

ABORIGINAL FISHING ADVISORY COUNCIL

**Outcomes from the Inaugural Meeting – 28-29 March 2011
Cronulla Fisheries Research Centre of Excellence**

AGENDA ITEM	OUTCOME
DAY 1	
Welcome and Apologies	<p>Interim Chairperson The Council agreed that Peter Turnell (Senior Officer of I&I NSW) should chair the meeting on the first day, and that a vote would be undertaken on the second day to formally elect the Chairperson and Deputy Chairperson of the Council.</p> <p>The interim chair opened the inaugural meeting and welcomed all members and observers to the meeting.</p> <p>Attendance Richard Kennedy Joe Flick Jason Wilson Jennifer Williams Anthony Williams Danny Chapman Associate Professor Stephan Schnierer Natalie Rotumah Cr Bev Manton Peter Turnell</p> <p>Apologies Aaron Taylor (Region 4), Eileen McLeay (Region 6), Chels Marshall (Region 7), Dean Kelly</p>

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	(Region 9), and Clare McHugh (Invited observer from NSWALC).
<p>1. Introduction</p>	<p>Around the table introductions of Council members were conducted. Council members also discussed the Aboriginal cultural fishing issues that should be of priority to the Council.</p> <p>The interim Chairperson provided an overview of the past and present management arrangements for Aboriginal cultural fishing in NSW.</p> <p>The Council would like to recognise several key initiatives or groups that have contributed to the current recognition of Aboriginal cultural fishing in NSW, including:</p> <ul style="list-style-type: none"> • The 1993 Resource Assessment Commission's Coastal Zone Inquiry; • The 1993 Royal Commission into Aboriginal Deaths in Custody; • Aboriginal Advisory Group to NSW Fisheries (1998); • The Indigenous Fisheries Research section of the College of Indigenous Australian Peoples, Southern Cross University (1999); • Indigenous Fisheries Steering Committee to NSW Fisheries (2000); • The 2002 release of the NSW Indigenous Fishing Strategy and Implementation Plan and its Working Group; • The National Indigenous Fishing Technical Working Group which was formed in 2003 and developed the National Indigenous Fishing Principles; • The former NSW DPI Aboriginal Reference Group; • The NSW Aboriginal Land Council and; • The Native Title Services Corporation Limited. <p>The Council would also like to acknowledge the Aboriginal communities and individuals that contributed to these initiatives.</p> <p>Action Item</p>

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	<p>The Council requested that Aboriginal employees within the Department be invited to meet with the Council at future AFAC meetings.</p>
<p>2. Draft AFAC Administration Manual and Terms of Reference</p>	<p>Generally, the Council had no concerns with the Draft Administration Manual and Terms of Reference, although extensive discussion was undertaken regarding the appointment of an Aboriginal Executive Officer.</p> <p>The Council determined that the Executive Officer should be Aboriginal, and that appointment of this position is an urgent priority of the Council.</p> <p><u>Action Item</u> I&I NSW to develop a PD and distribute to Joe, Stephan and Natalie before forwarding onto the rest of the Council for comment. This is to occur within 2 weeks.</p> <p><u>Action Item</u> I&I NSW to distribute copies of the Council Regions Map to members.</p>
<p>3. Overview of Fisheries Resource Management</p>	<p>The Council noted the various areas and responsibilities of the Fisheries Resource Management unit.</p> <p><u>Action Item</u> A copy to the presentation is to be distributed to members.</p>
<p>4. Overview of Fisheries Conservation and Aquaculture</p>	<p>The Council noted the various areas and responsibilities of the Fisheries Conservation and Aquaculture unit.</p> <p><u>Action Item</u> I&I NSW to provide Council members with information on the habitat restoration programs</p>

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	<p>currently being undertaken in their respective regions.</p> <p><u>Action Item</u> I&I NSW to provide Council members with the contact details of the Conservation Managers in their respective regions.</p>
<p>5. Overview of the Advisory Council on Recreational Fishing and the Recreational Fishing Trusts</p>	<p>The Council was provided with an overview of recreational fishing management, the Advisory Council on Recreational Fishing (ACoRF) and the Recreational Fishing Trusts.</p> <p>The Council was concerned that a vacancy for an Aboriginal representative has existed for some time on ACoRF and that previous attempts to fill the position had failed. The Council stressed the importance of maintaining Aboriginal representation on all of the NSW fisheries management Councils and Committees, and determined that this should be a priority of the Council.</p> <p>The Recreational Fishing Saltwater Trust Expenditure Committee (RFSTEC) referred several community trust applications from Aboriginal organisations to AFAC for review and feedback. The Council was generally supportive of these applications, but recognised that a procedure and criteria for reviewing any future applications by the Council needs to be developed, and should be a priority for the Council.</p> <p><u>Action Item</u> AFAC to develop a procedure and criteria for reviewing Recreational Fishing Trust applications.</p>
<p>6. Overview of Fisheries Compliance</p>	<p>Pat Tully, Manager Operational Planning and Review provided the Council with an overview of the various areas and responsibilities of the Fisheries Compliance unit.</p>

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<p>7. NTSCORP and NSWALC – our involvement so far</p>	<p>Mishka Holt, Senior Solicitor NTSCORP Limited, provided the Council with an overview of issues relating to Aboriginal fishing in NSW. Ms Holt also discussed issues that were identified during negotiations with I&I NSW in relation to the 2009 amendments to the <i>Fisheries Management Act 1994</i>.</p> <p>The Council would like to thank the following people from both NSWALC and NTSCORP who assisted during the lead up to the amendments of the <i>Fisheries Management Act 1994</i>:</p> <ul style="list-style-type: none"> • Geoff Scott; • Warren Mundine; • Clare McHugh; • Troy Lancaster; • Mishka Holt; • Rana Koroglu; • Kathy Ridge; • Danielle Bevan; • Cr Bev Manton; and • Dave Voltz • Natalie Rotumah • Danny Chapman. <p>The Council also asked NTSCORP and NSWALC if they would assist the Council in future by providing technical advice on major issues that may arise. Representatives from NTSCORP (Mishka Holt / Natalie Rotumah) and NSWALC (Cr Bev Manton) indicated that their respective organisations would be happy to do so.</p> <p>A detailed background paper was also provided by NTSCORP & NSWALC at the meeting.</p>
<p>DAY 2</p>	
<p>8. Process for Appointing the AFAC Chairperson and Deputy</p>	<p>Nominations for the AFAC Chairperson and Deputy Chairperson were invited from the nine voting Council members present.</p>

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<p>Chairperson</p>	<p>Two nominations were put forward: Nomination 1: Danny Chapman for Chairperson. Moved: Anthony Williams. Seconded: Ass. Prof. Stephan Schnierer. Nomination 2: Natalie Rotumah for Chairperson. Moved: Cr Bev Manton. Seconded: Anthony Williams. The Council undertook a silent ballot for the above nominations. As a result of the ballot, Danny Chapman was elected Chairperson, and Natalie Rotumah was elected Deputy Chairperson. Both Danny and Natalie accepted the positions offered to them.</p> <p>Congratulations to Danny and Natalie on their challenging and rewarding new roles.</p> <p><u>Action Item</u> I&I NSW to inform the Minister for Primary Industries of the Council’s resolution to appoint Danny Chapman as Chairperson and Natalie Rotumah as Deputy Chairperson.</p>
<p>9. Recap of Yesterday</p>	<p>Priorities for the Council that were identified throughout the discussions on Day 1 are listed below. The Council determined that priorities 1 to 3 are urgent and require immediate action.</p> <p>1) Appointment of an Aboriginal Executive Officer for AFAC</p> <p><u>Action Item</u> In consultation with Ass Prof Stephan Schnierer, Natalie Rotumah and Joe Flick, I&I NSW are to draft a Position Description for an Aboriginal Executive Officer for the Council. Once drafted, the PD is to be distributed to the Council for comment before 15 April 2011. If no feedback is received from the Council, it will be assumed that there are no concerns with the draft.</p> <p>Following approval by AFAC of the draft Position Description for an Aboriginal Executive</p>

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	<p>Officer, I&I NSW to seek approval to begin the recruitment process.</p> <p>2) Development of the regulations for Aboriginal Cultural Fishing I&I NSW suggested to the Council that a working group be established to progress the development of the Aboriginal cultural fishing regulations. The Council agreed with this approach and nominated Danny Chapman, Cr Bev Manton, Natalie Rotumah, Ass Prof Stephan Schnierer, and the Aboriginal Executive Officer (once appointed) to be on the working group.</p> <p><u>Action Item</u> Working Group including representation from Danny Chapman, Cr Bev Manton, Natalie Rotumah, Stephan Schnierer, the Aboriginal Executive Officer (once appointed), Laura Best (I&I NSW) and other relevant I&I NSW staff be established to progress the development of the Aboriginal cultural fishing regulations.</p> <p>3) Establishment of a Trust Fund/Budget for Aboriginal Cultural Fishing The Council requested that a Trust Fund be established to ensure the AFAC is appropriately funded. The funding would allow AFAC to gain external advice, if necessary, to ensure its decisions are appropriately informed. The trust could also be used to fund Aboriginal cultural fishing initiatives.</p> <p><u>Action Item</u> Jason Wilson and Richard Kennedy to work with Peter Turnell to progress the establishment of a Trust fund to be used for Aboriginal cultural fishing initiatives.</p> <p>4) Update the I&I NSW webpage to include Aboriginal Cultural Fishing The Council requested that an Aboriginal cultural fishing webpage be included on the I&I NSW website. Further discussion by the Council regarding the content of this webpage is required.</p>

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	<p>5) Ensure Aboriginal representation on other NSW fisheries Council and Committees It was brought to the attention of the Council that there are current vacancies for Aboriginal representatives on the Advisory Council on Recreational Fishing and several of the commercial fishery Management Advisory Committees (MACs).</p> <p>It is a priority of the Council to ensure that Aboriginal representation is secured and maintained on all of the NSW fisheries Councils and Committees.</p> <p><u>Action Item</u> I&I NSW to provide a list of all the fisheries Councils and Committees, including any Aboriginal representative vacancies.</p> <p>6) Develop a process for assessing Recreational Fishing Trust Applications The Recreational Fishing Saltwater Trust Expenditure Committee (RFSTEC) referred several community trust applications from Aboriginal organisations to AFAC for review and feedback.</p> <p>The Council was reluctant to provide advice on these applications before first establishing procedures and criteria for reviewing such applications.</p> <p><u>Action Item</u> AFAC to establish a procedure for reviewing Recreational Fishing Trust applications.</p> <p>7) Reviewing fisheries management proposals It is a priority of the Council to set up a process for reviewing any fisheries management proposals that are relevant to Aboriginal cultural fishing. Examples of such reviews include the annual review of the Total Allowable Commercial Catch for the abalone and lobster commercial fisheries, and the 2011 review of Recreational Fishing Rules.</p> <p><u>Action Item</u> AFAC to establish a procedure for reviewing fisheries management proposals.</p>

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	<p>8) Fisheries related funding processes The Council requested information on fisheries related funding options available for Aboriginal cultural fishing initiatives. Examples of funding opportunities include Recreational Fishing Trust projects, Fisheries Research and Development Corporation projects, and Habitat Action Grants.</p> <p><u>Action Item</u> I&I NSW to provide the Council with an overview of fisheries related funding processes.</p> <p>9) AFAC representation at other workshops, forums and advisory meetings The Council recognised that AFAC representation may be required at other fisheries related workshops, forums, advisory meetings etc. Consequently, the Council consider it necessary to establish a process for nominating members to attend such workshops, forums etc.</p> <p><u>Action item</u> AFAC to develop a process for AFAC members to be nominated to represent the Council at other relevant workshops, forums, advisory meetings, etc.</p> <p>10) Fisheries related acronyms The Council requested that a list of relevant fisheries related acronyms be provided to the Council.</p> <p><u>Action Item</u> I&I NSW to provide the Council with a list of relevant fisheries related acronyms.</p> <p>11) Calendar of events, project timelines, and funding processes To aid the Council with planning and meeting targets, it was suggested that a calendar of events, project timelines, funding processes etc be created for use by the Council.</p>

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	<p><u>Action Item</u> AFAC to create a calendar of events, project timelines, funding processes, etc, to assist with future planning and targets.</p> <p>12) I&I to provide the Council with an information session on;</p> <ul style="list-style-type: none"> ○ The principles of resource allocation ○ Fisheries management ○ Input/Output controls ○ Legislation <p><u>Action Item</u> I&I NSW to provide the Council with an information session on the principles of resource allocation, fisheries management, input and output controls, and legislation relevant to fisheries management.</p> <p>13) Promote the Council to the broader community The council discussed ways of promoting the Council and its work to the broader community. It was suggested that a brochure that included a photo and a short biography of each member, detailing their fishing interests, experience and expertise, could be used to increase the profile of the Council.</p> <p>I&I NSW also suggested that a logo be developed to represent the Council. The Council were supportive of these suggestions, but require more time to consider what the logo should be and who should create it. In the meantime, the wording “Aboriginal Fishing Advisory Council” will be used on any correspondence from the Council.</p> <p>Further discussion on this priority is required.</p>

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	<p>14) Develop an Aboriginal Employment Strategy The Council was advised that I&I NSW already have an Aboriginal Employment Strategy 2010-12 has been developed and will be implemented shortly.</p> <p>15) Promote cultural awareness training for Departmental staff The Council was advised that I&I NSW already have available to its staff cultural awareness training which can be tailored to just fishing.</p>
<p>10. Overview of Fisheries & Ecosystems Research</p>	<p>Steve Kennelly, Director Fisheries & Aquaculture Research and Chief Scientist provided the Council with an overview of the Fisheries & Ecosystems Research unit and explained the links between science and fisheries management.</p> <p>A copy of the <i>Status of Fisheries Resources in NSW 2008/09</i> was distributed to the Council.</p> <p>The Council members were also taken on a tour of the Cronulla Fisheries Research Centre site.</p>
<p>13. Aboriginal Cultural Resource Use in Marine Parks</p>	<p>Wally Stewart, Aboriginal Liaison Officer NSW Marine Parks Authority (NSW MPA), provided the Council with an overview of the NSW MPA's policy for <i>Aboriginal Engagement and Cultural Resource Use of Fisheries Resources</i>.</p> <p>Where aboriginal cultural activities fall outside of the <i>Marine Parks Act 1997</i> or the <i>Fisheries Management Act 1994</i>, special authorisation may be given by way of a permit. The Council raised concern with the use of the word "permit", whether it be issued by the Marine Parks Authority or I&I NSW, and suggested an alternative word be used.</p> <p>The Council was also advised that a review of the Cape Byron Marine Park Zoning Plan is due to commence this year.</p>

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	<p><u>Action Item</u> The Council wish to be notified when any Marine Park Zoning Plans review begins.</p> <p><u>Action Item</u> The Council wish to extend an open invitation to Wally Stewart to attend any future AFAC meetings as an observer and for the Aboriginal members on each Marine Park Advisory Committee to also attend when relevant.</p>
<p>14. Fisheries Legislation, Recent Changes, and Related Legislation Relevant to Aboriginal Fishing Issues</p>	<p>This item was omitted due to repetition of content during discussion of other agenda items.</p>
<p>15. Indigenous Land Use Agreements</p>	<p>Laura Best, I&I NSW, provided the Council with an overview of the policy currently being developed by I&I NSW for use with ILUA negotiations. The policy outlines the approach taken by the NSW Government when negotiating ILUAs with native title claimants.</p> <p>The Council was supportive of the approach taken in the draft policy.</p> <p><u>Action Item</u> I&I NSW to provide a copy of the policy to the Council once it is finalised.</p>
<p>16. Section 37 Permits</p>	<p>The Council accepted that section 37 permits would continue to be used as an interim measure whilst the Aboriginal cultural fishing regulations are being developed. However, the Council identified that further discussion on the use of section 37 permits is required and should be undertaken at the next AFAC meeting.</p>

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	<p>The Council reiterated their concern regarding the use of the word “permit”, due to the negative historical association with such sanctions.</p> <p>I&I NSW informed the Council of the legal requirement to retain the word permit on the permit. However, there is no legal requirement to retain the word “permit” on the application form. As such, I&I NSW agreed to remove the word “permit” from the application form.</p> <p>Any further comments by Council members on the draft application form are to be forwarded to I&I NSW by 12 April 2011.</p> <p><u>Action Item</u> I&I NSW to replace the word “permit” on the application form for Aboriginal Cultural Fishing Section 37 permits.</p> <p><u>Action Item</u> Section 37 permits to be included in the agenda for the next meeting.</p>
<p>17. General Business</p>	<p><i>a) Pipi declines</i> Cr Bev Manton raised concerns about the decline of pipi catches around the Port Stephan’s and Stockton Bight area and requested further information regarding pipi management and research in NSW.</p> <p><u>Action Item</u> I&I NSW to provide information on pipi management and research at the next meeting.</p> <p><i>b) Arrangements for NSW Government employees on AFAC</i> It was noted that several Council members are employed by other NSW Government departments, and will not be paid sitting fees for their attendance at AFAC meetings. The</p>

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	<p>Council was also informed that some Council members had taken Recreational Leave to attend the meetings. As such, I&I NSW will write to each of the respective employers and request that leave be granted as a normal working day to attend future AFAC meetings.</p> <p><u>Action Item</u> I&I NSW to write to each of the employers of the public servants on AFAC to request that leave be granted as a normal working day to attend future AFAC meetings.</p> <p><u>c) FRDC Project to Investigate Aboriginal Cultural Fishing in the Tweed Region</u> A FRDC project to investigate Aboriginal Cultural Fishing in the Tweed Region has recently been undertaken by Ass Prof Stephan Schnierer. The Council requested that Ass Prof Schnierer present his preliminary findings to the Council at the next meeting.</p> <p><u>Action Item</u> Ass Prof Stephan Schnierer to present his preliminary research on Aboriginal Cultural Fishing in the Tweed Region to the Council at the next meeting.</p> <p><u>d) Letter to Minister to advise of outcomes from each AFAC meeting</u> The Council requested that the Minister for Primary Industries be provided with a letter summarising the outcomes from the inaugural meeting, and every future AFAC meeting.</p> <p><u>Action Item</u> AFAC to write a letter to the Minister for Primary Industries summarising the outcomes from the first AFAC meeting, and each future meeting.</p> <p><u>e) Sharing of AFAC member email addresses</u> The Council members present at the meeting were supportive of exchanging their email addresses with their fellow Council members.</p>

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	<p><u>Action Item</u> I&I NSW to contact the Council members who were not present at the meeting to confirm if they are also happy to exchange their email addresses with the other Council members.</p>
<p>18. Next Meeting</p>	<p>The next meeting will be held at the Narrandera Fisheries Centre at the end of May.</p> <p><u>Action Item</u> Council members to provide I&I NSW with their availability during the end of May.</p>

Action Status List for the AFAC

	Action	Meeting	Responsibility	In Progress	Pending	Complete	Ongoing
1	AFAC to invite the Aboriginal employees within the Department to meet with the Council at future AFAC meetings.	March 2011	AFAC		✓		
2	I&I NSW to distribute clearer copies of the Council Region's Map to members	March 2011	I&I NSW		✓		
3	A copy to the Fisheries Resource Management presentation be distributed to members.	March 2011	I&I NSW		✓		
4	I&I NSW to provide Council members with information on the current habitat restoration programs currently being undertaken in their respective regions.	March 2011	I&I NSW		✓		
5	I&I NSW to provide Council members with the contact details of the Conservation Managers in their respective districts.	March 2011	I&I NSW		✓		
6	I&I NSW to inform the Minister for Primary Industries of the Council's resolution to appoint Danny Chapman as Chairperson and Natalie Rotumah as Deputy Chairperson.	March 2011	I&I NSW		✓		
7	I&I NSW to develop a PD for an Aboriginal Executive Officer and distribute to Joe, Stephan and Natalie	March 2011	I&I NSW		✓		

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	<p>before forwarding onto the rest of the Council for comment. This is to occur within 2 weeks.</p> <p>Following approval by AFAC of the draft Position Description for an Aboriginal Executive Officer, I&I NSW to seek approval to begin the recruitment process.</p>						
8	Working Group including representation from Danny Chapman, Cr Bev Manton, Natalie Rotumah, Ass. Prof. Stephan Schnierer, the Aboriginal Executive Officer (once appointed), Laura Best (I&I NSW) and other relevant I&I NSW staff be established to progress the development of the Aboriginal cultural fishing regulations.	March 2011	I&I NSW		✓		
9	Jason Wilson and Richard Kennedy to work with Peter Turnell to investigate the possible establishment of a Trust fund to be used for Aboriginal cultural fishing initiatives.	March 2011	I&I NSW		✓		
10	I&I NSW to provide a list of all the fisheries Councils and Committees, including any Aboriginal representative vacancies.	March 2011	I&I NSW		✓		

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11	AFAC to establish a procedure for reviewing Recreational Fishing Trust applications.	March 2011	AFAC		✓		
11	AFAC to establish a procedure for reviewing fisheries management proposals.	March 2011	AFAC		✓		
12	I&I NSW to provide the Council with an overview of fisheries related funding processes.	March 2011	I&I NSW		✓		
13	AFAC to develop a process for AFAC members to be nominated to represent the Council at other relevant workshops, forums, advisory meetings, etc.	March 2011	AFAC		✓		
14	I&I NSW to provide the Council with a list of relevant fisheries related acronyms.	March 2011	I&I NSW		✓		
15	AFAC to create a calendar of events, project timelines, funding processes, etc, to assist with future planning and targets.	March 2011	AFAC		✓		
16	I&I NSW to provide the Council with an information session on the principles of resource allocation, fisheries management, input and output controls, and legislation relevant to fisheries management.	March 2011	I&I NSW		✓		

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17	The Council when any review of Marine Park Zoning Plans begins.	March 2011	I&I NSW				✓
18	The Council wish to extend an open invitation to Wally Stewart to attend any future AFAC meetings as an observer and for the Aboriginal members on each Marine Park Advisory Committee to also attend when relevant.	March 2011	AFAC				✓
19	I&I NSW to provide AFAC with a copy of the I&I NSW policy for negotiating Indigenous Land Use Agreements once it is finalised.	March 2011	I&I NSW		✓		
20	I&I NSW to replace the word "permit" on the application form for Aboriginal Cultural Fishing Section 37 permits.	March 2011	I&I NSW		✓		
21	Section 37 permits to be included in the agenda for the next meeting.	March 2011	I&I NSW		✓		
22	I&I NSW to provide information on pipi management and research at the next meeting.	March 2011	I&I NSW		✓		
23	I&I NSW to write to each of the employers of the public servants on AFAC to request that leave be granted as a normal working day to attend future AFAC meetings.	March 2011	I&I NSW		✓		
24	A/Professor Stephan Schnierer to	March 2011	Associate		✓		

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	present his preliminary research on Aboriginal Cultural Fisheries in the Tweed Region to the Council at the next meeting.		Professor Stephan Schnierer				
25	AFAC to inform the Minister for Primary Industries of the outcomes from the first AFAC meeting, and each future meeting. <i>Note: In future, this duty will be performed by the Aboriginal Executive Officer (once appointed).</i>	March 2011	AFAC		✓		
26	I&I NSW to contact the Council members who were not present at the meeting to confirm if they are also happy to exchange their email addresses with the other Council members.	March 2011	I&I NSW		✓		
27	Council members to provide I&I NSW with their availability during the end of May.	March 2011	AFAC		✓		