

Minutes

Lobster Industry Working Group Meeting 31.07.2023

Details

Location: Zoom

Date/time: 31 July 2023
2pm

Chairperson: Simon Clark (DPI)

Members Present

Daniel Stewart (Industry R1)
Noel Gogerly (Industry R2)
Lee Monin (Industry R3)
Mark Horne (Industry R5)
Oly Wady (Recreational)
Geoff Liggins (DPI Research)
Damian Young (DPI Management)
Jason Carey (DPI Compliance)

DPI Staff

1. Josie Krause (DPI)

Apologies

1. Mark Cranstone (Industry R4)
2. Matt Cartwright (DPI Compliance)

July 31 Monday, 2pm

1 Welcome, apologies and introductory remarks

The Chair welcomed members, meeting attendees and DPI representatives, and acknowledged the traditional custodians of the land.

2 Minutes

The draft minutes from meeting held 31 May 2023 were emailed to members for review 21 June 2023. The minutes were confirmed as final. DPI committed to provide minutes from today's meeting to members by 22 August 2023 and requested members provide comments and feedback on the minutes once distributed.

2.1 ACTION: DPI to distribute draft minutes from meeting by 22 August 2023.

2.2 ACTION: DPI to publish the endorsed minutes from meeting 31 May 2023 on DPI website.

2.1 RESOLUTION: LIWG meeting minutes from 31 May 2023 confirmed as final.

3 Actions from previous meeting

3.2.2 LIWG Terms of Reference (TOR) and Lobster Share Management Plan

Members were encouraged to consider the upcoming review of the TOR as an opportunity to transition the group to an independent group, with an independent Chair with a process that meets co-management principles. The regulations currently require the Total Allowable Fishing Committee (TAFC) to set the Total Allowable Commercial Catch (TACC), however it is possible to amend the regulations, which support from industry, for the Secretariate to set the TACC, as occurs in some other NSW fisheries. The option discussed included exploring an opportunity for the LIWG to provide the Secretariate (or delegate) advice as one of the components of information they consider when setting the TACC. The species now has a harvest strategy has a set of rules with a set indicators and trigger limits and reference points to guide decision making.

Member requested DPI hold a future workshop on this specific item to provide them with more information on the positives, negatives and costs of transitioning the group.

3.1 ACTION: DPI to organise a future workshop to discuss options for the working group.

3.2 ACTION: Continue the TOR review and DPI will continue with the expression of interest process to fill vacant member appointments.

4.1 Fishing activity nil reporting

DPI advised plans are currently underway to remove the requirement to submit nil returns following modernisation of the FishOnline application through the digital restart fund, however this is unlikely to occur until the new platform has been finalised (current target date 2024/25).

3.1 RESOLUTION: NOTED

5.1 MSC draft letter to members

A draft letter to industry from the LIWG outlining their support for MSC and encouraging shareholders of the opportunity to register to be part of the unit of effort for MSC certification prior to the fishery receiving accreditation, was tabled. DPI requested permission from members to include their contact details and signature on the letter prior to sending the letter.

3.2 RESOLUTION: LIWG members agreed to allow their names, contact details and signature on the tabled MSC letter to be distributed to Eastern Rock Lobster quota holders and endorsed fishers.

6.1 Seafood Trade Advisory Group (STAG)

Industry STAG representative informed members he recently emailed Jayne Gallagher advising of his resignation. DPI is to write a letter on behalf of the LIWG to Jayne Gallagher advising of reappointment of Scott Westley.

Confirmed DPI are required to write to the STAG notifying the change of membership as per previous meeting action.

7.1 Conference (Fremantle)

DPI advised the previous action is pending and will email details for the conference to members.

DPI research requested LIWG members advise if they support, subject to NSW DPI approval, Dr Geoff Liggins and Marcus Miller attending the conference using funds from the research component of the Lobster management charge budget to attend Fremantle international conference.

3.3 RESOLUTION: All members in attendance supported DPI research staff attending Fremantle international conference on rock lobster.

9.1 Tag requirements.

DPI fisheries management, compliance and LIWG member Mr Mark Cranstone met to further discuss the regulation relating tag measurements (i.e., cut off flush or change to 3mm). Advice was provided back to members advising DPI compliance were not supportive of changing the requirement for tags to be flush in the current regulation. Members were advised compliance officers apply a tolerance to the rule when reviewing operations. Members were notified that most past compliance actions relating to tags have been initiated when the tag's cut tail have exceed 3mm, or there have been multiple offences detected. DPI compliance were concerned that a change to allowing 3mm tag overhang would result in a change in the tolerance allowed which could lead to longer tags and impact quota integrity.

Members requested compliance provide a breakdown of previous warnings, infringement notices and convictions for tags cut between 0-3mm at the next meeting.

Compliance directed members to a tool available from bunnings which they use to cut tag flush at the Sydney Fish Market when required. Member advised tagging large numbers of lobsters at sea whilst steaming back to port is far more difficult process.

3.3 ACTION: DPI Compliance provide a summary of warnings, infringement notices and convictions for long tags, separating those 0-3mm from other long tag offences.

11.1 Distributing tags to endorsement holders

DPI advised members the procedure for assessing and processing additional tag applications was reviewed and streamlined early this year and the process was now running efficiently. There were no further issues or reports of delays by members.

3.4 NOTED.

RESOLUTION:

13.1 Unused lobster tags.

At the previous meeting the current practice of destroying unused tags was discussed and two options were put forward for consideration. The first option was the potential to use these tags in a future cycle when colours are repeated. The second option was to allow leftover tags in possession to continue to be used into the next fishing period.

Compliance advised having different coloured tags for each fishing period remains extremely useful when undertaking inspections of large numbers of lobsters, supporting quicker and less costly inspections whilst acknowledging limited cross over currently occurs due to lobsters being held in pens and holding tanks after the end of the fishing period.

FishOnline advised reallocating tags every 3 seasons when the colour cycle was repeated would be inefficient, as tags would need to be stored for extended periods and would no longer be in sequential order. They were, however, supportive of allowing unused tags in possession to continue to be used as they can easily be allocated to the fisher for the following fishing period. They anticipated there would be limited numbers of tags in a fishers possession at the end of the fishing period, they also believe it would reduce wastage, administration workload and the onus and postage cost on fishers to return unused tags.

For these reasons members were advised the second option, allowing unused tags in a fisher's possession to continue to be used into the next fishing period was preferred. It was recommended that the use of previous season tags be limited to the first month of the new fishing period.

3.4 ACTION: DPI to amend the rules relating to the requirement for endorsement holders to return unused tags at the end of the season, allowing fishers to use them for a set period (i.e. one month into the new fishing period).

15.1 Penalty relating to the use of lighters

DPI compliance advised members the proposed increase to the penalty was not included in the proposed changes to PINS. The reason being the offence is an endorsement holder offence and to increase it would result in numerous offences in the fishery increasing from \$200 to \$1,000 per offence. Members were asked if they would support the increase to these additional offences. Members requested compliance provide a list of all endorsement holders offences for their consideration before providing any further advice on this issue.

3.5 ACTION: DPI compliance to provide a list of all endorsement holder offences at the next meeting.

16.1 Reporting of quota and share trading price

Management advised members the FishOnline team confirmed advice communicating the benefits of reporting share and quota trading price information can be included on both the online trading platform and paper application form in the future.

3.6 ACTION: DPI to work with FishOnline team to include advice on the benefit of recording share and quota trading data for the TAC setting process on online and paper transfer forms.

18.1 Requirement to carry a measuring device

DPI advised members they support the removal of the regulation requiring fishers to carry a suitable measuring device, as fishers are already prohibited from taking any undersize or oversize lobsters under regulation.

3.7 ACTION: DPI management to proceed to consultation on the regulation to remove the requirement to carry a measuring device.

19.1 Maximum Leasing

Members supported removal of the regulation whereby the holder of lobster shares may not acquire by transfer more than twice the amount of the shareholder's initial quota for the fishing period.

3.8 ACTION: DPI management to proceed to consultation on the regulation to remove the limit on transferring shares based on quota holdings.

21.1 Business Efficiency Program

Further discussion was had on the Business Efficiency Program proposal to allow the retention of lobsters in demersal fish traps. DPI research raised some issues with progressing this proposal including potential impact on the current stock assessment process. It was also recommended that MSC is approached to determine if the change would impact the anticipated MSC accreditation.

The option remain a BEP proposal and DPI will continue to advise members of any progress with this BEP proposal.

3.5 RESOLUTION: NOTED.

Members raised the maximum shareholding. There were views that the shareholding was too high and it was discussed that the previous shareholding wouldn't potentially limit an owner with multiple businesses. DPI informed the group that the item was consulted through the business efficiency program, and is now consistent with other NSW fisheries.

3.9 ACTION: DPI to provide the LIWG a timeline of the process undertaken to amend the maximum shareholding.

4 General Business

4.1 Administration

DPI advised members the administration process for expenses and sitting fee claims has changed resulting in a delay in processing.

4.1 RESOLUTION: NOTED.

4.2 Cost recovery budget revision

DPI management advised members there was a change to the draft budget provided at the previous meeting. The change reflected the recreational discount component of the budget and resulted from the increase in the TACC from 180 to tonnes for the 2022/23 fishing period. Prior to the meeting members were emailed a copy of the revised budget including the formula used to derive the recreational discount. The final management charge will be \$65.71 per share.

4.2 The management charge budget was accepted.
RESOLUTION:

4.3 Next meeting

It was proposed to meet within 3 months.

4.3 ACTION: Next meeting in November 2023.

ACTION TABLES

No.	Action	Responsibility	Outcome
31 May 2023			
2.1.1	DPI to distribute draft minutes from today meeting (31/05/2023) to LIWG members by 21 June 2023.	NSW DPI	Completed
2.1.2	Coordinate follow up LIWG meeting(videoconference) by early August.	NSW DPI	Completed
3.1.1	DPI management to send a link to the Lobster Share Management Plan (LSMP) to members.	NSW DPI	Completed
3.1.2	LIWG members to discuss the Terms Of Reference at the next meeting.	LIWG	See 31/07/23 item 3.1
4.1	DPI management to investigate other options of managing nil returns, and whether they can be automated to appear in the FishOnline system.	NSW DPI	See 31/07/23 minutes.
4.2	A hard copy of the management and research presentations to be shared with the LIWG prior to future meetings.	NSW DPI	Noted
5.1	Members to draft a letter with DPI to send to industry advising of the opportunity to register to the unit of effort for MSC accreditation.	NSW DPI LIWG	Draft letter tabled.

6.1	The LIWG to write a letter to Jane Gallagher (STAG) advising of the change to the industry representative.	LIWG	Pending.
7.1	DPI to send out details of the event being held in Fremantle.	NSW DPI	Pending.
9.1	Fisheries compliance, management, and Mark Cranstone to meet prior to the August meeting to discuss changing the word flush to a measurement (i.e., 3mm) and provide further advice back to the LIWG.	NSW DPI Compliance Mark Cranstone	Completed.
11.1	DPI management to report back to the next meeting whether that has been any new procedural changes implemented when assessing and processing tag requests.	NSW DPI	See 31/07/23 minutes.
13.1	DPI management, compliance, business services and LIWG representative Mark Cranstone to provide information back to the LIWG on the pros and cons of the two proposals.	NSW DPI LIWG	Completed.
15.1	DPI Fisheries compliance to advise the LIWG (at the August meeting) whether the proposed increase to the penalty relating to the use of lighters is included in the current changes been put forward for implementation.	NSW DPI Compliance	See 31/07/23 item 3.7.
16.1	DPI management to investigate whether the reporting price information on quota shares can be included in fisher direct platform.	NSW DPI	Completed. Work with business services to provide an explanation.
18.1	DPI management to review the requirement to carry a measuring device and undertake consultation if required.	NSW DPI	Completed. Next step is to consult.
19.1	DPI management to review the restriction on the amount of quota that can be leased within a fishing period and progress as required.	NSW DPI	Completed. Next step is to consult.
21.1	DPI management to continue to advise members of the progress of this BEP proposal.	NSW DPI	Ongoing. Add as future agenda item.
22.1	DPI research to incorporate a review of size criteria options through the lobster harvest strategy review process.	NSW DPI Research	Will be addressed during the review of the harvest strategy.

23.1	DPI management to provide LIWG a copy of the data log sheet required to be completed as a condition of the S37 permit.	NSW DPI	Completed. Table at 31/07/23 meeting.
31 July 2023			
2.1	DPI to distribute draft minutes from meeting 31 July 2023 to LIWG members by 22 August 2023.	NSW DPI	
2.2	DPI to publish outcomes from meeting 31 May 2023 on DPI website.	NSW DPI	
3.1	DPI to organise a future workshop to discuss options for the working group.	NSW DPI	
3.2	Continue the TOR review and DPI will continue with the expression of interest process to fill vacant member appointments.	NSW DPI	
3.3	DPI Compliance provide a summary of warnings, infringement notices and convictions for long tags, separating those 0-3mm from other long tag offences.	NSW DPI Compliance	
3.4	DPI to consult on the rule relating to the requirement for endorsement holders to return unused tags at the end of the season, allowing fishers to use them for a set period (i.e. one month into the new fishing period).	NSW DPI	
3.5	DPI compliance to provide a list of all endorsement holder offences at the next meeting.	NSW DPI Compliance	
3.6	DPI to work with FishOnline team to include advice on the benefit of recording share and quota trading data for the TAC setting process on online and paper transfer forms.	NSW DPI	
3.7	DPI management to proceed to consultation on the regulation to remove the requirement to carry a measuring device.	NSW DPI	
3.8	DPI management to proceed to consultation on the regulation to remove the limit on transferring shares based on quota holdings.	NSW DPI	
3.9	DPI to provide the LIWG a timeline of the process undertaken to amend the maximum shareholding.	NSW DPI	
4.3	DPI to arrange follow up meeting in November 2023.	NSW DPI	

