10% on original budget)	\$ 36,000.00		\$ -	

<b>ORIGINAL PROJECT BUDGET:</b>	<b>\$ 458,415.04</b>	(ex. GST)
<b>REVISED PROJECT BUDGET:</b>	<b>\$ 538,808.39</b>	(ex. GST)
<b>OVERALL PROJECT EXPENDITURE:</b>	<b>\$ 500,074.67</b>	(ex. GST)
<b>PERCENT OF REVISED BUDGET EXPENDED:</b>	<b>92.8%</b>	



**Schedule of specific and external costs attributable to industry associated with the Abalone FMS/EIS - FINAL BUDGET REPORT**  
**(Includes actual costs paid by NSW/DPI up to and including August 2007)**

Payee	Invoice date	Detail of payment	Cost (ex GST)
Government Advertising Agency	17-Feb-03	Project Manager tender advertisement - SMH	\$ 504.63
Government Advertising Agency	17-Feb-03	Typesetting on Project Manager tender advertisement - SMH	\$ 15.26
John Smythe	3-Apr-03	Accommodation to attend JAWG meeting 3/4/03	\$ 153.64
The Ecology Lab	30-Apr-03	Progress payment for April 2003	\$ 11,342.50
Dominion Consulting Pty Ltd	29-May-03	40% payment for ec and social analysis on commencement of project	\$ 10,890.00
The Ecology Lab	30-May-03	Progress payment for May 2003	\$ 21,364.00
Umwelt (Australia) Pty Ltd	31-May-03	Attendance at ABMAC meeting	\$ 1,265.00
Umwelt (Australia) Pty Ltd	31-May-03	Payment Invoice No 2766 - Archeologist: Gerard Niemoeller	\$ 1,282.50
Burraneer Bakery and Deli	3-Jun-03	Catering for JAWG meeting 3/6/03	\$ 49.66
Qantas Airways	3-Jun-03	Return flight for John Smythe to attend JAWG meeting 3/6/03	\$ 501.00
John Smythe	10-Jun-03	Taxi and accommodation to attend JAWG meeting 3/6/03	\$ 135.45
The Ecology Lab	30-Jun-03	Progress payment for June 2003	\$ 11,901.75
Umwelt (Australia) Pty Ltd	30-Jun-03	Payment Invoice No 2786 - Progress payment Pam Dean-Jones and Gerard Niemoeller	\$ 2,343.52
Dominion Consulting Pty Ltd	3-Jul-03	40% payment on commencement of Additional Survey Variation to Ec & Social Analysis	\$ 2,000.00
The Ecology Lab Pty Ltd	31-Jul-03	Progress payment for July 2003	\$ 15,498.00
Umwelt (Australia) Pty Ltd	31-Jul-03	Payment Invoice No 2865 - Progress payment Pam Dean-Jones and Archeologists: Paul Rheinberger, Leila McAdam & Gerard Niemoeller	\$ 3,507.50
Warren Spooner	13-Aug-03	Travel costs to attend JAWG meeting 3/6/03	\$ 324.76
NSW Fisheries	10-Oct-03	Specialist input into EIS preparation, as requested by Project Manager	\$ 8,497.00
Umwelt (Australia) Pty Ltd	31-Oct-03	Payment Invoice No 3108 - Progress payment Paul Rheinberger and Gerard Niemoeller	\$ 2,190.00
The Ecology Lab Pty Ltd	31-Mar-04	Payment Invoice No 134/0304 - Progress payment 1/8/03 - 31/3/04	\$ 14,549.25
Umwelt (Australia) Pty Ltd	31-Mar-04	Payment Invoice No 3393 - Progress payment Pam Dean-Jones and Kattie Sachs	\$ 3,620.00
The Ecology Lab Pty Ltd	31-Apr-04	Payment Invoice No 152/0304 - Progress payment for April 2004	\$ 7,997.50
Dominion Consulting Pty Ltd	5-May-04	Payment Invoice No 0434 - 40% payment re draft Ec & Social Analysis of Abalone EIS	\$ 12,890.90
John Smythe / Jim Miller	7-May-04	Travel costs to attend JAWG meeting 7/5/04	\$ 745.21
FRCAC costs	To end May 04	Payment to NSW Fisheries for attributable FRCAC costs	\$ 9,938.00
The Ecology Lab Pty Ltd	31-May-04	Payment Invoice No 169/0304 - Progress payment for May 2004	\$ 8,672.50
Umwelt (Australia) Pty Ltd	31-May-04	Payment Invoice No 3552 - Progress payment for May 2004	\$ 770.45
The Ecology Lab Pty Ltd	17-Jun-04	Payment Invoice No 172/0304 - Progress payment for June 2004	\$ 16,567.50
Umwelt (Australia) Pty Ltd	30-Jun-04	Payment Invoice No 3623 - Progress payment for June 2004	\$ 1,711.75
The Ecology Lab Pty Ltd	30-Jul-04	Payment Invoice No 24/0405 - Progress payment for July 2004	\$ 9,902.50
The Ecology Lab Pty Ltd	31-Aug-04	Payment Invoice No 50/0405 - Progress payment for August 2004	\$ 7,045.00
The Ecology Lab Pty Ltd	30-Sep-04	Payment Invoice No 68/0405 - Progress payment for September 2004	\$ 1,922.50
Umwelt (Australia) Pty Ltd	30-Sep-04	Payment Invoice No 3823 - Progress payment for September 2004	\$ 3,435.00
The Ecology Lab Pty Ltd	29-Oct-04	Payment Invoice No 81/0405 - Progress payment for October 2004	\$ 5,595.73
Umwelt (Australia) Pty Ltd	31-Oct-04	Payment Invoice No 3907 - Progress payment for October 2004	\$ 690.00
The Ecology Lab Pty Ltd	30-Nov-04	Payment Invoice No 102/0405 - Progress payment for November 2004	\$ 3,500.00
Umwelt (Australia) Pty Ltd	16-Dec-04	Payment Invoice No 4064 - Progress payment for December 2004	\$ 162.50
The Ecology Lab Pty Ltd	24-Dec-04	Payment Invoice No 118/0405 - Progress payment for December 2004	\$ 9,170.00
The Ecology Lab Pty Ltd	28-Feb-05	Payment Invoice No 146/0405 - Progress payment for January & February 2005	\$ 3,182.15
The Ecology Lab Pty Ltd	31-Mar-05	Payment Invoice No 165/0405 - Graphic design artwork	\$ 1,000.00
Qantas & associated member costs	7-May-05	JAWG meeting and travel costs 7 May 2005 - John Roach, Jim Miller & John Smythe	\$ 1,138.45
The Ecology Lab Pty Ltd	30-Jun-05	Payment Invoice No 208/0405	\$ 8,240.00
Snap Printing	30-Jun-05	Photocopies of Initial draft Abalone EIS Vols 1-3	\$ 1,217.35
Dominion Consulting Pty Ltd	24-Jul-05	Payment Invoice No 0461	\$ 6,445.00
Umwelt (Australia) Pty Ltd	31-Aug-05	Payment Invoice No 4771 - Finalisation of Report	\$ 1,217.50
Fineline Print & Copy Service	31-Aug-05	Payment Invoice 20560 - EIS Vol 1-3 & Summary Booklet	\$ 11,903.00
The Ecology Lab Pty Ltd	30-Sep-05	Payment Invoice No 52/0506 - Progress payment/Graphic Design/Postage & Handling	\$ 11,193.75
Snap Printing	30-Sep-05	Payment Invoice No 44980 - Outstanding Balance	\$ 9.00
Advertising	30-Sep-05	Advertising Abalone EIS Public Exhibition	\$ 19,953.96
Dr John Bern	19-Oct-05	Peer Review - Indigenous	\$ 3,500.00
ABARE	21-Oct-05	Peer Review - Socio-Economic (Inv No INVC0252420)	\$ 5,454.55
Handicapped Children's Centre	9-Nov-05	Catering for JAWG meeting 9 November 2005	\$ 35.00
Qantas Airways	9-Nov-05	JAWG meeting travel costs 9 November 2005 - Jim Miller & John Smythe	\$ 743.34
Jim Miller	9-Nov-05	Private vehicle use to attend JAWG meeting	\$ 63.28
John Roach	9-Nov-05	JAWG meeting and travel costs 9 November 2005	\$ 392.62
Various	18-Nov-05	FMS Working Group meeting expenses (eg travel, sitting fees and meeting expenses)	\$ 4,619.71
Dr Neil Andrew	28-Nov-05	Peer Review - Biological & Ecological	\$ 5,000.00
Quest Apartments Cronulla	26-Sep-06	Accommodation for J Smythe for JAWG meeting	\$ 131.82
Burraneer Bakery and Deli	27-Sep-06	Catering for JAWG meeting 27 September 2006	\$ 85.00
Jim Miller	29-Sep-06	JAWG meeting travel costs	\$ 120.02
The Ecology Lab Pty Ltd	19-Jun-07	Payment Invoice No 245/0607 - Final project payment (\$7,025.20) & Postal expenses (\$220.00)	\$ 7,245.20
Fineline Print & Copy Service	20-Jun-07	Payment Invoice 25507 - Printing of approved FMS: 73 copies (not incl. 58 copies paid by DPI)	\$ 592.92
<b>Total cost (ex GST)</b>			<b>\$ 306,136.08</b>

Specific and external cost components	Cost (ex GST)
Review by FRCAC (I)	\$ 14,557.71
Review by Ministerial Advisory Councils (out-of-session) (J)	\$ -
Contract fees - Project Manager - The Ecology Lab (K)	\$ 169,040.77
Contract fees - other (L)	\$ 54,421.62
Report Production - drafts & final (M)	\$ 15,608.62
Postage & Handling - drafts & final (N)	\$ 3,962.71
Graphic design (O)	\$ 1,000.00
Advertising (P)	\$ 19,953.96
External peer review (Q)	\$ 13,954.55
JAWG industry member meeting costs (R)	\$ 4,619.25

**Schedule of costs attributable to industry associated with the abalone FMS/EIS: June 2007 to August 2007 - FINAL BUDGET REPORT**

(Note: Hourly rates have changed from previous reports to account for a 4% public sector salary increase; implemented from 13 July 2007)

Staff	Date	Detail of work	Time spent (hrs)	Base hourly rate (\$)	Overheads & oncosts	Operating costs	Charged hourly rate (\$)	Cost of work undertaken
Andrew Goulstone	1-Jun-07	Phone call with TEL re: approved FMS for publication	0.75	67.24	0.75	0.55	154.65	\$ 115.99
	1-Jun-07	Emails to JAWG re: printing process & budgets	0.75	67.24	0.75	0.55	154.65	\$ 115.99
	5-Jun-07	Liaison with TEL; brief review of pre-publication FMS	1.5	67.24	0.75	0.55	154.65	\$ 231.98
	6-Jun-07	Emails to JAWG re: printing of approved FMS	0.25	67.24	0.75	0.55	154.65	\$ 38.66
	12-Jun-07	Emails with TEL re: preparing approved FMS for publication	0.25	67.24	0.75	0.55	154.65	\$ 38.66
	18-Jun-07	Emails with TEL re: printing of approved FMS	0.25	67.24	0.75	0.55	154.65	\$ 38.66
	20-Jun-07	Budget reconciliation	0.5	67.24	0.75	0.55	154.65	\$ 77.33
	6-Aug-07	Review FMS distribution list & letters	0.5	69.92	0.75	0.55	160.82	\$ 80.41
	9-Aug-07	Review and approve website modifications	0.25	69.92	0.75	0.55	160.82	\$ 40.20
								<b>\$ 737.68</b>
Fiona McKinnon	7-Jun-07	Prepare FMS distribution list & addresses	4.5	43.36	0.75	0.55	99.73	\$ 448.78
	3-Aug-07	Prepare FMS distribution cover letters	1.5	43.36	0.75	0.55	99.73	\$ 149.59
	7-Aug-07	Forward distribution list to TEL	0.25	43.36	0.75	0.55	99.73	\$ 24.93
	9-Aug-07	Draft website modifications to incorporate FMS/EIS	0.5	43.36	0.75	0.55	99.73	\$ 49.86
								<b>\$ 623.30</b>
							<b>Total</b>	<b>\$ 1,360.98</b>

Task component		Monthly cost
Projected (NSW DPI)	Consultation with Project Mgr (A)	\$ 579.95
	Monthly budget reconciliation (B)	\$ 77.33
	Attend JAWG meetings (C)	\$ -
	NSWF review of documentation and feedback to consultant (D)	\$ -
	Consultation with ABMAC (E)	\$ -
	Managing Govt approvals process for project management contract (F)	\$ -
	Specialist input to FMS/EIS compilation (G)	\$ -
	Ongoing project admin/liaison (H)	\$ 793.78
Projected (external)	Review by FRCAC (I)	\$ -
	Review by Ministerial Advisory Councils (out-of-session) (J)	\$ -
Variations (NSW DPI)	Recovery of late fee payments (S)	\$ -

**NSW FISHERIES PROJECTED BUDGET FOR ABALONE FMS/EIS PROCESS - AS AT 1 FEB 2003**

Task	Components	Justification	Staff	Est. time (days)	Base hourly rate (\$)	Overheads & oncosts	Operating costs	Charged hourly rate (\$)	Sub-cost (\$)	Cost of task
<b>Previously charged costs</b>	NSWF costs attributed to project prior to Dominion	Previously provided	-	-	-	-	-	-	-	\$ 27,500.00
<b>NSWF costs to 31 Jan 2003</b>	Refer to previous spreadsheet provided to JAWG	-	-	-	-	-	-	-	-	\$ 11,406.70
<b>NSWF costs to date</b>										<b>\$ 38,906.70</b>

<b>Projected costs (NSWF)</b>	Consultation with Project Mgr (A)	Est. need to meet Project Mgr on 4 occasions. Incl. 2 senior staff to attend 1/2 day meetings with 1/2 day prep & follow-up time	DMP SFM	4 4	56.93 38.90	0.88 0.88	0.55 0.55	138.34 94.53	3,873.46 2,646.75	\$ 6,520.21	
	Monthly budget reconciliation (B)	Senior mgr for 1 day per month over life of project - compiling data, distribution to JAWG members and responding to queries	SFM	8	38.90	0.88	0.55	94.53	5,293.50	\$ 5,293.50	
	Attend JAWG meetings (C)	Est. 1 meeting every 6 weeks over the course of the project (ie. 5 meetings) - incl. 2 senior staff to attend 1/2 day meetings with 1/2 day prep & follow-up time	DMP SFM	5 5	56.93 38.90	0.88 0.88	0.55 0.55	138.34 94.53	4,841.83 3,308.44	\$ 8,150.26	
	NSWF review of documentation and feedback to consultant (D)	NSW review 2 drafts of FMS, EIS, PSR & post determination FMS. In each case, 0.5 days for review and feedback by SFM, SO & DFO, 1.5 days for PMMP & 0.5 day for DMP (incl. discussion with project mgr)	DMP PMMP SFM SO DFO	2.5 7.5 2.5 2.5 2.5	56.93 47.22 38.90 39.66 27.90	0.88 0.88 0.88 0.88 0.88	0.55 0.55 0.55 0.55 0.55	138.34 114.74 94.53 96.37 67.80	2,420.91 6,023.77 1,654.22 1,686.41 1,186.45	\$ 12,971.77	
	Consultation with ABMAC (E)	Two meetings covered by existing fishery budget. Any additional meetings will need to be funded through FMS budget	-	-	-	-	-	-	-	-	
	Managing Govt approvals process for project management contract (F)	Procurement of Project Mgr - incl. completion of tendering, contract negotiation and drafting (incl. review by legal branch) & approval	SFM	6	38.90	0.88	0.55	94.53	3,970.12	\$ 3,970.12	
	Specialist input to FMS/EIS compilation (G)	As described in section 3.5 of the tender application "it is also envisaged that there would be a significant contribution made from NSW Fisheries in terms of retrieval and interpretation [for assessment of biophysical, social and economic issues]"	Unknown service need	-	-	-	-	-	-	Cost unknown	
	Ongoing project admin/liaison (H)	Responding to queries from ABMAC members, fishers, Environment Australia, other agencies, etc (budgeted on senior mgr for 1 day per month), as well as engaging subcontractors and paying disbursements related to the project (budgeted on 0.8 day per month)	Various	14.4	38.90	0.88	0.55	94.53	9,528.30	\$ 9,528.30	
	<b>Estimate of projected NSWF costs</b>										<b>\$ 46,434.16</b>

<b>Projected costs (advisory bodies)</b>	Review by FRCAC (I)	1/2 meeting for draft FMS/EIS review, 1/4 meeting for PSR review & 1/4 meeting costs for out-of-session review of revised FMS following determination (assumes FRCAC does not seek meeting to review summary of submissions)	FRCAC	1	-	-	-	26500	26,500.00	\$ 26,500.00
	Review by Ministerial Advisory Councils (out-of-session) (J)	Review by ACCF, ACFC & ACoRF on two occasions (draft FMS/EIS & PSR). Costs are for 1 day per review for each Advisory Council Executive Officer (at Clerk Grade 6 level)	Executive Officers	6	29.21	0.88	0.55	70.98	2,981.17	\$ 2,981.17
<b>Estimate of advisory body costs</b>										<b>\$ 29,481.17</b>

- Important notes:**
- The time allocations made above are estimates only and will vary depending on the scale of the work required (eg. how key policy issues are resolved, influence of other stakeholders/agencies on the content of the FMS, the collection of levy requirements sought by industry, etc). In particular, budget estimates are based on the assumption the project will be completed in October 2003.
  - NSWF will consult the joint working group (with justification) if any single cost is likely to exceed 50% of the estimated cost for tasks < \$5, 000 and 20% for tasks > \$5, 000.
  - The staff allocated to each task may be modified without notice, however the procedure for cost overruns as outlined in point 2 above will apply.
  - The salary rates are based on current rates as of Feb 2003. A 5% public sector wide salary increase applies from 1 July 2003.

## Appendix D: Agenda Item Submitted by John Smythe

### Agenda Item 14

#### TACC DETERMINATION AND RECOMMENDATIONS FOR 2009-2010

##### BACKGROUND

Although the TAC committee doesn't manage the fishery they have, in the past, made recommendations that fostered specific management responses. (Such as closure of regions 1 and 2).

The TAC Committee had expressed concerns for the need for accurate fishery information to set the TAC for the fishery.

They stated that they would be precautionary (as per the Fisheries Management Act) if adequate information was not provided to them particularly from the Independent Fishery Surveys (IFS).

ABMAC/ACNSW advised shareholders to vote against retaining the IFS.

The TAC was subsequently dropped to 75tons and would have been dropped even further (by 16tons) had not

1. the CPUE continued to rise,
2. the 117mm LML had positive impacts, and
3. the TAC was to be fished at 119mm LML.

##### ISSUE:

Can ABMAC explain why they did not adapt the TAC recommendation of a 119mm LML when the previous increase to 117mm was so positive.

What reasons are behind ABMAC not insisting on the implementation of a TACC recommendation for a 2mm LML increase when the increase to 117mm had positive results across the entire range of the fishery and ***"Concerns re the inc to 117mm msl have proven unfounded"*** and there was ***"likely to be "per recruit" benefits from further increases in msl."*** TAC Committee

##### RECOMMENDATION

That ABMAC explain to shareholders and list their reasoning for not insisting that the TACC recommendation re 119mm size limit be implemented for the 2009-2010 fishing year.

## Appendix E

### Agenda item 8

#### Excerpts of legislation relevant to Shareholder Diver responsibility

### Fisheries Management Act 1994

#### Division 6 Fishing and other shareholding rights

##### 69 Nomination of commercial fisher by holder of shares

- (1) The holder of shares in a share management fishery may nominate a commercial fisher to take fish in the fishery on behalf of that holder.
- (2) After the commencement of the management plan for the fishery, the holder may not do so unless the holder has at least the minimum shareholding in the fishery required under this Division.
- (3) The nomination is to be made in a form and manner approved by the Director-General.
- (4) The holder may nominate 2 or more commercial fishers in respect of the same shareholding if authorised to do so under the management plan for the fishery.
- (5) The holder may nominate a commercial fisher who is a shareholder in the same fishery. In that case, the shares of the nominated fisher do not, while the fisher is so nominated and unless the management plan for the fishery otherwise provides, confer any entitlement to take fish in the fishery.
- (6) However, the holder (the ***nominating shareholder***) may not:
  - (a) nominate a commercial fisher who is nominated by another shareholder in the same fishery, unless authorised to do so by the management plan for the fishery, or
  - (b) nominate a commercial fisher who is nominated by another shareholder in another fishery, unless authorised to do so by the management plan for each fishery in which the commercial fisher will be authorised to take fish as a consequence of the nominations.
- (7) The management plan for a fishery may make further provision for nominations under this section, and for the revocation of nominations, including by requiring a shareholder to keep a record of a nomination or revocation of a nomination.
- (8) The Director-General is to record any nomination under this section, and any revocation of the nomination, in the Share Register.
- (9) Until the commencement of the management plan for a fishery, the Minister may determine the matters that, under this section, may be provided for by the plan.

### Fisheries Management (Abalone Share Management Plan) Regulation 2000

#### Definitions

***endorsement*** means an endorsement on a commercial fishing licence that authorises the taking of abalone in the fishery.

***endorsement holder*** means a person who holds a commercial fishing licence that has an endorsement.

***nominated fisher*** means a commercial fisher nominated by a shareholder to take abalone in the fishery on behalf of the shareholder

***shareholder*** means a holder of shares in the fishery.

#### Part 4 Endorsements and nominated fishers

## 10 Nominated fishers

- (1) A person may not be nominated by a shareholder to take abalone on behalf of the shareholder if:
  - (a) the person has been convicted, within the period of 5 years before the nomination is made, of an abalone offence or a serious fisheries offence, or
  - (b) the person has been charged with or summoned for an abalone offence or a serious fisheries offence and proceedings in respect of that offence are pending.
- (2)–(8) (Repealed)

**Note.** See Part 3 of the *Fisheries Management Supporting Plan* set out in the *Fisheries Management (Supporting Plan) Regulation 2006* for further provisions in relation to nomination of fishers.

## 13 Nominated fisher to notify shareholder of alleged offence

- (1) A nominated fisher must notify the shareholder who nominated him or her to take abalone in the fishery on the shareholder's behalf if the person is charged with or summoned for an offence against this Plan, the Act or the regulations under the Act.
- (2) The notice must be given to the shareholder within 24 hours after the nominated fisher is charged with the offence.
- (3) Contravention of this clause is an endorsement holder offence.

## 16 Contravention of quota

- (1) A person, being a shareholder or a nominated fisher for a shareholder, must not:
  - (a) take abalone for sale in contravention of the shareholder's quota, or
  - (b) take abalone for sale in contravention of a determination by the Minister under clause 15 (2).
- (2) For the purposes of section 65 of the Act, contravention of this clause is an offence.
- (3) Contravention of this clause is also an endorsement holder offence.
- (4) Any abalone that are seized by a fisheries officer do not cease to be considered to have been taken for sale just because they have been seized.

## Part 6 Provisions relating to crew, boats, records and other matters

### 20 Definitions

- (1) In this Part:

*daily log sheet* means the form known as the "NSW DPI Abalone Fishery Daily Catch and Effort Record" provided to shareholders by the Department.

*docket book* means the booklet containing daily log sheets and known as the "NSW DPI Abalone Fishery Catch and Effort Logbook" provided to shareholders by the Department.

- (2) In this Part, **hanging** abalone refers to the practice of storing abalone that has been taken for sale in a bin or other container that is in the water, without landing the abalone.

### 21 (Repealed)

### 22 Limited use of unauthorised crew

- (1) An endorsement holder must not take or attempt to take abalone for sale more than 2 times in any calendar month while using a fishing boat that has a crew member who is not a licensed crew member, except with the approval of the Director-General.
- (2) An endorsement holder must not take or attempt to take abalone for sale while using a fishing boat that has a crew member who is not a licensed crew member unless the endorsement holder has notified a local fisheries officer, before leaving port, of his or her intention to do so.

- (3) Contravention of this clause is an endorsement holder offence.
- (4) In this clause:

*licensed crew member* means a crew member who is the holder of a Class 3 commercial fishing licence.

### **23 Crew details to be recorded on daily log sheet**

- (1) An endorsement holder who takes or attempts to take abalone for sale on any day must include in the daily log sheet the names of all members of the crew of the boat (if any) used by the endorsement holder to take abalone in the fishery.
- (2) Subclause (1) applies in addition to any requirement that applies in relation to the endorsement holder under clause 165 of the *Fisheries Management (General) Regulation 2002* (which requires the holder of a fishing boat licence to keep a record on the boat regarding crew members).
- (3) A contravention of subclause (1) is an endorsement holder offence.

## **Part 7 General**

### **35 Share forfeiture offences**

- (1) For the purposes of section 75 (1) of the Act, the following offences are share forfeiture offences in respect of a shareholder:
  - (a) an offence arising from a contravention of clause 16 of this Plan (Contravention of quota) by the shareholder or a nominated fisher of the shareholder, if the shareholder has a record of contravening the clause,
  - (b) an offence arising from a contravention of clause 31 of this Plan (Steps to be taken after landing abalone) by the shareholder or a nominated fisher of the shareholder, if the shareholder has a record of contravening the clause,
  - (c) (Repealed)
  - (d) an offence arising from a contravention of clause 108 of the *Fisheries Management (General) Regulation 2002* (Interference with set fishing gear) by the shareholder or a nominated fisher of the shareholder,
  - (e) an offence committed by the shareholder against the Act or the regulations under the Act that is punishable by imprisonment.
- (2) An offence is not a share forfeiture offence if it was committed by a nominated fisher of a shareholder, and the court that convicts the nominated fisher is satisfied that the nominated fisher committed the offence without the knowledge or permission of the shareholder.
- (3) For the purposes of this clause, a shareholder has a **record of contravening a clause** if the shareholder has contravened the clause on at least 2 previous occasions and those contraventions have been proved. A contravention of the clause by a nominated fisher of the shareholder is to be counted as a contravention by the shareholder, as long as the contravention has been proved.
- (4) A contravention of this Plan is **proved** if the contravention gives rise to a conviction for an offence or if a court finds the contravention proved but does not proceed to a conviction.
- (5) Following the sale of any forfeited shares by public tender, as provided for by section 75 (5) of the Act, and after deduction of the expenses reasonably incurred in connection with the sale, the Minister is authorised to pay any person (other than the shareholder or shareholders) who had an interest in the shares such part of the purchase price as the Minister considers approximate to the value of the person's interest in the shares.

**Note.** Clause 139 of the *Fisheries Management (General) Regulation 2002* also provides for share forfeiture for a failure to pay a community contribution or other amount due under Part 3 of the Act.

### **39A Adoption of Part 3 of Supporting Plan**

For the purposes of section 57A (5) of the Act, the provisions of Part 3 of the *Fisheries Management Supporting Plan* set out in the *Fisheries Management (Supporting Plan) Regulation 2006*, as they relate to the fishery, and as in force from time to time, are adopted by this Plan.

## **Fisheries Management (Supporting Plan) Regulation 2006**

### **Part 3 Nomination of fishers**

#### **5 Nomination of fisher**

- (1) A shareholder may nominate a person to take fish on behalf of the shareholder in a fishery only if the person is an eligible fisher in respect of the fishing business of the shareholder.

**Note.** Eligible fishers are persons registered by the Director-General as eligible fishers in respect of a fishing business under Part 8A of the Regulation.

- (2) For the purposes of section 69 (6) (a) of the Act, the nomination of an eligible fisher who is the nominated fisher of another shareholder in the same fishery is authorised in all fisheries other than the abalone fishery and the lobster fishery.
- (3) For the purposes of section 69 (6) (b) of the Act, the nomination of an eligible fisher who is the nominated fisher of another shareholder in another fishery is authorised in all fisheries.
- (4) The nomination of an eligible fisher does not take effect until:
  - (a) the nomination is given to the Director-General in the form and manner required by section 69 (3) of the Act, and
  - (b) if the shareholder has been issued with a fishing business card in respect of the fishing business to which the nomination applies, possession of the fishing business card is given to the nominated fisher.

**Note.** Section 69 (3) of the Act requires the nomination to be made in a form and manner approved by the Director-General.

- (5) A nomination has effect for a minimum period of 48 hours, or a lesser period approved by the Director-General.
- (6) If a nomination is revoked before the end of the period of 48 hours (or the lesser period approved by the Director-General), a further nomination cannot be made until the end of the relevant period.

#### **6 One nominated fisher per fishing business**

- (1) An eligible fisher nominated to take fish on behalf of a shareholder must be nominated in respect of all shares held by the shareholder that are a component of the same fishing business and all endorsements in a restricted fishery that are a component of that fishing business.
- (2) A shareholder may nominate one (and not more than one) eligible fisher to take fish on behalf of the shareholder for each fishing business of which he or she is the owner.
- (3) A nomination applies in respect of the fishing business indicated by the shareholder and operates to authorise an eligible fisher to take fish only in respect of those shares (and endorsements) that are a component of the relevant business.
- (4) A separate nomination must be made in respect of each separate fishing business.
- (5) If shares held by a shareholder are components of more than one fishing business, either the same or a different eligible fisher may be nominated in respect of each separate fishing business, subject to this clause.
- (6) If the shares held by a shareholder in the abalone fishery are components of 2 or more fishing businesses, a different eligible fisher is to be nominated in respect of each fishing business.
- (7) If the shares held by a shareholder in the lobster fishery are components of 2 or more fishing businesses, a different eligible fisher is to be nominated in respect of each fishing business.



(8) This clause is subject to section 69 (2) of the Act.

**Note.** Section 69 (2) prevents a shareholder from nominating a person to take fish on behalf of the shareholder unless the shareholder has the minimum shareholding in the fishery required.

## **7 Revocation of nomination of commercial fisher**

- (1) A shareholder's nomination of a person to take fish on behalf of the shareholder may be revoked:
  - (a) by the shareholder, or
  - (b) by the Director-General, if revocation by the Director-General is authorised by this clause.
- (2) A revocation of a nomination by a shareholder is to be made in a form and manner approved by the Director-General.
- (3) The shareholder must inform the nominated fisher of the revocation of the nomination.
- (4) The Director-General is authorised to revoke a shareholder's nomination of a person to take fish on behalf of the shareholder (without the consent of the shareholder) if:
  - (a) the nominated fisher requests the revocation, in a form and manner approved by the Director-General, or
  - (b) the Director-General cancels the registration of the person as an eligible fisher in respect of the shareholder under the Regulation, or
  - (c) the shareholder is not entitled to nominate the person to take fish on behalf of the shareholder under section 69 (6) of the Act, this Plan or the share management plan for the fishery.
- (5) The Director-General revokes a nomination by giving the shareholder notice in writing of the revocation.
- (6) The Director-General must, by notice in writing, inform the person whose nomination has been revoked of that revocation.

## **Part 7 Savings and transitional**

### **26 Nominated fishers—savings consequent on commencement of share management plans**

- (1) A person duly nominated to take fish on behalf of another in a share management fishery and whose nomination was in force immediately before the commencement of this Plan is taken, on that commencement, to have been registered as an eligible fisher in respect of the fishing business concerned under Part 8A of the *Fisheries Management (General) Regulation 2002*.
- (2) Any such person is taken to have been nominated to take fish on behalf of the relevant shareholder in accordance with Part 3 of this Plan.
- (3) Subclause (2) does not apply in respect of a fishing business owned by a partnership if, immediately before the commencement of this Plan, there is more than one nominated fisher in respect of the fishing business.
- (4) This clause does not affect the power of the Director-General to revoke a nomination under Part 3 or to cancel the registration of an eligible fisher under Part 8A of the *Fisheries Management (General) Regulation 2002*.

## **Fisheries Management (General) Regulation 2002**

### **Part 8A Registration of persons eligible to be nominated fishers**

#### **280A Application to register eligible fishers**

- (1) The owner of a fishing business may apply to the Director-General to register a person specified in the application as an eligible fisher in respect of the fishing business.

**Note.** Only persons registered as eligible fishers may be nominated to take fish on behalf of a person in respect of a fishing business.

- (2) An application under this clause:
  - (a) is to be in a form approved by the Director-General, and
  - (b) is to be accompanied by evidence that the person to be registered as an eligible fisher consents to the registration.
- (3) A person may be registered as an eligible fisher only if the person holds a current Class 1 commercial fishing licence.
- (4) A fee may be charged by the Director-General in respect of an application under this clause.

### **280B Registration of eligible fisher**

- (1) If an application for a person to be registered as an eligible fisher is duly made, the Director-General must accept the application or refuse the application.
- (2) The Director-General may refuse the application if:
  - (a) the person proposed to be registered does not hold a current Class 1 commercial fishing licence, or
  - (b) the owner of the fishing business has not paid any fee or contribution due and payable under the Act or the regulations, or
  - (c) in the case of an application relating to a fishing business the components of which include shares in a share management fishery, the person proposed to be registered is not entitled to be registered as an eligible fisher under the share management plan for the fishery, or
  - (d) there are grounds for suspending or cancelling the commercial fishing licence of the person proposed to be registered, or an endorsement on that commercial fishing licence (whether or not the licence or endorsement is in fact suspended or cancelled).
- (3) If the Director-General accepts the application for a person to be registered as an eligible fisher in relation to a fishing business, the Director-General is to register the name of the person as an eligible fisher in respect of the fishing business.
- (4) Registration remains in force until it is cancelled by the Director-General.

### **280C Cancellation of registration of person as eligible fisher**

The Director-General may cancel the registration of a person as an eligible fisher in respect of a fishing business, by notice in writing to the owner of the fishing business, if:

- (a) the owner of the fishing business requests it by notice in writing to the Director-General in a form approved by the Director-General, or
- (b) the eligible fisher requests it, or
- (c) the eligible fisher ceases to be the holder of a current Class 1 commercial fishing licence, or
- (d) there are grounds for suspending or cancelling the commercial fishing licence of the eligible fisher, or an endorsement on that commercial fishing licence (whether or not the licence or endorsement is in fact suspended or cancelled), or
- (e) the owner of the fishing business transfers the fishing business or any component of the fishing business to another person, or
- (f) in the case of a person registered as an eligible fisher in respect of a fishing business the components of which include shares in a share management fishery, the person ceases to be entitled to be registered as an eligible fisher under the share management plan for the fishery.

### **432 Nominated fishers—savings consequent on Fisheries Management Legislation Amendment Regulation 2007**

- (1) A person duly nominated to take fish on behalf of another in a restricted fishery and whose nomination was in force immediately before the commencement of the *Fisheries Management Legislation Amendment Regulation 2007* is taken, on that

commencement, to have been registered as an eligible fisher in respect of the fishing business concerned.

- (2) Any such person is taken to have been nominated to take fish on behalf of the relevant person in accordance with Division 12 of Part 8.
- (3) Subclause (2) does not apply in respect of a fishing business owned by a partnership if, immediately before the commencement of the *Fisheries Management Legislation Amendment Regulation 2007*, there is more than one nominated fisher in respect of the fishing business.
- (4) Any person who, immediately before the commencement of the *Fisheries Management Legislation Amendment Regulation 2007*, held an endorsement in respect of a fishing business under clause 270, 271 or 272 of the *Fisheries Management (General) Regulation 2002*, as in force immediately before the repeal of those clauses by the *Fisheries Management Legislation Amendment Regulation 2007*, is taken, on that repeal, to have been registered as an eligible fisher in respect of the fishing business concerned under Part 8A.
- (5) This clause does not affect the power of the Director-General to revoke a nomination under Division 12 of Part 8 or to cancel the registration of an eligible fisher under Part 8A.

**Attachment 1**

**Abalone Management Advisory Committee Meeting DRAFT OUTCOMES**

**FRIDAY 18 APRIL 2008 (10:00 am to 4:40 pm)**

**CRONULLA FISHERIES RESEARCH CENTRE OF EXCELLENCE**

1 PRELIMINARIES			
Attendance Committee		Observers	
Warren Martin	Chairperson	Doug Ferrell	NSW DPI Science and Research
George Chung	Industry	Nick Schroder	NSW DPI Compliance
Anthony Fry	Industry	Anthony Chen	NSW DPI Compliance
Steven Hunter	Industry	Mike Kirwin	NSW DPI Compliance
Dennis Luobikis	Industry	Robert Gale	NSW DPI Industry Analysis Branch
Jim Miller	Industry	Peter Brown	NSW DPI, Planning and Operations
Peter Plunkett	Recreational Representative	Wendell Weston	NSW Abalone Shareholder
Dianna Watkins	NSW DPI Representative	Les Morris	NSW Abalone Shareholder
		Ryan Morris	NSW Abalone Endorsement holder
Nathan McNamara	NSW DPI Secretariat	Duncan Worthington	Industry advisor

DRAFT OUTCOMES - SUBJECT TO CHANGE

Agenda Item	Outcome	Action Item	Time	Responsibility
1(a)	WELCOMES AND APOLOGIES			
	Apologies were received from Giselle Firme, NCC Representative. The Committee acknowledged the local aboriginal tribe, the Dharawal people for holding the meeting on their land.			
1(b)	AGREEMENT ON AGENDA FOR 18 APRIL 2008			
	The Committee agreed on the Agenda			
1(c)	CONFIRMATION OF FINAL DRAFT OUTCOMES FOR ABMAC MEETING HELD ON 27 SEPTEMBER 2007.	To respond to the Committee on the document.	ASAP	Chairperson
	The Industry representatives did not support the final draft outcomes from the 27 September 2007 ABMAC meeting. Industry representatives presented a document highlighting changes to the outcomes. Motion: Industry representatives. Resolved. Concerned about the re-wording and change of intent of the outcomes from the 27/9/07 meeting.			
	CONFIRMATION OF FINAL DRAFT OUTCOMES FOR ABMAC MEETING HELD ON 6 NOVEMBER 2007.			
	The Committee supported the final draft outcomes from the 6 November 2007 ABMAC meeting.			

DRAFT OUTCOMES - SUBJECT TO CHANGE

Agenda Item	Outcome	Action Item	Time	Responsibility
1(d)	MATTERS THAT HAVE BEEN RAISED THROUGH THE COURTS			
	The Committee supported DPI views in relation to this agenda item.			
2	A) BUSINESS ARISING FROM PREVIOUS MEETINGS - CORRESPONDENCE Correspondence sent and received since the previous AbMAC meeting held on 6 November 2007. Noted			
	B) BUSINESS ARISING FROM PREVIOUS MEETINGS - ACTION LIST Concern from industry representatives that Action Items do not reflect the outcomes from previous meetings.			
	1. Change AI 1, to include 'approach'			
	4. Issue: Industry request Departmental reports prior to commenting to TAC Committee. Consultation with AbMAC on the TAC timeframes.	4. Agreement on TAC timeframes and scheduling.	ASAP	TAC Secretariat
	6. Motion: Industry Representatives. Mr Steven Hunter and Jim Miller (preference) were nominated as SIAC representatives for AbMAC. Supported. It was supported that Jim Miller act as deputy until the finalisation of the appointment.	6. Nominations to be forwarded to the Minister for consideration.	ASAP	AbMAC Secretariat

DRAFT OUTCOMES - SUBJECT TO CHANGE

Agenda Item	Outcome	Action Item	Time	Responsibility
	7. Industry representatives requested DPI to confirm that the EIS/FMS budget is finalised, and if there are any additional costs to EIS/FMS budget from management planning.	7. A formal response from DPI to AbMAC on EIS/FMS budget	ASAP	DPI
	8. DPI to draft policy on payment of sitting fees and travel allowances from MAC meetings, TAC meetings and meetings with the Minister. The Committee supported being paid Sitting Fees and Travel allowance at MAC meetings. Travel allowance only for TAC meetings and for meetings with the Minister and departmental representatives (regardless if the meeting was instigated by the representative or not).	8. DPI to develop policy having regard to government guidelines and protocols.	ASAP	DPI
	It was agreed that members who attended the meetings in 2007 be reimbursed and reconciled from the 2007/08 Abalone Management budget. It was noted that additional funding will be required to support the additional travel expenditure. Action Items 14 to 19 and the ongoing action items were not discussed due to time restraints.	DPI to reconcile travel expenses from 06/07 meetings	ASAP	DPI
3	UPDATE ON THE TOTAL ALLOWABLE CATCH SETTING AND REVIEW COMMITTEE (TAC COMMITTEE) PROGRAM AND REPORTS FOR 2008/09 Management Presentation  The Committee provided numerous comments to the Management presentation, including: current (if any) share trading information, report against TAC recommendations, review of Triggers, Marine park buyout information and a graph on the accumulation of catch by vessel.  Industry representatives also request that any presentation			

DRAFT OUTCOMES - SUBJECT TO CHANGE

Agenda Item	Outcome	Action Item	Time	Responsibility
	documentation be provided to the Committee with the dissemination of the agenda.			
	<b>Research Presentation</b>			
	Region 1 report is not yet available. TAC Committee will require the report prior to the meeting for their deliberation. Response to email from Industry representatives regarding their concerns (in previous correspondence email of 18 September 2007).  Industry representatives expressed concerns regarding: -  The independent survey process, including the apparent unrepresentatively and high cost of the survey, and the understanding that it is a major influence in the TAC setting process despite the contradictory data (i.e. commercial catch data); and  The presentation provided did not include a comment on the S&R recommendations made by the TAC Committee.			
	<b>Marine Parks:</b>			DPI
	Increased reporting in subzones that are affected by marine park closures.			
	<b>Perkinsus report:</b>		ASAP	DPI
	To be submitted to Industry once finalised as per action item.			
	<b>Compliance Presentation</b>			
	The Committee noted the presentation given by the Compliance representative. The following comments were provided: Release of draft compliance information with future agenda			



DRAFT OUTCOMES - SUBJECT TO CHANGE

Agenda Item	Outcome	Action Item	Time	Responsibility
	<p>papers.</p> <p>The Compliance representative noted the recommendations from the bin weight survey, which recommended a set nominated bin weight for the processor for each season and no variable bin weights for commercial fishers.</p>			
	<p>Bin Weight survey: Motion: Industry representatives. Industry representatives request for consultation on bin weight survey outcome application prior to the commencement of the 08/09 fishing period.</p>	<p>Consultation with fish receivers</p>	<p>ASAP</p>	<p>DPI</p>
<p>4</p>	<p>2008/09 DRAFT BUDGET</p> <p>AbMAC noted the budget provided in Appendix 2 of the Agenda.</p> <p>Motion: Industry Representatives Extreme concern and frustration about the proposed level of management charges at more than 20% of GVP, or almost 35% of income after diving costs, particularly in comparison to other states where charges range from 3 – 8% of GVP, and that the proportion of income required in fees is now above the levels John Keniry described as ‘exorbitant’ and ‘quite clearly unaffordable’. Supported: Industry Representatives. Abstained: DPI Representative and Recreational Representative.</p> <p>Motion: Advise the Minister that shareholders cannot afford the current level of management charges, and that there needs to be significant reductions and efficiencies in the services provided by DPI.</p>			

DRAFT OUTCOMES - SUBJECT TO CHANGE

Agenda Item	Outcome	Action Item	Time	Responsibility
	<p>Supported: Industry representatives.                      Abstain: DPI representative and Recreational representative.</p> <p>Motion:                      To advise the Minister that the management charges that DPI is proposing to recover in the next year represents a high proportion of the total value of the fishery, and DPI are threatening shareholders with share forfeiture when they cannot afford to pay and the MAC believes forfeiting of shares not appropriate.                      Supported: Industry Representatives.                      Abstain: DPI Representative and Recreational Representative.</p> <p>DPI Representative commented that the draft budget provided in the Appendix is a draft budget prepared based on the previous year's services to facilitate discussion.                      AbMAC raised concern in relation to the development of a small Budget Working Group.                      DPI advised that management has had to prioritise matters and therefore the development of a small Working Group to assist in the budget setting process has not been actioned.</p> <p>An updated expenditure report for the 2007/08 budget was provided to the Committee for their information.</p>			
5	<p><b>REVISED REPORTING ARRANGEMENTS</b></p>	<p>Industry representatives forward concerns on the project to Peter Brown</p>	<p>Mid May 2008</p>	<p>Industry representatives</p>
	<p>A presentation was provided to the Committee on the Catch Records Reform Project. There was general support from the Committee on the project. The following comments were made:                      Concerns with OHS with new system                      AbMAC has the ability to consult with the proposed catch records project team directly through Peter Brown at:                      peter.brown@dpi.nsw.gov.au.</p>			

DRAFT OUTCOMES - SUBJECT TO CHANGE

Agenda Item	Outcome	Action Item	Time	Responsibility
	Compliance concerns relating to proposed paperwork requirements.			
6	<p><b>SPECIAL ABALONE RECOVERY GROUP (SARG)</b></p> <p>The Chair gave an overview of the information and recommendations that was submitted as part of the SARG Report.</p> <p>The Minister has approved the following actions for the abalone fishery:</p> <p>The introduction of a structured fishing program within Regions 1 and 2</p> <p>A size limit of 117 mm across the State to be implemented as of 1 July 2008</p> <p>The development of an implementation plan by DPI with input from broader industry representatives.</p> <p>Motion:</p> <p>Industry Representatives. AbMAC do not support the increase in minimum size limit to 117 mm across the state based on economic, social and biological risks (including marketing). Furthermore, the Abalone FMS and EIS supports the minimum size limit of 115mm unless further research indicates otherwise. AbMAC request the risk assessment conducted by SARG on this minimum size limit increase.</p> <p>The AbMAC does support the minimum size limit increase in Regions 1, 2 and south of Wonboyn (and potentially larger size limits as possible through FSM), however a blanket increase of (Regions 3, 4, 5 and North of Wonboyn) 117 mm as of the 1<sup>st</sup> July 2008 is not supported.</p> <p>Supported by Industry representatives and Recreational representative.</p> <p>Not supported by the DPI representative.</p> <p>Motion:</p>			

DRAFT OUTCOMES - SUBJECT TO CHANGE

Agenda Item	Outcome	Action Item	Time	Responsibility
	<p>Industry Representatives:                      Industry supports the concept of structured fishing for Regions 1 and 2, using a permit system until the end of the current fishing period and the expiry (30 June 2008) of the section 8 closure. The permit system be in place by 1 May 2008. The structured fishing proposal will continue into the 2008/09 fishing period following the expiry of the closure, without a permit.                      Recreational access will also be available following the expiry of the closure.                      Supported unanimously on the structured fishing concept.                      DPI Representative abstained with regard to whether access is via a permit or endorsement in 2008/09 fishing period.</p> <p>Motion:                      Industry Representatives. Request that the SARG report be released.                      Supported.</p>			
7	<p>REGION 1 &amp; 2 CLOSURE AND FINER SCALE MANAGEMENT                      Motion:                      Industry representatives: recommend the introduction of an agreed finer scale management policy and a solution to the resources to fund it. Supported.</p>	Prepare program		Industry
8	<p>ILLEGAL TRADING OF AUSTRALIAN DRIED ABALONE                      The Committee noted the presentation by Mr George Chung on the alleged illegal trading of Australian dried abalone. It was noted that Compliance action has been instigated in relation to this issue. Compliance has suggested enhancements to</p>			

DRAFT OUTCOMES - SUBJECT TO CHANGE

Agenda Item	Outcome	Action Item	Time	Responsibility
	<p>legislation to increase enforcement powers for officers. It was noted that information provided to Compliance officers from industry members on illegal operations is much appreciated.</p>			
9	<p><b>RECREATIONAL AND ILLEGAL ABALONE CATCHES</b> Motion: Industry Representatives. To advise the Minister on the lack of progress on estimates of recreational and illegal catch, and that considering the uncertainty and variation, and DPI's conflict of interest that it is not appropriate to use DPI based estimates in cost recovery calculations. DPI devote more resources into the estimates on the Recreational and Illegal catch.</p> <p>Supported: Industry members</p>	<p>Matter to be referred to the Minister with meeting outcomes</p>		<p>Chairperson/Secretariat</p>
10	<p><b>OTHER BUSINESS</b> An update on the Industry Code of Practice was given. AbMAC concerns were raised in relation the AVG SOP developed by the DPI. It was agreed that other business items are to be rolled over into future agendas.</p>			
11	<p><b>PROPOSAL TO SET UP A PROGRAM TO RELOCATE UNDERSIZE ABALONE STOCK</b> Due to time restraints it was agreed that other business items are to be rolled over into future agendas.</p>			
12	<p><b>UPDATES: COMMITTEE REPRESENTATIVES</b> Due to time restraints it was agreed that these items are to be rolled over into future agendas.</p>			

DRAFT OUTCOMES - SUBJECT TO CHANGE

Agenda Item	Outcome	Action Item	Time	Responsibility
13	CHAIRPERSON'S SUMMARY AND NEXT MEETING DATE			
	The Chairperson thanked all attendees for attending the meeting. No meeting date was scheduled for next meeting. Due to time restraints Meeting close. 4:40 pm			