

ABORIGINAL FISHING ADVISORY COUNCIL
Draft Outcomes – Meeting 2 - 19 & 20 September 2011
NSW DPI Office, Wollstonecraft

AGENDA ITEM	OUTCOME
<p>1. Introduction and apologies</p>	<p>Chairperson’s Introduction The Chairperson welcomed all members and observers to the second meeting of the Aboriginal Fishing Advisory Council.</p> <p>As the AFAC Chairperson, Danny recently participated in a Pipi Resource Planning Group (RPG) meeting to advise on research and management that will ensure the resource is sustainably managed. The RPG included representation from the commercial and recreational fishing sectors, conservation, and DPI staff, and is discussed further in Outcome 13.</p> <p>The Chairperson also attended a meeting of the Advisory Council on Recreational Fishing (ACoRF) where he provided an update to ACoRF on the AFAC’s work to date and future considerations.</p> <p>AFAC membership update The Council was advised of the recent NSW Aboriginal Land Council (NSWALC) elections. Bev Manton was not re-elected as Councillor for the mid north coast, and is no longer Chair of the NSWALC. Subsequently, Ms Manton has resigned from the AFAC.</p> <p>NSWALC will be considering its nomination for a new representative for AFAC at its Council meeting on 29 September 2011. NSWALC have advised NSW DPI that they will notify the Minister for Primary Industries of their new nomination immediately after their meeting. NSW DPI will proceed with formalising the new appointment shortly after.</p> <p>The Council was also advised that Richard Kennedy, AFAC representative for the Far Western Region (Region 1), has resigned</p>

	<p>from the AFAC.</p> <p>Action: NSW DPI to look at filling this vacancy in office as soon as possible.</p> <p>Action: NSW DPI will write to Richard Kennedy and Bev Manton to thank them for their time on AFAC.</p> <p>Attendance Jason Wilson Eileen McLeay Anthony Williams Dean Kelly Danny Chapman Stephan Schnierer Peter Turnell</p> <p>Observers Wally Stewart Laura Best Alice Gleeson</p> <p>Apologies Joseph Flick Jennifer Williams Natalie Rotumah</p> <p>Absentees Chels Marshall Aaron Taylor</p>
<p>2. Outcomes from last meeting</p>	<p>Only 6 voting members were present at the meeting, which would not constitute a quorum if the full AFAC had been present (i.e. two thirds of 13 voting positions).</p> <p>However, in light of the recent resignations of two AFAC members (NSWALC and Region 1), it was unclear whether or not the quorum</p>

	<p>was now reduced to two thirds of the currently filled positions, or two-thirds of available voting positions.</p> <p>Because all the voting members present were in favour of the draft Outcomes being ratified, it was decided that the motion to ratify the outcomes should be passed, pending clarification on the quorum.</p> <p><u>Motion:</u> The council accepted the outcomes as a true and accurate record of discussions from the first AFAC meeting, held on 28 & 29 March 2011. <u>Moved:</u> Jason Wilson. <u>Seconded:</u> Anthony Williams. <u>Carried.</u></p> <p><u>Action:</u> The department (on behalf of the Council) will seek clarification on whether the quorum constitutes two-thirds of the voting positions currently filled on the AFAC, or two-thirds of voting positions available on Council.</p>
<p>3. Correspondence received and sent</p>	<p>Correspondence received and sent was noted.</p>
<p>4. Business arising from last meeting</p>	<p><u>Establishment of a trust fund for Aboriginal fishing</u> The department advised the Council that they are pursuing an amendment to the <i>Fisheries Management Act 1994</i> (FMA) to include provision for the establishment of a trust fund for Aboriginal cultural fishing.</p> <p>The Council reiterated its support for the establishment of the Trust within the FMA and wish to be updated regularly on its progress.</p> <p><u>Remuneration arrangements for NSW public servants on the AFAC</u> The Council was advised of the department's recent efforts to clarify the remuneration arrangements for NSW public servants on AFAC.</p> <p>Acting on the advice of their employer, an exemption is currently being sought for those public servants who are required to take leave to attend AFAC meetings. NSW DPI will notify those Council members concerned when an outcome has been reached.</p> <p><u>Executive Officer position</u> At the last meeting, Council requested a position description for an</p>

	<p>AFAC Executive Officer be drafted in consultation with the AFAC.</p> <p>This was undertaken, however current resources don't allow for the creation of a new position at this stage. Other avenues maybe available in order to fulfil this request of Council and therefore the department will continue to pursue this.</p> <p><u>Promotion of the Council</u> The Council was advised that approval has recently been given to include an Aboriginal Fishing webpage on the NSW DPI website.</p> <p>AFAC was very supportive of the webpage and encouraged the department to progress it as soon as possible.</p> <p>The Council also suggested that the webpage include visual information such as video clips of elders undertaking cultural fishing practices, and/or links to other existing materials on Indigenous fishing.</p> <p><u>Action:</u> NSW DPI to consult with AFAC on the content of the Aboriginal webpage.</p> <p><u>Exchange of AFAC email addresses</u> All members present at the meeting gave their consent for their email addresses to be shared with other AFAC members, and Wally Stewart from NSW DPI.</p> <p><u>Habitat Restoration Programs</u> Information provided was noted.</p>
<p>5. Overview of fisheries management</p>	<p><u>New structure of Fisheries</u> Peter Turnell, Director Recreational and Indigenous Fisheries, advised the Council of the recent restructure of the department's fisheries unit:</p> <p>Geoff Allan Executive Director, Fisheries</p>

	<p>Peter Turnell Director, Recreational & Indigenous Fisheries</p> <p>Andrew Goulstone Director, Commercial Fisheries</p> <p>Bill Talbot Director, Aquaculture, Conservation & Marine Parks</p> <p>Steve Kennelly Director, Research</p> <p>Glen Tritton Director, Compliance</p> <p><u>Decentralisation of Cronulla Fisheries</u> The Council discussed the NSW Government's decision to decentralise the Cronulla Fisheries Research Centre of Excellence.</p> <p>The Council is opposed to the decision for the following reasons:</p> <ul style="list-style-type: none">- AFAC has limited resources and budget, and relies on the commitment of its members and goodwill of DPI Fisheries staff involved. This will be compromised if the centre closes;- Splitting researchers and management will not only have a negative impact on the development of Aboriginal cultural fishing arrangements, but will also compromise the successful management of the state's fisheries resources;- Cronulla is a central location for the Council's meetings;- The Aboriginal cultural significance of the site generates a powerful and positive feeling for Council members when they visit the site. <p>Action: AFAC to write a letter to the Minister requesting that the decision to relocate fisheries staff from the Cronulla site be reconsidered.</p>
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	<p><u>Bag and size limit review</u> AFAC was advised of the current bag and size limit review and the department's intention to release a discussion paper regarding recommendations of the review committee.</p> <p>The Council requested that the discussion paper include some mention of Aboriginal cultural fishing in the context of it being a separate fishery to the recreational fishery.</p> <p>Action: NSW DPI to consult with the AFAC Chairperson regarding Aboriginal cultural fishing text in the discussion paper, prior to it being released.</p> <p><u>Commercial fisheries review</u> The Council was advised of the NSW Government's commitment to undertake an independent review of commercial fishing arrangements in NSW.</p> <p>The Council believe that Indigenous resource use should be included in any discussions to do with resource allocation and sharing.</p> <p>The Council deferred further discussion on this matter until Agenda item 12 (see Outcome item 12).</p>
<p>6. Cultural fishing regulations and outcomes from the Regulations Working Group</p>	<p>The Council discussed the recommendations of the Regulations Working Group (RWG) and Summary Paper.</p> <p>It was noted that membership on the RWG does not include a representative from inland NSW. As such, Jason Wilson (Region 3) was nominated to join the RWG.</p> <p>Action: Jason Wilson to be included in the AFAC Regulations Working Group.</p> <p>Golden perch (yellow belly) and Murray Cod were identified as important freshwater species for which the current bag limits impede</p>

	<p>the Aboriginal culture of providing food for family and community. It was agreed that an increased bag limit for these species would be more appropriate for providing for cultural needs.</p> <p>Action: Add Golden Perch and Murray Cod to the species covered in the RWG Summary Paper.</p> <p>It was also mentioned that the Section 37 permit system did not work well in the inland areas, where cultural fishing is often triggered by rainfall.</p> <p>It was agreed that another regulation working group meeting is required. Prior to this, however, AFAC members are to notify NSW DPI of any species and/or issues that were not considered in the RWG Summary Paper.</p> <p>Action: NSW DPI to contact AFAC members and discuss any species or issues not covered in the RWG Summary Paper.</p> <p>Action: NSW DPI to liaise with RWG members to determine a suitable date for the next RWG meeting.</p> <p>Action: Wally Stewart to be consulted on any proposals made by the RWG.</p> <p>It was also identified that the broader Aboriginal community are generally not aware of the interim compliance policy (ICP) for cultural fishing. As such, the AFAC requested that NSW DPI circulate this policy to the broader Aboriginal community.</p> <p>Action: NSW DPI to consider circulating the ICP to the broader Aboriginal community.</p>
<p>7. Draft Fisheries Management Orders for the Lowland Darling and Lachlan River Catchments</p>	<p>John Pursey, Senior Manager -Threatened Species, provided the Council with an overview of the Darling and Lachlan Endangered Ecological Communities, the proposed Ministerial orders to permit fishing activities in these areas, and the Species Impact Statements</p>

	<p>(SIS) that were prepared on the proposed orders.</p> <p>The Council were concerned that the Species Impact Statement contained no specific reference to the potential impacts on Aboriginal cultural fishing, or impacts on the cultural connection Aboriginal people have with those areas.</p> <p>Given the making of the order will allow Aboriginal people to continue to exercise their traditional right to fish in those areas, the Council was supportive of the making of the orders in accordance with Section 221 of the <i>Fisheries Management Act 1994</i>.</p> <p>However, the Council wish to see Aboriginal cultural fishing and the association of Aboriginal people with certain areas considered in future Species Impact Statements.</p> <p><u>Action:</u> AFAC to write to the Minister in support of the draft orders, although mention is to be made that the SIS did not consider the potential impacts on Aboriginal cultural fishing, and that it should be considered in any future SISs.</p> <p>During discussion, the Council also expressed their concern that the Fisheries Scientific Committee (FSC) does not include a person with expertise in Aboriginal culture. It was suggested that AFAC consider writing to the FSC in future on this matter.</p>
<p>8. Indigenous fisheries research</p>	<p>A/Prof Stephan Schnierer provided the Council with an overview of Southern Cross Universities current research projects on Indigenous fisheries in NSW, including:</p> <p><u>Project 1. Indigenous cultural fisheries in the Tweed region (FRDC funded, completed).</u></p> <p>AFAC believe the results of this research will help in the development of interim regulations for the management of indigenous cultural fishing in NSW. The Council identified that the research on cultural fishing needs to be extended to include more areas in NSW,</p>

	<p>particularly the southern coast and inland.</p> <p>Action: Stephan to provide the Council with copies of his completed project report.</p> <p><u>Project 2. Research on Indigenous Commercial fishing in NSW (FRDC funded, current).</u></p> <p>The Council sees this work as highly relevant at this point in time given the review of commercial fishing currently being undertaken in NSW. The Council is keen to provide further input into the project and is supportive of the idea to hold an Indigenous commercial fishers forum to further strengthen the project data collection process. The Council wish to be updated regularly on the progress of this project.</p> <p><u>Project 3. Indigenous cultural fishing and fisheries governance (Expression of Interest submitted to the FRDC)</u></p> <p>AFAC is supportive A/Prof Schnierer's FRDC application 'Indigenous cultural fishing and fisheries governance' submitted in this year's FRDC Annual Competitive Round, and will write a letter of support to the FRDC.</p> <p>However, the Council believes that the project could be expanded to include a south coast and inland community in the case studies depending on availability of resources.</p> <p>The Council also encouraged A/Prof Schnierer to contact Wally Stewart, from the Marine Parks Authority (within NSW DPI), regarding the development of the application as he has some experience in this area.</p> <p>AFAC would like to be involved in the project, should it get through to the next round of the application process.</p> <p>Action : AFAC to write a letter of support to the FRDC for A/Prof</p>
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	Schnierer's project on 'Indigenous cultural fishing and fisheries governance'.
9. Marine Parks update	<p>Wally Stewart, Aboriginal Liaison Officer, from the Marine Parks Authority (now within NSW DPI) provided the Council with an overview of Indigenous engagement in cultural resource use in NSW Marine Parks.</p> <p>The Council was updated on the progress of several Cultural Resource Use Agreements that are currently being negotiated in various Marine Parks across the State.</p> <p>The Council was fully supportive of the work done so far on reaching Cultural Resource Use Agreements in NSW Marine Parks, and stressed the importance of the department maintaining this commitment under the new Fisheries structure.</p>
10. Cultural and fishing workshops	Due to time constraints, this item was postponed.
11. AFAC procedures to be developed	Due to time constraints, this item was postponed.
12. Commercial fisheries management update	<p>Doug Ferrell, Manager Resource Planning, provided the Council with an update on:</p> <p><u>The independent review of commercial fishing arrangements in NSW</u> The Council believe that Indigenous resource use should be included in any discussions to do with resource allocation and sharing.</p> <p>The AFAC were encouraged to identify the problems being faced by Indigenous commercial fishers as a result of the current commercial fishing management structure, and how the structure could be changed to better accommodate Indigenous commercial fishing. To do this, the AFAC agreed to extend the Terms of Reference of the Regulations Working Group (RWG) to include the commercial fishing review.</p> <p>Action: The Independent Review of Commercial Fishing Arrangements in NSW to be added to the Terms of Reference of the</p>

	<p>AFAC Regulation Working Group.</p> <p>Action: The RWG to consult with Richard Stevens, Chair of the Commercial Independent Review Committee, regarding the process and timeframe for the review, and to ensure the Council's concerns are included in the final outcomes.</p> <p><u>The fishing closure review</u></p> <p>Action: NSW DPI to consult with AFAC on the decision tree/flow chart for assessing the validity of closures.</p>
<p>13. Pipi management and research</p>	<p><u>Pipi management and research</u></p> <p>Doug Ferrell, Manager Resource Planning, provided the Council with an overview of the main outcomes of the pipi resource planning group meeting (RPG), which included suggestions to increase the minimum size limit and place restrictions on commercial trip limits.</p> <p>The AFAC agreed that, above all, the sustainability of the stock is their main concern.</p> <p>The AFAC reaffirmed the Aboriginal cultural importance of the species, and would like the department to consider making a cultural catch allocation for pipis. To support this, the Council also feel that it is the department's responsibility to continuously monitor the stock to ensure the safe consumption of pipis.</p> <p>Action: AFAC request that a representative from the NSW Food Authority attend a future AFAC meeting to discuss health issues with consuming shellfish and explain how Biotxin Management Plans operate.</p> <p>Regarding pipi research, the Council were supportive of the department's current FRDC proposal to focus on pipi abundance estimators. The Council encouraged the department to engage the Indigenous community where possible, if it is successful in gaining funding.</p>

	<p>During discussion on the commercial harvest of pipis, the Council expressed their support for Indigenous people who would like to get into the commercial industry.</p> <p>The Council also raised concerns about the current restrictions on harvesting beach worms. The Council agreed that the current bag limit of 20 is too low for accommodating cultural needs.</p> <p>Action: Add beachworms to the species covered in the RWG Summary Paper.</p> <p>NSW DPI advised the Council that there may be opportunity in the near future for a research student to undertake a project on beach worm biology.</p> <p>It was noted that the AFAC Chairperson had participated in the RPG on behalf of AFAC. However, the Department is also seeking advice from the AFAC on other Indigenous people to potentially include in future RPG meetings. Because the Council is still relatively new and has not yet worked out procedures for making nominations, the AFAC was not in a position to nominate anyone for the RPG. AFAC will, however, advise the Department when they have finalised their procedures.</p> <p>Action: AFAC to consider the department's approach of forming resource planning groups with stakeholders, as an effective management planning tool.</p>
<p>14. Other business</p>	<p><u>Communication between NSW DPI and AFAC Members</u></p> <p>Action: Out of session agenda items:</p> <ol style="list-style-type: none"> 1. AFAC members are to respond to NSW DPI emails to acknowledge receipt of the email, even if no comments are provided. 2. NSW DPI to phone AFAC members regarding out of session agenda items if a short turnaround is required.

	3. NSW DPI to put the word "AFAC" in the subject title of any emails sent to the Council.
16. Next meeting	To be determined.

Action Status List for 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	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) ✓	
3	Working Group including representation from 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. Amended 19/9/11 - include Jason Wilson, and remove Bev Manton.	March 2011	The Department				✓ The working group met on 7/06/11.
4	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. Amended 19/9/11 – Richard Kennedy no longer an AFAC member.	March 2011	The Department		✓		
5	AFAC to establish a procedure for reviewing Recreational Fishing Trust applications.	March 2011	AFAC		✓		

	Action	Meeting	Responsibility	In Progress	Pending	Complete	Ongoing
6	AFAC to establish a procedure for reviewing fisheries management proposals.	March 2011	AFAC		✓		
7	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		✓		
8	AFAC to create a calendar of events, project timelines, funding processes, etc, to assist with future planning and targets.	March 2011	AFAC		✓		
9	The Council to be consulted when any review of Marine Park Zoning Plans begins.	March 2011	The Department				✓
10	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				✓
11	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		✓		
12	Section 37 permits to be included in the agenda for the next meeting.	March 2011	The Department		✓		
13	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		
14	NSW DPI to look at filling the Region 1 vacancy in office as soon as possible.	Sept 2011	The Department		✓		
15	NSW DPI will write to Richard Kennedy and Bev Manton to thank them for their time on AFAC.	Sept 2011	The Department		✓		
16	The department (on behalf of the Council) will	Sept 2011	The Department		✓		

	Action	Meeting	Responsibility	In Progress	Pending	Complete	Ongoing
	seek clarification on whether the quorum constitutes two-thirds of the voting positions currently filled on the AFAC, or two-thirds of voting positions available on Council		(on behalf of AFAC)				
17	NSW DPI to consult with AFAC on the content of the Aboriginal webpage.	Sept 2011	The Department		✓		
19	NSW DPI to consult with the AFAC Chairperson regarding Aboriginal cultural fishing text in the bag and size limit review discussion paper, prior to it being released.	Sept 2011	The Department		✓		
20	AFAC to write a letter to the Minister requesting that the decision to relocate fisheries staff from the Cronulla site be reconsidered.	Sept 2011	AFAC			✓	
21	Jason Wilson to be included in the AFAC Regulations Working Group.	Sept 2011	AFAC RWG			✓	
	Add Golden Perch and Murray Cod to the species covered in the RWG Summary Paper	Sept 2011	The Department and AFAC RWG		✓		
22	NSW DPI to contact AFAC members and discuss any species or issues not covered in the RWG Summary Paper.	Sept 2011	The Department		✓		
23	NSW DPI to liaise with RWG members to determine a suitable date for the next RWG meeting.	Sept 2011	The Department		✓		
24	Wally Stewart to be consulted on any proposals made by the RWG.	Sept 2011	The Department				✓
25	NSW DPI to consider circulating the ICP to the broader Aboriginal community.	Sept 2011	The Department		✓		
26	AFAC to write to the Minister in support of the draft Orders, although mention is to be made that the SIS did not consider the potential impacts on Aboriginal cultural fishing, and that it should be considered in any future SISs.	Sept 2011	The Department (on behalf of AFAC)			✓	
27	A/Prof Stephan Schnierer to provide the	Sept 2011	A/Prof Schnierer		✓		

	Action	Meeting	Responsibility	In Progress	Pending	Complete	Ongoing
	Council with copies of his completed project report on cultural fisheries in the Tweed region.						
28	AFAC to write a letter of support to the FRDC for A/Prof Schnierer's project on 'Indigenous cultural fishing and fisheries governance'.	Sept 2011	The Department (on behalf of AFAC)			✓	
29	The Independent Review of Commercial Fishing Arrangements in NSW to be added to the Terms of Reference of the AFAC Regulation Working Group.	Sept 2011	AFAC RWG			✓	
30	The RWG to consult with Richard Stevens, Chair of the Commercial Independent Review Committee, regarding the process and timeframe for the review, and to ensure the Council's concerns are included in the final outcomes.	Sept 2011	AFAC RWG			✓	
32	NSW DPI to consult with AFAC on the decision tree/flow chart for assessing the validity of closures.	Sept 2011	The Department		✓		
33	AFAC request that a representative from the NSW Food Authority attend a future AFAC meeting to discuss health issues with consuming shellfish and explain how Biotoxin Management Plans operate.	Sept 2011	The Department		✓		
	Add beachworms to the species covered in the RWG Summary Paper.	Sept 2011	AFAC RWG		✓		
	AFAC to consider the department's approach of forming resource planning groups with stakeholders, as an effective management planning tool.	Sept 2011	AFAC		✓		
34	Out of session agenda items: 1. AFAC members are to respond to NSW DPI emails to acknowledge receipt of the email, even if no comments are	Sept 2011	AFAC and the Department				✓

	Action	Meeting	Responsibility	In Progress	Pending	Complete	Ongoing
	<p>provided.</p> <p>2. NSW DPI to phone AFAC members regarding out of session agenda items if a short turnaround is required.</p> <p>3. NSW DPI to put the word "AFAC" in the subject title of any emails sent to the Council.</p>						