Tasmanian Rock Lobster Fishery

Report to the Minister on the proposed alterations to the Rock Lobster Fishery Management Plan

July 2019
Report to the Minister

This report on the public consultation process and representations made under sections 54 of the *Living Marine Resources Management Act 1995* (the Act) contributing to alterations to the Rock Lobster Fishery Management Plan (the *Fisheries (Rock Lobster) Rules 2011*) has been prepared by the Department of Primary Industries, Parks, Water and Environment in accordance with section 55 (1) of the Act.

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**Director (Marine Resources)**

(Delegated authority under section 20 (2) of the Act)

7 August 2019
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Introduction

Tasmania’s marine fisheries are managed under the Living Marine Resources Management Act 1995 (the Act). The Act allows for management plans to be made for fisheries and requires that they are reviewed periodically. This review is for the current management plan for the Tasmanian rock lobster fishery, namely the Fisheries (Rock Lobster) Rules 2011.

The Act specifies a number of steps to be followed when altering a management plan. After the Minister approves an alteration to a management plan recommended by the Secretary, the Secretary by public notice must notify that the management plan is to be altered and that written representations may be submitted in relation to any proposed alteration. The period during which representations may be made is for at least a month period from the date on which the notice is first published.

The Secretary must forward to the Minister a report containing a summary of the consultation process and each representation received. Finally, the Secretary must make a recommendation as to whether the management plan should be altered.

These amendments relate to the management of both the commercial and non-commercial parts of the Tasmanian Rock Lobster Fishery. The main amendments include:

- increasing the female size limit for the north western part of the fishery to improve sustainability;
- increasing commercial pot numbers from 50 to 60 in part of the fishery to improve economic efficiency.

The amendments apply to the commercial and non-commercial fishery, unless otherwise stated. The word ‘recreational’ fishing or fishery is used for the purposes of this paper and encapsulates the non-commercial fishery, which include recreational fishers and an Aborigine engaging in an Aboriginal activity.

The Department submitted the proposed changes to the rock lobster management plan for assessment by the Department of Treasury and Finance’s Economic Reform Unit (ERU). The proposed rule changes to the Rock Lobster Fishery Management Plan were assessed by the ERU and it was determined that the changes were not a significant cost or burden on any sector of the public.

The draft amendments to the Rock Lobster Fishery Management Plan and a review information paper were released for public comment on 1 May 2019. Public notices notifying the public of the review and the submission process were published in the Tasmanian Government Gazette and in major Tasmanian newspapers on 1 May 2019.

Information about the review was published on the Department’s website. Announcements about the review were made via the Tasmanian Fisheries Facebook page (reach over 7500) and the DPIPWE fishing news email subscription service (over 25,000 recipients).

Holders and supervisors of a fishing licence rock lobster were notified of the release of the rule amendments for public comment including where a copy of the information paper and draft amendment rules could be obtained from. This comprised of around 435 notifications.

Copies of the draft amendment rules and review information paper were made available on the Department’s website, the licensing counter on the 1st floor of the TasPlan Building (formerly known as the Marine Board Building) and at the Tasmanian Rock Lobster Fishermen’s Association’s website.
The period for the receipt of written submissions to the public exhibited amendments closed on 3 June 2019, which complied with the statutory requirement that alteration to management plans be publicly exhibited for at least one month.

277 written submissions were received during the public comment period. The majority of respondents used the Department’s online response form to indicate support or disagreement and to provide comment. 58 submissions were from commercial rock lobster industry participants, 208 from non-commercial fishers. Submissions were received from the relevant peak bodies, the Tasmanian Rock Lobster Fishermen’s Association (TRLFA) and Tasmanian Association for Recreational Fishing (TARFish).

Views expressed in the online responses have been collated into a summary document. This summary and copy of submissions from peak bodies can be found at the back of this document.

The submissions were considered by the Department, the Crustacean Fishery Advisory Committee (CFAC) and the Recreational Fisheries Advisory Committee (RecFAC). CFAC and RecFAC met to develop recommendations which are detailed in this report.

The consultation process is not considered a ‘vote’ or ‘poll’, however the merit and diversity of views are considered - as are the submissions’ rationales and representations. Information and data is provided in this report for this purpose providing the basic level of support/opposition together with written comments on the content of the submissions received.

The purpose of this document is to provide a summary of the views, an analysis of the responses and the major themes and FAC recommendations. The Department provides a discussion and outline of issues and its final recommendation.

A copy of all the submissions will be published on the Rock Lobster Management Plan Amendments web page at the same time this report is published. The publishing of these submissions is in accordance with Tasmanian Government policy, as outlined in the Information Paper.
Proposed Changes

This section contains details of the proposed changes to the Rock Lobster Management Plan following consideration of representations.

Increasing the minimum size of female rock lobster in the North West

RULE AMENDMENT

PROPOSED CHANGES

Rule 17 - new subrule for a regional minimum size limit of 120mm for female rock lobster in north western waters to apply to the commercial and recreational fisheries.

Rule 3 - insert definition of the North-Western Region. Point Sorell on the north coast to the Henty River on the west coast. (NW region is depicted in red in the thumbnail map below, a larger map is on page 9 of this paper)

Rule 58 - new subrule to address compliance issues for the commercial fishery associated with the implementation of a regional size limit. All female rock lobster taken in the North West size limit zone to be unloaded before commencing a fishing trip in a zone with a different size limit and vice versa.

Intent - to improve stock levels and the future sustainability of the fishery in the North West region.

OUTCOME OF PUBLIC CONSULTATION

The proposal to increase the female minimum size limit from 105mm to 120mm in the North West of the State was strongly supported in commercial and non-commercial submissions. The TARFish and TRLFA submissions support the concept of the increased size limit, however presented alternate areas for which it should apply. Both peak bodies supported it applying to stock assessment areas 5 (STA 5).

Commercial and non-commercial submissions expressed strong support for the proposed area (Point Sorell to the vicinity of the Henty River on the West Coast (IMAS stock assessment areas 5 (STA 5) and 6 (STA6)). The TARFish submission supported the size limit to only apply in STA 5 for recreational fishers, with the inclusion of STA 6 being for commercial operational considerations. The TRLFA submission supported including the far North East (STA 4) in the larger size limit area.
CFAC RECOMMENDATION

The FAC unanimously supported the proposal to increase the female size limit from 105mm to 120mm. The majority of industry CFAC members supported the inclusion of STA 4 along with STA 5 and 6 as the area the increased female size limit should apply.

RECFAC RECOMMENDATION

A majority of RecFAC members supported the increase to the minimum size of female rock lobster for STA 5 and 6.

DISCUSSION

North West lobster stocks (stock assessment area 5) are estimated to be about 10% of an unfished or virgin fishery, which is a very low level, and they are not rebuilding as quickly as stocks in other areas around the State. An increase in the female minimum size limit from 105mm to 120mm in stock assessment areas 5 and 6 was proposed as the best management strategy to address this issue.

The size limit increase was strongly supported in commercial and non-commercial submissions and there was majority support for the proposed area. Around 50% of submissions from people who indicated that they had fished in the north west recently (last 12 months) supported the proposed area, with 15% unsure and 35% did not support.

The majority of the “do not support” comments related to views on the proposed area over which the size limit should apply, and provided alternative suggestions to the boundaries proposed in the Information Paper. The majority of alternative suggestions fall into 3 themes which are discussed below.

The proposed area was not supported by either of the Peak Bodies (Tasmanian Rock Lobster Fishermen’s Association (TRFLA) and the Tasmanian Association for Recreational Fishing (TARFish)). The commercial peak body suggested a larger area to include the north east (STA 4) Point Sorell to Eddystone Point including the Furneaux Group of Islands. Conversely, the recreational peak body recommended a smaller area, with a boundary line at the Arthur River (i.e. not including STA6).

Removing stock assessment area 6 from the proposed size limit area (moving the southern boundary from the vicinity of the Henty River north to the Arthur River):

The majority of comments within this theme were from fishers expressing concern that slower growth rates in stock assessment area 6 (relative to area 5) would result in a significant decrease in catch - and associated enjoyment of the fishing experience for recreational fishers or increased costs for commercial fishers.

The TARFish submission argued that the increased size limit should not be applied to recreational fishers in STA 6 when the Department’s primary justification centres around economic considerations for the commercial fishery. The Department acknowledges that consideration of applying the 120mm female size limit to STA 6 is a balance between additional stock protection with longer term sustainability gains and significant operational cost increases for local commercial fishers. The Department notes that in 2018/19 the proportion of total recreational catch from this area was around 6%. The Department’s view is that the risk of “boundary effects” that is increased recreational fishing effort shifting from STA 5 to STA 6 if the larger size limit only applied to STA 5 and associated stock impact, outweighs the short term impact of potential reduced catches. The view is supported by RecFAC. From a commercial perspective, traditionally commercial fishers operating out of the 2 main ports in the region (Stanley and Strahan), may frequently fish in STA 5 and 6 on the same trip. If STA 5 was a single fishing zone, this operational flexibility would be lost.
and there would be significant cost increases, due to the lengthy steaming time to reach a major port to unload. The proposed size limit area had majority support from commercial fisher submissions.

It is also the case that a larger area has several advantages in the recreational fishery such as operational simplicity for local fishers, as well as compliance benefits.

In summary, although it is possible a larger area may have some impact to both sectors, the long term outcome for both areas is a more resilient stock in the north west region.

Expanding the proposed area to include the North East:

This is the policy position in the TRLFA submission, however, there were relatively few comments from individual submissions supporting an extension of the size limit area to include the North East (Area 4). In light of the current commercial regional management arrangements and the representations from north east commercial fishers in 2018, the Department does not consider that the impact of applying the increased female size limit to Area 4 is warranted or justified at this time. The stock status of Area 4 will continue to be monitored as part of the annual IMAS stock assessment process and if stock rebuilding in this region is not “on track”, adaptive management options will be considered in consultation with stakeholders.

Increasing the female size limit from 105mm to 110mm statewide or applying the larger size limit statewide:

The rationale behind comments within this theme centred around the premise that an increased size limit would help stock rebuilding for the whole fishery and that proposed rules to address compliance issues associated with regional size limits would not be required.

IMAS scientific advice on the impact of a 110mm statewide female size limit is that a significant proportion of the stock currently harvested from the slow growing southern half of the State will be effectively “locked up” i.e. unavailable to the fishery. This would result in more fishing effort shifting to the north of the State and be counterproductive to increasing biomass and egg production in the North West particularly, unless the statewide total allowable catch was reduced. The statewide stock rebuilding and east coast stock rebuilding strategies are ‘on track’ to meet their biomass targets under the current catch and size limits in place for commercial and recreational fisheries. This rationale underpins the Department’s view that the proposed 120 mm regional female size limit for the north west is a more effective management strategy than a 5mm (or greater) increase statewide.

In summary, the Department’s view is that the biological and economic benefits of including STA 6 in the 120mm female size limit zone outweigh the potential costs, and on balance supports the original proposal. Applying a smaller increase to female rock lobster statewide would be counterproductive and increasing the proposed area to include the north east is not warranted and would require additional public consultation to be undertaken before it could be implemented.

DEPARTMENT’S RECOMMENDATION

The Department recommends that the amendment as proposed is implemented unchanged, that is the female minimum size limit be increased from 105mm to 120mm in the far North West, west of Point Sorell and south to a line of latitude at 42° South (in the vicinity of the Henty River) on the West Coast (STA 5 and 6).
Removing the number of pots/vessel length schedule/associated alternative methods

**RULE AMENDMENT**

**PROPOSED CHANGE**

Rule 75A - the current rule, which specifies that the number of pots on a licence is to be determined by the vessel length schedule or an alternative method approved by the Secretary will be rescinded.

The new rule will specify the maximum number of pots that a licence holder may be set, used or be in possession of, on a vessel (see next section for details).

Schedule 2 (vessel length schedule) will be removed.

*Intent - To remove the vessel length /pot numbers schedule and associated alternative methods for determining how many pots can be on a vessel as this provision does not have a current fisheries management objective.*

**OUTCOME OF PUBLIC CONSULTATION**

A majority of commercial submissions supported the amendment as outlined above. A majority of recreational submissions did not support or were not sure/ neutral regarding the amendment. The majority of comments from submission were around the proposal to increase pot numbers from 50 to 60 not in relation to this specific amendment. The TRLFA submission supported the amendment, the TARFish submission made no comment.

**CFAC RECOMMENDATION**

The CFAC supported the proposed amendment removing the number of pots/vessel length schedule/associated alternative methods.

**RECFAC RECOMMENDATION**

The RecFAC supported the proposed amendment removing the number of pots/vessel length schedule/associated alternative methods.

**DISCUSSION**

This amendment is not linked to the 60 pot proposal. However, some views expressed which oppose the proposal appear to have incorrectly linked these two different issues.

Under the National Standard for Commercial Vessels (NSCV), rock lobster pots are considered as deck cargo. There is no link or relationship between the NSCV and the vessel length/pot number schedule. It is the Master’s responsibility to ensure that the vessel meets the minimum requirements of the National Standard for Commercial Vessels (NSCV). The administration of these standards is now undertaken by the Australian Maritime Safety Authority (AMSA).
DPIPWE has met with AMSA to discuss this amendment and the rationale behind it. AMSA has flagged that it intends to implement a communication plan to raise awareness of vessel stability including relevant written supporting material for all commercial fishers including the rock lobster fishery.

DEPARTMENT’S RECOMMENDATION
The Department recommends that the new rule is implemented, and that the length schedule along with associated alternative methods provision is rescinded.
Increasing the maximum number of pots to be carried and used by a commercial rock lobster vessel

RULE AMENDMENT

PROPOSED CHANGE

Rule 75A - the current rule will be amended to provide for a 60 pot area and to prohibit the possession, use and setting of more than 50 pots from a vessel in waters outside the 60 pot area.

The proposed 60 pot area includes waters west from Point Sorell on the north coast to South Cape on the south coast (60 pot area is depicted in red in the thumbnail map below, a larger map is on page 14 of this paper).

Intent - To increase the maximum number of pots that can be set by a vessel from 50 to 60 in part of the State to improve economic efficiency for commercial fishers.

OUTCOME OF PUBLIC CONSULTATION

A majority of commercial submissions and a strong majority of non-commercial submission did not support the amendment to increase the number of pots a commercial vessel can carry from 50 to 60. The TRLFA submission supported increasing pot numbers. The TARFish submission supported increasing commercial pot numbers on the west coast only (i.e. not including IMAS stock assessment area 5).

A strong majority of commercial and non-commercial submissions did not support the area as proposed (western half of the State). Conversely, the TRLFA submission supported the use of 60 pots State wide.

CFAC RECOMMENDATION

The majority of CFAC industry members supported increasing the maximum number of pots a commercial vessel could use from 50 to 60 pots State wide.
RECFAC RECOMMENDATION

A majority of RecFAC members supported an increase in pot numbers carried by commercial vessels from 50 to 60 within the western region, excluding area 5.

DISCUSSION

The main theme from commercial fishers who supported the proposal was improved economic efficiency. Only a few submissions suggested a larger 60 pot zone (statewide or all waters except the east coast stock rebuild area), however, the Department acknowledges the policy position in the TRLFA submission is for 60 pots statewide. The Department also recognises the process the TRLFA undertook in developing the statewide proposal.

The main themes from commercial fishers who did not support the proposal focused on the potential negative impact on lease quota availability and associated impacts on smaller operators (and communities). There was also concern on the potential to put extra pressure on NW stocks as there would be an extra incentive to fish in this region if it is part of the 60 pot area.

From a recreational perspective, there was limited support for the economic efficiency rationale. However, the majority of 'do not support' comments focused overwhelmingly on the negative impact on stocks in the proposed area and the negative impact on recreational fishing through potential increased competition for space, if the proposal when ahead.

The TARFish submission also argued that STA 5 be removed from the 60 pot area to reduce the risk of unintended negative consequences for stock rebuilding in STA 5 and to ensure there was no escalation in tensions between recreational and commercial fishers on the NW coast. This view was supported by RecFAC.

In summary, the majority of submissions from each sector do not support a pot increase from 50 to 60.

Commercial concerns mirror the social and economic issues flagged by DPIPWE in the Information paper. There is also a clear concern from many recreational fishers that the increased competition for space/stock in areas that recreational fishers can access, will be detrimental to their recreational fishing experience. Submissions from both sectors express concerns that stock sustainability issues and benefits of increasing the female size limit will be compromised by including Area 5 in the 60 pot area.

To address the significant range of concerns raised in the submissions, whilst acknowledging the economic efficiency rationale being pursued by the TRLFA on behalf of its members, the Department is recommending that the 60 pot area be implemented but be modified such that STA 5 be removed. The revised 60 pot northern boundary will be 41°S (Bluff Hill Point) on the west coast.

DEPARTMENT’S RECOMMENDATION

The Department recommends that the amendment is revised to exclude IMAS stock assessment Area 5. That is, that a commercial vessel can use up to 60 pots in area south of 41°S (Bluff Hill Point) on the west coast south to South Cape. See indicative map on next page.
Removal of endorsement to unload outside State waters

RULE AMENDMENT

PROPOSED CHANGE
Rule 10A (1) to be amended to remove the reference an endorsement to unload outside of State waters.

Intent: Remove the reference to a historic commercial endorsement that is no longer applicable.

OUTCOME OF PUBLIC CONSULTATION
A majority of commercial submissions supported removing the endorsement to unload rock lobster outside State waters. A majority of non-commercial submissions did not support the proposal or were not sure/neutral. The TRLFA submission stated that they would like to maintain the ability of commercial fishers to unload interstate in the future. The TARFish submission made no comment in relation to this amendment.

CFAC RECOMMENDATION
The CFAC supported removing the commercial endorsement to unload rock lobster outside State waters.

ReCFAC RECOMMENDATION
The ReCFAC supported removing the commercial endorsement to unload rock lobster outside State waters.

DEPARTMENT’S RECOMMENDATION
The Department recommends the proposal to remove the endorsement to unload outside State waters is progressed.

DISCUSSION
This amendment is a ‘tidy up’ of this Rule by removing the reference to a historic endorsement that no longer exists and is not applicable to the current management of the commercial fishery.

The provision for an authorisation to unload outside of State waters in an emergency situation will be retained.

The Department notes the aspiration in the TRLFA submission for the future opportunity to unload in Victoria and notes that cost effective options to address significant quota monitoring compliance concerns would need to be developed as a first step.

DEPARTMENT’S RECOMMENDATION
The Department recommends the proposal to remove the endorsement to unload outside State waters is progressed.
Recreational boat limit in Northern Bass Strait

RULE AMENDMENT

PROPOSED CHANGE
Rule 34 (3) is amended to change the recreational boat limit in the Northern Bass Strait western region from 25 to 10. Note the Western Boat Limit remains at 25 below 39 degrees 33’ S.

Intent: Align the recreational boat limit for all Northern Bass Strait waters (eastern and western regions) for improved compliance objectives.

OUTCOME OF PUBLIC CONSULTATION
A strong majority of commercial and a majority of recreational submissions supported the proposal to reduce the recreational boat limit in northern waters. Submissions from the TRLFA and TARFish supported the amendment.

CFAC RECOMMENDATION
The CFAC supported the proposed regarding recreational boat limits in Northern waters.

RECFAC RECOMMENDATION
The RecFAC supported the proposed regarding recreational boat limits in Northern waters.

DEPARTMENT’S RECOMMENDATION
The Department recommends the proposal as outlined above is implemented.

DISCUSSION
Conservative rock lobster catch and possession limits have been applied to the waters in northern Bass Strait, north of a line of latitude 39 degrees 33’ S in the Western Region for a number of years. This aimed to align the Tasmanian catch limits with adjacent Victorian limits in the waters of close proximity, to aid compliance. Alignment of boat limits for this area had been previously overlooked. No significant issues are anticipated.

DEPARTMENT’S RECOMMENDATION
The Department recommends the proposal as outlined above is implemented.
Notification of not being able to retrieve fishing gear – recreational fishery

RULE AMENDMENT

PROPOSED CHANGE

Rule 26 (4) is amended to replace the words ‘advises’ or ‘advice’ with ‘notifies’ or ‘notification’ and a new subrule added clarify that notification requires compliance with any requirements from a fisheries officer in relation to the notification.

Intent: Provide greater flexibility for the communication methods associated with the notification of pots that cannot be retrieved within the 48 time period, arrangements for retrieval of pots including provisions for directions from a fisheries officer.

OUTCOME OF PUBLIC CONSULTATION
A strong majority of commercial and non-commercial submissions supported the rule amendment as outlined above. Submissions from the TRLFA and TARFish supported the amendment.

CFAC RECOMMENDATION
The CFAC supported the proposal for notification of not being able to retrieve fishing gear – recreational fisher.

RECFAC RECOMMENDATION
The RecFAC supported the proposal for notification of not being able to retrieve fishing gear – recreational fisher.

DEPARTMENT’S RECOMMENDATION
The Department recommends that the amendment as outlined above is implemented.

DISCUSSION
Currently recreational fishers are required to directly contact a fisheries officer to notify that fishing gear cannot be retrieved within the prescribed 48 hour period. This is mostly done via the Fishwatch telephone service. The Department and Marine Police intend to investigate alternative services to facilitate these notifications in future.

A minor amendment to the wording of this rule is proposed to ensure that the legislation is not a barrier to the use of alternative modern communication services in the future.

No issues anticipated.

DEPARTMENT’S RECOMMENDATION
The Department recommends that the amendment as outlined above is implemented.
Publication of a Public Notice on a website

**RULE AMENDMENT**

**PROPOSED CHANGE**

Rule 3 insert definition of “published notice”.

Rules 11 (2) and 59A (1) are amended by replacing the word “public” with “published”.

*Intent: New provision to allow the publication of a public notice on a website rather than being restricted to the gazette and newspapers.*

**OUTCOME OF PUBLIC CONSULTATION**

A significant majority of commercial and non-commercial submissions supported the rule amendment as outlined above. Submissions from the TRLFA and TARFish supported the amendment.

**CFAC RECOMMENDATION**

The CFAC supported the proposal regarding publication of a public notice on a website.

**RECFAC RECOMMENDATION**

The RecFAC supported the proposal regarding publication of a public notice on a website.

**DEPARTMENT’S RECOMMENDATION**

The Department recommends that the amendment as outlined above is implemented.

**DISCUSSION**

For the Rock Lobster Fishery, public notices are used for a range of notifications including biotoxin closures and openings, fishing seasons, the total allowable catch and catch caps.

This amendment will significantly reduce the DPIPWE and industry costs associated with the current requirement to publish a public notice in the Government Gazette and print media, for the public notice to be legally published and take effect.

There will be no change to the current communication strategy for providing information to all stakeholders including email, SMS and social media.

The Department notes the comments around internet access in remote areas. For recreational fishers, rule changes and season dates are detailed in the Recreational Fishing Guide booklet that is provided (or can be requested) when a person takes out or renews a recreational fishing licence.

**DEPARTMENT’S RECOMMENDATION**

The Department recommends that the amendment as outlined above is implemented.
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