

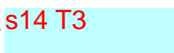


REF: OUT/33996

s14 T3



Dear s14 T3



**Re: Shortfalls in Meshing Activities for the month of September 2014 and Provision of Information Relating to Vessels and Insurance.**

I have taken into consideration your monthly log for September 2014 and your written request to conduct additional meshings due to poor weather and a vessel breakdown.

As per our conversation on Saturday the 11th October 2014 I have decided to approve 1 of the 2 additional haul and sets that you have proposed. The reasons are as follows;

- Your primary meshing vessel was inoperable between the dates of Tuesday 23/9/14 and Monday 29/9/14.
- The nets were not attended to, or hauled and set for approximately 120 hours, as against the required 72 hour minimum.
- There appeared to be no intentions of utilising a secondary vessel until enquiries were made via a phone call to you on the afternoon of Friday 26/9/14.

I understand that breakdowns cannot be planned for, however the Department believes the timeframe to instigate a secondary vessel to ensure you fulfilled the requirements of the contract was too protracted.

I note that under Part F7 of your original tender application document, you list a number of vessels as that will be used in the performance of the services tendered. I also note from our conversations, that the vessel utilised on Saturday 27/9/14 is not on this list. Can you please confirm as soon as possible with the Department, the full details (name, type, dimension, NSW Maritime certification, displacement and engines) of all vessels that you intend on utilising for the remainder of the season.

I also note that the Department still hasn't received the details of your current public liability insurance for the current season, which you are required to provide evidence of under Part D11.4 of your Contract. Please provide this immediately.

Please contact me by telephone on 0419185520 or email should you require any further information.

Tony Chen  
Senior Fisheries Investigator  
Statewide Operations and Investigations Group  
15/10/14

## Anthony Chen

---

**From:** Anthony Chen  
**Sent:** Friday, 17 October 2014 3:24 PM  
**To:** Christine Rae  
**Cc:** Tony Andrews  
**Subject:** S14 3a Phone Conversation on 17-10-14 at about 1445

For Trim Chris

Christine Rae and I had a conversation with Shark Meshing Contractor S14 3a regarding his letter requesting to make up two hauls and sets that he was short for the month of September. I recently sent him a letter stating that he was only approved to make up one haul and set due to the fact that his vessel was broken down for 4 days and it wasn't until I called him that he considered utilising a second vessel and that the nets hadn't been checked within the 72 hour timeframe.

During this conversation S14 3a stated the following things;

- That he was only short one weekend and that he wanted to make it up in the following period.
- That he had contacted persons regarding using their vessels to mesh from on the Friday morning. He stated that he had called Richie and Jason.
- He said he wanted everything in writing and that he was sure there was a disputes section in the contract.
- The contract stated that he could make up the set and hauls.
- He had never heard about making up set and hauls on weekend days.
- That dealing with the Dept had been friendly prior to me being involved.
- Thanks to me he had a profit of \$40000 and now he would only be getting \$38000.
- At the end of the conversation he said that it was all good it was only business.

I stated the following things to S14 3a ;

- He could have made the set and hauls up on weekend days.
- He was being denied the extra set and haul because he was responsible for his vessels reliability and the breakdown was too protracted before he instigated a second vessel.
- He had breached the 72hr max set because of this.
- That when I had conversations with him on the afternoon of Friday the 26/9 there was no indication that calls had been made to anyone regarding using their boat, but comments were made that he would start ring around.
- I stood by my letter of authorising only one make up set.
- Yes the contract stipulates that they are required to do a number of weekend and weekday sets and hauls and that they have up to 3 months to make it up, but the overriding approval comes from me.
- I had put everything I needed on paper and as far as I was concerned the matter was finished.

Cheers,

Tony

Anthony Chen | Senior Fisheries Investigator, Statewide Operations & Investigations Group | Special Operations, Compliance Operations  
 NSW Department of Primary Industries | The University of Newcastle, Ourimbah Campus, North Loop Road | Ourimbah NSW 2258 | Locked Bag 26 | Gosford  
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**Anthony Chen**

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**From:** Anthony Chen  
**Sent:** Saturday, 11 October 2014 2:48 PM  
**To:** Christine Rae  
**Subject:** S14 3a Letter  
**Attachments:** S14 3a meshing approval letter Oct 14.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Chris,

See what you think. Can you pls confirm the Eclipse II as the secondary vessel and the that the term 'secondary vessel' is correct.

Thanks

Cheers,

Tony

Anthony Chen | A/Manager Special Operations | Fisheries Compliance  
NSW Department of Primary Industries | Fisheries NSW  
The University of Newcastle, Ourimbah Campus, North Loop Road | Ourimbah NSW 2258 | Locked Bag 26 | Gosford NSW 2250  
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REF: OUT/#####

s14 T3

Dear s14 T3

Shortfalls in Meshing Activities for the month of September 2014

I have taken into consideration your monthly log for September 2014 and your written request to conduct additional meshings due to poor weather and a vessel breakdown.


As per our conversation on Saturday the 11th October 2014 I have decided to approve 1 of the 2 additional haul and sets that you have proposed. The reasons are as follows;

- Your primary meshing vessel was inoperable between the dates of Tuesday 23/9/14 and Monday 29/9/14.
- The nets were not attended to, or hauled and set for approximately 120 hours, as against the required 72 hour minimum.
- There appeared to be no intentions of utilising a secondary vessel until enquiries were made via a phone call to you on the afternoon of Friday 26/9/14.

I understand that breakdowns cannot be planned for, however the Department believes the timeframe to instigate a secondary vessel to ensure you fulfilled the requirements of the contract was too protracted.

I note that your original tender document lists the Eclipse II as your secondary vessel and I also note that this vessel was not utilised on Saturday 27/9/14. Can you please confirm with the Department the details of your secondary vessel.

Please contact me by telephone on 0419185520 or email should you require any further information.

  
Tony Chen  
Senior Fisheries Investigator  
Statewide Operations and Investigations Group  
13/10/14

**Anthony Chen**

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**From:** Anthony Chen  
**Sent:** Wednesday, 15 October 2014 1:39 PM  
**To:** Christine Rae  
**Subject:** S14 3a Letter  
**Attachments:** S14 3a approval letter Oct 14.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Cheers,

Tony

Anthony Chen | Senior Fisheries Investigator, Statewide Operations & Investigations Group | Special Operations, Compliance Operations  
NSW Department of Primary Industries | The University of Newcastle, Ourimbah Campus, North Loop Road | Ourimbah NSW 2258 | Locked Bag 26 | Gosford  
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- Your primary meshing vessel was inoperable between the dates of Tuesday 23/9/14 and Monday 29/9/14.
- The nets were not attended to, or hauled and set for approximately 120 hours, as against the required 72 hour minimum.
- There appeared to be no intentions of utilising a secondary vessel until enquiries were made via a phone call to you on the afternoon of Friday 26/9/14.

I understand that breakdowns cannot be planned for, however the Department believes the timeframe to instigate a secondary vessel to ensure you fulfilled the requirements of the contract was too protracted.

I note that under Part F7 of your original tender application document, you list a number of vessels as that will be used in the performance of the services tendered. I also note from our conversations, that the vessel utilised on Saturday 27/9/14 is not on this list. Can you please confirm as soon as possible with the Department, the full details (name, type, dimension, NSW Maritime certification, displacement and engines) of all vessels that you intend on utilising for the remainder of the season.

I also note that the Department still hasn't received the details of your current public liability insurance for the current season, which you are required to provide evidence of under Part D11.4 of your Contract. Please provide this immediately.

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Tony Chen  
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Statewide Operations and Investigations Group  
15/10/14