

ABORIGINAL FISHING ADVISORY COUNCIL

AGENDA

19 & 20 September 2011

**NSW Department of Primary Industries
12 Shirley Rd, WOLLSTONECRAFT NSW 2065**

Chairperson

Danny Chapman (Region 10 – NSW Far South Coast)

Council Representatives

FIRST NAME	POSITION
Richard Kennedy	Region 1 – Far Western NSW
Joseph Flick	Region 2 – North West NSW
Jason Wilson	Region 3 – Central NSW
Jennifer Williams	Region 5 – Northern NSW
Eileen McLeay	Region 6 – Far North Coast
Chels Marshall	Region 7 – North Coast NSW
Anthony Williams	Region 8 – Sydney & NSW Central Coast
Dean Kelly	Region 9 – NSW South Coast
Stephan Schnierer	Other Aboriginal person appointed by the Minister
Natalie Rotumah	Nominee of NTSCORP
Cr Bev Manton	Nominee of NSWALC
Peter Turnell	A senior officer of NSW DPI (Director, Recreational & Indigenous Fisheries)

Observers

Laura Best	Senior Manager, NSW DPI
Alice Gleeson	Senior Fisheries Management Officer, NSW DPI
Wally Stewart	A/ NSW Marine Parks Aboriginal Liaison Officer
Clare McHugh	Director Policy & Research, NSWALC

Absentees

Aaron Taylor	Region 4 – South Western NSW
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DAY 1	
Meeting Start	
Acknowledgment of Country	Chairperson
1. Introduction, apologies, and update on AFAC membership	Chairperson
2. Outcomes of last meeting	Chairperson
3. Correspondence received and sent	Chairperson
4. Business arising from the minutes	NSW DPI
5. Overview of fisheries management	Peter Turnell, NSW DPI
6. Update on the development of Aboriginal cultural fishing regulations and outcomes from the regulations working group	Laura Best, NSW DPI
7. Draft Fisheries Management Orders for the Lowland Darling and Lachlan River Catchments	John Pursey, NSW DPI
8. Indigenous fisheries research	Ass. Prof. Stephan Schnierer, SCU
9. Update on Marine Park issues	Wally Stewart, MPA
10. Cultural and fishing workshops	George Mannah, NSW DPI
11. Various AFAC procedures to be developed	Chairperson
12. Overview of tomorrow	Chairperson
Meeting Close	
DAY 2	
Meeting Start	
Acknowledgment of Country	Chairperson
Recap of yesterday	Chairperson
13. Commercial fisheries management update	Doug Ferrell, NSW DPI
14. Pipi management and research	Doug Ferrell, NSW DPI
15. Other Business	AFAC Members
16. Next meeting	Chairperson
Meeting Close	

Day 1. Monday 19th September 2011

Agenda item 1

Chairperson

Issue

Introduction and apologies

Background

The Chairperson welcomes all members and observers to the second meeting of the AFAC.

Agenda item 2

Chairperson

Issue

Outcomes from last meeting

Background

Draft outcomes from the AFAC meeting held on 28 & 29 March 2011 were circulated to the Council on 13/4/11 for comment. Comments that were received have been included in the final draft outcomes, attached in Appendix A.

Outcome

For ratification by the Council

Agenda item 3**Chairperson**Correspondence received and sent

To	From	Date received	Subject	Comment
Minister for Primary Industries	AFAC Chair	29/4/11	Chairpersons Report and Outcomes from the first AFAC meeting.	For information
Various State Govnt. Agencies	Deputy Director-General	18/5/11	Regarding employee representation on AFAC	For feedback
AFAC	OEH	26/7/11	Media Release - New resource gives Aboriginal communities greater control over their own future	For information
AFAC Chair	Minister for Primary Industries	27/6/11	Response to Chairpersons Report	Response to letter from Chair sent 29/4/11
AFAC	Chris Calogeras, C-AID Consultants	11/7/11	Final Report- FRDC Project 2010/401; 'Shaping Advice for Indigenous Fishing and Aquaculture RD&E within the National Strategy'	For Information only
AFAC	DPI/Regulation Working Group	12/7/11	Regulation Working Group: SUMMARY PAPER	OOS Agenda item, for comments
AFAC	OEH	26/7/11	Media Release - New resource gives Aboriginal communities greater control over their own future	For information
AFAC	NSW DPI	16/8/11	Media Release - INDEPENDENT PANEL APPOINTED FOR MARINE PARKS REVIEW	For information/Submissions invited
AFAC	North Australian Indigenous Land and Sea Management Alliance	17/8/11	Indigenous Rights in Water in Northern Australia	For information
AFAC	FRDC	18/8/11	2011 FRDC Indigenous Development Scholarship	For information
AFAC Chair	Minister for Primary Industries	29/8/11	Seeking advice on draft Fisheries Management Orders 2011 for Lowland Lachlan and Darling River Catchments	For comments by 28 September 2011
Minister for Primary Industries	AFAC Chair	1/9/11	Letter to acknowledge receipt of Minister's letter re draft Fisheries Management Orders 2011 for Lowland Lachlan and Darling River Catchments	For information

Issue

Business arising from last meeting

BackgroundEstablishment of a Trust fund for Aboriginal cultural fishing

At the last meeting 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. An update on this request will be provided at the meeting.

Remuneration arrangements for NSW public servants on the AFAC

Several AFAC members are employed by other NSW Government departments. In accordance with NSW Government policy, NSW public servants can not be paid sitting fees for their attendance at Council meetings unless an exemption is approved by the Premier. However, at the last meeting, it was brought to the attention of the Council that several AFAC members had taken Recreational Leave to attend the meetings, and were therefore disadvantaged.

At the request of the Council, NSW DPI has written to each of the respective employers to enquire about leave arrangements of the public sector employees on AFAC, and whether or not an exemption should be sought.

Acting on advice from the Government employers, an exemption is currently being sought for those public sector employees who are required to take leave from work to attend AFAC meetings. For those AFAC members who have been able to make arrangements with their employers to attend AFAC meetings as a normal paid working day, an exemption has not been sought.

Executive Officer position

At the request of the Council, a position description (PD) for an Aboriginal Executive Officer for AFAC was drafted by NSW DPI in consultation with AFAC members; Stephan Schnierer, Natalie Rotumah, and Joe Flick. A final version of the PD was forwarded to the whole Council on 13/4/11 for review. No comments were received.

The Council will be updated on the current status of this request for a position at the meeting.

Promotion of the Council

At the request of the Council, NSW DPI is currently seeking approval to include an Aboriginal fishing page on the NSW DPI website. It is also proposed to include a section on the webpage that explains the role of AFAC and provides some background on each of the AFAC members.

Consultation with each AFAC member has been undertaken out of session to seek their consent to display the following details on the website:

- AFAC member names, and their position on the Council,
- a short personal profile on each member, and
- a photograph.

The Council will be updated on the outcomes of this consultation process and the progress of establishing an Aboriginal fishing webpage at the meeting. The Council may also wish to discuss other ways of promoting the Council.

Exchange of AFAC members email addresses

At the request of the Council, NSW DPI has attempted to contact those AFAC members who did not attend the last meeting, to seek their approval to exchange their email addresses with the rest of the Council. Responses from several Council Members are still pending.

Habitat restoration programs

The Council requested a list of the habitat restoration projects currently being undertaken in their respective regions. A list of current projects has been prepared and will be provided to the Council.

Outcome

For information

Agenda item 5

Peter Turnell, NSW DPI

Issue

Overview of fisheries management

Background

As requested at the last meeting, the Council will be provided with an overview of fisheries management, including:

- The principles of resource allocation;
- Input and output controls; and
- Legislation relevant to fisheries management.

Outcome

For information

Agenda item 6

Laura Best, NSW DPI

Issue

Cultural fishing regulations and outcomes from the Regulations Working Group

Background

The Regulation Working Group (RWG) was formed to progress the development of cultural fishing regulations that are required to enact Section 21AA of the *Fisheries Management Act 1994*.

The RWG met on 7/6/11 and recommended that the regulations be developed in a two stage process. A Summary Paper was distributed to the full Council on 12/7/11 to inform AFAC of the outcomes from the RWG meeting and to seek feedback on the working group's recommendation on a way forward.

No dissenting feedback was received, so it is assumed that the working group's recommendation is supported by the full AFAC.

As such, it is proposed to pursue the immediate amendment of the *Fisheries Management (General) Regulation 2010* to include an altered version of the ICP. This will require broader consultation on the working group's suggestions for inclusion in the regulation with the Department's legal, compliance and management sections and further discussions with the AFAC on drafts of the regulation.

Broader community consultation on any proposed actions or changes is also required. A process for undertaking this consultation requires further consideration by the Council.

Outcome

For information and discussion

Agenda item 7

John Pursey, NSW DPI

Issue

Draft Fisheries Management Orders for the Lowland Darling and Lachlan River Catchments

Background

The Minister for Primary Industries is seeking AFAC's advice on two draft Fisheries Management Orders, including the:

- Draft Fisheries Management (Fishing Activities in Lowland Darling River Catchment) Order 2011; and
- Draft Fisheries Management (Fishing Activities in Lowland Lachlan River Catchment) Order 2011.

The lowland catchments of the Darling River and Lachlan Rivers are listed as Endangered Ecological Communities under the *Fisheries Management Act 1994*. (the Act). The Act enables the Minister to make an Order authorising a class of persons to carry out an activity that may result in harm to a threatened species, population or ecological community or damage to its habitat. The object of the attached Orders is to allow certain recreational and commercial fishing activities to occur in the areas, subject to compliance with any applicable fishing regulatory controls imposed by or under the Act.

Species Impact Statements (SISs) have been undertaken for each of the proposed Orders, and will have been provided to the Council prior to the meeting. The Council will be provided with an overview on the draft Orders and SIS's at the meeting.

Outcome

Advice from the Council is sought on the draft Orders.

Agenda item 8**Ass. Prof. Stephan Schnierer, SCU****Issue**

Indigenous fisheries research

Background

Associate Professor Stephan Schnierer, Southern Cross University, will provide an update on Indigenous Fisheries Research, including:

- Indigenous Cultural fisheries in the Tweed region (FRDC funded),
- Research on Indigenous commercial fishing in NSW (FRDC),
- New application to FRDC to look at Indigenous fisheries governance (pilot study, Tweed Heads),
- FRDC's National Indigenous Reference Group and Cairns workshop update, and
- The FRDC Indigenous fisheries scholarship.

A copy of the draft report on Indigenous cultural fisheries in the Tweed region has been provided to AFAC members. Other background papers will be provided at meeting.

Outcome

For information

Agenda item 9**George Mannah, NSW DPI****Issue**

Cultural and fishing workshops

Background

A number of Fishing and Cultural workshops for Aboriginal children are undertaken each year as part of a state-wide program run by NSW DPI and supported by funds from the NSW Recreational Fishing Trust.

These workshops are undertaken in partnership with Aboriginal groups/organisations and educators, and are free to each participant.

The workshops not only offer Aboriginal children fishing skills, they also teach them social interaction skills and provide a great opportunity for the parents, grandparents, aunties and uncles to share their knowledge.

Children receive a rod, reel, hat, tackle box, educational material and a Certificate of Achievement recognising the knowledge and experience they have gained on fishing and Aboriginal culture.

The activities include a guided fishing session and talks on:

- rules and regulations
- fishing safety
- conservation of fish habitats
- cleaning your catch
- knot tying
- line rigging and baiting
- casting techniques and retrieval of fish
- Aboriginal culture

Workshops are for school children (minimum age 8). A workshop will generally last no more than 6 hours and the maximum number of participants is 25.

Outcome

For information

Agenda item 10

AFAC Members

Issue

AFAC procedures to be developed

Background

At the inaugural meeting, the Council identified a number of procedures that need to be developed in order to assist the Council with its role and function, including:

Process for reviewing funding requests related to Aboriginal fishing

At the last meeting, the Recreational Fishing Saltwater Trust Expenditure Committee (RFSTEC) referred several community trust application from Aboriginal organisations to AFAC for review. The Council was reluctant to provide advice on these applications before first establishing procedures and criteria for reviewing such applications.

As such, further discussion is still required on this matter. A suggested approach is provided below:

1. Establish criteria to assess the application

Example criteria could include:

- *Can any AFAC members verify the legitimacy of the group making the application?*
- *Is AFAC aware of any other similar projects?*
- *Can AFAC see a need for the project?*
- *Can AFAC foresee any problems with the project?*

3. AFAC to vote on support/dissent for the project

Once the application is assessed against the criteria in 1(above), Council to vote on whether or not the project should be supported by AFAC. A majority vote will determine the outcome.

Note. The final recommendation regarding trust funding expenditure is made by the Advisory Council on Recreational Fishing (ACoRF), although any advice from AFAC will be useful to ACoRF in making their decision.

Recommendations from RFSTEC regarding the Aboriginal fishing projects that were referred to AFAC for advice in March are provided in Appendix B for the Council's information. These recommendations were made at the RFSTEC meeting held on 5 & 6 April 2011.

Procedure for reviewing fisheries management proposals

The Council identified the need to establish 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.

Further discussion is still required on this matter, however a suggested procedure for reviewing fisheries management proposals is provided below:

1. *All AFAC members to review the proposal and provide feedback to Chairperson or Deputy Chairperson.*
2. *Chairperson or Deputy Chairperson to collate feedback.*
3. *Collated feedback to be endorsed by full AFAC (either Out of Session or at next meeting) before then being submitted.*

Process for AFAC members to be nominated to represent AFAC at fisheries related workshops, forums and meetings

The Council recognises that AFAC representation may be required at other fisheries related workshops, forums, advisory meetings etc. Consequently, it is considered necessary that a process for nominating members to attend such workshops, forums etc be established.

A suggested procedure that will ensure a fair distribution of the Council's workload amongst its members is provided below:

1. *First establish if there are any AFAC members who would like attend.*
Yes – they are nominated. No – go to 2.
2. *Are there any AFAC members with knowledge of the topic, or from the relevant area?*
Yes – they are nominated. No – go to 3.
3. *Are there any AFAC members who have not yet represented AFAC on any external meetings/workshops?*
Yes – they are nominated. No – go to 4.

Obviously there may be times when the person nominated is unable to attend due to work, family or other commitments. In such cases, if an alternate member is unable to attend, the Council's apologies will be given.

It is important to note that whoever is nominated to attend, will be required to provide feedback to AFAC either OOS or at the next AFAC meeting.

Process to ensure Aboriginal representation on fisheries Councils & Committees

Currently, there are vacancies for Aboriginal representatives on the Advisory Council for Recreational Fishing (ACoRF) and each of the commercial fishery Management Advisory Committees (MACs). When this was brought to the Council's attention at the last meeting, the Council considered it a priority to ensure that Aboriginal representation is secured and maintained on all of the NSW fisheries Councils & Committees.

To progress this, consideration on how to identify and locate suitable people to be nominated for these advisory bodies is required, as well as identification of the current issues associated with retaining Aboriginal representatives on these advisory bodies.

Note. A list of all the fisheries Councils & Committees and the status of any Aboriginal positions on these Councils/Committees will be provided at the meeting.

Outcome

For discussion and resolution

Agenda item 11**Chairperson****Issue**

Overview of tomorrow

Recap of yesterday

Chairperson

Issue

A recap on the discussion undertaken on Monday will be provided.

Agenda item 12

Doug Ferrell, NSW DPI

Issue

Commercial fisheries management update

Background

An update on commercial fisheries management, including the independent review of commercial fishing arrangements in NSW, and the fishing closure review will be provided.

Independent review of commercial fishing arrangements in NSW

Following up on its election commitment, the NSW Government is committed to undertake a review of commercial fishing arrangements in NSW.

The independent review will look at NSW fisheries policy, management and administration to identify strategies that will enhance the long-term economic viability of the commercial industry and ongoing sustainability of the resource.

Fishing closure review

Fishing closures under the *Fisheries Management Act 1994* have been implemented for a number of historical reasons. As part of the Government's reform program for NSW commercial fishing, the Department is working with all stakeholders to review current fishing closures, except Recreational Fishing Havens and Marine Park Zoning, for their relevance to industry, the resource and the community.

Consultation with the commercial industry was undertaken in March 2010, to gain feedback on what closures industry consider in need of review.

Industry was also invited to comment on the draft principles (below), that will be used to assist NSW DPI with determining if the changes to fishing closures or area restrictions suggested by industry should be pursued:

Principle: Changes to fishing closures/area restrictions should not result in *unacceptable*:

- ▶ adverse impacts on important fish habitat;
- ▶ increased interactions with threatened, protected or endangered species;
- ▶ direct or indirect unsustainable impacts on fish stocks;
- ▶ high levels of conflict between commercial fishers and other stakeholder groups.

Further information on the closure review, and the broader reform program for NSW commercial fishing can be obtained from <http://www.dpi.nsw.gov.au/fisheries/commercial/reform>.

Outcome

For information

Agenda item 13**Doug Ferrell, NSW DPI****Issue**

Pipi management and research

Background

The NSW Government is aware that there has been a decline in the abundance of pipis on NSW beaches, including those commercially harvested and those that are not harvested.

In response, an industry-initiated minimum commercial size limit for pipis of 40 mm has been in place since June 1. A new commercial limit is also now in place preventing the taking of more than 40 kg pipis in a fishing session.

A planning group which includes aboriginal, commercial, recreational and conservation stakeholders has been formed to advise on medium and long term research and management to ensure sustainability of the pipi resource.

The short term management of the resource will include partial closure of the fishery and collaborative research on pipi stocks led by Departmental scientists in collaboration with commercial and recreational fishers.

The NSW Department of Primary Industries is committed to maintaining a sustainable commercial fishing industry that supplies the public with fresh local seafood, whilst conserving fish stocks and habitats.

An update on pipi management and research, including any outcomes from the first meeting of the pipi resource planning group, will be provided at the meeting.

Outcome

For information

Agenda item 14 - Other businessCommunication between NSW DPI and AFAC members

NSW DPI has been experiencing some difficulty in contacting and receiving feedback from the Council on pressing matters, for example, the proposed dates for meetings, and feedback from the Summary Paper, etc.

Identification of any complications being experienced in ability to respond to matters or requests is needed, and exploration of resolutions. One suggestion to assist communication may be that additional contact phone numbers and email addresses, if any, that members have be included on the contact list.

Agenda item 15 - Next meeting

For discussion.

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	The Department of Primary Industries to distribute copies of the Council Region's Map to members	March 2011	The Department			✓	
3	A copy to the Fisheries Resource Management presentation to be distributed to members.	March 2011	The Department			✓	
4	The Department of Primary Industries to provide Council members with information on the current habitat restoration programs currently being undertaken in their respective regions.	March 2011	The Department			✓	
5	The Department of Primary Industries to provide Council members with the contact details of the Conservation Managers in their respective districts.	March 2011	The Department			✓	
6	The Department of Primary Industries 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	The Department			✓	
7	a) The Department of Primary Industries to develop a PD for an Aboriginal Executive Officer and distribute to Joe, Stephan and Natalie before forwarding onto the rest of the Council for comment. This is to occur within 2 weeks. b) Following approval by AFAC of the draft Position Description for an Aboriginal Executive Officer, the Department of Primary Industries to seek approval to begin the recruitment process.	March 2011	The Department		b) ✓	a) ✓	
8	Working Group including representation from	March 2011	The Department				✓

	Action	Meeting	Responsibility	In Progress	Pending	Complete	Ongoing
	Danny Chapman, Cr Bev Manton, Natalie Rotumah, Ass. Prof. Stephan Schnierer, the Aboriginal Executive Officer (once appointed), Laura Best (Department of Primary Industries) and other relevant Departmental staff be established to progress the development of the Aboriginal cultural fishing regulations.						The working group met on 7/06/11.
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	The Department		✓		
10	The Department of Primary Industries to provide a list of all the fisheries Councils and Committees, including any Aboriginal representative vacancies.	March 2011	The Department			✓	
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	The Department of Primary Industries to provide the Council with an overview of fisheries related funding processes.	March 2011	The Department			✓	
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	The Department of Primary Industries to provide the Council with a list of relevant fisheries related acronyms.	March 2011	The Department			✓	
15	AFAC to create a calendar of events, project timelines, funding processes, etc, to assist with future planning and targets.	March 2011	AFAC		✓		
16	The Department of Primary Industries to provide the Council with an information session on the principles of resource allocation, fisheries management, input and output	March 2011	The Department			✓ To be provided at	

	Action	Meeting	Responsibility	In Progress	Pending	Complete	Ongoing
	controls, and legislation relevant to fisheries management.					the meeting	
17	The Council to be consulted when any review of Marine Park Zoning Plans begins.	March 2011	The Department				✓
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	The Department of Primary Industries to provide AFAC with a copy of the Department's policy for negotiating Indigenous Land Use Agreements once it is finalised.	March 2011	The Department		✓		
20	The Department of Primary Industries to replace the word "permit" on the application form for Aboriginal Cultural Fishing Section 37 permits.	March 2011	The Department		✓		
21	Section 37 permits to be included in the agenda for the next meeting.	March 2011	The Department		✓		
22	The Department of Primary Industries to provide information on pipi management and research at the next meeting.	March 2011	The Department			✓ To be provided at the meeting	
23	The Department of Primary Industries 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	The Department			✓	
24	A/Professor Stephan Schnierer to present his preliminary research on Aboriginal Cultural Fisheries in the Tweed Region to the Council at the next meeting.	March 2011	Associate Professor Stephan Schnierer			✓ To be provided at the meeting	
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</i>	March 2011	AFAC			✓	✓

	Action	Meeting	Responsibility	In Progress	Pending	Complete	Ongoing
	<i>the Aboriginal Executive Officer (once appointed).</i>						
26	The Department of Primary Industries 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	The Department		✓ Awaiting responses		
27	Council members to provide the Department of Primary Industries with their availability during the end of May.	March 2011	AFAC			N/A Meeting postponed to September	

ABORIGINAL FISHING ADVISORY COUNCIL

**Draft 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 (Region 9), and Clare McHugh (Invited observer from NSWALC).</p>
1. Introduction	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.

AGENDA ITEM	OUTCOME
	<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><u>Action Item</u> 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>

AGENDA ITEM	OUTCOME
	<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 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</p>

AGENDA ITEM	OUTCOME
	<p>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>
<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</p>

AGENDA ITEM	OUTCOME
	<p>organisations would be happy to do so.</p> <p>A detailed background paper was also provided by NTSCORP & NSWALC at the meeting.</p>
DAY 2	
<p>8. Process for Appointing the AFAC Chairperson and Deputy Chairperson</p>	<p>Nominations for the AFAC Chairperson and Deputy Chairperson were invited from the nine voting Council members present.</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.</p> <p>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>

AGENDA ITEM	OUTCOME
	<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> <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>

AGENDA ITEM	OUTCOME
	<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> <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>

AGENDA ITEM	OUTCOME
	<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> <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>

AGENDA ITEM	OUTCOME
	<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> <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>

AGENDA ITEM	OUTCOME
	<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> <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</p>

AGENDA ITEM	OUTCOME
	<p>should be undertaken at the next AFAC meeting.</p> <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 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>

AGENDA ITEM	OUTCOME
	<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><i><u>c) FRDC Project to Investigate Aboriginal Cultural Fishing in the Tweed Region</u></i> 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><i><u>d) Letter to Minister to advise of outcomes from each AFAC meeting</u></i> 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><i><u>e) Sharing of AFAC member email addresses</u></i> The Council members present at the meeting were supportive of exchanging their email addresses with their fellow Council members.</p> <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>
18. Next Meeting	<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 before forwarding onto the rest of the Council for comment. This is to occur within 2 weeks. Following approval by AFAC of the draft Position Description for an	March 2011	I&I NSW		✓		

	Action	Meeting	Responsibility	In Progress	Pending	Complete	Ongoing
	Aboriginal Executive Officer, I&I NSW to seek approval to begin the recruitment process.						
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		✓		
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	March 2011	AFAC		✓		

	Action	Meeting	Responsibility	In Progress	Pending	Complete	Ongoing
	represent the Council at other relevant workshops, forums, advisory meetings, etc.						
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		✓		
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	March 2011	I&I NSW		✓		

	Action	Meeting	Responsibility	In Progress	Pending	Complete	Ongoing
	the agenda for the next meeting.						
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 present his preliminary research on Aboriginal Cultural Fisheries in the Tweed Region to the Council at the next meeting.	March 2011	Associate 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		✓		

