

Integrated Fisheries Allocation Committee
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**Recfishwest Submission to Integrated Fisheries Allocation
Committee (IFAAC) and to Fisheries Management Paper No 214
“Integrated Fisheries Management Draft Allocation Report
Roe’s Abalone – Perth metropolitan region”**

Thank you for the opportunity to provide comment on the integrated fisheries report for metropolitan abalone. Please accept my apology for putting in a late submission.

We are however, somewhat disappointed that so few of the comments from our comprehensive submission to Fisheries Management Paper Number 204 have been discussed within Fisheries Management Paper 214.

Recfishwest notes that none of the three proposed options for resource sharing put forward by IFAAC in Section 6.2 recognises the economic benefits in a shift toward the recreational sector in the metropolitan region or makes an allocation based upon the total mortality.

The ‘best case’ scenario for the recreational sector presented by IFAAC as a realistic solution fails to address its terms of reference and puts an enormous financial penalty on the recreational sector through a market mechanism in the short term to accommodate population growth.

We note that while the recreational fishery has traditionally been a reef top fishery, there has been a shift towards a snorkel fishery in recent years which brings with it the opportunity for further growth if not inhibited by a capping initial allocation. We note that McLeod and Nicholls argue strongly for a long term increase in recreational values over commercial values for this fishery which we feel needs to be recognised to a far greater extent.

Principles for Resource Allocation

This is the second resource allocation assessment under the Integrated Fisheries Management regime.

Recfishwest has made numerous submissions on these principles over the last five years. Full copies of these submissions have been repeatedly distributed to the IFAAC.

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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. We are somewhat confused that IFM government policy 18 (Appendix A) has been overturned. The social and economic impediments imposed by policy 19 which does not allow for population growth should be at the very least be critically reviewed.

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.

A particularly important example is to be found with pacific salmon of Canada, where a combination of spatial and temporal management strategies have been implemented to counter the extreme efficiency of the commercial sector. These management strategies have also addressed the commercial priority in management forums by recognising the common property nature of the resource as the key driver.

Recfishwest looks to the IFAAC to show similar strong leadership on this issue.

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. In the case of abalone, a substantial direct cost for accessing this resource is applied.

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 historical catch levels automatically forces intra-sectoral resource sharing issues to emerge. An increasing number of recreational fishers must compete amongst themselves for a decreasing portion of the catch each 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 and the congestion which abalone rules dictates.

To make this section of the community pay again to claim their share of the resource is not acceptable and would require a very strange interpretation of the 'market' to be proposed. McLeod and Nicholls have argued that the recreational values (irrespective of catch) will significantly increase with time. A restrictive allocation process will disenfranchise the community owners of the community resource.

The extent to which the IFAAC considers the spatial and temporal implication of its determinations needs careful consideration. While the allocation determination must be aware of issues such as the importance of the central metropolitan zone to recreational fishers, the extent to which this is the role for applied management after the allocation has been made has yet to be fully defined.

The recent trend in management has been driven by a presumption that the 'average' recreational abalone fisher is driven to break the rules wherever possible and therefore must be herded together to 'control' them is totally inconsistent with the objectives of all other recreational fisheries.

Furthermore, it is absolutely clear that a dramatic rethink is needed on recreational Roe's abalone management in the metropolitan region. The reduction in hours further reinforces the need to move away from the current constricting controls which encourage a commodity approach towards the resource, towards one that allows the enjoyment of the experience as well as the catch as has been possible for ALL other recreational fisheries in Western Australia.

Recfishwest believes that the safety and incidental mortality factors associated with the reduction in fishing hours are logical and predictable and potential consequences need careful consideration. For example, the Department of Fisheries actively advocated for removal of the boat replacement policy as it could be construed as requiring fishermen to fish in small craft during potentially unsafe conditions. We believe that the same principle should apply with respect to the recreational abalone season.

The principle that "Recreational fishers aim to catch a feed for oneself and ones family and for a variety of reasons enjoy the experience along the way." has applied since 1991.

There are elements of ethnic participation in this fishery which are not adequately addressed by recommendation 16. The belief by many that some ethnic minorities predominate this activity and are responsible for many offences has never been fully tested.

Many first generation Australians believe that raising any concerns about management will lead the government to close the fishery entirely. This is based upon the totalitarian regimes of some south-east Asian countries and is one reason why participation in management discussions for this fishery has been limited and difficult.

For many people Roe's abalone is a delicacy which is not available through the markets and the limited metropolitan season represents the only opportunity to obtain these animals.

We reiterate the times, seasons and access (such as at Cottesloe Reef) for recreational fishing have been continually reduced. The prohibition for reef top fishing for commercial fishing still only applies from Trigg to Hillarys, yet the core population of Perth has expanded well past Burns Beach (although we support recommendation 4 for addressing this).

Recfishwest believes that there are biological, social and economic benefits in prohibiting commercial fishery reef top harvesting for all Roe's abalone.

To assess the biological, social and economic benefits of the metropolitan recreational fishery, Recfishwest strongly recommends that a Recreational only zone be established from Cottesloe Reef to Mindarie Marina. We believe that the commercial fishing industry will still be able to access its catch quotas.

It will also allow an assessment of the response of recreational fishers over time (vis-à-vis reef top and snorkel access) and to determine if a reduction in offshore harvest impacts on reef top recruitment. Both of these issues are extremely important from a perspective of managing natural recreational fishing growth. This management measure could be re-assessed after 5 years.

At the minimum, the area from Trigg to Hillarys marina should be made recreational only. A recreational only area in the south, such as around Carnac Island should also be considered. This would allow a comparison between recreational and commercial/recreational areas. We note that much of the northern part of the Roe's fishery around Kalbarri is in effect a commercial fishing exclusion zone by virtue of limited access.

Recommendations in Paper 214

Recommendation 1: Allocations for abalone should only be considered for Roe's abalone within the Perth metropolitan

region, that is the region between Moore River mouth and Cape Bouvard (Area 7 of the commercial fishery).

Recfishwest supports this recommendation. However, the Department of Fisheries should be examining the wider issue now so that there are not recreational fishing catch adjustments made in an ad hoc and injudicious manner should the need for further IFAAC involvement in abalone resource sharing outside the metropolitan area become apparent.

Of particular interest is the Roe's fishery in the wider context. A management shift away from the present rush towards one which allows some enjoyment of the activity, may well see a shift in the dynamics of the recreational fishery. This may result in a need for wider management reforms, particularly if effort decentralises as a result of management changes or population growth.

Recommendation 2: Allocations should not be made on a finer spatial scale (subregions) within the Perth metropolitan region.

Recfishwest has some difficulty with this recommendation. We are still firmly of the belief that the area from Cottesloe to Mindarie should be largely or exclusively allocated to the recreational sector on social and economic grounds. There is even some economic research which supports a shift to the recreational sector.

The spatial management should not be taken in total isolation from the allocation decision. There is no doubt that the population pressures and popularity of the metropolitan zone is extremely high and can only increase.

The needs of the recreational sector (which have been identified throughout this process) appear to be undervalued.

Recfishwest acknowledges the management and compliance difficulties associated with finer scale micro management. We wish to stress that the needs of the recreational sector in the Cottesloe to Mindarie area cannot be ignored and the capacity of the commercial sector to engage in intense area specific fishing by over-exploiting this area to the detriment of recreational fishers is real and cannot be ignored.

Recommendation 3: A recreational zone is created between Moore River and Cape Bouvard so that the commercial and recreational sectors have common boundaries over the Perth metropolitan region.

This recommendation seeks to align the commercial and recreational zones for ease of administration of allocations. The wider

implications need consideration but there is considerable merit in being able to make direct comparisons and initiate management reforms which would be easier to assess.

Recommendation 4: The ban on commercial fishers fishing on the reef top between Cape Bouvard and Hillarys Boat Harbour should be extended further north. This recommendation is made in the light of the integrated package proposed in this report. The IFAAC would welcome comments on this issue.

This is the only recommendation which addresses the commercial fishery in any way. The Department of Fisheries should have implemented this management measure many years before and it is unfortunate that an independent body such as IFAAC should have to pull the trigger on this suggestion.

However Recfishwest is confused as to why this suggestion does not apply to the entire zone as proposed in recommendation 3. We believe that this recommendation should apply to all commercial Roe's abalone fishing.

Recommendation 5: The Department of Fisheries in consultation with the recreational sector should introduce, as a matter of priority, management arrangements that are aimed at reducing discards of abalone on the reef platform in the Perth metropolitan region.

The introduction of a 33% reduction in the recreational fishing season for 2006 is almost certainly going to increase incidental mortality of abalone as the recreational fishers scramble to take their catches over an extremely short period of time.

The assertions about the incidence of released abalone mortality by the recreational sector were as high as 50% until the actual terms of reference of the IFAAC were revealed to assess the total mortality and make the allocations on that basis.

We note that the inclusion of total mortality, although difficult to quantify, has not occurred in the IFAAC recommendations. Recfishwest believes that an accommodation for the incidental mortality component would allow some flexibility with respect to managing natural growth and enable the dynamics of the recreational fishery (particularly with respect to reef top versus snorkel collection) to be ascertained. This would also delay the entry of the recreational fishery into the open market which has not yet been established or determined and which, in Recfishwest's mind, is likely to disadvantage this sector.

Here we have a recommendation which is designed to reduce the incidental mortality (in spite of a management change which is likely to result in an increase). Any moves in any fishery which seek to reduce incidental mortality are to be supported. Recfishwest has expended considerable energy in educating the recreational sector on reducing the incidental mortality of all fishing practices. Irrespective of the management changes, abalone present many unique features which makes the education extremely difficult, but not impossible.

We are however, frustrated at the continual focus on negative aspects of recreational fishing practices and the attribution of these characteristics across members of the wider recreational fishing community, many of whom are extremely responsible, but largely ignored.

A recent study which was reported in the Molluscan Fisheries and Aquaculture World Congress of Malacology 2004 by Hancock, Basham and Friedman reports recreational mortality of legal sized stock of 0.4% to 5.6% “*suggesting only a minimal impact on stock sustainability but still an unnecessary mortality...*”

The paper does not define its assumptions or the relationship between adult animals to the size limit. The study or its results have surprisingly never been communicated to the recreational fishing sector.

Nevertheless, a figure in the order of 5% should be added to the recreational allocation for all models proposed by IFAAC and the objectivity and applicability of this research assessed as it has serious implications for the allocation decisions facing the IFAAC.

We reiterate our statement from the previous submission, “However, the incidental mortality by recreational fishers forms part of the ‘take’ in the *Fish Resources Management Act* and should be used in calculating the recreational allocation. Ignoring this data further discriminates against recreational fishers.”

We also note that the issue of incidental mortality of the commercial sector is ignored.

Recommendation 6: The introduction of proportional allocations for Roe’s abalone in the Perth metropolitan region should be deferred until:

- *there is sufficient understanding of the comparability of recreational and commercial catches, and;*
- *fishery managers have gained experience with managing the recreational sector to a total allowable recreational catch under the proposed more flexible management arrangements outlined in Recommendation 13.*

While Recfishwest understands and generally supports this recommendation, the fundamental issues associated with incidental mortality, spatial management and the social and economic needs of the recreational sector cannot be ignored.

The process is further complicated by the traditional ‘commercial only’ management strategies adopted by the Department of Fisheries for many years (acknowledged in recommendation 16).

Recommendation 7: Until proportional allocations are introduced, sectors should be managed to ensure that the catch taken by one sector is not reducing the opportunity for the other sector to take the average catch it took over the period 1999- 2003.

Recfishwest supports this recommendation and is concerned about recent management changes. The recreational catches in 2005 were extremely low due to adverse weather conditions. In 2006, the recreational sector was penalised 33% of its available harvest time.

The impact on the social and amenity values of the fishery have not been assessed but Recfishwest is concerned that the management decisions taken for the 2006 season may influence future management and make it difficult to improve the recreational amenity of abalone fishing which IFAAC has made in recommendation 13. It may also result in a dividend to the commercial sector as was recommended in some quarters for the 2006 season.

We refer to the government’s IFM Government Policy paragraph 18. *“...In the interim [pre IFM allocations] each sector will continue to be managed responsibly within current catch ranges and should a sector alter disproportionately to the other sectors the Minister will take appropriate action to address this.”*

We note that on purely economic grounds a resource shift towards the recreational sector was recommended by McLeod and Nicholls.

Further the Roe’s fishery is an export fishery and the licensed and highly regulated recreational fishery represents the only real opportunity for domestic consumption of this species. As more people move to Western Australia, the recreational sector will be increasingly penalised both in a catch share perspective (expressed by access ability per licence holder) and certainly from an amenity perspective as more people cram onto unsafe rock platforms at dangerous tides, swells and sea conditions.

Recommendation 8: A total allowable recreational catch should be introduced for the recreational sector for Roe's abalone in the Perth metropolitan region. The total allowable recreational catch in the Perth metropolitan region should be based on data over the period 1999-2003.

Recfishwest cannot support this recommendation which so clearly discriminates against the sector and will lead immediately to a market based solution merely to accommodate any natural population growth from 2003 to the present including the mining boom population increase. The need to fully understand the dynamics of this fishery and the response of participants to management changes is imperative before capping the sector.

If the recreational sector shifts its efforts towards snorkelling or further away from the core metropolitan area, then the market is likely to immediately apply and our concerns about discrimination for a common property resource are valid.

If however, the recreational sector continues to fish only the reef tops in the metropolitan area, then we already know that this is recruitment limited and there is no need to cap the recreational catch as they have (without demonstrated impact on sustainability) taken the vast majority of legal sized animals for many decades. The primary issue would then be an intrasectoral resource sharing issue and one of amenity and safety.

There is no market developed or even a clear understanding about the common property nature of the aquatic resources. In addition, there is no market mechanism for the recreational sector to receive compensation from the commercial sector should that be necessary. This means that the recreational sector must pay to get a share of the common property resource that should be their's in the first place with no prospect for benefit from a 'true' market.

Recommendation 9: The customary fishing initial priority allocation for Roe's abalone in the Perth metropolitan region should be 200 kg.

Recfishwest has supported the implementation of the Aboriginal fishing strategy which addresses some of the issues associated with this fishery.

However we note, with extreme concern that there are no mechanisms to address the customary fishing take. Therefore, any increases will see further impact solely on the recreational sector in whose catches the customary take is included. It would appear that the recreational sector would be expected to fund an adjustment to accommodate an increased customary take.

An appropriate adjustment mechanism specifically to accommodate any customary catch increases needs to be developed.

Recommendation 10: When at a future time it becomes appropriate to manage the recreational and commercial sectors on a fully integrated basis, then the starting point for proportional allocations in the Perth metropolitan region should be an allocation of 53 percent for the recreational sector and 47 percent for the commercial sector.

As stated previously, this recommendation ignores the economic advice, the terms of reference for the committee with respect to total mortality and the principle of a community property resource that was clearly described by Justice Toohey.

The recommendation is a fundamental one and represents a genuine attempt to address the crux of the allocation dilemma facing IFAAC. However, the actual recommendation ignores the above and the practical and predictable growth of the population in the metropolitan region. The abalone resource itself is not growing and the loss of access to places like Cottesloe have impacted on the recreational sector.

Any ‘new residents’ is being actively discriminated against for a common property resource. It is for this reason that the Recfishwest recommendation for a mechanism to accommodate a greater share by the community to the common property resource is essential. While we can understand the commercial fishing industry concerns about the impact of this, but the common property nature of the resource is a fundamental given and should be the driver for IFAAC.

We believe that the failure to address the natural growth of the population and the adverse affect which an artificial cap will have on one sector only means that intrasectoral conflict and further amenity erosion is inevitable.

Recommendation 11: Access to Roe’s abalone in the Perth metropolitan region for aquaculture purposes should only be by Ministerial exemption. Should there be a regular and ongoing need to access the resource, then the aquaculture sector should make appropriate arrangements with the commercial sector for access to broodstock.

Recfishwest agrees that this is a pragmatic proposal for dealing with aquaculture. However, the issue of ‘ranching’ especially in high density areas should also be addressed. Ranching in the metropolitan zone is unacceptable as there can be no exclusive ownership of the

‘wild’ resource allocated to the aquaculture venture. If recreational take is allowed within the ranch this would predictable lead to a poaching threat which can be avoided by not allowing the problem to develop in the first place.

Recommendation 12: When at a future time it becomes appropriate to manage the recreational and commercial sectors on a fully integrated basis, including a sufficient understanding of the comparability of catches of the two sectors, a reallocation mechanism should be introduced.

Recfishwest understands the sentiment behind this recommendation and has some sympathy with it. We have supported compensation in a number of instances in the past.

However, we cannot support this recommendation until there is a clear understanding of the nature and extent of recreational property rights and how a market might operate should the recreational sector be the beneficiary of adjustments.

Until this is resolved the market can only operate to the detriment of the community (the true shareholders in a common property resource). In addition, for abalone, any market involving temporary or permanent entitlement transfer will be extremely thin at best and significant distortions are likely, especially if it is determined that the recreational sector are required to be obligatory participants.

Recommendation 13: The Department of Fisheries work with the recreational sector to develop a management regime which will reduce incidental mortality and catch variability between years, and improve the social and economic benefits from recreational fishing.

To date the Department of Fisheries has made little attempt to consult with the recreational sector on abalone management proposals.

It is clear that a fundamental re-think is required on the management of the recreational abalone fishery in the metropolitan region, irrespective of the recommendations or implementation of the IFM process.

To date the fishery has been driven solely by compliance needs. This certainly is inconsistent with all other recreational fisheries including the rock lobster fishery.

We would happily work towards this goal through a transparent process. This process will not be easy or cheap.

Recommendation 14: Given the low level of interest shown by stakeholders in negotiating solutions to resource-sharing conflicts outside the Perth metropolitan region, the Department of Fisheries should facilitate negotiations between sectors aimed at resolving these conflicts.

Recfishwest supports this recommendation.

Recommendation 15: Major abalone resource sharing conflicts, outside the Perth metropolitan region, that remain unresolved two years after the date of decision on the recommendations in this report should be referred to the IFAAC for resolution.

Recfishwest supports this recommendation. The mechanisms for change which recognise the IFAAC process are important to the buy-in of any negotiations.

Recommendation 16: The Department of Fisheries progressively develop, in consultation with stakeholders, the necessary regulatory and consultative structures that account for:

- the need to include people of Vietnamese and Chinese background who do not have regular contact with the Department of Fisheries;*
- the reconstitution of the abalone management advisory committee to deal equitably with recreational and commercial issues, and enable negotiations within and between the sectors; and*
- the need to give effect to the Government's IFM policies contained in Guiding principles vii and x (see section 3.1.2).*

Recfishwest is looking to the Department to adopt a clearly defined process for progressing the resolution of these issues under an IFM structure.

The need to include specific ethnic communities is particularly important for, but not limited to, abalone.

Recfishwest has contacted some members of these groups who largely have a fatalistic approach to management development, largely based upon their experiences with governments in other countries.

Recfishwest fully supports the last two dot points. The ability to implement guiding principles vii and x are absolutely fundamental to the success of IFAAC and the IFM process.

Conclusion

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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. While we have been critical of a number of the proposals, we fully acknowledge the effort which has been put into this question by the committee over a long period of time.

We do however believe that the principles which sit around natural growth and community expectations are extremely important for abalone, but will be truly fundamental when we finally get to wetfish which is the area of most interest to the recreational sector.

Thank you for your consideration of our submission. Further information can be obtained from our office on 9246 3366.

Yours sincerely

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