



The Chief Executive Officer  
Attention: Andrew Cribb  
Department of Fisheries  
39 Northside Drive  
HILLARYS BOAT HARBOUR WA 6025

Dear Andrew

### **Recfishwest submission: A sea change for aquatic sustainability**

Overall, Recfishwest commends the Department of Fisheries for the tone and direction presented in this document. Better recognition of recreational fishing as an important activity and the establishment of recreational fishing property rights is an extremely important positive step.

The Table on pages 15 and 16 is strongly supported although the inter-sectoral management issues may need further refinement.

The comments that follow, some of which are critical, need to be considered in the context of overall strong support for the direction indicated in this document.

Recfishwest is uncertain as to the basis of leading and potentially emotive statements such as (p.5 *demersal scalefish, are showing signs of increasingly frequent changes in reproductive success (recruitment levels) and possibly reduced long-term productivity.*)

Also (p 6-7 .... *recreational sector(s), the current suite of fishing controls are rarely capable of containing the total exploitation once participation exceeds a certain level.*)

Recfishwest is unaware of any studies that would have a sufficient time series to lend credibility to the first statement. It is only through the urging of Recfishwest (see Dhufish workshop 2005) that the Department has begun to consider recruitment variability as an important factor in demersal scalefish fisheries management.

The second statement is frequently used in this or other similar form and has proven extremely damaging to responsible recreational fisheries management. It is predicated on the unfounded assumption that increased participation automatically translates into increased catches and mortality.

The reality is extremely different. We are concerned that participation rates are dropping, especially in metropolitan areas and with young people. Ongoing forecasts of catastrophic stock collapses do not help to attract recreational fishers to take up a healthy and rewarding activity.

In addition, there has been a massive intergenerational change in angler attitudes. Many more fish are being released (in good condition) and many anglers self regulate to a higher degree than the fishing laws stipulate. The 2000 national survey by Lyle and Henry had more than 50% of almost all species being

released and this has increased since that time. Indeed the recreational sector has been pro-active in conservatively managing fish stocks. This is not adequately acknowledged and recreational fishers as a group do not deserve to be presumed that their allegedly 'uncontrolled' nature makes them an unacceptable risk.

Indeed this leads to the most significant criticism of the paper. It is still quite paternalistic in its resource management strategies. While the penalties and consequences of over-exploitation at the biological level are clearly defined, the benefits of a conservative management strategy for industry is almost totally ignored.

There are many examples where the recreational sector has advocated for more conservative management than was biologically indicated at the times, including, but not limited to - west coast dhufish, Cockburn Sound pink snapper, western gulf of Shark Bay pink snapper, barramundi, sawfish and cobbler in the Swan-Canning.

This weakness is most apparent in Figure 9 (p. 21) where sector involvement is only included after key decision 4. In many cases, the recreational sector sees it's engagement and responsibility increasing at decision point 2, with a significant increase in responsibility as a reward as sustainability risk is decreased.

This model seems counter to the original recommendation 5 of the Toohey report:

1. *The following nine principles be recognised as the basis for integrated management decisions and, where appropriate, incorporated into fisheries legislation. More specific principles to provide further guidance around allocation decisions may also be established for individual fisheries.*
  - (i) *Fish resources are a common property resource managed by the Government for the benefit of present and future generations.*
  - (ii) *Sustainability is paramount and ecological requirements must be accounted for prior to any allocation to user groups.*
  - (iii) *Decisions must be made on best available information and where this information is uncertain, unreliable, inadequate or not available, a precautionary approach adopted to minimise risk to fish stocks. The absence of, or any uncertainty in, information should not be used as a reason for delaying or failing to make a decision.*
  - (iv) *A sustainable target catch level must be set for all fisheries and explicit allocations designated to each user group.*
  - (v) *Allocations to user groups should account for the total mortality on fish resources resulting from the activities of each group, including bycatch and mortality of released fish.*
  - (vi) *The total catch across all user groups should not exceed the sustainable target catch level. If this occurs immediate steps should be taken to reduce the take within prescribed levels. Management arrangements for each user group should aim to contain their catch within the level set for that group.*
  - (vii) *Allocation decisions should aim to maximise the overall benefit to the Western Australian community from the use of fish stocks and take account of economic, social, cultural and environmental factors.*
  - (viii) *Allocations to user groups should generally be made on a proportional basis to account for natural variations in fish populations. This general principle should not however preclude alternative arrangements in a fishery where priority access for a particular user group(s) may be determined.*

- (ix) *Allocations are notional – they are not “owned” by a group – however management arrangements must provide users with the opportunity to access their allocation.*

Of particular importance is objective (vii) which clearly indicates the importance of factors other than biological ones in managing the aquatic resources.

Recfishwest wrote in its submission to the Toohey Review in 2003:

*It is also imperative that the information on recreational catch (rather than effort) is planned, funded and undertaken in the context of the needs identified through the recommendations to this committee. Obtaining information on recreational fishing patterns, catches and economic activity is expensive and time consuming but an integral part of an integrated management approach to fisheries management.*

Very little has progressed on social and economic research since that time. This has caused Recfishwest significant ongoing concern, especially as the concept of ‘maximum experiential yield’ is being increasingly promoted by recreational fishers themselves, particularly for ‘sports fisheries’ or fisheries where very large specimens are extremely highly prized by recreational fishers.

Recfishwest supports the development of recreational harvest plans (Figure 8 p. 19). However, again the framework focuses solely on biological parameters and reduces flexibility to optimise community returns and community driven, conservative management strategies. The assumption that recreational (and/or commercial) fisheries will always try to over-exploit the resource is no longer soundly based. Indeed, many recent examples show that poor biological modelling has been a great risk to sustainability.

The recreational harvest plans includes the ability to harvest ‘*sectoral entitlement as a proportion of sustainable harvest.*’ This is consistent with the Toohey recommendations, but not consistent with a number of recent management decisions where the recreational sector is under-utilising its share of the resource, yet is being additionally restricted. The parameters for being able to manage our catch share MUST be clearly defined in the new Act, otherwise there is no reason to work within these rules when political processes are more likely to succeed.

Similarly, the governance structure described in Figure 10 (p.23) is paternalistic and suitable for fisheries where sustainability is threatened, but not ones where other there are drivers such as economic or social benefits for the recreational sector, or profitability for the commercial sector (efficiency below sustainability risk).

The paper proposes to abolish ‘interim’ managed fisheries. The concept of interim managed fisheries did not work well, mainly due to a lack of Departmental resourcing what have been minor commercial fisheries. Two things concern Recfishwest about this proposal, both of which should be able to be addressed.

Firstly, we were promised the abolition of ‘exemptions’ as a form of management control as part of the 1995 Act. There would ONLY be ‘interim’ or ‘managed’ fisheries. What occurred was the addition of many more exemptions as little progress was made to rationalise the frequently historically indefensible ‘exemptions’. Recfishwest needs a clear assurance that these exemptions will be reviewed in the context of an integrated approach to overall resource management.

Secondly, we are concerned that many of the ‘interim’ managed fisheries will be ‘rolled over’ to ‘managed’ fisheries with the proclamation of this Act. Fisheries such as the Shark Bay crab fishery were developed solely to benefit commercial operators with no consultation or consideration of the recreational sector or overall stock management. It would be totally unacceptable to formalise this fishery without an objective and transparent assessment which is required under the current arrangements.

Recfishwest is uncertain as to how smaller fisheries might be 'bundled' to reduce complexity. As these are inevitably minor commercial fisheries, historically over-serviced relative to their financial contributions, this initiative is likely to increase conflict. We have recently seen a case where the Department decided to include ocean access for an estuarine fisher outside of formal processes and counter to the principles of Integrated Fisheries Management because the commercial fisherman 'needed' 'traditional' access.

Recfishwest strongly supports increased co-management and 'delegation' with this increasing as biological risk decreases. We believe that greater co-management should occur, and be formalised earlier in the process, including the exploration of creative management solutions that achieve the same biological end.

We support *'Appropriate mitigations or penalties would be provided in the terms of the contract.'*

However, we believe that there should be greater direct accountability of government for the stewardship/management of the resource. It is entirely reasonable for the government to expect the recreational sector to manage responsibly and to suffer consequences for not meeting targets, but currently no penalties exist for similar government failings.

For example a recent 'revision' of recreational catch information for blue swimmer crabs in the Peel-Harvey estuary saw a reduction in the estimated recreational catch from 357t – 193t. The original data was used to implement a 50% bag limit reduction for the recreational sector, a portion of which was nominally taken by the commercial sector. While there is a stock benefit from the reduced catch, the re-allocation has been to all users, not to the sector that made the sacrifice. Conversely with western rock lobsters, recreational fishers are being additionally penalised even though we are under our allocation under IFM. Any lobsters not taken by the recreational sector are then 're-allocated' to the users at the ration of 95:5.

It is this aspect that most concerns Recfishwest with the statement on the bottom of page 25, taken in the context of our support for more formalised recreational property rights *'It is proposed that such a collective entitlement would, in the first instance, be held by government on behalf of the community, but will allow flexibility in future for the use of these entitlements for a variety of purposes, in due course.'*

This system presumes that the 'government' always acts in the best interests of those on whose behalf they hold the collective entitlement. The examples above are only some of many where this is either debatable or simply not true. In recent times, the Department has used deeming clauses for the Recreational Fishing Trust Account to be able to 'cover' unders and overs agreed to with the commercial industry under the Cole/House agreement.

The Department of Fisheries, against strong advice 'gave' commercial fishers herring trap entitlements, even though the fishery had been the beneficiary of community funded structural adjustment.

Under future re-allocation measures, the recreational sector may well enter the market to purchase entitlements. We do not believe that it is appropriate for the stewards of the resource to be the formal 'owner' of what in this case must be 'property'. As an essential first requirement, there must be legislative controls to prevent the 'Crown' from giving back entitlements which have been purchased with public funds (as in the herring example above).

Recfishwest believes that the 'government' should clearly identify itself as the overall steward of the resource and the sectors should be formally empowered to administer their clearly identified 'shares'. That ensures that the needs of the resource should be paramount and reduces the liability for mistakes such as those outlined above.

Recfishwest has worked closely with the Department to progress a better understanding of recreational property rights which should be able to address a number of these concerns to the satisfaction of the recreational fishing community and the government. However, the Act must be sufficiently flexible to allow for the adoption of whatever framework best meets the long term needs.

Recfishwest overall believes that the current Act is extremely poor on environmental matters. Where the Act is strong, such as Section 254 on fishways, the Department of Fisheries has never applied their legislative power.

The net result is that many environments have been degraded (or locked up), productivity has been greatly reduced and both commercial and recreational fishing activities have been adversely affected. The new Act provides an opportunity for strong leadership, especially in estuarine degradation and this opportunity should be taken.

Recfishwest has sent some suitable references on environmental management, access, and a proposed levy for aquarium fish to assist in the eradication of unwanted pest species.

Recfishwest strongly supports significant penalties for 'fish thieves' including clear provisions for the loss of recreational fishing licenses for repeat offenders.

Recfishwest also believes that the 'affected persons' provisions need to be modified to allow for more transparent accountability of decisions such as aquaculture leases. However, Recfishwest strongly supports a 'precinct' basis, rather than a 'proponent' basis for future aquaculture planning.

Recfishwest thanks you for your consideration of our submission. Once again, we are strongly supportive of the direction and thrust which is proposed and would like to provide additional comments on the new Act as it evolves.

Please do not hesitate to contact our Executive Director, Frank Prokop on 9246 3366 should you have any further quires regrading this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Matthews', with a large, stylized initial 'A'.

Andrew Matthews  
Chairman

26 July 2010