

Integrated Fisheries Allocation Committee
Locked Bag 39
Cloisters Square Post Office
PERTH WA 6850

**Recfishwest Submission to Integrated Fisheries Allocation
Committee (IFAC) and to Fisheries Management Paper No 192
“Integrated Fisheries Management Report Western Rock
Lobster Resource”**

Thank you for the opportunity to provide comment on the long awaited Western rock lobster integrated fisheries review process.

We wish to commend the Department of Fisheries and the Minister for Fisheries for proceeding with the review of this fishery and the important intention to progress Integrated Fisheries Management (IFM) for Western Australia. While we recognise the importance of progressing this matter, Recfishwest firmly believes that it is essential to consider the consequences of making an explicit catch allocation at the principle and applied levels before finalising a position.

Any recommendations that the committee makes will be critically assessed by at least some sectors of the community and the basis for the decision must be carefully derived and defensible.

Recfishwest will provide comment at three levels in this submission. Firstly we will discuss the important principles for resource allocation as they pertain to all fisheries in Western Australia. Secondly we will comment of the ‘facts’ as they are presented in Fisheries Management Paper No 192. Finally we will comment on proposed solutions for the Western Rock lobster allocation issue.

Principles for Resource Allocation

Given that this is the first formal resource allocation under the long awaited Integrated Fisheries Management regime, it is essential that the principles for this and future allocations are clearly understood.

Recfishwest has made numerous submissions on these principles over the last four years. Full copies of these submissions have been distributed to the IFAC and we take as a given that the committee members are familiar with the arguments which have been put forward. Recfishwest would not like to bore the committee with a repetition of our submissions to Justice Toohey or the Statutory Management Review Committee.

However, we must continue to stress two key facts.

Firstly, all fisheries resources in Western Australia are common property. They are owned by the entire community and administered through legislation by the Department of Fisheries which is required to ensure that there is an optimum community return from the available resource.

While this seems an obvious point, the needs of the community are, and must be, the key driver for determining the allocation of the common property resource. An allocation which clearly disadvantages the wider community to benefit the needs of a small section that uses the resource is illogical and indefensible and would be strongly disputed by Recfishwest and other groups.

The Statutory Management Authority review committee eloquently described that a cost recovery system disadvantages the community by denying them a dividend from a profitable activity. Recfishwest would not like to see a narrow, 'commercially friendly' view taken by the IFAC.

Many other parts of the world have also faced a similar allocation dilemma. There have been varying degrees of success but the ones known to Recfishwest have developed a hierarchy of access priorities which is – indigenous, recreational and finally commercial.

The indigenous access recognises a longstanding historical traditional access to the resource and has mainly concentrated on artisanal or subsistence fishing. Recreational fishing priority recognises the community nature of the resource and gives priority to those who wish to access their share of that common property resource themselves. It is also recognised that increasing use of catch and release and bag limit controls means that recreational fish are being 'used' more than once which optimises the social and economic dividend from a smaller level of fishing mortality. We recognise that this multiple use applies less in the case of Western rock lobster. Finally an allocation is made for commercial fishing interests.

Secondly, Recfishwest insists that the natural community growth be accommodated within the allocation process. Ignoring this natural growth automatically disadvantages the wider community and specifically the recreational fishing sector.

Capping the recreational sector allocation at current, or even worse, historical catch levels automatically forces intra-sectoral resource sharing issues to emerge. Recreational fishers must compete amongst themselves for a smaller portion of the catch simply because there is natural population growth. Those who wish to access their share of the common property resource should not be disadvantaged by having to compete against other recreational fishers, particularly

given the spatial constraints regarding access in many recreational fisheries.

To make this section of the community pay to claim their share of the resource is not acceptable and would require a very strange interpretation of the 'market' to be proposed. This would be more controversial given that the recreational sector already makes a significantly higher relative contribution than does the commercial sector for its small share of the catch.

The extent to which the IFAC considers the spatial and temporal implication of its determinations needs careful consideration. While the allocation process must be aware of issues such as the importance of the inshore whites rock lobster catch in C Zone as part of the allocation question, the extent to which this is the role for applied management after the allocation has been made has yet to be fully defined.

As an example, Recfishwest would be very disappointed if the IFAC made an allocation of rock lobster across all zones and times without recognising the very small take in A zone by licensed recreational fishers and the much larger take in inshore C Zone before 1 February.

Comments on Paper 192

Recfishwest has a number of concerns with biases or errors in the supposedly 'factual' information presented in Fisheries Management Paper 192. We note with concern that a number of commercial fishing interests have been able to present their impressions via 'pers comm' quotes while the recreational sector has been denied this opportunity.

Recfishwest is also extremely disappointed with the letter received on 10 May 2005 reinventing recreational rock lobster catch history. We note with extreme concern that the Department has made no attempt to revise its estimates of commercial catches such as for the recent commercial wetfish review where illegal, unreported or incorrectly reported catches were used to increase the commercial allocation.

We object to the statement in this letter that "Of course, the adjustment hasn't changed the actual (physical) size of the catch by the recreational sector – it just provides a more accurate assessment of its magnitude."

This is mischievous. The IFAC committee is likely to use this new revision of history to base its allocations which will ultimately translate into a recreational catch share that has been halved because the Department has simply changed its method in assessing

recreational rock lobster catches resulting in a benefit to the commercial sector.

As we are debating a catch share in the order of 3% overall, this has a net present value of nearly \$30 million which is being 'reallocated' by the research advice alone. Recfishwest cannot allow such a significant adjustment (which WILL greatly alter the physical size of the recreational catch in the future) to pass unchallenged.

Indeed this latest 'adjustment' represents the fourth time the recreational catch history has been adjusted downwards. Research staff presented information on the coastal tour in 1997/98 that the recreational catch share was over 10% and was likely to be as high as 12% in the near future (F Prokop rock lobster manager pers comm.). This was reduced when an obvious bias was taken out.

The estimated catches were further reduced when the mail survey was used to validate catches. The national survey of recreational fishers gave a much reduced estimate of recreational catches which was vigorously attacked by the Department of Fisheries who challenged the validity of the methodology. Now we have the Department of Fisheries further reducing its catch estimate and asking the IFAC to base its allocations on this 'new' and 'accurate' figure. There has been no consultation on these proposed changes with the recreational sector who must apparently 'accept' that we have been taking much less than in the past.

What has not been made clear is the management responses which have taken place during this curious evolution. Management decisions were made in 1997 on the basis of a recreational catch share in excess of 10%; in 2000 on the basis of a catch share of 6% and now on the basis of around 3-3.5%. For example it was made abundantly clear to RLIAC that the gauge change to 77 mm would have a significantly disproportional impact on recreational fishers who were (and continue) primarily accessing the inshore whites. Recreational fishers reported catch reductions in the order of 25% following this decision. RLIAC rejected the recreational concerns because the recreational catch was so large.

While the Department is keen to continually adjust the recreational catch share downwards, they have made no attempt to address the ongoing discriminatory management practices which were based upon faulty data. We cannot accept this, especially as there has been no attempt to address or correct for illegal or unreported commercial catches. We also note that there has been no attempt to address the historical management measures in the light of the new data – again a lose-lose for the recreational fishing sector.

Irrespective of our extreme concern over the revisionist policies and lack of transparency of the Department of Fisheries researchers, are

the potential consequences of this management two-step. The Department has ignored concerns about the accuracy of data several times in the past, yet when a definitive allocation is being determined asks us to trust that they have (finally) gotten their estimates right.

But what if these estimates are also incorrect?

What if the previous mail surveys were more accurate?

Who is responsible and accountable for the outcome of the decision should IFAC make an allocation on the basis of the 10 May 2005 letter when the catch estimate used in the 'factual' paper 192 is approximately double?

If the recreational catch is really higher than the 'new and improved' catches as accepted by the Department of Fisheries, should the community have to buy back a share that was really theirs in the first place?

What efforts will IFAC make to attempt to put the revised figures into a management context given that RLIAC had explicitly understood that the recreational catch was 'too high' and should be reigned in?

What guarantees do we have that the Department of Fisheries will not make further adjustments to the catch estimates of the recreational sector to our detriment, either by revising them upwards and expecting us to enter the market, or revising them downwards and expecting IFAC to make further reductions in the recreational allocation?

These are fundamental and extremely important questions which need to be answered before IFAC makes a unilateral allocation based upon figures that change the catch estimate by an order of magnitude and which were not included in the resource report that was supposed to form the basis of decision making.

The recreational sector has 'lost' almost 50% of its catch share through an administrative adjustment which has not been subject to an independent peer review process or discussed in any form with the recreational fishing sector.

Paper 192 provides information on the access period. However, the natural growth in the recreational fishing sector has not been recognised. Recfishwest asks IFAC to carefully note that the proposals for commercial wetfish fishing in the west coast and Gascoyne regions (papers 189 and 190) accommodate the significant growth in commercial fishing efforts in recommending management measures. Therefore Recfishwest insists that the natural growth in recreational fishing effort since the allocation period has passed be accepted and included in the decision making process.

Even more important was the Department of Fisheries position with the Freycinet snapper stocks. Even though the stocks were seriously depleted, the Department recommended that the commercial fishing industry retain 100% of its traditional catch and the recreational sector take all of the pain caused by over-exploitation. Recfishwest will therefore strenuously oppose any moves to reduce the recreational catch share in A&B zones of the rock lobster fishery when our catch share is in the order of 1-2%.

The report which forms the basis of paper 192 is likely to be the template for future papers (and indeed an abalone paper is nearing completion). There are two glaring omissions from this format.

Firstly there is no biological, social or economic risk assessment. This should form the basis for determination of future management.

Secondly there is no assessment of the relative contributions for management by the various sectors. With the revised catch shares, recreational fishers contribute approximately four times as much per kilogram to access the common property resource. With the previous catch estimates this is more than twice as much. To introduce increased controls over a sector that is already paying a disproportionate return to the community for accessing the common property resource is illogical.

The paper asks to be read in conjunction with the State of the Fisheries Report which is incredibly late and still not available for assessment. This makes the insertion of new assessments of recreational catches even more difficult to put into a biological or management context.

Recfishwest contends that a Managed Fishery Licence (MFL) (see page 17) allows the take of ONLY Western rock lobster. The take of any other species in a rock lobster pot (as defined in the Regulation) is not permitted.

The basis for the prohibition of recreational diving for lobsters at the Abrolhos Islands has never been explained. Its prohibition is yet another example of differential management which has cost the recreational sector a catch share which will now be institutionalised by the IFAC process. A commercial fisher who dives to free a snagged rock lobster pot would be in breach of this requirement using the definition of 'take' under the *Fish Resources Management Act 1994*. A prohibition of this nature should be re-examined in light of the management of the recreational catch share following the allocation process.

The issue of charter boat fishing for rock lobster has never been adequately addressed. Any person on any commercial fishing boat is

required to hold a Commercial Fishing Licence (CFL). Recfishwest believes that this matter is not being pursued by compliance officers (which would result in a reduction in the legal commercial catch).

Page 19 outlines a concern. Indigenous persons are not required to take out a fishing licence. This means that they cannot obtain or use a gear ID number that is issued with a licence. Therefore any unmarked pot floats will be confiscated.

The section on illegal take is poorly worded and described. The statement “offender usually operates with a recreational lobster fishing licence to gain lawful access to the resource...” is misleading as it gives rise to a fallacious assumption that recreational fishers are seeking to fish illegally. In addition it perpetuates the myth that the compliance costs for these activities should be met by the recreational program, further reducing the true ‘cost recovery’ met by the commercial fishery.

Recfishwest notes an inherent discrepancy in the regulations. Commercial operators are allowed to retain without penalty 5% of the catch outside the size limits. The possession limit of 16 for recreational fishers does not allow the retention of even a single animal without exceeding the 5% rule.

Recfishwest insists that the illegal take of rock lobster should be debited against the commercial allocation.

Recfishwest fully supports a strong emphasis on the maximisation of the economic return to the community from the rock lobster resource and asks the IFAC committee to carefully consider the independently derived expert opinion in the Statutory Management Review on this matter.

The section on the commercial management arrangements (pages 21-22) highlights that the fishery is largely managed in the best interests of the participants rather than the community.

The section on recreational management is extremely poor and misleading. The primary objective of providing appropriate social benefits has never been discussed with recreational fishers and is frequently directly opposed by RLIAC and commercial fishing interests. There have been a number of instances (eg size limit of 77 mm, escape gap changes) where it was explicitly acknowledged and encouraged as having a greater impact on recreational fishers. Any objections were unilaterally dismissed.

The section does not even detail the tail notching requirement which was brought in explicitly to reduce the black market sales by recreational fishers. This was implemented voluntarily by recreational fishers to address what was believed to be a problem and

has been spectacularly successful. It has not controlled the illegal catches by commercial fishers.

Recfishwest is unclear as to how commercial boats may be taking tourists to observe their fishing. We understand that it is an offence to be on a commercial fishing boat without a CFL. We would appreciate an explanation on how this activity can be undertaken.

Conservation areas, especially at Jurien Bay have had a grossly disproportionate impact on recreational fishers. Although recreational fishers can fish for rock lobsters in the 'scientific reference zones' they are many kilometres from access points and it is ludicrous to suggest that they are not effective exclusive commercial fishing areas.

The needs of the recreational community were specifically ignored in this area. This is extremely important as spatial management is an essential future component of integrated fisheries management and the recreational sector has yet to see an objective assessment of community needs.

The section on economic environment is blatantly biased and inappropriate. Economic multipliers well above those normally used for the commercial industry are accepted as fact. The economic increases for the south-west are based upon exceptional recruitment which is not described to put the figures into an appropriate context.

The recreational information is based upon a widely criticised paper and its inclusion is extremely provocative and indicates a strong bias against recreational interests.

The paper does not mention that almost all rock lobster product is exported and that the recreational fishing acts as a significant (personal) supplier for the domestic market that is not met by the commercial fishing industry.

Incredibly, the paper does not track community return per kg of the resource which gives an indication of the community dividend from the harvesting of the community resource. Perhaps this is because of the grossly disproportionate dividend paid by the recreational versus the commercial sector.

In addition, between 20-30% (cf the case of 74% for marron) licences are paid for by recreational fishers yet not used. Therefore the 'real' number of recreational licenses is considerably smaller than the raw licence data would indicate. Tracking this figure gives a good indication of both the convenience of having a licence even though you may not use it and/or an indication of goodwill and the belief in sound (and hopefully equitable) management. It is quite incredible that thousands of people would pay money for a licence that they

have little or no likelihood of using. This important socio-economic information is not included.

The projected population increases (p 30 and 36) are alarmist and mischievous. The management of the recreational catch shares is important and will come later. Rather than giving the misleading impression of future hordes of recreational fishers (which has not been adjusted in the most recent Department of Fisheries information), it indicates that the future needs must be accommodated through a reasonable allocation process.

To do otherwise would mean a continued community funded dividend directly to commercial fishers by the community for exclusive access to an increasingly disproportionate share of the resource. This concept is not defensible from a social justice perspective at the very least.

The paper unfortunately skirts around the fundamental problem – that the resource sharing issue with Western rock lobsters is essentially an inshore, C Zone, whites problem.

The IFAC must be aware of, and address this problem in developing a workable solution.

Recfishwest strongly objects to the unfounded and subjective assertions that fuel and other costs will impact less upon recreational fisheries in the metropolitan area. Unless there are clear mechanisms to allow for natural growth, competition between recreational fishers will escalate and people must travel further to catch any lobsters. This situation is already chronic near major metropolitan access points.

The situation is exacerbated when commercial fishers ‘bomb out’ readily accessible areas merely to keep recreational fishers from getting any catch. Recreational fishers do not receive fuel rebates or other tax advantages on gear.

Recfishwest would have liked to have seen the proportion of rock lobsters which were sold domestically by years, as it is our contention that recreational fishing offers the most likely source of this product for many in the community.

RLIAC has never undertaken meaningful consultation with recreational fishers.

Recfishwest has difficulty commenting on the opinions derived from the mail survey which has now been discredited by the Department of Fisheries. Incredible statements such as “Further increases in recreational fishing effort, and hence catch, will ultimately increase harvest rates and impact on residential breeding stock levels.” is

laughable as it has now been demonstrated that the recreational catch is ‘supposedly’ half that which was used in making this statement. Recfishwest can only therefore conclude that there is little or no risk if recreational fishing doubles to its supposed catch level when this statement was made.

Recfishwest believes that the committee needs to look carefully at the importance of the very small recreational fishing zone at Rottneest. Although small, this is an extremely important area to recreational fishers. It clearly demonstrates the overall economic and social benefit from resource partitioning as a resource allocation solution. The importance of Rottneest to the recreational fishery cannot be underestimated.

Solutions

Recfishwest has been quite critical about historical and ongoing biases within the management framework for Western rock lobster management.

However, Recfishwest would like to propose a workable and equitable solution to the difficult task confronting the IFAC.

Recfishwest believes that the commercial fishing industry’s greatest justifiable concern is that if the recreational sector is allocated above its historical allocation that it will encourage a rapid increase in catch to that new level to the detriment of the commercial fishery.

Recfishwest can allay that fear (see 2 below). However, it is totally unacceptable to allocate the historical catch during the criteria period to the recreational sector. The community (or commercial fishers themselves) would then have to pay the commercial operators a huge direct financial dividend merely to get us to the 2005 catch levels. This dividend would continue presumably forever and would act as a community resource rent to the commercial sector which would be almost comical if it were not so irresponsible.

IFAC must accept and accommodate natural growth. Therefore Recfishwest proposes:

1. That the recreational sector be allocated twice its current ‘real’ catch share or its projected catches after 20 years whichever is the greatest; and
2. That natural growth only is accommodated in this allocation and any technological or efficiency increases must be met with management adjustments; and
3. Any catches not taken by the recreational sector until such time as they reach their allocation can be available to the commercial sector without penalty; and

4. Once the recreational sector reaches its allocation it must enter the market place or make management adjustments to cap its take at the allocated level.
5. Specifically; differential allocations are made for C Zone and B Zone with explicit directions to accommodate the inshore take of less valuable whites in the early part of the season in C Zone by spatial management. Recognition must be given to the importance of recreational fishing near major access points, especially in C Zone.
6. The recreational and commercial sectors must derive specific management responses to predetermined catch/effort levels. In the case of the recreational sector this should be based upon the historical catch levels plus natural growth to the time under consideration.
The mechanism and basis for an adjustments must be subject to a transparent process. Any indication of a rapid ‘ramp-up’ of catch and/or effort would need to be addressed quickly through agreed management responses developed through the IFM process.
We strongly argue that there must be recreational representation on the review committee, along with research, management and commercial fishing interests to ensure that equitable and transparent outcomes result.
7. The matter of commercial fishers impacting directly on recreational catch and amenity values must be prescribed and management responses agreed to by the sectors.
8. Allocation arrangements should be subject to review after five years.

Recfishwest supports a regular, programmed and objective assessment of fishing efficiency to ensure that the catch targets are not exceeded.

Conclusion

Recfishwest commends the committee for the time and effort which it has put into this difficult task. Recfishwest has strongly supported the need for IFM and recognises that there will be many divergent views on many of the proposals.

Recfishwest has presented its views on a sectoral basis, representing what it sees as the interests of the significant recreational fishing sector.

There are very few of our positions on the recommendations that are not subject to further negotiation. We would however, be very disappointed if our views were dismissed without further reference.

Recfishwest is looking forward to meeting with the committee on the matters raised in our submission.

Thank you for your consideration of our submission. Further information can be obtained from our office on 9387 7864.

Yours sincerely

Frank B Prokop
Executive Director
Recfishwest
16 May 2005

Cc Jon Ford Minister for Fisheries
Peter Rogers, Executive Director, Department of Fisheries
Doug Bathgate, Chairman RFAC