


TARFish

Tasmanian Association for Recreational Fishing Inc.

www.tarfish.org

*Looking after the
interests of recreational
marine fishers*



8th June 2010

DPIPWE – Rock Lobster Review
GPO Box 44
HOBART 7001

Submission: Rock Lobster Management Plan Review

Detailed below is our submission on the above management plan that has been compiled from a broad range of recreational marine fishing stakeholders input. In preparing this submission I would like to advise that TARFish have attended all Recreational Fishery public meetings conducted by the Department of Primary Industries, Parks, Water and Environment (DPIPWE) during May. We also took the opportunity to attend the Commercial Port Meeting held at Margate on 5 May to understand the impacts on the commercial fishery. The views expressed within this submission are a combination of regional community input and TARFish members input resulting from the public meetings and considerable personal contact with individual recreational marine fishers.

TARFish would like to preface our submission by stating that as the government recognised peak body for recreational marine fishers:

1. We are not looking for change for changes sake,
2. Any proposed amendments must be supported by robust scientific information and where robust scientific information is currently unavailable then decisions should be based on the precautionary principle,
3. We expect the Rock Lobster Management Plan review process will be based on an ecosystem based fisheries management approach, and
4. Decision making outcomes should be based on sustainable fishing for the future, looking after our fisheries and protecting the environment.

As an acceptable overarching framework our association also notes the objective of the Living Marine Resources Management Act, which is the headline Act relevant to the marine environment, is to “achieve sustainable development of living marine resources having regard to –

- increase the community’s understanding of the integrity of the ecosystem upon which fisheries depend; and

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- provide and maintain sustainability of living marine resources; and
- take account of a corresponding law; and
- take account of the community's needs in respect of living marine resources; and
- take account of the community's interests in living marine resources.”

We have reviewed in detail the following documents as part of the suite of information available as part of the public submission process:

1. Discussion Paper on a Strategic Policy Framework for the Tasmanian Rock Lobster Fishery December 2009
2. Tasmanian Recreational Rock Lobster and Abalone Fisheries: 2008-09 Fishing Season January 2010
3. A Socio-Economic Assessment of the Tasmanian Recreational Rock Lobster Fishery March 2010
4. Preliminary Proposals for New Management Measures for the Tasmanian Rock Lobster Fishery Discussion Paper – April 2010
5. Tasmanian Rock Lobster Fishery Assessment Report
6. Are the Spiny Lobster Fisheries in Australia Sustainable? (Unpublished)

RESOURCE SHARING AGREEMENT:

As the DPIPWE are aware the Resource Sharing Arrangement for the fishery was agreed to by the Tasmanian Rock Lobster Fishermans Association (TRLFA) TARFish and the state government in 2005. This arrangement was subsequently written into legislation in the Fisheries (Rock Lobster) Rules 2006.

“Rule 8.(2) The total allowable catch for the commercial rock lobster fishery and the recreational rock lobster fishery is to be allocated as follows:

- (a) If the total allowable catch is set at less than 1700 tonnes –
 - (i) the recreational rock lobster fishery is to be allocated 170 tonnes: and
 - (ii) the commercial rock lobster fishery is to be allocated the total allowable catch minus 170 tonnes:
- (b) If the total allowable catch is set at 1700 tonnes or more –
 - (i) the recreational rock lobster fishery is to be allocated 10% of the total allowable catch; and
 - (ii) the commercial rock lobster fishery is to be allocated 90% of the total allowable catch.”

The agreement reached in 2005 did not contain any conditions that would trigger a review of the agreement therefore it is written into perpetuity. The wording of the legislation clearly shows the recreational rock lobster fishery will be allocated a minimum of 170 tonnes of rock lobster every year.

It was also agreed the Tasmanian Aquaculture and Fisheries Institute (TAFI) would prepare an estimate every two years on the recreational rock lobster harvest. The estimate of the recreational harvest would be compared to the recreational resource allocation (minimum 170t). If the estimated recreational harvest was getting close to, or exceeding, the recreational resource allocation then a management review would be triggered on the recreational sector and management measures would be considered that would ensure the recreational resource allocation was not exceeded.

It is worth noting that TARFish have contracted an independent expert in recreational fishing surveys to conduct a review into the method that TAFI use to calculate the recreational harvest every second year. This review will report back by 30 June 2010 on its findings, recommendations and areas for improvement.

TARFish were concerned about the Resource Sharing Agreement when the Rock Lobster Management Plan Review commenced in April 2009 and subsequently received a confirmation in July 2009 from the TRLFA that it would not seek any changes to the recreational resource allocation. We also received a commitment from Minister Llewellyn in August 2009 that the state government were not looking to change the resource allocation for the recreational sector. Following the recent state election the new minister for Primary Industries Bryan Green reconfirmed Minister Llewellyn's commitment.

Recreational fishers are extremely disappointed that in the very next Rock Lobster Rules Review process after the historical agreement was agreed to by all key stakeholders in the fishery that the DPIPWE are proposing a range of measures that will have a direct impact on the 2005 resource sharing agreement.

SOCIO-ECONOMIC IMPACT OF PROPOSED RECREATIONAL CHANGES

It was extremely disappointing to learn at the Smithton public meeting that the DPIPWE will not be taking into consideration the recently released TAFI report A Socio-Economic Assessment of the Tasmanian Recreational Rock Lobster Fishery, S. Frijlink & J.M. Lyle, March 2010. The report identifies recreational fishers spend \$24 million each year chasing rock lobster. The economic impacts of any proposed changes must be modelled and calculated so that the social and economic impact on regional communities is known.

The DPIPWE and commercial fishery have modelled, through TAFI, the economic impacts of hundreds of various scenarios on the commercial fishery and the recreational fishery asserts the same sort of rigor is applied to the economic impacts of the proposed recreational changes.

Based on the DPIPWE's published information the commercial sector achieved an average revenue in the 2009/10 fishing year of \$50 per kilogram of rock lobster, TAFI's report identifies that the recreational sector spent an average of \$177 per kilogram chasing rock lobster. If major changes to the recreational rock lobster fishing sector occur, as would be expected from the proposed recreational changes, then there will be a 3.5 times larger reduction in economic contribution from the recreational sector than the commercial sector. TARFish, the recreational fishing community, local coastal councils and the state government, we contend, need to know what the economic impact of any proposed change is expected to be.

TARFish contend not considering the Socio-Economic report will be in breach of some of the objectives of the Living Marine Resources Management Act, namely:

“Schedule 1 – Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are –
 - a. To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity
 - b. In clause 1.a, “sustainable development” means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety...”

SPECIFIC PROPOSED CHANGES:

Looking to the specific proposals noted in the Preliminary Proposals Discussion Paper, as a general comment, it would appear the measures noted for the recreational sector are very prescriptive and definitive, i.e. “reduce bag limit from 5 to 2 on East Coast, reduce state-wide bag limit from 5 to 4, reduce possession limit from 10 to 8 etc. In comparison the proposed changes for the commercial sector are vague and non specific, such as “annual monitoring, could be restrictions on how many pots, could be closed shallow water regions, could be fishing block catch caps and closures”, etc. The only specific commercial measure noted is the use of the TACC each year and this is not a proposal rather it is the actual mechanism used to manage the commercial fishery take each year. To be able to make informed constructive feedback to the DPIPWE on any proposed changes for the fishery it is imperative that firm proposals for all stakeholders are put out for review.

TARFish do not consider the proposed changes are fair and equitable across all stakeholders in the fishery and have difficulty in considering the effectiveness of a package of proposals when all the information is not provided.

DPIPWE Proposals:

- Reduced state-wide recreational bag limit from 5 to 4
- Reduced possession limit from 10 to 8
- East/South East Coast Bag limit of 2 or Bag limit of 3 with November closure

According to the DPIPWE estimates these three proposed measures are expected to result in a significant reduction in the annual recreational take of around 20 tonnes. What is not proposed is a complimentary measure on the commercial sector to ensure the “recreational saving” is not caught by the commercial sector.

It is also worth noting that in the TAFI Tasmanian Recreational Rock Lobster and Abalone Fisheries: 2008-09 Fishing Season Report (page 23) the author’s state “The decline in recreational rock lobster catches between the two most recent surveys was

almost exclusively due to a halving of the catch taken from Area 1.” Area 1 is the South East region from Maria Island to Dover. TARFish have to question why areas 2 and 3 (East Coast from Maria Island to Eddystone Point) are being suggested as areas requiring a drastic reduction in the bag limit from 5 to 2 when catch reductions have all been confined to Area 1. The authors also state “While the reason for this change is not clear, lower catch rates may have been a factor. In addition, anecdotal reports suggest that some fishers may have directed effort into alternative fishing activities, including game fishing: noting that 2009 was one of the most productive tuna seasons off south-eastern Tasmania in recent years.”

- 1) *Without a proposed measure to ensure any anticipated reduction in recreational catch is left in the water TARFish do not support these measures as they will not result in any additional fish being left in the water.*
- 2) *The recreational sector only caught 63% of its annual resource allocation in 2008/09 therefore TARFish do not support these proposed changes. The estimated catch (107 tonnes in 2008/09) is nowhere near the resource allocation (170 tonne minimum) therefore proposed changes are not warranted and will break the resource allocation agreement of 2005.*
- 3) *There has been no modelling on the economic consequences of the impacts on regional coastal communities therefore TARFish do not support these proposed changes. The proposed changes for the East/South East Coasts will have severe economic effects particularly for the East Coast coastal communities.*
- 4) *The reduction in the bag limit proposed for the East/South East Coasts will shift recreational fishing effort into the North and West Coast areas thereby potentially accelerating and amplifying problems for these areas.*

TARFish PROPOSED CHANGE FOR EAST/SOUTH EAST REGION

TARFish recognise the East/South East region is the most popular recreational fishing region in the state. It also receives more overall fishing pressure within the shallow water (less than 20 metres) areas than any other region around the state. The DPIPWE state that the shallow water area is a high interaction area between the recreational and commercial sectors and this high level of interaction results in unnecessary friction between stakeholders and can lead to illegal actions by individual fishers.

TARFish would like to see the DPIPWE investigate the feasibility of zoning East/South East inshore waters as a recreational only fishing zone. Rather than use a depth range as the trigger point we would suggest it would be more effective to consider a distance from shore measure, as it would be easier for the marine police to administer. As an example only, State waters on the East/South East coasts (Areas 1, 2 & 3) within 1 nautical mile from shore would become recreational only rock lobster fishing zones. Commercial fishers would not be able to set pots within this zone.

TARFish see the benefits of this suggestion as being:

1. The high level of interactions and associated illegal activities will cease to exist
2. The stock of rock lobsters in shallow waters will increase by up to 60 tonnes each year.

3. The additional costs to the commercial fishing fleet will be minimal as their fuel and running costs will only increase marginally.
4. The fishing pressure on inshore stocks will be more than halved and aid significantly in rebuilding stocks quicker.
5. The expected recreational fishing economic contribution on regional communities within the East/South East region will increase thereby adding to the Tasmanian economy.
6. Recreational fisher satisfaction will increase as stocks rebuild significantly quicker than simply reducing recreational bag limits for the region.
7. Recreational fishing effort will not be transferred to other areas of the state as would be the case with the proposed reduction from 5 to 2 for this region.
8. There would be no need to have a different bag limit for the East/South East region which would result in less recreational fisher complexity and rules. This will result in easier and more streamlined policing mechanisms for the Marine Police.

By our calculations the proposed DPIPWE measure, reduce bag limit from 5 to 2 for recreational sector only, for the East/South East region will result in a reduction in the recreational rock lobster catch of, at best, around 12 tonnes per year and there is no firm proposal from the DPIPWE to limit the ability of the commercial sector to catch the fish the reduced recreational bag limit would result in. This means that under the current proposals the overall stocks of rock lobster in the East/South East region will not increase.

Under our proposed simple, single measure there will be, up to, 60 tonnes of rock lobster left in the water each year, stocks will rebuild quicker, more money will be spent in local communities by the recreational sector and there will be only a marginal cost increase to the commercial sector. This simple measure will also support the objectives of the Living Marine Resources Management Act by contributing to a sustainable fishery, as defined by the Act.

DPIPWE Proposal: Maximum size limit of 138mm in designated area between Eddystone Point and Whale Head

TARFish do not support this proposed change between Eddystone Point and Whale Head as we feel that it will create a degree of complexity and confusion within the recreational sector that is not warranted.

TARFish do support the concept of a maximum size limit for the entire state waters for all stakeholders, recreational and commercial. We believe this measure will assist in controlling Long Spined Sea Urchin, reduce complexity/confusion but more importantly we believe stock retention of large rock lobster will significantly improve the breeding stock of large rock lobsters which will contribute to improved egg production throughout all areas of the state which will in turn have some lasting impact on the stock sustainability.

DPIPWE Proposal: Reduction in the possession limit for non licensed fishers to 2, house limit of 4 and no possession for children under 10 years of age.

TARFish do not agree with these proposed changes noting that this creates a level of complexity for the general public that is unnecessary. How will a member of the general public, non licensed, know that they are breaking the law if they are not made aware of the regulations because they are a non licensed fisher. TARFish do not believe this is a fair and equitable approach to the objective of improving compliance and will unwittingly cause innocent members of the public to be caught up in an ever increasing encyclopaedia of rules and regulations.

DPIPWE Proposal: No snoods or nooses allowed on vessels.

TARFish agree with this proposal however would like it noted that a distinction must be made in relation to snooters as used in the game fishery. Snooters are very similar to snoods but are used to tail rope large pelagic fish, such as tuna and shark that are too large gaff.

DPIPWE Proposal: Vessels will only be allowed to carry buoys marked with licence numbers of the actual people on board.

TARFish do not agree with this proposal. The first reason given by DPIPWE for considering such a proposal was that pots are being used for people who are not on the boat. This situation is a contravention of the current regulations that require the licence holder to be present when the pot is set and retrieved therefore additional regulation to manage this situation is not required.

The second reason stated is that "multiple buoys are carried and changed over depending on the crew on the day." This stated situation is not a problem or an illegal activity. There are fishers who carry less pots than buoys on their boats to accommodate different crews. Wives, children and friends can make up a boat crew and to ensure efficiency of gear, i.e. not having to carry more pots than are required on a boat, means that fishers only need to carry say 2 to 3 pots and 4 or 5 sets of buoys to accommodate the different crew configurations for each fishing trip. The correct buoy registered to the attending crew member is attached to the pot and set whilst the registered fisher is on board at set and retrieve times. There is no illegal intent in this action only a desire to take out only as much gear as is required. Again we see this proposal as unnecessary regulation adding complexity to recreational fishing activities that is totally unwarranted.

DPIPWE Proposal: Withdraw the special rock lobster licence, so that the maximum rock lobster a licensed fisher can possess is two times the bag limit.

TARFish do not agree with this proposal until further details are investigated. The DPIPWE have stated that there are around 100 of these licence sold each year. Our understanding is they are predominantly purchased by interstate fishers who come to Tasmania once a year for their annual fishing trip. Before consideration is given to this proposal brief details should be compiled on what the economic contribution of this sector is, as we expect that it could run into the tens of thousands of dollars per trip, if their family, accommodation, travel, charter boat fees, food etc were taken into consideration. If all 100 special licence fishers caught their 15 fish limit at an average of 1kg per fish it would only amount to 1.5 tonnes per year, not a significant amount in the overall context of the fishery. It could be expected that the social and economic

contribution could balance out the rather insignificant biological impacts of this sector of the recreational fishery.

DPIPWE Proposal: Investigate the need and feasibility of an individual seasonal limit for future consideration.

TARFish agree with this proposal. It was apparent that a significant number of attendees at the public meetings had strong feelings and comments about fair and equitable distribution of the recreational catch within our own sector.

DPIPWE Proposal: Review the carryover provisions for the commercial fishing sector.

TARFish have been calling for the abolition of the carryover provision for the last 5 years. Given the significant issues the fishery faces it is imperative that practices that may have been established for valid reasons in good times are updated when times are more difficult. TARFish again call for the abolition of the commercial fishery carryover provisions.

DPIPWE Proposal: Economic and administrative impacts of the current quota year.

TARFish do not have a position on this issue but would like to make the comment that economic considerations, or market forces, should not have any detrimental biological impacts on stocks. Biological science underpinning a sustainable fishery should drive the industry, not market forces. The quota period should first take into consideration the biological and ecological processes of the fishery to ensure any market driven requirements do not have a negative effect on the long term sustainability of the fishery.

DPIPWE Proposal: Incorporate the current restriction for possessing rock lobster in part of Bass Strait into the rules.

TARFish do not agree that the biosecurity measures restricting possession should be written into the fisheries rules. If the biosecurity threat from AVG passes then it is highly unlikely the rules will be changed until they come up for review again in 5 years time, by which time the AVG threat may well and truly have disappeared. Appropriate biosecurity measures should be used to manage any and all threats for the period of time the threat exists and no longer.

DPIPWE Proposal: Allow the setting of size limits and any associated operating criteria by public notice.

TARFish agree with the proposal to set size limits by public notice but would require additional detailed information on “any associated operating criteria” before agreeing with the proposal in full.

In conclusion TARFish feel the authors of the report noted below neatly summarise the impact of the proposed suite of recreational changes within the Discussion Paper. The report looked into 4 rock lobster fisheries around Australia, including Tasmania and concluded:

“Although all of the four fisheries have a recreational component, none of the catches of this section of the fishery appear to be influencing the sustainability of the total fishery.” Are the Spiny Lobster Fisheries in Australia Sustainable? Report *Bruce F. Phillips, Roy Melville-Smith, Adrian Linnane, Caleb Gardner, Terence I. Walker, Geoff Liggins, page 42.

The recreational fishing sector feels that any proposed changes the DPIPWE consider necessary to sustain the rock lobster fishery in Tasmania should be directed at measures that will have a direct and relevant impact on the fishery and not on a sector that some of Australia’s leading researchers in the rock lobster fishery state is not influencing the sustainability of the fishery.

Should you have any questions in relation to our submission or require any clarification on any information provided please do not hesitate to contact me. TARFish looks forward to working with the Government through the Department of Primary Industries, Parks, Water and Environment in providing comment and recreational fisher input into the process for the ongoing development of the Rock Lobster Management Plan Review.

Regards

A handwritten signature in black ink, appearing to read 'Mark Nikolai', written in a cursive style.

Mark Nikolai
Chief Executive Officer