



2020

---

# Parliament of Tasmania

---

JOINT PARLIAMENTARY STANDING COMMITTEE

## SUBORDINATE LEGISLATION

### INQUIRY INTO THE FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)

#### Members of the Committee

**Ms Tania Rattray MLC** (*Chair*)  
**Ms Ruth Forrest MLC** (*Deputy Chair*)  
**Ms Meg Webb MLC**

**Ms Jacquie Petrusma MP** (*resignation 11 March 2020*)  
**Ms Alison Standen MP**  
**Mr Nic Street MP** (*appointed 18 March 2020*)  
**Mr John Tucker MP**

## Table of Contents

Introduction.....	5
Background to Inquiry .....	5
Inquiry Hearings.....	6
Additional Information from Stakeholder .....	16
Examination of the Rules .....	16

## Appendices

### *Incoming and Outgoing Correspondence*

Letter dated 7 October 2019 from Laurie Dwyer, Acting General Manager, Department of Primary Industries, Parks, Water & Environment – Water and Marine Resources Division providing associated paperwork.....	18
Email dated 16 October 2019 from John Sansom, Chief Executive Officer, Tasmanian Rock Lobster Fisherman’s Association Ltd requesting an opportunity to address the Committee regarding the Rock Lobster Fishery Management Plan.....	43
Email dated 23 October 2019 from John Sansom, Chief Executive Officer, Tasmanian Rock Lobster Fisherman’s Association Ltd regarding Recreational Rock Lobster Quota.....	44
Letter dated 23 October 2019 to the Minister for Primary Industries and Water, the Hon Guy Barnett MP in relation to the Committee commencing an Inquiry into the Rules and inviting the Minister to attend a public hearing.....	47
Letter dated 4 November 2019 to the Minister for Primary Industries and Water, the Hon Guy Barnett MP providing questions taken on notice at the Public Hearing.....	48
Letter dated 4 November 2019 to John Sansom, Chief Executive Officer, Tasmanian Rock Lobster Fisherman’s Association Ltd inviting the Association to provide any additional Information it wishes the Committee to consider as part of its examination of the Rules.....	49
Letter dated 6 November 2019 from John Sansom, Chief Executive Officer, Tasmanian Rock Lobster Fisherman’s Association Ltd providing additional information .....	50
Letter dated 27 November 2019 from the Minister for Primary Industries and Water, the Hon Guy Barnett MP providing a response to questions taken on notice.....	52
Letter dated 2 December 2019 to the Minister for Primary Industries and Water, the Hon Guy Barnett MP following-up on outstanding responses to questions taken on notice and providing additional questions.....	54

Letter dated 18 December 2019 from the Minister for Primary Industries and Water, the Hon Guy Barnett MP providing answers to questions on notice ..... and providing the following attachments —	56
1. CFAC 82 Draft Agenda – 20 June 2019 .....	58
2. CFAC 82 Minutes – 20 June 2019.....	60
3. CFAC/RECFAC Draft Agenda – 20 June 2019 .....	70
4. RecFAC Agenda – Meeting 66 – 20 June 2019.....	72
5. RecFAC Minutes – Meeting 66 – 20 June 2019 .....	76
6. IMAS – Fishery Assessment Report, Tasmanian Rock Lobster Fishery 2017/18.....	83
Email dated 23 December 2019 from Laura Richardson, Senior Adviser, Office of the Hon Guy Barnett MP, Minister for Primary Industries and Water regarding Rock Lobster transiting arrangements..... and providing the following attachments —	118
1. Letter of 6 November 2019 to Rock Lobster Fishers and Processors from Dr Ian Dutton, Director, Marine Resources, DPIPW.....	119
2. Fisheries Operational Guidelines – FAQs.....	124
Letter dated 14 January 2020 to the Minister for Primary Industries and Water, the Hon Guy Barnett MP providing additional requests for further clarifying information.....	130
Letter dated 4 February 2020 from the Minister for Primary Industries and Water, the Hon Guy Barnett MP providing a response to additional requests .....	132
Email dated 6 March 2020 from John Cocker regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2020, No. 62) .....	135
and providing the following attachment —	
1. Rock Lobster Assessment Areas.....	138
Email dated 19 March 2020 from John Cocker providing consent to use the information received in the Inquiry's Report .....	139

## **Tabled Documents**

### *Tasmanian Rock Lobster Fishermen's Association Ltd – 31 October 2019*

1. 2018/19 Model Estimated Biomass and Egg Production and 2017/18 Rock Lobster Stock Assessment Model Estimates of Regional Biomass and Egg Production as % of an unfished fishery .....	140
2. CPUE – Statewide and Standardised CPUE – Western Areas .....	141
3. Zone Map .....	142
4. Tasmanian Rock Lobster Fishermen's Association <i>The Inclusion of Stock Assessment Area 5 In the area of the State that will be permitted a maximum vessel allocation of 60 Pots.....</i>	143
5. Tasmanian Rock Lobster Fishermen's Association <i>Submission to the Proposed Amendments to the Rock Lobster Fishery Management Plan Amendments - Fisheries (Rock Lobster) Rules 2011 - May 2019.....</i>	148

## ***Transcripts of Evidence – 31 October 2019***

Tasmanian Rock Lobster Fishermen's Association Ltd

*Mr John Sansom, Chief Executive Officer;*

*Mr Daniel Fox, Fisher; and*

*Mr Daniel Ponsford, Fisher.....* 152

Minister for Primary Industries and Water, the Hon Guy Barnett MP

Department of Primary Industries and Water, Parks, Water and Environment

*Dr John Whittington, Secretary;*

*Dr Ian Dutton, Director (Marine Resources); and*

*Ms Hilary Revill, Principal Fisheries Management Officer.....* 161

**Minutes of Proceedings relevant to the Rules.....** 170



## **Introduction**

The Committee was appointed under the provisions of Section 3 of the *Subordinate Legislation Committee Act 1969* (No. 44 of 1969). Section 8 of the Act outlines the functions of the Committee, as follows –

- (a) to examine the provisions of every regulation, with special reference to the question whether or not –
  - (i) the regulation appears to be within the regulation-making power conferred by, or in accord with the general objects of, the Act pursuant to which it is made;
  - (ii) the form or purport of the regulation calls for elucidation;
  - (iii) the regulation unduly trespasses on personal rights and liberties;
  - (iv) the regulation unduly makes rights dependent on administrative decisions and not on judicial decisions; or
  - (v) should properly be dealt with by an Act and not by regulation; and
- (b) to make such reports and recommendations to the Legislative Council and the House of Assembly as it thinks desirable as the result of any such examination.

## **Background to Inquiry**

Prior to the Committee formerly receiving the Fisheries (Rock Lobster) Amendment Rules 2019 (S.R.2019, No. 62), members of the Committee were contacted directly by concerned stakeholders regarding the proposed amendments to these Rules.

At its meeting on 23 October 2019, the Committee resolved to commence an inquiry and to call the following stakeholders to give evidence at a public hearing on 31 October 2019 –

- Tasmanian Rock Lobster Fisherman’s Association Ltd (TRLFA); and
- The Minister for Primary Industries and Department of Primary Industries officers.

The Committee resolved to commence an inquiry on the basis of concerns raised by key stakeholders and to clarify a range of matters raised in relation to the Rules by these stakeholders.

The transcript of evidence, tabled papers, questions on notice, responses to these questions, relevant sections of the Minutes of Proceedings related to the Inquiry into the Amendment Rules and additional information received by the Committee are attached to the report and should be read in conjunction with this report.

## Inquiry Hearings

The Tasmanian Rock Lobster Fisherman's Association (TRLFA) was represented by Chief Executive Officer Mr John Sansom and fishermen Mr Daniel Fox and Mr David Ponsford. The TRLFA confirmed its general support for the Rules but raised concerns with several aspects of the Rules —

- The 60 pot limit increase and non-inclusion of area 5 as a 60 pot limit area;
- Impact on profitability and fisher's safety due to the non-inclusion of the 60 pot limit increase in area 5;
- The consultation process associated with the Rules including the role of the Crustacean Fisheries Advisory Committee; and
- The legal minimum size of female rock lobsters to 120mm.<sup>1</sup>

CEO John Sansom TRLFA provided context to these concerns:

*The TRLFA supports the intent of the amendments but would like the proposed areas in each of the rules to be increased, and also to establish the fact that the sustainability of the resource is paramount to this industry. We have worked long and hard and made some tough decisions to get the fishery on track to where it is today. The industry has been the leader in advocating for regulation to improve biomass and egg production in the fishery. There is now far too much capital investment in the commercial sector to risk sustainability of the fishery.*

*I can assure you that we would not be here today if there were any concern from the industry that increasing pot numbers would have a negative impact on stocks. The industry has been the leader in advocating for regulation to improve biomass and production in the fishery. As to the rule about the 60-pot increase, my organisation represents 315 licence holders and 40 volunteer members with three main arguments to put forward in the matter of 60 pots and the exclusion of area 5, the north-west corner.<sup>2</sup>*

The most concerning aspect of the amendments from the perspective of the TRLFA was the pot limit set for Area 5 and the lack of consultation. Mr Sansom explained:

*The problems we have with not including area 5 are lack of consultation with the industry, inconsistent decision-making processes through the department, and lack of evidence in the rationale used to support the decision.*

*If we get to consultation, the decision not to include area 5 in the 60-pot zone was not discussed with industry. It was never brought to attention that the department was going to recommend that particular option to the minister. It was not discussed with industry as an option for management, so the minister's decision actually blindsided industry and, had we known, we would*

---

<sup>1</sup> Mr John Sansom, CEO, Tasmanian Rock Lobster Fishermen's Association Ltd, *Transcript of Evidence - 31 October 2019*, pp. 1-2.

<sup>2</sup> *Ibid.* p. 1.

*have made much more representation to the minister and the department beforehand. We feel we missed that opportunity.*

*The matter itself was not discussed at the Crustacean Fisheries Advisory Committee, the minister's own advisory committee. The effect was that, in the recent round of port meetings I've had, there have been some very angry people in the north-west of the state who presumed area 5 was going to be included in the zone. I'm sure that a lot of you have had some emails and some correspondence over that.*

**CHAIR** - *We have. Your members have been very active.*

**Mr SANSOM** - *That shows you the amount of angst and concern about the fact that they were left out.*

*Inconsistent decisions; when we look at this raft of amendments - there are two I said we're dealing with - the rationale in one defies logic in the other. In the one where we have an increase in legal minimum size, the department set out in the background paper, including area 6 in that particular one; it says -*

*... 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.*

*For that reason and ease of compliance, area 6 was included in the rationale for the increase in female size limits. The same rationale applies to 60 pots, and yet we're quite happy to put a line in the water, which is probably the worst possible place you could ever put a line for the operational flexibility of fishers. It means, for anyone leaving for Stanley and going fishing past the bottom of that line, if the weather turns bad and they have to seek shelter, they have to go all the way back to Stanley and take their extra 10 pots off before they can come back out fishing again, which defies logic in operational terms. It is the same thing if they were leaving from King Island and coming south as well, and the same thing if you were in the southern part of the fishery and you left Strahan to go fishing, you couldn't go out of the area without going back home and taking your pots back off. As I say, it's not a logical decision.*

**CHAIR** - *The quota does remain the same.*

**Mr SANSOM** - *Yes, the quota remains the same. The whole basis of 60 pots is an economic rationale.<sup>3</sup>*

---

<sup>3</sup> Mr John Sansom, Op. cit., pp. 1-2.

TRLFA were questioned as to why they felt this 50-pot limit was set for area 5, Mr Sansom stated:

*There are two main rationales put behind it. One was that the recreational sector thought there would be interactions between commercial fishers and recreational fishers in the area if they went to 60 pots. After I did a little homework, I found that the recreational catch in the north-west is six tons, which is verified by IMAS. That is a low catch for that area. There are only approximately 30 home-ported vessels up there. The fear of interactions is not supported by the facts. There are not enough boats and people there for those interactions. You can't say they don't happen because occasionally they do, but compared to the east coast where you have 50- or 60-odd boats and 8000 recreational fishermen, interactions are going to happen there.*

**Ms FORREST** - *On the interactions between the recreational and the commercial fishers, if you are allowed 60 pots in the area, aren't you going out less so there is less chance of interaction?*

**Mr SANSOM** - *Exactly. You are not fishing as long.*

**Mr FOX** - *It is a mathematical equation. If you have 10 ton to catch and you are catching a kilo per pot lift you could have 10 000 pot lifts. The sooner you can get them done, the better.*

**Ms FORREST** - *Yes, reduce your risk of interaction.*

**Mr SANSOM** - *Pots are the tools of trade for a fisherman.*

**Mr FOX** - *The only way fishermen can make more money out of this game at the moment, because we [are] price takers, we are not price setters, is [it] cut[s] your costs down on fishing. Giving people more pots does exactly that. It doesn't let them catch any more; it just lets them catch them more efficiently.<sup>4</sup>*

The TRLFA were questioned as to what impact the difference of 10-pots could impact on the fishery, Mr Daniel Fox stated:

**Ms FORREST** - *in terms of the impact on fishery, if you are out there harvesting hard, you have 60 pots in the water and you're pulling in 10 kilos a pot -*

**Mr FOX** - *Some pots have 10 kilos sometimes, yes.*

**Ms FORREST** - *Well, let's say up to. This is something I don't understand, and maybe other people might to be asked this as well, but in terms of the impact on the fishery, will that have a greater negative impact than having fewer pots in that same area?*

---

<sup>4</sup> Mr John Sansom, CEO and Mr Daniel Fox, Fisher, Tasmanian Rock Lobster Fishermen's Association Ltd, *Transcript of Evidence – 31 October 2019*, p. 4.

**Mr FOX** - Potentially, Ruth, we can improve the fisher with the 60 pots because basically at the moment we start on 1 March and we're allowed to catch girls for March and April. Then when we go to May we are only allowed to catch the boys but a lot of our quota now is caught through the winter period, just on the boys only.

*If I had 20 per cent more catchability going from 50 to 60 pots, I can potentially take more boys in the wintertime. If I said to you, sitting right here now, I have 4300 kilos to catch this summer. If I had an extra 20 per cent, I would probably have - if I started with 17.5 tons - I would probably have a ton to go.*

*Potentially what is going to happen now is in November, I go fishing and I'm catching boys and girls. If I caught all those fish through the winter - a bigger chunk of boys - it leaves more girls behind in the water and improves egg production. You can see on area 5 that the egg production is low and we try to improve it. I asked Klaas from IMAS, our scientists, they said, 'Yes, I haven't modelled that but that could be the case.'<sup>5</sup>*

TRLFA CEO John Sansom stated the 60-pot increase will not change fisher behaviour, he explained:

**Mr SANSOM** - The idea of sustainability and the fact that the department has quoted that having 60 pots in that area will encourage other people to go there is not supported by fact. It is not supported by fisher behaviour and it's not supported by history.

*When we had a 60-pot trial for five years in the west coast, it did not encourage a whole lot of people to go over there and try. Fishermen, by their own nature, are creatures of habit. The secret to fishing is knowing your ground and, once you know your ground, you know when to work, how to work and so on.*

*People don't go to a new area thinking that 60 pots is going to make up for their lack of knowledge there, especially in an area like area 5, which is a really specialised knowledge area. A lot of people go up there, have a look, and come home with their tail between their legs because it is not fishing like anywhere else in the state. It's a very specialised knowledge place.<sup>6</sup>*

Fisher from the North-West Daniel Fox adds:

*The guys don't even need to come there. The fish are getting so easy to catch everywhere, everybody just goes to their usual haunts and I'm still going to fish in the north-west, even if I have 50 pots, I'm still fishing there and I'm still going to catch my quota.*

---

<sup>5</sup> Mr Daniel Fox, Op. cit., p. 5.

<sup>6</sup> Mr John Sansom, Op. cit., pp. 5-6.

...

**Mr FOX** - Yes, I'd imagine. It's the choice I've made, but it doesn't need to keep happening. If you can get a guy home for 20 per cent more of his year - even if you don't look at the monetary costs, look at the cost of your life; it's your life.

**Mr SANSOM** - I think it was stated by one fisher at our general meeting the other day that if he'd had 60 pots last year, he would have had 23 days extra at home.

**Mr TUCKER** - How many fishing boats or fishers have 60 pots, how many have 50 pots and how many have fewer than 40 pots working in Tasmania?

**Mr SANSOM** - Off the top of my head, I don't know the answer. Most of them are 50-pot vessels.

**Mr TUCKER** - Most of them are?

**Mr SANSOM** - Most of them; by far the majority of them. I would have to ask Daniel: would you know the answer to that?

**Mr FOX** - There was a graph the other day at the meeting. It had spiked - there used to be a lot of smaller single-handed fishermen, but we took away the length tonnage rule in the fisheries rules a couple of years ago to bring the smaller boats up to 50 pots. We used to have a length tonnage rule on their measured length and how much they weighed, but that rule has gone by so now they can put 50 pots on a boat and it just made it more efficient.

**Mr SANSOM** - The rationale behind that is we made all these smaller boats a lot more viable by giving them an increase in pot numbers, but we are not making the larger boats any more viable by not giving them any increase either.<sup>7</sup>

TRLFA were questioned as to what action was taken when the 50-pot limit in area 5 was announced, Mr Sansom stated:

**Mr SANSOM** - Yes, I contacted the department and asked, 'What is going on? Where did this line come from?' ... One thing I will say is the minister did promise to review the situation in 12 months time, but he was not inclined to change his mind after I had presented.

**Ms FORREST** - Did you discuss the option of permits for that 12 months?

**Mr SANSOM** - Yes.

**Ms FORREST** - So that was included in that, right?

---

<sup>7</sup> Mr John Sansom and Mr Daniel Fox, Op. cit., pp. 6-7.

**Mr SANSOM** - I did. The submission that TRLFA put into the original raft of amendment plans.<sup>8</sup>

The options for the inclusion of a permit system were discussed:

**CHAIR** - It has been proposed to me that there be a permit system put in place for those extra 10 pots. That's obviously something that has been trialled before. What was wrong with that process? Is it just about what the department sees as sustainability for the industry? I am interested in your view.

**Mr SANSOM** - The permit system is something that the department can use to let people do something which is outside the rules; that's how the trial was allowed to take place because the maximum was 50 pots. Under the permit system you could allow people to use 60. If the current legislation goes ahead right now and the people in the north-west in area 5 are not allowed to use pots, the department or the minister could issue permits to allow them to do that.

**CHAIR** - Sixty pots. So you either issue an additional 10 permits or you change the zone?

**Mr SANSOM** - Or you change the legislation. Yes.

...

**CHAIR** - Do you think the permit system would be more palatable for the industry or you don't think it makes any difference?

**Mr SANSOM** - It's whatever works at the moment; if we can get that across the line, that's the easiest way to do it because if we have to change the rules again, we'd have to wait another two years for the process to start again, to change the rules in the amendment plan because it has to go out for consultation.

**CHAIR** - If the areas stay as they are -

**Mr SANSOM** - Even if the minister reviews the situation in 12 months time, he would have to issue a permit then to make it work, or he would have to go through the whole amendment plan and we would be sitting here again.<sup>9</sup>

Following the hearing, the Committee wrote to the TRLFA on 4 November 2019 to invite any additional information to be forwarded for the Committee's consideration. A written response was received by correspondence of 6 November 2019 and set out a reconfirmation of the main points covered at the hearing with some additional clarifying information in relation to Minister's position on Area 5.

---

<sup>8</sup> Mr John Sansom, Op. cit., p. 8.

<sup>9</sup> Ibid. p. 7.

The Minister for Primary Industries and Water, Hon Guy Barnett MP, appeared at a hearing the same day. He was accompanied by then Secretary of the Department of Primary Industries, Parks, Water and Environment Dr John Whittington, Dr Ian Dutton, Director (Marine Resources) and Ms Hilary Revill, Principal Fisheries Management Officer.

The Minister confirmed his understanding of the points of difference with the TRLFA regarding the Rules at the commencement of the hearing.

*They've been consistent in their views with respect to the preference for the 60 pots statewide and also acknowledge their support in terms of the size limit for the female rock lobster from 105 to 120 mm. That's noted and appreciated.<sup>10</sup>*

The Minister addressed the primary issue of the 60 pot limit decision.

*I know the 60-pot limit is a special focus for the committee today. Obviously I made those rules very recently. The rationale behind 60 pots was that the preference from the rock lobster association was 60 pots statewide. I had to make a decision based on evidence, based on science. I get that feedback from the Institute for Marine and Antarctic Studies - IMAS - from the department, from CFAC and from the Recreational Fisheries Advisory Committee -RecFAC. I get all that feedback and information and submissions. I acknowledge that. There were just short of 300 submissions in terms of the process that we went through. Obviously, the department has been through all those submissions, most of them from the recreational fishing side but about 60 to 70, from the commercial side. Again, the TRLFA has been consistently supporting 60 pots statewide.*

*We had to base the decision for the 60 pots bar the stage 5, area 5 on the north-west. Again it's based on a precautionary principle, sustainable fishery and based on the evidence of 10 per cent of the biomass at the moment in that area and with the target to increase to 20 per cent by 2023 and statewide to 25 per cent by 2026. We have to continue our efforts to remain on track. The current low level of 10 per cent of the unfished fisheries and the biomass in the north-west region is very low.*

*As minister, I took the evidence very seriously and took the advice of the department in that regard. It's the primary concern. If it remained at 60 pots there would be a potential incentive to fish and potentially to over-fish in that area.<sup>11</sup>*

Secretary of the Department Dr John Whittington summarised the rationale for the quota system, he stated:

*I would turn it around. We have a statewide quota and we have one on the east coast. Where the quota is caught in the areas up to the west coast is a*

---

<sup>10</sup> Minister for Primary Industries and Water, the Hon Guy Barnett MP, *Transcript of Evidence - 31 October 2019*, p.10.

<sup>11</sup> *Ibid.* pp. 10-11.



*matter of where the fishers catch the fish. They determine where they are fishing. What we are doing, from an economic efficiency perspective, is incentivising effort in the far west and south-west where the stock is higher. We have stock assessments and it shows that unfished virgin biomass is higher than it is in area 5. Through this, we are incentivising the quota to be taken from there as opposed to area 5 where we have an assessment that shows the stock numbers are currently low. As the quota is not block-specific, it is over a large area, this is a way of incentivising effort further south and south-west.*

**Ms WEBB** - *That is the flipside of the same coin. You are saying is it is not so much about a scientific basis for one or the other, it is more about whether you are providing an incentive or disincentive for people to go to particular areas rather than others. That is the key function of this restriction.*

**Dr WHITTINGTON** - *The key issue is we are trying to restore the biomass in the north-west. The biomass is higher in the far west and south-west, so our preference is that is where the lobsters are taken from.<sup>12</sup>*

The Minister was questioned further about the incentivisation model that was introduced and Dr Ian Dutton provided the Committee with further clarification, he stated:

**Ms WEBB** - *With the intention for that incentive/deterrent effect, do you have evidence of what difference that may make, having allocated area 5 as 50 pots instead of the 60, and having that incentive, as you would describe it, to have people come further down into the other areas? Have you modelled what impact that might have in preserving or allowing increase in the biomass in area 5 compared to if it were 60 pots all the way up?*

...

**Dr DUTTON** - *We do model a lot of scenarios for the future of the fishery, including those options, whenever we make these kinds of assessments. These decisions were all based on the 2017-18 stock assessment you've just heard from the minister, and that I shared with many of you in a presentation to the Legislative Council a few weeks ago. The other thing I point out is that in the most recent data we have received, there has been an uptick in effort because we can't control that entire quota zone. There was an uptick of 20 tons in area 5 in the last year. Our ability to constrain fishing activity in an area where the stock status is precipitous or very poor is a real issue. Because of that, we have applied a precautionary principle to this area. If it were a patient in a hospital, it would be in the ICU.<sup>13</sup>*

The Minister was also questioned about the practicalities associated with transiting through the 50 pot zone in order to get to and from one of the 60 pot zones.

---

<sup>12</sup> Dr John Whittington, Secretary, Department of Primary Industries. Parks, Water and Environment, *Transcript of Evidence* - 31 October 2019, p. 13.

<sup>13</sup> Dr Ian Dutton, Director (Marine Resources), Department of Primary Industries, Parks, Water and Environment, *Transcript of Evidence* - 31 October 2019, p. 13-14.

**Ms FORREST** - In terms of practicalities, if a fisher goes out from Stanley or even out from the Smithton area or anywhere there, with an intention of going down to the 60-pot area into the west, the weather cuts up badly and they come back and they end up back in the 50-pot area, do they need to go back to the port to offload all their pots before they can go back out?

**Ms REVILL** - They do.

**Mr BARNETT** - That's my understanding.

**Ms FORREST** - Do they have to unload any fish that they've caught already or just unload the extra pots and then go back out again?

**Mr BARNETT** - I think Hilary is the expert at the table.

**Ms REVILL** - With the 60-pot zone it's just the pots; they don't have to unload the fish.

**Ms FORREST** - Pots on deck, not pots in water?

**Ms REVILL** - The pots have to be physically taken off the boat before they can start a fishing trip in the 50-pot zone. That's the way the legislation has ruled it.

**Ms FORREST** - So sailing through the 50-pot zone with 60 pots on your deck?

**Ms REVILL** - Yes, you can do that. You can transit through the 50-pot area but before you start a new fishing trip in the 50-pot area, the fisherman is required to take the extra 10 pots off the boat and leave them at a port.

**Mrs PETRUSMA** - You can transit through.

**Ms REVILL** - You can transit through, yes.<sup>14</sup>

The Minister was questioned about the criticisms that had been raised with the Committee about the consultation process associated with the Rules.

Dr Dutton advised the Committee –

**Dr DUTTON** - We can certainly provide the details of the meeting and who was there and what was said and so on.

*I want to be clear here - I think it is an unfair characterisation to say the industry was not consulted. This proposal was formulated in response to the feedback we received - it is a two-step process. This proposal was in the*

---

<sup>14</sup> Minister for Primary Industries and Water, the Hon Guy Barnett MP and Ms Hilary Revill, Principal Fisheries, Management Officer, Department of Primary Industries, Parks, Water and Environment, *Transcript of Evidence* – 31 October 2019, p.16.

*background papers for that meeting and it was part of a slide presentation that my colleague, Principal Fisheries Management Officer Hilary Revill, made of that meeting.*

**Ms FORREST** - *When was this meeting?*

**Dr DUTTON** - *Hilary can give you the date.*

**Ms REVILL** - *Yes, it was 20 June 2019.*

**Dr DUTTON** - *It is unfortunate that the chair of the Tasmanian Rock Lobster Fisherman's Association was not present at the meeting. Other colleagues from the association were there.*

**Ms FORREST** - *One member who was at that meeting said at the 2 June CFAC meeting, there was no mention of reducing the 60-pot area as per the meeting minutes.*

**CHAIR** - *We will need a copy of the minutes.*

**Dr DUTTON** - *There was no what?*

**Ms FORREST** - *It was obviously mentioned in the minutes; there was no mention of reducing the 60-pot area as per the meeting minutes.*

**Dr DUTTON** - *The minutes are a summary of the meeting not a word-for-word recording; I want to be clear that is the way we approach our meeting. That said, we would be very happy to furnish you with a copy of Ms Revill's presentation and all the background materials that were part of that, which did reference this proposal.<sup>15</sup>*

A series of questions were taken on Notice from the Hearing. In his response of 18 December 2019, the Minister indicated that his decision was based on a combination of the feedback from the consultation process and the Institute of Marine and Antarctic Studies (IMAS) 2017/18 Stock Assessment Report. The Minister also indicated he had received the IMAS report for 2018/19, which indicated an improvement in the biomass levels in Area 5 to 13%.

The Minister provided a copy of the Agendas and Minutes from the Crustacean Fisheries Advisory Committee (CFAC) and the Recreational Fisheries Advisory Committee (RecFAC) meetings of 20 June 2019 upon request and reiterated his concerns about the possible compromise to stock rebuilding in Area 5, should there be an increase in pot limits. He advised the Committee that Area 5 was being monitored to take into account the impact of the increase in female size limits.

The Committee wrote to the Minister again on 14 January 2020 requesting further clarifying information. In his response of 4 February 2020, the Minister provided a number of explanatory points regarding the Fishery Advisory Committee meetings

---

<sup>15</sup> Dr Ian Dutton and Ms Hilary Revill Op. cit., 31 October 2019, p. 17.

held on 20 June 2019 and the consultation that took place. The Minister did acknowledge in this letter that a number of key stakeholders were unable to attend that particular meeting, noting:

*It is unfortunate, that several key industry representatives who have subsequently expressed concern about the adequacy of the Department's briefing, were not able to be present at this meeting.<sup>16</sup>*

In his response, the Minister indicated that he relied on the IMAS Stock Assessment Report 2016/17 that was presented in November 2017 that had identified low biomass in Area 5. He further advised that the Area would not reach the 'regional limit reference point of greater than 20% by 2023 without additional measures being put in place'. The Minister indicated that the 20% figure was considered the minimum floor level.

The Minister also noted in his correspondence that an amendment to the draft plan to increase the minimum size of female lobsters in the north west region was included in the amendments and received widespread industry support. Further, he indicated that the IMAS stock assessment report for the 2019/20 quota year will be completed in 2020 and will include detailed analysis of Area 5 and that the outcomes of the Minister's review should be available prior to the commercial fishery reopening in November 2020.

### **Additional Information from Stakeholder**

Following the conclusion of the hearing process and whilst the Committee was in the early stages of preparing its final report, recreational fisher Mr John Cocker contacted the Committee. Mr Cocker provided background information for the Committee's information by email of 4 March 2020. Mr Cocker's email submission is attached to the report.

### **Examination of the Rules**

The Committee considered the concerns that had been presented by the TRLFA.

The Committee noted the response to concerns raised by TRLFA by the Minister and the Department and the rationale for the decision. The Committee was assured by the Minister there would be a review in twelve months' time that would be made available prior to the commercial fishery opening in November 2020.

The Committee noted IMAS stock assessment report for the 2019/20 quota year will be completed in 2020 and will include detailed analysis of Area 5.

The Committee also considered the following matters —

- circumstances that arose due to the COVID-19 pandemic impacting on the commercial fishers' international markets;

---

<sup>16</sup> Letter dated 4 February 2020 from the Minister for Primary Industries and Water, the Hon Guy Barnett MP providing a response to further questions of the Committee, p. 1.

- the statewide restrictions that were put in place; and
- the upcoming closure of the season for female rock lobster.

On 19 March 2020, upon consideration of all these matters the Committee resolved to pass the Fisheries (Rock Lobster) Amendment Rules 2019 (S.R. 2019, No. 62) as 'examined'.

A handwritten signature in black ink, reading "Tania Rattray". The script is cursive and fluid, with the first name "Tania" and last name "Rattray" clearly distinguishable.

Tania Rattray MLC  
**CHAIR**

26 June 2020

Department of Primary Industries, Parks, Water & Environment

WATER AND MARINE RESOURCES DIVISION

**Hobart** GPO Box 44, Hobart TAS 7001

**Launceston** PO Box 46, Kings Meadows TAS 7249

**Devonport** PO Box 303, Devonport TAS 7310

Ph 1300 368 550

Web [www.dpipwe.tas.gov.au](http://www.dpipwe.tas.gov.au)



RECEIVED

09 OCT 2019

Mr Stuart Wright  
Secretary  
Parliamentary Standing Committee on Subordinate Legislation  
Parliament House  
HOBART TAS 7000

Dear Mr Wright

***FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (No. 62).***

The *Fisheries (Rock Lobster) Amendment Rules 2019* were notified in the *Gazette* on 2 October 2019.

Please find enclosed a fact sheet, report on the consultation process and copies of relevant certificates for this legislation.

If you have any queries in relation to the above, or if the Committee requires any further information, please telephone Dr Ian Dutton, Director of Marine Resources, on 6165 3043.

Yours sincerely

Laurie Dwyer  
**A/GENERAL MANAGER**

07 October 2019

**ADVICE OF CHIEF PARLIAMENTARY COUNSEL*****Fisheries (Rock Lobster) Amendment Rules 2019***

I advise that this statutory rule –

- (a) appears to be within the powers conferred by the *Living Marine Resources Management Act 1995*; and
- (b) does not appear, without clear and express authority being provided by any Act, to –
  - (i) have any retrospective effect; or
  - (ii) impose any tax, fee, fine, imprisonment or other penalty; or
  - (iii) sub-delegate powers delegated by the *Living Marine Resources Management Act 1995*; and
- (c) appears to be within the general objectives of the *Living Marine Resources Management Act 1995*; and
- (d) is expressed in as clear and unambiguous language as is reasonably possible.

Dated 2 August, 2019.



Robyn Webb  
**Chief Parliamentary Counsel**

## Department of Treasury and Finance

The Treasury Building  
21 Murray Street HOBART TAS 7000  
GPO Box 147 HOBART TAS 7001 Australia  
Telephone (03) 6166 4444 Facsimile (03) 6173 0219  
Email [secretary@treasury.tas.gov.au](mailto:secretary@treasury.tas.gov.au) Web [www.treasury.tas.gov.au](http://www.treasury.tas.gov.au)



Doc. reference 19/133877

Mr J Whittington  
Secretary  
Department of Primary Industries, Parks, Water and Environment  
  
Attention: Hilary Revill

### **Assessment of the proposed Fisheries (Rock Lobster) Amendment Rules 2019**

I refer to a request of 12 July 2019 from your Department for an assessment of the above proposal in accordance with the Agreement between Treasury and your Department regarding Fishery Management Plans and subsequent Rules.

As you are aware, our Agreement provides that Fishery Management Plans and subsequent Rules developed under the *Living Marine Resources Management Act 1995* will not be declared to be subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*, provided the conditions of the Agreement continue to be met.

Based on the information provided, I have determined that the conditions of our Agreement have been met as they relate to the Fisheries (Rock Lobster) Amendment Rules.

As the Rules are not subordinate legislation within the meaning of the Subordinate Legislation Act, a certificate does not need to be issued under the Act in order to have the Rules made.

If you have any queries regarding this assessment, please contact Paul Rowberry on (03) 6166 4248.

  
Tony Ferrall  
Secretary

31 July 2019



# **FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019**

## **FACT SHEET**

The *Fisheries (Rock Lobster) Amendment Rules 2019* provides the legal instrument to amend the management plan for the Tasmanian rock lobster fishery made under the provisions of the *Living Marine Resources Management Act 1995*.

These amendments relate primarily to the management of the Commercial Rock Lobster Fishery. These amendments include:

- Increasing the female legal minimum size limit in the north western part of the rock lobster fishery from 105mm to 120mm between Point Sorell on the north coast and the Henty River on the west coast;
- Increase in the maximum number of pots that can be set from a commercial vessel from 50 to 60 for the western half of the State from Bluff Hill Point (42°S) to South Cape;
- Remove the vessel length /pot numbers schedule and associated alternative methods for determining how many pots can be on a commercial rock lobster vessel;
- Removing the endorsement to unload rock lobster outside of State waters;
- Reducing the recreational boat limit in the Northern Bass Strait western region from 25 to 10;
- Including a provision to allow the publication of a public notice on a website; and
- Providing greater flexibility for communication methods associated with the notification of pots that cannot be retrieved within the 48 time period.

The Department worked closely with the Crustacean Fishery Advisory Committee (CFAC), Tasmanian Rock Lobster Fishermen's Association (TRLFA), Tasmanian Association for Recreational Fishers (TARFish) and commercial fishers in developing the draft amendments contained in the review information paper released for consultation.

The new measures are scheduled to come into effect when the commercial and recreational rock lobster fishery opens in November 2019.

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.

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 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 web page, the licensing counter on the 1st floor of the Marine Board Building and on the Tasmanian Rock Lobster Fishermen's Association's web page.

The Minister consulted with the representative fishing bodies (the Tasmanian Association for Recreational Fishing and the Tasmanian Rock Lobster Fishermen's Association) and Fishery Advisory Committees (the Recreational Fishery Advisory Committee and the Crustacean Fisheries Advisory Committee) prior to releasing the proposed amendments for public consultation.

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.

270 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 and 208 from recreational fishers. Submissions were received from the relevant peak bodies, the Tasmanian Rock Lobster Fishermen's Association (TRLFA), the Tasmanian Seafood Industry Council (TSIC) and Tasmanian Association for Recreational Fishing (TARFish).

Information about the review was sent out to the via the Recreational Fishing Email Newsletter – 25,000 recipients; Facebook posts – Viewed by 8,000 people, shared 14 times, received 40 comments; and on the Department web page, which received 3,400 page views.

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 its recommendations which are detailed in the attached report to the Minister.

The outcomes of the public consultation are detailed in the final report to Minister. The report provides a summary of the views detailing an analysis of the written responses and the major themes and recommendations from the CFAC and the RecFAC. The Department provides a discussion and outline of the issues and a final recommendation.

One alteration was made to the draft amendments publicly exhibited to address concerns raised in submissions. This alteration related to the draft amendment to increase the maximum number of pots used from 50-60 in the western half of the state between Point Sorell and South Cape. Concerns raised in submissions from commercial fishers included associated impacts on smaller operators (and communities). There was also concern on the potential to put extra pressure on NW stocks, which are currently at a low level of biomass, 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 went ahead.

After consideration of submissions and recommendations from the CFAC and RecFAC, the proposal was amended to exclude the far north west and King Island from the 60 pot area and the area where the 60 pots can be used was amended to only include the area from Bluff Hill Point on the west coast south around to South Cape. The area was primarily amended in response to submissions from commercial and recreational fishers which expressed concern surrounding the impact that the additional rock lobster pots will have on the sustainability of the far north west and King Island - the biomass in this area is at a low level and is subject to a stock rebuilding regime.

#### Summary of amendments

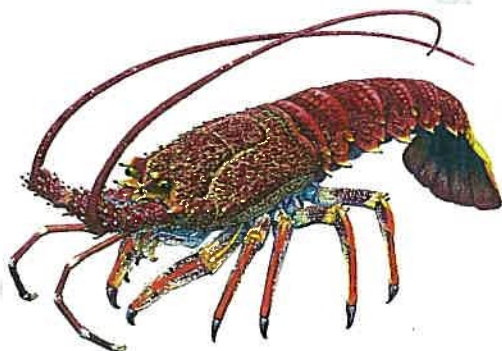
- Increasing the female legal minimum size limit in the north western part of the rock lobster fishery from 105mm to 120mm between Point Sorell on the north coast and the Henty River on the west coast;
- Increase in the maximum number of pots that can be set from a commercial vessel from 50 to 60 on the west coast from Bluff Hill Point to South Cape;
- Remove the vessel length /pot numbers schedule and associated alternative methods for determining how many pots can be on a vessel;
- Removing the endorsement to unload rock lobster outside of State waters;
- Reducing the recreational boat limit in the Northern Bass Strait western region from 25 to 10;
- Including a provision to allow the publication of a public notice on a website; and
- Providing greater flexibility for communication methods associated with the notification of pots that cannot be retrieved within the 48 time period.

Copies of the certificates issued in relation to the rules are attached, along with the report to the Minister on the outcomes of the consultation.

# Tasmanian Rock Lobster Fishery

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

July 2019



Author: Wild Fisheries Management Branch

Publisher: Department of Primary Industries, Parks, Water and Environment

Date: July 2019

© Crown in Right of the State of Tasmania



# 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.

Dr Ian Dutton

**Director (Marine Resources)**

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

7 August 2019

# Contents

<b>REPORT TO THE MINISTER</b>	<b>3</b>
<b>INTRODUCTION</b>	<b>5</b>
<b>PROPOSED CHANGES</b>	<b>7</b>
Increasing the minimum size of female rock lobster in the North West	7
Removing the number of pots/vessel length schedule/associated alternative methods	10
Increasing the maximum number of pots to be carried and used by a commercial rock lobster vessel	12
Removal of endorsement to unload outside State waters	15
Recreational boat limit in Northern Bass Strait	16
Notification of not being able to retrieve fishing gear – recreational fishery	17
Publication of a Public Notice on a website	18



# 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 DPIPW 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.

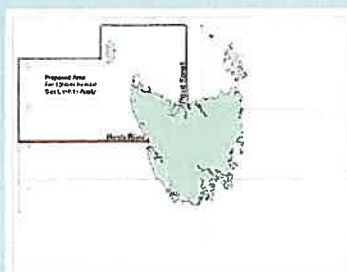
## Increasing the minimum size of female rock lobster in the North West

### 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.



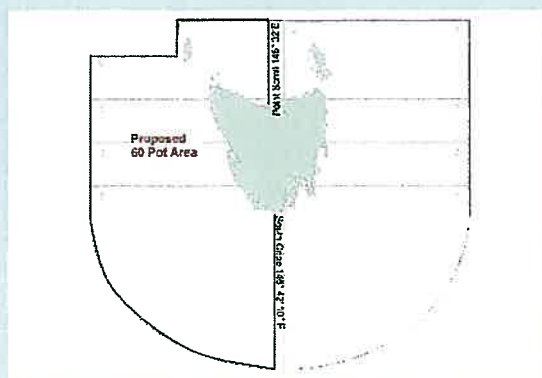
# Increasing the maximum number of pots to be carried and used by a commercial rock lobster vessel

## 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 went 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.

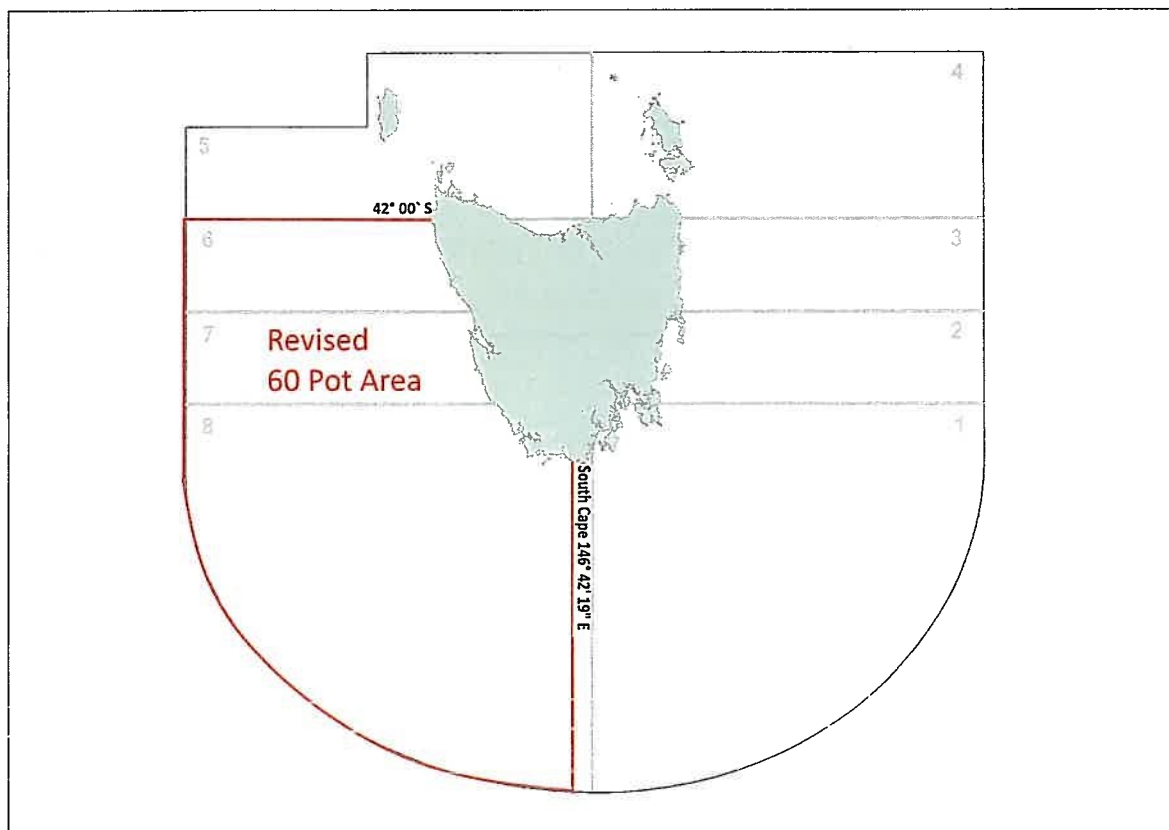
Commercial concerns mirror the social and economic issues flagged by DPIPW in the Information paper. There is also a clear concern from many recreational fishers that the increased competition for space/stock in areas that recreational fishers can access, will be detrimental to their recreational fishing 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.







Tasmanian  
Government

**Department of Primary Industries, Parks, Water and Environment**  
Wild Fisheries Management Branch

**Phone:** (03) 6165 3047

**Email:** [rocklobster.review@dpipwe.tas.gov.au](mailto:rocklobster.review@dpipwe.tas.gov.au)

**Website:** [www.fishing.tas.gov.au/rocklobster-review](http://www.fishing.tas.gov.au/rocklobster-review)

**From:** TRLFA - CEO <[ceo@trlfa.com](mailto:ceo@trlfa.com)>

**Date:** 16 October 2019 at 2:50:07 pm AEDT

**To:** "[tania.rattray@parliament.tas.gov.au](mailto:tania.rattray@parliament.tas.gov.au)" <[tania.rattray@parliament.tas.gov.au](mailto:tania.rattray@parliament.tas.gov.au)>

**Subject:** Rock Lobster Management Plan

Dear Ms Rattray,

I would like to request the opportunity to address the Subordinate Legislation Committee regarding the Rock Lobster Fishery Management Plan. I represent the interests of the Tasmanian Rock Lobster Fishermen's Association and would like to advise the committee of the effects on the commercial fishing industry of the proposed Management Plan amendments.

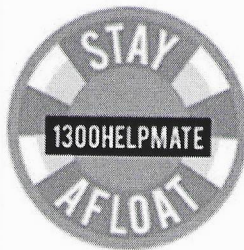
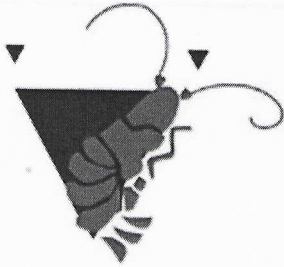
Yours sincerely

**John Sansom**

Chief Executive Officer

TRLFA Ltd

Mobile: 0427 477 284



**Sent:** Wednesday, 23 October 2019 10:04 AM  
**To:** Stuart Wright <Stuart.Wright@parliament.tas.gov.au>  
**Subject:** FW: RECREATIONAL ROCK LOBSTER QUOTA

## **CEO Report–**

Dear Board members,

I met with Minister Barnett last night on the subject of East Coast management and the RECFAC proposal to increase the recreational allocation by 60 tonnes, at the expense of the commercial sector. At short notice I asked Julian Harrington to accompany me. The Director of Marine Resources Ian Dutton, senior Ministerial fisheries advisor Laura Richardson and the Minister were present. I presented the attached document and spoke to it reiterating that the commercial sector had done everything ever asked of it (and more) to ensure the sustainability of the fishery, and that we would see any alteration in the share agreement as a complete betrayal by the Gvt for doing the right thing while another sector was allowed to continually overcatch with no effective action taken.

### Comments from Ian Dutton -

- Agreed that the comm sector were responsible and done the right thing
- Agreed that the current share arrangement was based on fact and reflected the historical catches at the time of the agreement
- Advised that with no action there would again be a serious rec overcatch in 19/20
- If there was no constraint, then the 20% target would not be met in 2023
- Only mechanism available this year to constrain rec catch was to shorten rec season to December and January with no guarantee that it would work.
- An individual allocation to rec fishers would take 2 years to implement
- Agreed that a 60 tonne increase to rec sector would most likely be caught in areas that have Centrostephanus concerns.

### Comments from Laura Richardson –

- Agreed that comm sector were responsible and done the right thing
- Advised that the Minister was under extreme pressure from rec sector to increase allocation
- Agreed that all previous ministers had ratified the share agreement
- Agreed that all previous ministers had been advised by industry and the Dept that current management would not work.
- A shortened season would be unpopular with rec sector.
- Accepted that an individual allocation was probably the most effective management tool but had problems.

### Comments and questions from the Minister

- Wants to implement a long term (10 -20 – 30year) plan for the fishery. (TRLFA happy to be part of discussions)
- Questioned how many commercial vessels were on the east coast. (approx. 50)
- Questioned how many boats would be forced out if he agreed to rec claim. (approx. 18-20)
- Accepted that comm sector had been responsible and done the right thing



- Questioned whether a 60 tonne cut to the commercial catch on the east coast could be absorbed elsewhere without adjusting the TACC (No)

#### Observations

- Appears that Minister wants to meet 20% TRP by 2023.
- Minister was surprised (and noted) that TRLFA had translocated 20,000 fish last year to the east coast in addition to the Gvt's 28,000.
- Minister did not appear to be interested in capping the numbers of rec fishers. (explained the catch 22 of more fishers equals less fish per person under a personal allocation system and more fishers equals shorter seasons if there is no personal allocation)
- Elephant in the room was the political reality of the equation 18,000 verses 350

#### Discussions and hypothesis

- Gvt could buy out 60 tonnes of commercial quota. (\$60M)
- Do nothing and have Gvt seasonally lease rec overcatch (2yrs@\$500K)
- Do nothing this year committing to an effective rec management strategy by 2021, recognising more overcatch and not meeting 20% TRP until 2024/25
- If left unchecked IMAS has predicted that rec catch could be more than 100 tonnes by 2025.

#### Conclusion

- At this stage both Julian and myself are not reassured that the Minister will support the current share arrangement on the east coast.
- We consider that there is a possibility Minister may increase the rec catch by say 10 tonnes and reduce comm catch accordingly as a compromise. The major problem with this is the precedent it would set.

I will advise of any further developments

Regards

John

**John Sansom**

Chief Executive Officer

TRLFA Ltd

Mobile: 0427 477 284

#### **Suggested approaches to address the proposed amendment rules from a Commercial Fisher**

—

- Another deal breaker could be to accept the proposed rule amendments in their entirety, except that Area 5 ( Port Sorrell to Bluff Hill Pt) be managed under a PERMIT SYSTEM, where fishers can apply to use 60 pot's, all year round?
- A permit system could be put in place at the stroke of a pen, and apply from 15<sup>th</sup> November 2019!
- A permanent rule change could be negotiated with the Minister ASAP?

- Just looking at any avenue that may get us to a resolution that may suffice in the short term?



Parliament of Tasmania, Hobart, TAS, 7000  
[www.parliament.tas.gov.au](http://www.parliament.tas.gov.au)

## Joint Standing Committee Subordinate Legislation

23 October 2019

The Hon Guy Barnett MP  
Minister for Primary Industries and Water  
Level 5, Salamanca Building  
4 Salamanca Place  
HOBART 7000

Dear Minister

### **FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, NO. 62)**

The Joint Standing Committee on Subordinate Legislation is currently considering the above Regulations. At the Committee's meeting on 23 October 2019 it resolved to commence a brief inquiry in relation to the Regulations and to invite you and Departmental representatives to appear before the Committee to provide verbal evidence at a public hearing to be held in Hobart on Thursday, 31 October 2019 at 1.40pm.

The Committee looks forward to meeting with you then.

Yours sincerely

A handwritten signature in black ink, reading 'Tania Rattray'.

**TANIA RATTRAY MLC**

CHAIR

w. 03 6212 2250 f. 03 6212 2345 m. 0488 009 642 e. [subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au)



Parliament of Tasmania, Hobart, TAS, 7000  
[www.parliament.tas.gov.au](http://www.parliament.tas.gov.au)

## Joint Standing Committee Subordinate Legislation

4 November 2019

The Hon Guy Barnett MP  
Minister for Primary Industries and Water  
Level 5, Salamanca Building  
4 Salamanca Place  
HOBART 7000

Dear Minister

### **FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, NO. 62)**

I refer to your recent appearance before the Joint Standing Committee on Subordinate Legislation in relation to the Fisheries (Rock Lobster) Amendment Rules 2019.

I confirm that the following questions were taken on notice from the hearing –

- How many boats are currently operating within the fishery?
- Further details of the consultative meeting that took place on 20 June?
- The age demographic data of the fishers within the industry?
- Would the Minister consider a permit system for this current year as an interim measure prior to a full review being completed?

The Committee looks forward to receiving a response at your early convenience.

Yours sincerely

**TANIA RATTRAY MLC**

CHAIR

w. 03 6212 2250 f. 03 6212 2345 m. 0488 009 642 e. [subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au)



## Joint Standing Committee Subordinate Legislation

4 November 2019

Mr John Sansom  
Chief Executive Officer  
Tasmanian Rock Lobster Fisherman's Association  
PO Box 109  
South Hobart TAS 7004

Dear Mr Sansom

### **FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, NO. 62)**

Thank you for your recent appearance with Mr Daniel Fox and Mr David Ponsford on behalf of the Tasmanian Rock Lobster Fisherman's Association in relation to the Fisheries (Rock Lobster) Amendment Rules 2019.

Following the appearance of the Minister before the Committee on the same day, the Committee resolved that I write to invite the Association to provide any additional information it wishes the Committee to consider as part of its examination of the Rules.

Thank you for your ongoing cooperation and assistance in relation to the work of the Committee.

Yours sincerely

**TANIA RATTRAY MLC**

CHAIR

w. 03 6212 2250 f. 03 6212 2345 m. 0488 009 642 e. [subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au)



Tasmanian Rock Lobster Fishermen's Association Ltd  
ABN: 30 009 553 413

P O Box 109 SOUTH HOBART TAS 7004  
Tel: (03) 6224 8299 Fax: (03) 6244 0900  
[www.tasrocklobster.com/trlfa](http://www.tasrocklobster.com/trlfa)

Tania Rattray MLC  
Chair  
Joint Standing Committee  
Subordinate Legislation  
Parliament House HOBART

[subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au)

6<sup>th</sup> November 2019

Dear Chair,

Re – *Fisheries (Rock Lobster) Amendment Rules 2019*

Thankyou for the opportunity to appear before the committee and provide evidence from industry on the proposed rule amendments, and this opportunity to provide further information.

As stated before the Committee, the TRLFA supported all the proposed amendments except those referring to the 60-pot fishing zone and the Female Size Increase zone. The intent of these two proposals is supported, however the TRLFA recommends that the areas of these two rules be increased.

In the matter of the 60-pot zone, where Stock Assessment Area 5 was excluded from the amendment, the TRLFA maintain that there are three areas of concern over that decision:

- Lack of evidence in the rationale used by DPIPWE to support the decision
- Lack of effective consultation
- Inconsistent decision-making process by DPIPWE

These points were elaborated on at the committee meeting.

The TRLFA are concerned that the Minister and DPIPWE were quoting a 10% figure of biomass in area 5 to the Committee when the current figure according to IMAS data is 13%. While this level is still short of the 20% Limit Reference Point, it is a good indication that the current management system is working quite well.

A 3% increase in biomass in one year is a reassuring result. If that trend continues, the current Limit Reference Point of 20% would be met by 2023. This would be in line with the current strategy of having a statewide 20% biomass level by 2023.

With the addition of a 15mm increase to the legal minimum size for female lobsters, the rebuilding strategy is expected to further increase the rate of stock rebuilding in the area, along with the benefits of increased egg production.

The TRLFA maintain that the presumption that 60 pots in Area 5 will be an incentive for more fishers to fish in the area and put at risk the stock rebuilding strategy is not supported by any evidence base, and that historic fisher behavior does not reflect that assumption. If there were to be any future concerns, there is the management option of closing the fishing season in September in line with the rest of the West coast to defray any possible catch increase.

The TRLFA were also concerned at the DPIPWE use of individual fisher submission numbers to support their rationale to the Committee for excluding Area 5.

The TRLFA submission on behalf of the vast majority of its 350 members was not mentioned.

It should be noted that most fishers and licence holders rely on the TRLFA to represent their interests and are satisfied that the TRLFA submission represented their views.

This was reinforced at the recent Port meetings conducted by the TRLFA (and attended by DPIPWE) where, by far, the majority of attendees in the North, Northwest and West supported the TRLFA submission.

On the matter of the inclusion of Area 4 in the female legal minimum size increase zone, the TRLFA maintain that the benefits of higher biomass and egg production are worth the initial hardship of reduced catches for some fishers.

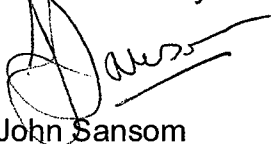
The rationale is the same for Areas 5 and 6 that will be in the zone as expressed in the TRLFA submission to the Minister through the public consultation process. (supplied to the Committee at meeting).

There are parts of Area 4 where the current minimum size limit for females does not protect them from harvest before they are sexually mature. The 15mm increase would allow these fish to breed at least twice before harvest.

The bonus for this strategy is that it will aid in increasing biomass as well as egg production. The TRLFA are aiming for a resilient biomass in this area. It is at the forefront of climate change and the scientific advice we have suggests that a resilient biomass is the best weapon against the effects of climate change.

I hope this information is of value to the Committee's deliberations. If there is any further clarification or other matters I can be of assistance with, please contact me.

Yours sincerely



John Sansom  
CEO  
TRLFA Ltd



**Minister for Primary Industries and Water**  
**Minister for Energy**  
**Minister for Resources**  
**Minister for Veterans' Affairs**

Level 5, 4 Salamanca Place HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Phone: +61 3 6165 7678  
Email: [guy.barnett@dpac.tas.gov.au](mailto:guy.barnett@dpac.tas.gov.au)



27 NOV 2019

Hon Tania Rattray MLC  
Chair  
Joint Standing Committee Subordinate Legislation  
Parliament of Tasmania  
HOBART TAS 7000

Dear Ms ~~Rattray~~ *Tania*

Thank you for your letter of 4 November 2019 regarding questions taken on notice from the Joint Standing Committee on Subordinate Legislation hearing into the Fisheries (Rock Lobster) Amendment Rules 2019 that was held on 31 October 2019.

I provide the following answers to the questions outlined in your letter below.

- How many boats are currently operating within the fishery?

According to Department records, 172 boats landed rock lobster in the 2018/19 season, which concluded on 28 February 2019. The current season commenced on 1 March 2019 and to date 156 vessels have landed rock lobster.

It is worth noting that approximately 290 vessels were active in the fishery when quota was introduced in 1999/2000. I have requested my Department to work with IMAS to better understand the economic and social dimensions of the commercial rock lobster fishery, particularly on the east coast where smaller vessels are more common.

- Further details of the consultative meeting that took place on 20 June?

The meeting that took place on June 20 was a joint meeting of the Crustacean Fishery Advisory Committee (CFAC) and Recreational Fishery Advisory Committee (RecFAC). These committees are appointed to provide me with advice relevant to their respective fisheries. On this date the CFAC and RecFAC met together in the morning to receive and discuss background briefings on recent IMAS research and summaries of recent public consultations on rule changes. Both the meeting background materials and the presentation by DPIPWE staff provided specific information on the 50 pot proposal in Area 5 (copies of which have been previously provided to the Committee). Both FACs then met separately and provided me with recommendations in relation to the then proposed rock lobster rule amendments.



- The age demographic data of the fishers within the industry?

From the Seafood Industry Profile produced by the Tasmanian Seafood Industry Council in May 2017 the average age of a rock lobster licence holder or supervisor is 50 years of age. Nearly 80% of rock lobster fishers are over 40 years of age, 57% are over 50 years of age and 30% are over 60 years of age. No age data is available for deckhands.

- Would the Minister consider a permit system for this current year as an interim measure prior to a full review being completed?

I have taken a precautionary but balanced approach towards increasing the maximum number of pots that can be used in the Tasmanian rock lobster fishery. I have supported use of 60 pots in the two southern and western Management Areas where stock biomass is above target levels. Of concern, however, is the low rock lobster biomass in Area 5, as evidenced by IMAS in its published 2017/18 stock assessment report for the Tasmanian rock lobster fishery, where biomass at the time of my decision was only at 10 per cent of an unfished level. The (2018/19) IMAS stock assessment summary (released 23 October) shows stock levels have increased to 13%. While this is an improvement the biomass is still at an unacceptably low level and is vulnerable to overfishing.

An increase in catch from Area 5 will likely compromise the stock rebuilding goal for this area. As was noted in the review of the summary of public submissions shared with the Committee, there is deep concern by scientists, managers, commercial and recreational fishers, that an increase in pot numbers is likely to result in an increased catch from Area 5 without further management intervention.

The Department, along with IMAS, will now monitor catch and effort in Area 5 for at least 12 months with the new management arrangements now in place (larger female size limit) to assess whether stock rebuilding for that area is on track, which would be critical prior to any review of the area where 60 pots can be used.

As such, it is not my preference to consider a permit system for this current year until my Department and IMAS have concluded a review of the new management arrangements. This is likely to take place in early 2021.

If the Committee requires any further information in relation to these questions please do not hesitate to contact me.

Yours sincerely



Hon Guy Barnett MP  
Minister for Primary Industries and Water



Parliament of Tasmania, Hobart, TAS, 7000  
[www.parliament.tas.gov.au](http://www.parliament.tas.gov.au)

## Joint Standing Committee Subordinate Legislation

2 December 2019

The Hon Guy Barnett MP  
Minister for Primary Industries and Water  
Level 5, Salamanca Building  
4 Salamanca Place  
HOBART 7000

Dear Minister

### **FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, NO. 62)**

I refer to your appearance at a recent hearing in relation to the Regulations and the letter of 4 November 2019 containing a series of questions that were taken on notice from the hearing.

At its recent meeting, the Committee noted that a response to the questions taken on notice had not been received. In the circumstances, the Committee resolved that I write to follow up with you regarding the outstanding response to the questions at your early convenience.

The Committee further resolved to request a response to the following additional questions in relation to the Regulations –

- Details of the scientific evidence that led to the decision for a 50 pot limit in area 5?
- A copy of the minutes from the consultative meeting referred to at the hearing which confirms a list of the attendees; details of agenda items discussed at the meeting and outcomes of discussions of meeting;
- What percentage of the total catch was taken per area (for all 8 areas) over the last 3 years?

The Committee looks forward to receiving a response at your early convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Forrest'.

**RUTH FORREST MLC**

DEPUTY CHAIR

w. 03 6212 2250 f. 03 6212 2345 m. 0488 009 642 e. [subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au)

**Minister for Primary Industries and Water**  
**Minister for Energy**  
**Minister for Resources**  
**Minister for Veterans' Affairs**

Level 5, 4 Salamanca Place HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Phone: +61 3 6165 7678  
Email: [guy.barnett@dpac.tas.gov.au](mailto:guy.barnett@dpac.tas.gov.au)



Ms Ruth Forrest MLC  
Deputy Chair  
Joint Standing Committee Subordinate Legislation  
Email: [subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au)

18 DEC 2019

Dear Ms ~~Forrest~~ *Ruth*

Thank you for your letter of 2 December 2019 seeking additional information regarding questions on notice from the Joint Standing Committee on Subordinate Legislation hearing into the Fisheries (Rock Lobster) Amendment Rules 2019.

I provide the following answers to the questions outlined in your letter below.

- Details of the scientific evidence that led to the decision for a 50 pot limit in area 5?

My decision to maintain a 50 pot limit in Area 5 (not include it in the new 60 area) was a risk based management response, based primarily around concerns raised through the from the public consultation process on the proposed rule amendments from commercial and recreational fishers submissions that the use of 60 pots could act as incentive for extra commercial fishing to take place an area of very low biomass. These submissions argued that such an incentive and the associated increased catch, could undermine the proposed new stock rebuilding measure (an increase in the minimum size limit for female rock lobster) that aims to accelerate the stock rebuilding in Area 5.

I also note, the TARFish submission supported increasing commercial pot numbers on the west coast only (i.e. not including IMAS stock assessment area 5). The TRLFA submission supported the use of 60 pots State wide.

Scientific evidence relating to the rock lobster stock levels around the State are included in the attached Institute of Marine and Antarctic Studies (IMAS) 2017/18 Stock Assessment report. This report states that area 5 stock levels were at the very low level of 10% of an unfished or virgin fishery. (Executive summary).

Since my decision, IMAS have provided a draft stock assessment summary for the 2018/19 quota year to the TRLFA, the Department and Fishery Advisory Committees. This latest assessment indicates that biomass has improved in Area 5 to 13% of an unfished fishery, but also that the level of catch from Area 5 has also increased by 10% (20 tonnes) compared with the previous year. This latest data demonstrates the capacity for catch to increase with relatively small changes in biomass. It supports the concerns expressed from fisher's submissions around the potential impact of an incentive (with 60 pots) to fish in Area 5 resulting in increased catch and an increased risk of undermining the stock rebuilding in this area.

- What percentage of the total catch was taken per area (for all 8 areas) over the last 3 years?

Based on the IMAS catch data graphs from 2018/19 assessment - % of total commercial catch by Area on average for last 3 years.

Area 1 (south east)	8%
Area 2 (mid east)	4%
Area 3 (upper east)	3%
Area 4 (north east)	10%
Area 5 (north west)	20%
Area 6 (upper west)	9%
Area 7 (mid west)	15%
Area 8 (south west)	30%

- A copy of the minutes from the consultative meeting referred to at the hearing which confirms a list of the attendees; details of agenda items discussed at the meeting and outcomes of discussions of meeting

Attached is a copy of the agenda and minutes of the joint Crustacean Fisheries Advisory Committee (CFAC) / Recreational Fisheries Advisory Committee (RecFAC) Meetings 20 June 2019.

Agenda's for the CFAC and RecFAC individual meetings. The Minutes from the RecFAC and CFAC meetings include participants.

As the attached minutes outline, 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. While 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.

It is important to reiterate to you my concern that an increase in catch from Area 5 will likely compromise the stock rebuilding goal for this area. There is concern that an increase in pot numbers is likely to result in an increased catch from Area 5 without further management intervention.

The Department, with IMAS, are monitoring the catch and effort in Area 5 (for at least 12 months) with the new management arrangements in place (larger female size limit) to assess whether stock rebuilding for that area is on track, as I have previously stated this information will be critical to any review of the area where 60 pots can be used.

If the Committee requires any further information please do not hesitate to contact me.

Yours sincerely



Hon Guy Barnett MP  
**Minister for Primary Industries and Water**

Encl:

# CRUSTACEAN FISHERIES ADVISORY COMMITTEE

## CFAC 82 DRAFT AGENDA

THURSDAY 20 June 2019

Tasmanian Police Academy, Rokeby



<b>Start 1pm</b>				
1		<b>Welcome and preliminaries</b> <ul style="list-style-type: none"> <li>a) Welcome and apologies</li> <li>b) Declaration of pecuniary interests</li> <li>c) Adoption of agenda</li> <li>d) Confirmation of minutes for meeting 79</li> <li>e) Action arising from previous meetings</li> </ul>	Chair	<i>For information</i>
2		<b>Extra Brief Updates (max 5min per item)</b> <ul style="list-style-type: none"> <li>• TRLFA</li> <li>• Processor</li> <li>• Compliance                             <ul style="list-style-type: none"> <li>• Marine Police</li> <li>• DPIPWE</li> </ul> </li> <li>• Management</li> <li>• Community and Conservation</li> </ul>		<i>For information</i>
<b>General Business</b>				
3		<b>Management Plan Amendments</b>	Hilary Revill	<i>For recommendation</i>
4		<b>East Coast Management</b> <ul style="list-style-type: none"> <li>• <b>Season Dates</b></li> <li>• <b>Operation of Catch Cap</b></li> <li>• <b>Future east coast management</b></li> </ul>	Hilary Revill	<i>For recommendation</i>
5		<b>Centrostephanus Update</b>	Ian Dutton	<i>For information and discussion</i>

**Finish 4pm**

**Table 1 – Action Items**

ITEM	ACTION	WHO	WHEN	STATUS/COMMENTS
<b>CFAC ACTIONS ARISING FROM MEETING 80</b>				
1	Invite Jeremy Lyle to present outcomes of east coast management options project	DPIPWE	Next Meeting	To present at Joint CFAC/RecFAC meeting on 20 June
<b>CFAC ACTIONS ARISING FROM MEETING 81</b>				
1	DPIPWE to provide TRLFA EO with reasons as to why the line will remain off Eddystone Pt.	DPIPWE	By Next Meeting	Completed, explanation sent to TRLFA EO
2	IMAS member to provide contact details for fishers who are willing to take out an observer.	IMAS	By Next Meeting	
3	DPIPWE manager to send out a research paper “Structured decision making – identifying effective strategies and potential barriers for ecosystem based management” Lucy Robinson, et al to FAC members	DPIPWE	By Next Meeting	Completed, paper sent out with background papers for meeting.
4	DPIPWE to email FAC regarding the need to include a November closure in the NW stock rebuilding package following IMAS assessment of 2017/18 data from the area for consideration by the FAC out of session	DPIPWE	By Next Meeting	Completed, Hilary to update FAC at meeting.
5	DPIPWE and IMAS to consider how the FAC can add value to the research prioritisation process	DPIPWE and IMAS	Next Meeting	Not completed

# CRUSTACEAN FISHERIES ADVISORY COMMITTEE

## CFAC 82 MINUTES

20 June 2019

Tasmanian Police Academy, Rokeby



### I. Welcome and preliminaries

#### a) Welcome and apologies

##### Present

Ian Cartwright  
Hilary Revill  
Klaas Hartman  
Louise Hart  
Julian Harrington  
Darrel Grey  
Michael Blake  
Craig Crawford  
Rachel McKay  
Dave Ponsford  
Clive Perryman  
Ian Heathorn  
Troy Rainbird

Chair  
DPIPWE Wild Fisheries Management  
IMAS Scientific Representative  
Rock lobster industry representative  
TSIC representative  
TRLFA representative  
Processor representative  
Marine Police representative  
Marine Police representative  
Giant crab industry representative  
TRLFA representative  
Processor representative  
TRLFA representative

##### Observers

James Parkinson

CFAC Executive Officer

##### Apologies

John Sansom  
Dawn Jordan  
Amanda Inkson  
Malcolm Budd  
\*Jon Bryan

CEO TRLFA  
Rock Lobster industry representative  
Rock lobster industry representative  
DPIPWE compliance & licensing  
TCT representative

The Chair welcomed members to the 82nd meeting of the newly appointed CFAC. He congratulated past members on their reappointment welcomed four new members, Troy Rainbird (TRLFA representative), Rachel McKay (Marine Police representative), Ian Heathorn (Processor representative) and Amanda Inkson (Rock lobster industry representative).

\*Noting that Jon Bryan was attending RecFAC (concurrent meeting)

#### b) Declaration of pecuniary interests

The Chair explained that pecuniary interests for each meeting will be attached to the minutes, should represent current interests and be updated each meeting, as



necessary. The FAC EO indicated that the pecuniary interests register will be compiled/updated as members submit their declaration form.

**c) Adoption of agenda**

CFAC members accepted the agenda as distributed prior to the meeting.

**d) Confirmation of minutes for meeting 81**

The FAC was informed that the minutes from Meeting 81 were circulated to members following the meeting, with suggested changes adopted.

The Chair asked if members had any other amendments to the minutes.

No additional amendments were suggested, the FAC accepted the minutes of meeting 81 as true and accurate record of the meeting.

**e) Action arising from previous meeting**

**Meeting 80 Item 1** *Invite Jeremy Lyle to present outcomes of east coast management options project*

**Done.** Dr Lyle provided a presentation on this issue to FAC members at the Joint CFAC/RecFAC session held the morning before the CFAC meeting.

**Meeting 81 Item 1** *DPIPWE to provide TRLFA EO with reasons as to why the line will remain off Eddystone Pt*

**Done.** DPIPWE provided their rationale for retaining the line, notwithstanding industry representations for change.

**Meeting 81 Item 2** *IMAS member to provide contact details for fishers who are willing to take out an observer.*

**Done.** Agreed to make the process of contacting an observer more effective. The IMAS member explained that a contact mobile phone number and an email address will be used that is monitored by multiple staff. It was suggested that IMAS prepare an article for the TRLFA newsletter promoting the availability of observers to head out on rock lobster boats, and the process to obtain an observer and DPIPWE will email all fishers as well.

<b>Action Item 1:</b> IMAS to prepare an article for the TRLFA newsletter regarding the process take out an observer. DPIPWE to email all fishers.
--

**Meeting 81 Item 3** *DPIPWE manager to send out a research paper “ Structured decision making – identifying effective strategies and potential barriers for ecosystem based management” Lucy Robinson, et al to FAC members*

**Done.** This paper was sent out to members prior to the meeting.

The FAC was reminded that there is an objective decision making harvest strategy (HS) in place and in use for the Tasmanian rock lobster fishery. While this HS is backed by science, it has not been clearly documented in one place, with full explanation of its operation.

<b>Action Item 2:</b> Department to draft harvest strategy document to be presented ahead of next meeting.
--

**Meeting 81 Item 4:** *DPIPWE to email the FAC regarding the need to include a November closure in the NW stock rebuilding package following IMAS assessment of 2017/18 data from the area for consideration by the FAC out of session*

**Done.** DPIPWE emailed the FAC membership out of session.

**Meeting 81 Item 5** *DPIPWE and IMAS to consider how the FAC can add value to the research prioritisation process.*

**Outstanding.**

**Action Item 3:** The FAC to allocate time for a RAG type update before, or as part of, the next meeting.

## **2. Brief Updates**

### **a) Research**

The IMAS member informed that FAC that IMAS has won the contract to undertake the Victorian rock lobster fishery assessment for further two years. A new person will be starting and will be progressing the on line rock lobster stock assessment website.

A size selectivity project is starting, looking at the hypothesis that large lobsters displace smaller lobsters in pots. This may have implications for bias in the assessment when using research pot catch data.

### **b) TRLFA**

The TRLFA President briefly informed the FAC that at the last TRLFA general meeting held in Launceston TRLFA members passed a motion supporting a Moratorium on west coast translocation following concerns regarding the abundance of lobsters from the 'take sites', from fishers who are undertaking translocation. The FAC was informed that the IMAS will undertake an assessment of lobster populations from the take sites and will report back to the TRLFA/CFAC.

### **c) Processors**

The FAC was informed that southern rock lobster is currently experiencing push back in the China market in relation to light colour rock lobster, with the China market only taking red rock lobster at what is a relatively high price. Rock lobster price in general is causing market 'push back' in China.

The FAC was informed that the TRLFA has supported a 10 cent/kg levy for marketing, in cooperation with NZ. It was noted this was a significant development.

### **d) Compliance Reports**

A processor member informed the FAC that there was wharf talk concerning discrepancies in unloading weights being recorded at the wharf, resulting in widespread under reporting in the region of 10% of the total catch. The police member informed the FAC that there was an ongoing investigation into the issue and the Police are endeavouring to weigh more rock lobster at the wharf. It was noted that fishers are ultimately responsible for recording the quantity of lobster weighed off at the Wharf.

The Police representative informed the FAC that 1462 fisheries offences had been detected across both the commercial and recreational fisheries. This represents an increase in commercial offences of 200% across all fisheries, however the statistics cannot be split into individual fisheries.

**e) Management**

The DPIPWE management member informed the FAC that the project to combine the quota docket and catch effort data into one log book was progressing and she would be looking for fishers to trial the new docket in July.

The routine fortnightly testing of mussels for biotoxins, has commenced now that we are entering the high risk period for HAB's.

IMAS have commenced the field component of the biotoxin research project to better understand looking at the uptake of PST in lobsters. The fishery in the lower half of the Maria biotoxin zone was closed for three days for the first round of biotoxin testing of lobsters for the project. The FAC was informed that there was a high level of support for the closure, next round of testing will be early July. Results from the first round of testing found low levels of PST recorded in the lobsters sampled.

**f) Community and Conservation**

No report. The community and conservation member was not present for the meeting.

## **General Business**

### **3. Management Plan Amendments**

The DPIPWE fishery manager took the CFAC through each of the management plan amendments and outlined the department's preliminary position.

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

It was noted the aim of the proposal was to increase biomass and egg production which are at low levels in stock assessment Area 5 to above 20% by 2023.

The FAC was informed the Department supported this proposal based on a high level of support.

The FAC noted the proposal to increase the female size limit was supported by the TRLFA.

The FAC noted that from submissions there was strong support for the proposal from the recreational and commercial sectors.

**The FAC unanimously supported the proposal to increase the female size limit from 105mm to 120mm, noting the supported by TRLFA and numbers of individual supportive submissions**

#### **Area for size limit increase**

The FAC noted the biological 'target' area where the female size limit increase is needed is Area 5. However, Area 6 had been included to offset operational issues in the commercial fishery and to address potential 'spill over effort' impacts in the commercial and recreational fisheries.

The FAC noted that a catch cap is in place in Area 4 to meet stock rebuilding objectives (increased biomass and egg production)

The police member supported in principle the proposal, noting that the decision to increase the size limit will require adequate compliance measures including a transiting telephone report. The FAC supported the proposed transiting telephone report which will be introduced for fishers who have been fishing outside of the new size limit area and who wish to transit / unload at a port within this area. It was also suggested processors may need to keep fish separate at processing premises, however there were no processing rules at present around keeping fish from different areas separate at processors.

The FAC noted that the TRLFA submission supported the inclusion of Area 4 in the larger size limit area.

The FAC noted that from the submissions there was general support for the proposed area from the recreational and commercial sectors.

**The majority of industry FAC members present supported the inclusion of area 4 along with areas 5 and 6 as the area the increased female size limit will apply.**

### **Increasing the maximum number of pots to be carried and used by a commercial rock lobster vessel**

The FAC noted that the origin of this proposal was from the TRLFA's 60 pot west coast winter trial and more recently the TRLFA policy position to increase maximum pot numbers to 60 pots statewide, based on efficiency considerations.

The IMAS member reiterated that the proposal will accelerate fleet consolidation (i.e. fewer vessels), and expressed concern that there was no social policy to guide the FAC and industry when developing advice or policy, where a social impact was likely.

An industry member expressed concern that increasing to 60 pots only on the west coast will increase quota price which will effect fishers that don't fish the west coast and can't take advantage of the increase in pots. If applied Statewide, this would provide the potential for all vessels who wish to, to take advantage of the increase.

An industry members suggested the TRLFA position was developed around larger boats with higher operating expenses being disadvantaged in comparison with smaller with all sizes of vessels limited to a maximum of 50 pots (excluding the west coast winter fishery). It was considered that the increase would 'level the playing field'. Not all members agreed with this position, and that the increase was simply about making boats more efficient, especially in winter.

The FAC was informed that the number of pots available to fishers is not limiting.

The IMAS member was asked if there was any biological concern with raising the maximum number of pots. The IMAS member responded there were potential issues with fleet dynamics and some potentially some limited spatial depletion issues. Overall it was considered that the impact of the increased number of pots was largely biologically neutral.

An industry member suggested that not making the pot increase statewide would raise operational issues.

An industry member suggested increasing the number of pots to 60 would be better for the environment due to less days fished.

Impact on lease fishers may result due to a reduced margin between lease and beach price.

The DPIPWE member took the FAC through recreational views regarding the proposals, particularly around the pressure put on fish stocks and the associated perception of reduced fishing opportunity for rec fishers at the local level. In response an industry member noted the commercial fishery is an output control fishery with a TAC that bounds it and it makes little difference how many boats take the same catch.

One FAC member supported the area for the use of 60 pots be limited to Tasman Head around to Eddystone Point. In response to a question as to why this option had not been considered, the DPIPWE fishery manager suggested this issue was primarily around impact on recreational sector and the smaller commercial operators who fish in these areas.

TSIC member suggested that there are no measures or systems in place for the consideration of social policy issues.

The FAC noted that the TRLFA submission supports 60 pots statewide.

**The majority of industry FAC members present supported and increase in the maximum number of pots from 50 to 60, to be introduced statewide. If statewide was not supported by the Minister, the industry members present supported the proposed 60 pot area put out for public consultation - Point Sorell to South Cape.**

### **Removing the number of pots/vessel length schedule/associated alternative methods**

The FAC noted that it was not appropriate for fisheries management regulations to cover safety provisions, which are more appropriately dealt with under other (AMSA) legislation.

IMAS member expressed concern that this will allow small boats to use more pots than under the current regulations and operate by setting and retrieving pots in several trips, rather than moving all pots in a single trip. He was concerned this could lead to increased fishing pressure in the areas where the small vessels may operate. There could also be more breaches of the 48 hour rule and ghost fishing. This is currently of significant concern in the Victoria rock lobster fishery. The FAC noted that under the current regulations vessels do not have to be able to carry all their pots on deck at one time. The proposed rule change will not prevent small boats from running reduced numbers of pots to suit vessel operating conditions. Such decisions are the prerogative of the master of the vessel.

The FAC noted that the TRLFA submission supported this amendment.

**The FAC supported the amendment to remove the length tonnage schedule and alternative methods for determining the number of pots than can be set by a vessel.**

### **Other Amendments**

**The FAC considered the other more minor rule amendments and supported all DPIPWE proposals to progress these amendments.**

## 4. East Coast Management

### Season Dates

The DPIPWE fishery manager presented season dates for the remainder of 2019 for discussion and recommendation as follows :

- Commercial Closed season: from 1 Sept : St Helens Pt south to Sandy Cape
- Commercial Closed season: from 1 October Statewide

This closed season proposal maintains the 'status quo' from the last 2 seasons.

**The CFAC supported the 1 September closure from St Helens Pt south to Sandy Cape along with the closure of the remainder of state waters from 1 October.**

- Commercial Open season    15 Nov: all waters except ECSRZ
- Recreational Open season   2 Nov:    as above
  
- Com Open season:                10 Dec: ECSRZ
- Rec Open season:                7 Dec – ~ end Jan 2020 ECSRZ

**Industry members reiterated their previous view that they support a statewide opening for the commercial fishery on 15 November.**

The CFAC did not wish to make a recommendation regarding the recreational open closed dates however expressed concern regarding the ability of the Department to monitor and constrain recreational catch within the recreational ECSRZ allocation.

### Operation of the East Coast Catch Cap

The DPIPWE fishery manager presented a proposal regarding the operation of the east coast catch cap as outlined below:

- If at 1 Sept, the catch remaining is less than 10t ( ~ 1 weeks fishing), the catch cap will remain closed until 1 March 2020 and the undercatch will be carry forward to 2020/21 quota year.
- If at 1 Sept, the catch remaining is greater than 10t, the catch cap will reopen – date to be determined by the Minister).
- As landings approach the catch cap, the Dept will aim to give fishers 3 day's lead time ahead of the catch cap closure.

- The 2019/19 catch cap overrun (4t) will need to be taken into account, when CFAC makes its recommendation on 2020/21 catch cap at its November meeting.

The Department explained that re opening the catch cap area for less than a week was potentially “messy” for fishers and the Dept and had a high risk of the catch cap overrunning.

The TSIC member raised concerns regarding that the uncertainty and the potential for the catch cap to be closed from 1 Sept, may create hardship for small business and boats that did not have the ability to move to catch the remainder of their quota, which could be relatively small amounts for individual operators.

**After a short discussion the CFAC supported the DPIPWE proposals above for managing the east coast catch cap.**

### **Centrostephanus ‘no regrets’ actions**

The DPIPWE fishery manager presented a proposal seeking in principle support for implementing a maximum size limit as a ‘no regrets’ action to assist with the centrostephanus issue.

IMAS was asked what the likely impact of the introduction of a maximum size limit for rock lobsters would be. The FAC was informed that east coast closed areas with a large biomass of large lobsters had less urchin barren coverage than those open to fishing. This indicates that large lobsters are important for the maintenance of reef ecosystems. The IMAS member thought there would be minimal impact of maximum size limit on the commercial sector, since there were very few large rock lobster and those present in the fishery that are not taken would grow through the LML and achieve protection.

The TRLFA president suggested the proposal was not supported by industry, industry preferred to concentrate on biomass rebuilding of all size classes.

**The industry members on FAC did not support a proposal to introduce a maximum size limit.**

The FAC noted that a cost / benefit analysis of a maximum size limit for rock lobster will be considered as a part of a wider strategy for controlling centrostephanus.

### **Future east coast management**

Time for detailed discussions of this topic was constrained to a few general comments and it was noted that there was a need for more detailed consideration of the options.

**Resource sharing:** Industry members expressed concerns regarding the current capacity for recreational catch to be constrained, and had no interest in engaging in any further discussions concerning alternative resource sharing options until the recreational catch could be more adequately quantified and it could be demonstrated that recreational catch could be constrained.

**Recreational constraint options:** The FAC noted that modelling presented in the morning joint FAC session showed that maintaining the status quo won't work. The DPIPWE member asked which restraints options CFAC considered would be most effective. Options suggested for consideration included:

- An Individual seasonal limit with the number of tags set at the number estimated to match the target recreational catch and allocated evenly across all license holders;
- An Individual seasonal limit with the number of tags set at the number estimated to match the target recreational catch and allocated across all license holders with an allowance (increase) to allow for the fact that a number of entitlements to take rock lobster will not be taken up;
- Real time reporting, which would allow for the use of a catch cap to stop fishing when the target recreational catch was reached.

It was noted that for the 2019/20 season, limiting season length was the only option available to the Minister and that full use should be made of emerging technology to improve reporting, including smart phones.

Meeting closed



**Table 1- CFAC Pecuniary Interests Register June 2019.**

<b>title</b>	<b>name</b>	<b>surname</b>	<b>position</b>	<b>Declaration</b>
Mr	Ian	Cartwright	independent chairman	Chairman of TasFRAB, AFMA Board member, Thalassa Consulting Company
Mr	Julian	Harrington	TSIC representative	CEO Tasmanian Seafood Industry Council,
Mr	Jon	Bryan	Community and Conservation Representative	No pecuniary interests. Environmental and conservation interests, employed by the Tasmanian Conservation Trust and also a member on all Tasmanian Fishery Advisory Committees. TARFish Board member and member of two dive clubs.
Dr	Klaas	Hartmann	IMAS representative	No pecuniary interests. Employed by the IMAS.
Mrs	Hilary	Revill	DPIWE Fisheries Manager	No pecuniary interests. Employed by the DPIWE.
Mr	Malcolm	Budd	DPIPWE licensing and quota audit representative	No pecuniary interests. Employed by the DPIWE.
Mr	Clive	Perryman	TRLFA representative	Licence holder- rock lobster, president of the TRLFA
Mr	Troy	Rainbird	TRLFA representative	Board member of the TRLFA, owner operator of a rock lobster fishing vessel.
Mr	Darrell	Grey	TRLFA representative	Has interests in Tasmanian rock lobster entitlements, rock lobster quota units and scale fish licence. As a barrister and solicitor represents fishermen from time to time.
Mrs	John	Sansom	TRLFA Executive Officer	Holder of a rock lobster entitlement, executive officer of TRLFA.
Mrs	Amanda	Inkson	Rock lobster industry representative	Holder of southern rock lobster entitlement and units, holder of giant crab entitlement and units, holder of banded morwong entitlement, holder of scalefish B.
Mrs	Louise	Hart	Rock lobster industry representative	Holds in partnership two rock lobster entitlements, rock lobster quota units and a rock lobster fishing vessel.
Mrs	Dawn	Jordan	Rock lobster industry representative	Holds Tasmanian: rock lobster licences and quota, giant crab licences and quota, scalefish licences. Family members have interests in Tasmanian abalone quota, commercial dive fishery, a charter vessel.
Mr	David	Ponsford	Giant crab industry representative	Supervisor on a Tasmanian rock lobster and giant crab entitlements.
Mr	Michael	Blake	Processor representative	Tasmanian Manager, South Australian Lobster Company (SALCO), natural nominated person on a RL processors licence, holder of a recreational rock lobster licence. SALCO holds a rock lobster entitlement.
Mr	Ian	Heathorn	Processor representative	Holder of processor, rock lobster and scalefish entitlements

# CFAC / RECFAC Meetings

Thursday 20 June 2019

Police Academy Rokeby

## DRAFT AGENDA

9am	Introductions, Objectives and Scene setting for the day	Ian Dutton DPIPWE 0429-641-445 (M)
	<b>Objectives:</b> <ul style="list-style-type: none"> <li>• Provide FAC members with up-to-date information on Statewide and East Coast Scientific information and proposals for management</li> <li>• Encourage greater cross-sectoral understanding of values of lobster stock and aspirations for stock management</li> </ul>	
9 15 – 9 45	<b>Management Plan amendments</b> <ul style="list-style-type: none"> <li>• Questions/ Discussion on Submissions Summary Document</li> <li>• Identify key issues</li> </ul>	Hilary Revill  All
9 45 – 12 30	<b>East Coast Management</b> Overview of stock status, rebuilding strategy, catch share and Centro strategies.  <b>Project presentation:</b> <ul style="list-style-type: none"> <li>• Key outcomes from project</li> <li>• Model trajectories for the stock, commercial and recreational fishery incl. latest catch data and stock assessment analysis</li> <li>• Management challenges</li> <li>• Evaluation of Management Options</li> <li>• RecFAC and Rec Fisher ideas on catch share arrangements</li> <li>• Catch monitoring in a tight management environment</li> </ul> Facilitated plenary discussion and questions  4 mixed FAC Breakout groups: <ol style="list-style-type: none"> <li>1. Catch sharing models</li> <li>2. Options for management of recreational catch incl. catch monitoring</li> <li>3. Seasonal dates, decoupling issues inc fishing flexibility and rec priority areas</li> <li>4. Beyond 2023 – what should we be considering now that will shape RL management post 2023?</li> </ol>	Ilan Dutton <b>10mins</b>  Jeremy Lyle / Klaas Hartmann <b>40 mins</b>  Rod Pearn <b>10mins</b>  All <b>20mins</b>  All <b>35 mins</b>

Tea Break 11am  
**15 mins**

	Reconvene - share key points from groups	Rapporteurs <b>30 mins</b>
12 40 – 1.15	Lunch	
1 15 – 4pm	Separate FAC meetings	Ian (Chair CFAC) Max (Chair RecFAC)
4 – 4 30pm	Reconvene - share information on recommendations	FAC Chairs

#### Meeting Guidelines\*

##### ***Our Agreements:***

**In Every Chair, a Leader**

**Speak to be Understood; Listen to Understand**

**Be Present; Be Engaged**

**Value Our Time Together**

**Safe Space for Meaningful Conversation**

**Challenges > Solutions**

**Takest Thou Hats Off**

**Our Value of Humour Helps Us**

**We are Responsible for Our Experience**

**Take Care of Yourself; Take Care of Each Other**

**Questions? *Please check in with DPIPWE staff***

\* Adapted from First Alaskans Institute - <http://firstalaskans.org/wp-content/uploads/2016/10/FAI-AGREEMENTS-POSTER.pdf>

## AGENDA: MEETING 66

**Date: Friday, 20 June 2019**

**Start Time: 9:00 AM**

**Location: Tasmanian Police Academy, Rokeby**

**Rock lobster Meeting – 9AM to 12:30PM (Joint discussions and briefings with CFAC)**

**RecFAC formal meeting - 1PM to 4:30PM**

1. Commence formal RecFAC and Meeting Formalities (1:00 – 1:20)
  - ☐ Attendance and Apologies (EO)
  - ☐ Adoption of Agenda (Chair)
  - ☐ Register of Interests for all members (Chair)
  - ☐ Minister's correspondence/decisions from previous meeting (Rod Pearn)
  - ☐ Action Items from previous meeting (Rod Pearn)
2. Rock Lobster fishery amendments Final Recommendations (1:20 – 1:45) (Rod Pearn)
3. East Coast Management Rock Lobster Management Recommendations (1:45 – 2:45)  
RecFAC requested to revisit previous recommendations relating to:
  - ☐ Max Size Limit for rock lobster on East Coast.
  - ☐ Catch share in the East Coast Stock Rebuilding Zone
  - ☐ Future Directions - Any other advice arising from rock lobster project briefing & discussions
4. Rock lobster Season dates for 2019/20 (2:45– 3:15) (Rod Pearn)
  - ☐ Final Advice on season open dates for 2019
5. Research and Planning (3:15 – 3:50) (Dr Jeremy Lyle)
  - ☐ Research topics arising from today's meeting
  - ☐ Statewide survey/ RL survey
  - ☐ RecRAG
  - ☐ others
6. Emerging Issues & Matters of importance (3:50 – 4:00)
  - ☐ Marine Police
  - ☐ TARFish
  - ☐ Rec Fisher reps
7. Other Business
8. Dates for future meetings – Friday 9<sup>th</sup>, or Thursday 15<sup>th</sup>, or Friday 16<sup>th</sup> August (Abalone Review meeting)
9. Reconvene to Rock Lobster Meeting (4:00- 4:30)

## Summary of Action Items arising from RecFAC 65

	Action	Who	When /Status
1	<i>Provide advice on RecFAC's involvement in the compliance risk assessment for the rock lobster fishery.</i>	DPIPWE	Future Meeting
2	<i>Seek advice whether there are biosecurity issues allowing the recreational take and possession of rock lobster in Northern Bass Strait waters and transfer to and from Victoria.</i>	DPIPWE	Future Meeting
3	<i>Circulate IMAS's Emily Ogier's report to RecFAC members.</i>	Rod Pearn	Done - Link in Minutes

## Future Directions List

ITEMS IDENTIFIED AND RECOMMENDED FOR DEVELOPMENT AND CONSULTATION		
Item	When Raised	Comments Priority/Status
<b>Scalefish</b>  Appropriate age for using certain fishing gear (recreational gillnetting and setlines).	RecFAC 62	Feed into Scalefish review 2019/20.
<b>Scalefish</b>  DPIPWE prepare a paper outlining the key issues and management options that reduce the impact of recreational gillnets. Include Attendance provisions or reduced maximum soak times (such as 2 Hrs) for recreational gillnets	RecFAC 64	Feed into Scalefish review 2019/20.
<b>Bastard Trumpeter-</b> investigate whether further management action is required to address the status changed from "transitional depleting" to "overfished".	RecFAC 57	
<b>Inshore shellfish</b> Consider potential overfishing of inshore invertebrate. Catch limits need to be reviewed and lowered or introduce a prohibition of taking invertebrates from key intertidal areas. Need to investigate how other states are managing this issue.	RecFAC 52	In progress. Note – separated from Abalone. Needed to prioritise legislative review process.
<b>Rock Lobster</b> Western Region – Boat Limit - Suggested, but not fully discussed that boat limits could be further limited in Western Region – 25 still too high? Also mentioned individual catch limits (bl of 5/ pl of 10 or special licence 15) – are they too high. Raised by Stafford. Are they related to compliance issues, marketing, inshore depletion/	RecFAC56 &57	Opportunistic if there are MP amendments.  Issues will be discussed in RL

resource sharing issues? Seek additional info from Stafford, Marine Police.		policy document brief etc.
<b>Rock Lobster Harvest Strategy and Policy Needed</b>	RecFAC65	
<b>Rock Lobster Compliance Review Topics</b> - Tighten the rule relating to Eastern Region possession limit near the coastal strip to enhance compliance. Eg. Can not possess > 2 within 100 metres of EC waters unless the fisher can establish they were on a multiple day fishing trip. DPIPWE and Marine Police to develop background need and work up proposal if deemed necessary.	RecFAC56	Feed into rock lobster compliance review
<b>Rock Lobster – Special Licence Rock Lobster-</b> The Committee recommended to t the fishing licence (special rock lobster) be removed consultation will be undertaken in future reviews.	RecFAC65	March 2019
Consider compliance risks of allowing recreational rock lobster fishing in the Northern Bass Strait area or lobster being landed in Victoria.  Mandatory VMS for the commercial rock lobster fishery should be considered given the extent of spatial management and number of boundary lines.	RecFAC 65	Feed into rock lobster compliance review
<b>Scallops</b> D'Entrecasteaux Channel Recreational Scallop Fishery: management strategy and decision rule criteria	RecFAC56	Progressing as part of scallop fishery review 2018/19.
<b>Abalone</b> Catch Limits, what is a reasonable bag and possession limit, the introduction of a boat limit and a minimum age for a recreational abalone licence, compliance issues.	RecFAC 61	Minister's In progress formal draft amendments and consultation.

## Research Needs and Ideas

TOPIC, NEED ETC	
Topic	When Raised
RecFAC indicate that increased monitoring of sand flathead is a priority. The urgency for Developing a cost-effective monitoring regime and stock assessment for Sand Flathead is due to transiting depleting stock status indicated recent scalefish fishery assessments and the fact that sand flathead is the back bone of recreational fishing in Tasmania as it constitutes >60% of all recreational fish caught in Tasmania.	RecFAC65
Striped Trumpeter – Increased sampling or collection of frames required so this species can be adequately assessed. i.e Not Undefined.	RecFAC 57
Charter Boat Fishery Logbook collection and analysis	RecFAC 60, RecFAC62

# RecFAC 66 | MINUTES

---

**Meeting date Thursday, 20 June 2019 – Tasmania Police Academy, Rokeby**

Attendees:

**Chair:**

Max Kitchell

**Recreational Fisher Members:**

Darcie Leong  
Naomi Balon  
Di Andoni

James Cartwright  
Stephen Scott

**Organisation Members:**

Assoc. Prof. Jeremy Lyle  
Jon Bryan  
Const Ben Cunningham  
Rod Pearn

IMAS  
TCT  
Tasmania Police  
Recreational Fisheries Management (DPIPWE)

Vicki Waters

Executive Officer

*Apologies:*

Mark Nikolai, Adrian Hales, Roseanne Heyward, Nepelle Crane, Tony Eldridge, Stafford Ives-Heres

*Meeting Open:* 1:30 pm

A joint CFAC/RecFAC meeting was held in the first part of the day. The key parts of the morning session were IMAS presentations on the FRDC funded project East Coast Management Options for the East Coast Rock Lobster fishery. CFAC and RecFAC broke into four mixed groups to discuss the following topics:

- Catch sharing models
- Options for management of recreational catch including catch monitoring
- Seasonal dates, decoupling issues including fishing flexibility and recreational priority areas
- Beyond 2023 – what should we be considering now that will shape the rock lobster management post 2023?

## AGENDA TOPICS

---

**Agenda Item 1: Meeting Formalities | Presenter** *Chair*

- *Adoption of Agenda*  
Adopted – A Recreation fisheries member requested to discuss scallop bag limits for crew.
- *Update Register of Interests*  
Darcey Leong advised the meeting she is no longer an employee at Petuna Aquaculture.
- *Minister's correspondence/decisions from previous meeting.*  
The Department has not received a copy of the resolution sheet from RecFAC65.



- *Action Items.*
  - Action Items 1 and 2 not undertaken due to other priorities.
  - Action Item 3 is completed.

---

## **Agenda Item 2: Rock Lobster fishery amendments Final Recommendations | Presenter DPIPWE**

The compliance member advised that a minor drafting change was required to the rules to prohibit the possession of female rock lobster less than 120 mm within the site of landing in the new north west size limit area. A rule similar to the rules for landing rock lobster in the Eastern Region was suggested.

RecFAC supported incorporating the change to the proposed amendment.

He also requested the commercial rock lobster fishers prior telephone report if they are transiting into areas 5 and 6 for unloading and have female rock lobster onboard with a carapace less than 120 mm. DPIPWE will work with the Marine Police on this matter.

RecFAC supported the transiting provision.

- *Increase the minimum size limit of female rock lobster from 105 mm to 120 mm in the North West*

RecFAC supported the increase to the minimum size of female rock lobster for areas 5 and 6 and are willing to further consider such an increase also applying to area 4. The Conservation Member dissented stating he would prefer area 5 be closed to the taking of rock lobster both commercial and recreational, or failing a complete closure, ban the taking of female rock lobster in area 5.

- *Increasing the maximum number of pots that can be carried and used by a commercial vessel from 50 to 60*

RecFAC support an increase in pot numbers carried by commercial vessels within the western region, excluding area 5. The Conservation member dissented. The Compliance member conveyed that although the topic is not a fisheries management issue, he still had concerns regarding the safety risks and stability of vessels by increasing the amount of pots that could be carried on board commercial vessels. DPIPWE advised in the morning session that AMSA has been consulted.

- *Remaining proposed rule amendments*

RecFAC supported the proposed rule amendments:

- Removing the number of pots/vessel length schedule/associated alternative methods;
- Remove commercial endorsement to unload rock lobster outside State waters;
- Recreational boat limits in Northern waters;
- Notification of not being able to retrieve fishing gear – recreational fishery;
- Publication of a public notice on a website

---

## **Agenda Item 3: East Coast Rock Lobster Management Recommendations | Presenter DPIPWE**

The main focus of the discussion revolved around the challenges of the current catch sharing agreement, latest catch estimate and the subsequent consideration of season dates. It was noted that the presentations made at the joint RecFAC/CFAC meeting and the most recent catch estimate illustrate a bleak picture for the recreational fishery if the current catch share of 40 tonnes is maintained.

Similar to the previous meeting, RecFAC stated that a rock lobster strategic document, incorporating social objectives for the recreational fishery is needed to balance against the economic drivers of the fishery. The Harvest Strategy and Policy document is on the Future Directions list.

There was support for developing a vision of:

- what we want the fishery to look like;
- what is an acceptable experience for recreational fishing;
- the type of management levers to pull; and
- what different management scenarios look like.

The RecFAC stated that allowing an increase of 40-60 tonne to the recreational sector catch amount has the following benefits:

- an economic benefit to the eastern region communities,
- social equity,
- culturally valued activity,
- 80% of recreational rock lobster fishers fish the eastern region, the commercial fishery is more mobile.

RecFAC re-affirmed its previous recommendation that a maximum size limit for rock lobster be implemented. The maximum size should be 140 mm and it apply Statewide excluding areas around King Island and Flinders Island.

## Recommendation 1

---

*RecFAC recommends:*

*A maximum size limit for rock lobster be implemented. The maximum size should be 140 mm and it apply Statewide excluding areas around King Island and Flinders Island.*

*The Minister note that RecFAC has recommended a maximum size limit be implemented at several previous meetings.*

Action item	Person responsible	Deadline/Status
1. Document a vision for the recreational rock lobster fishery and incorporate into the harvest strategy and policy documents.	All Members	Future Meeting

---

## Agenda Item 4: Rock Lobster Season dates for 2019/20 | Presenter DPIPWE

IMAS reported that the estimated rock lobster catch from the 2018/19 recreational rock lobster survey is 48.5 tonnes which exceeds the notional catch share of 40 t for the recreational fishery by ~20%. The cumulative catch i.e from 8 December 2018, indicates that 40 tonnes was reached at the end of February 2019.

Given the projected improvement in stock rebuilding and subsequent catch rates, and the need to account for changing fishing behaviour, a reduced season in the order of Dec – Jan would be needed to restrain the catch to the catch share amount.

RecFAC discussed the possible reduction in the season length but was strongly of the view that any further reductions that had any chance of containing the recreational catch within the 40 tonne share would need to be so severe as to make recreational lobster fishing practically impossible for many fishers. Accordingly it did not support a reduction in the season length for the 2019-20 season.

In adopting this position RecFAC acknowledges that the 40 tonne share is likely to be breached again next season. In this context the Committee reiterated its previously-stated view that the Government's catch share model is not appropriate and that the catch share should be reviewed in favour of the recreational sector. Based on models previously discussed at RecFAC (see below), the Committee believes that the recreational catch share should be increased from 40 to 100 tonnes

over a period of time. The Committee recognised that such an increase would impact commercial fishers on the east coast but considered it justifiable for the following reasons,

- fairer sharing of the resource leading to greater social equity
- recreational rock lobster fishery is worth more than the commercial fishery to the economy of the east coast
- culturally important activity to large numbers of recreational fishers
- 80% of recreational rock lobster fishing takes place on the east coast and it is, therefore, relatively more important to the recreational sector than to the commercial sector
- surveys have indicated that recreational fishers are less willing or able to move to alternative areas whereas the commercial sector is more mobile.

The Committee considered three options for increasing the recreational catch share from 40 to 100 tonnes:

- Increase the share by 50 tonnes in the first season and a further 10 tonnes in the second season
- increase the share by 20 tonnes in the first season and then by a further 10 tonnes each season until the 100 tonne share is reached
- Incrementally increase by 10 tonnes each season until the 100 tonne share is reached

In the longer term the RecFAC members will undertake a broader review which would incorporate catch share, monitoring, etc for the rock lobster fishery.

## Recommendation 2

---

RecFAC recommends:

1. No further reduction in the recreational rock lobster fishing season.
2. The recreational catch share be increased from 40 tonnes to 100 tonnes.

The Minister note:

- The catch share is based on the following two catch models below:
  - TARC related model: Proportion the Maximum recreational catch in the ECSRZ to the State-wide legislated resource sharing arrangement. Under this proposal, as the historical recreational catch for the 'East Coast' is around 60% of the total recreational catch, then the allocation for the ECSRZ would in the longer term escalate to 60% of the 170 tonnes, i.e. around 102 tonnes. (The rock lobster fishery management plan provides the State-wide total allowable recreational catch (TARC) has a minimum of 170 tonnes, or 10% of the total allowable catch (TAC) whichever is the greater amount.)
  - Inshore catch model: Recreational catch in shallow water for the 'East Coast' is assumed to be 50% rec: 50% commercial ECSRZ ~ 50% of ECSRZ catch is ~ 100t.
- The current total allocation for the area is 195 tonnes in the Areas 1,2,3, which converts to 171 tonnes in the ECSRZ (40 recreational and 131 commercial), the RecFAC's recommended catch share change would see a reallocation from the current arrangement and would reduce commercial access on the east coast.
- The east coast allocation for recreational sector should be increased to allow the catch to grow in a staged and controlled amount to around 100 tonnes.

---

## Agenda Item 5: Research and Planning | Presenter IMAS

- Research Topics arising from the meeting:
  - Intra-sectoral Allocation for Fisheries Management. Develop models for allocation of catch share for fish species across recreational and commercial sectors.
  - Review Rock Lobster survey considering the current tight management environment. Are there better rock lobster monitoring systems available?
- State-wide survey is near completion. There are current discussions regarding how to communicate the survey results to the wider community.

- RecRAG – meeting scheduled the next day, 21 June. Unfortunately there are no recreational representatives attending this meeting. Improving monitoring of flathead, was emphasised as high importance.

---

**Next Meeting**

Approx. mid-August 2019

---

**Meeting Closed: 4:10 pm**

## UPDATED ACTION ITEMS

### SUMMARY OF ACTION ITEMS ARISING FROM REC FAC 66

	Action	Who	When /Status
1	<i>Provide advice on RecFAC's involvement in the compliance risk assessment for the rock lobster fishery.</i>	DPIPWE	Future Meeting
2	<i>Seek advice whether there are biosecurity issues allowing the recreational take and possession of rock lobster in Northern Bass Strait waters and transfer to and from Victoria.</i>	DPIPWE	Future Meeting
3	<i>Document a vision for the recreational rock lobster fishery and incorporate into the harvest strategy and policy documents.</i>	All Members	Future Meeting

### FUTURE DIRECTIONS LIST

ITEMS IDENTIFIED AND RECOMMENDED FOR DEVELOPMENT AND CONSULTATION		
Item	When Raised	Comments Priority/Status
<b>Scalefish</b> Appropriate age for using certain fishing gear (recreational gillnetting and setlines).	RecFAC 62	Feed into Scalefish review 2019/20.
<b>Scalefish</b> DPIPWE prepare a paper outlining the key issues and management options that reduce the impact of recreational gillnets. Include Attendance provisions or reduced maximum soak times (such as 2 Hrs) for recreational gillnets	RecFAC 64	Feed into Scalefish review 2019/20.
<b>Bastard Trumpeter</b> - investigate whether further management action is required to address the status changed from "transitional depleting" to "overfished".	RecFAC 57	
<b>Inshore shellfish</b> Consider potential overfishing of inshore invertebrate. Catch limits need to be reviewed and lowered or introduce a prohibition of taking invertebrates from key intertidal areas. Need to investigate how other states are managing this issue.	RecFAC 52	In progress. Note – separated from Abalone. Needed to prioritise legislative review process.
<b>Rock Lobster</b> Western Region – Boat Limit - Suggested, but not fully discussed that boat limits could be further limited in Western Region – 25 still too high? Also mentioned individual catch limits (bl of 5/ pl of 10 or special licence 15) – are they too high. Raised by Stafford. Are they related to compliance issues, marketing, inshore depletion/ resource sharing issues? Seek additional info from Stafford, Marine Police.	RecFAC56 &57	Opportunistic if there are MP amendments.  Issues will be discussed in RL policy document brief etc.

<b>Rock Lobster Harvest Strategy and Policy Needed</b>	RecFAC65	
<b>Rock Lobster Compliance Review Topics</b> - Tighten the rule relating to Eastern Region possession limit near the coastal strip to enhance compliance. Eg. Can not possess > 2 within 100 metres of EC waters unless the fisher can establish they were on a multiple day fishing trip. DPIPWE and Marine Police to develop background need and work up proposal if deemed necessary.	RecFAC56	Feed into rock lobster compliance review
<b>Rock Lobster – Special Licence Rock Lobster-</b> The Committee recommended to t the fishing licence (special rock lobster) be removed consultation will be undertaken in future reviews.	RecFAC65	March 2019
Consider compliance risks of allowing recreational rock lobster fishing in the Northern Bass Strait area or lobster being landed in Victoria.  Mandatory VMS for the commercial rock lobster fishery should be considered given the extent of spatial management and number of boundary lines.	RecFAC 65	Feed into rock lobster compliance review
<b>Scallops</b> D'Entrecasteaux Channel Recreational Scallop Fishery: management strategy and decision rule criteria	RecFAC56	Progressing as part of scallop fishery review 2018/19.
<b>Abalone</b> Catch Limits, what is a reasonable bag and possession limit, the introduction of a boat limit and a minimum age for a recreational abalone licence, compliance issues.	RecFAC 61	Minister's In progress formal draft amendments and consultation.

## RESEARCH NEEDS AND IDEAS

TOPIC, NEED ETC	
Topic	When Raised
RecFAC indicate that increased monitoring of sand flathead is a priority. The urgency for Developing a cost-effective monitoring regime and stock assessment for Sand Flathead is due to transiting depleting stock status indicated recent scalefish fishery assessments and the fact that sand flathead is the back bone of recreational fishing in Tasmania as it constitutes >60% of all recreational fish caught in Tasmania.	RecFAC65
Striped Trumpeter – Increased sampling or collection of frames required so this species can be adequately assessed. i.e Not Undefined.	RecFAC 57
Charter Boat Fishery Logbook collection and analysis	RecFAC 60, RecFAC62

## **FISHERY ASSESSMENT REPORT**

### **TASMANIAN ROCK LOBSTER FISHERY**

2017/18

*Klaas Hartmann, Caleb Gardner, Rafael León, Justin Rizzari*

*June 2019*

Institute for Marine and Antarctic Studies, University of Tasmania, PO Box 49,  
Hobart TAS 7001

Enquires should be directed to:

Dr Klaas Hartmann  
Institute for Marine and Antarctic Studies  
University of Tasmania  
Private Bag 49, Hobart, Tasmania 7001, Australia  
[klaas.hartmann@utas.edu.au](mailto:klaas.hartmann@utas.edu.au)  
Ph. (03) 6227 7277,  
Fax (03) 6227 8035

The authors do not warrant that the information in this document is free from errors or omissions. The authors do not accept any form of liability, be it contractual, tortious, or otherwise, for the contents of this document or for any consequences arising from its use or any reliance placed upon it. The information, opinions and advice contained in this document may not relate, or be relevant, to a reader's particular circumstance. Opinions expressed by the authors are the individual opinions expressed by those persons and are not necessarily those of the Institute for Marine and Antarctic Studies (IMAS) or the University of Tasmania (UTAS).

*© The Institute for Marine and Antarctic Studies, University of Tasmania 2019.*

Copyright protects this publication. Except for purposes permitted by the Copyright Act, reproduction by whatever means is prohibited without the prior written permission of the Institute for Marine and Antarctic Studies.



# Executive Summary

## Current Stock Status

The southern rock lobster commercial TAC has been 1050.7t for the last four years preceded by three years at 1103.24t. For the last six years CPUE has risen steadily with a significant increase in the last two years. Standardised CPUE has risen from a low of 0.72 in 2010/11 to 1.27kg/potlift in 2017/18.

Improvement in CPUE has been distributed across all stock assessment areas. Areas in the East Coast Stock Rebuilding Zone (SRZ) had shown limited CPUE increase despite dramatic catch reductions. In the last two years these areas have finally experienced stock recovery and remain on track for reaching the 2023 rebuilding target of 20% virgin biomass.

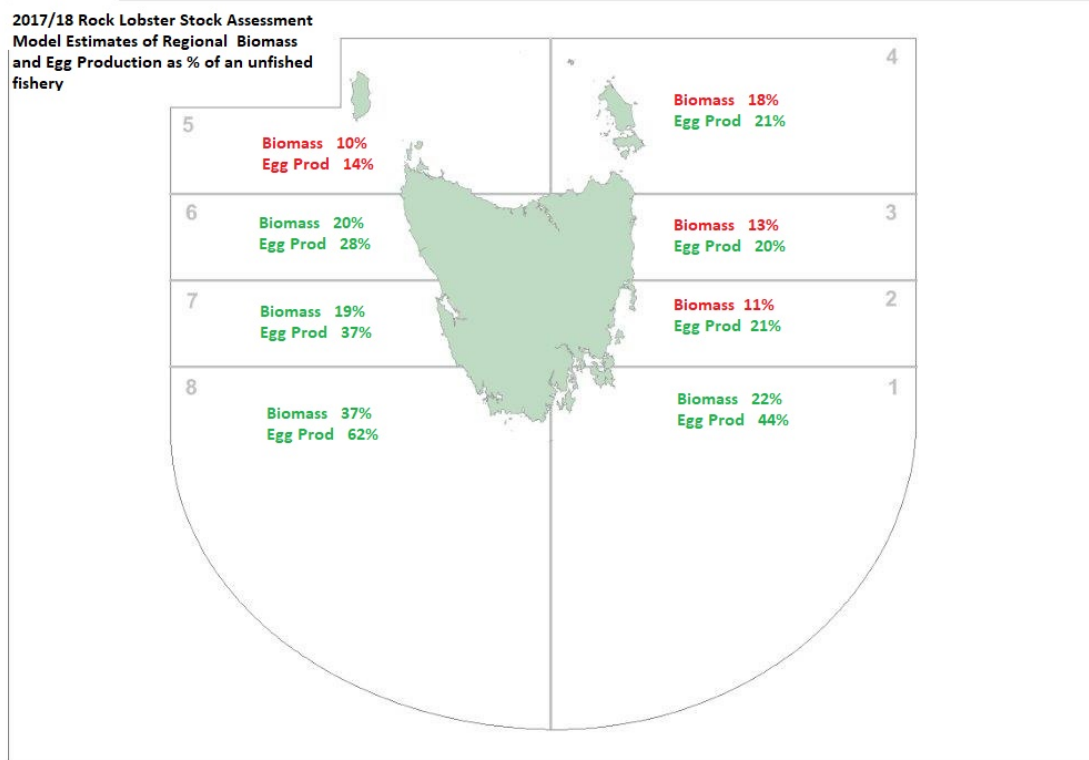
Increasing CPUE has reduced the effort required to catch the TAC and hence the gap between lease price and beach price has narrowed. Consequently, competition for leased quota by fishers has become increasingly intense leading to a steady ongoing reduction in vessel numbers and consequently employment. A number of management strategies that would increase the price of lease quota and accelerate this process of reduction in the fleet and employment are currently under consideration.

Stock assessment modelling indicates that statewide egg production is well above the limit reference point. This reference point has been set at a level below which subsequent recruitment may be impacted, hence is a critical limit reference point for ensuring sustainability.

Due to the long pelagic larval period (up to two years), egg production in different areas of the fishery is not closely linked to future recruitment in that region. Recruitment is affected by patterns in larval dispersal and it's known that the most important regions for larval sources tend to vary from year to year. The appropriate management response to this is to ensure that healthy egg production of at least 20% of the unfished level is maintained in all areas. Area 5 is the only area falling below this level and a regional size limit change to address this is currently under consideration.

An interim biomass target reference point has been set at 25% of the unfished biomass. The target reference point is reflective of the stock state to which stakeholders aspire for maximising economic rent and recreational amenity. This TRP is an extremely low value for a target relative to those used in most fisheries so has been proposed as an interim target along a rebuild pathway. Once reached it is expected that a new and higher TRP that continues the rebuilding pathway will be established. Stock assessment modelling indicates that the TRP will be achieved with the current TACC.

There were no notable trends in by-catch or by-product data. A by-catch project to address this issue in a more robust manner across all SRL jurisdictions is currently underway and will contribute to the next stock assessment. There were no reported protected species interactions.



**Figure 1: Regional biomass and egg production estimates from the 17/18 assessment model compared to the estimated level of the stock prior to the commencement of the fishery.**

## Table of Contents

1	Introduction .....	1
2	Commercial fishery assessment .....	3
2.1	Catch history .....	3
2.2	Catch per Unit Effort (CPUE).....	7
2.3	Fleet Characteristics.....	10
2.4	Recreational catch.....	12
3	Stock assessment model .....	13
3.1	Recruitment assumption .....	13
3.2	Assessment model results .....	14
3.2.1	Biomass .....	15
3.2.2	Egg production .....	17
3.3	East Coast Stock Rebuilding Strategy .....	20
4	Discussion.....	21
5	Ecosystem based management .....	22
5.1	Commercial logbook data .....	22
5.2	By-catch .....	22
5.3	By-product .....	24
5.4	Supply risk of bait.....	25
6	Bibliography .....	27
7	Appendix 1: Historical overview.....	28

# 1 Introduction

The present commercial catch is taken from areas all around the State and involves the annual harvest of around 1.1 million animals. In the 2017/18 season 194 licensed vessels reported catches of rock lobster, an ongoing decrease from almost 300 vessels that operated when the ITQ system was introduced for the 1998/99 season.

Commercial harvests were managed by input controls until March 1998 when a quota management system was introduced. Pre-quota effort increased from the mid-eighties with declining catches and catch rates (Figure 1). After the introduction of quota substantial stock rebuilding occurred in all assessment areas, effort was reduced and catch rates increased until 2005/06. A dramatic decline in recruitment from the early 2000s led to substantial decreases in catch rates from 2006 onwards and a reduction of the TACC from 1523 to 1050.7t. Since the TACC reduction catch rates have been steadily increasing.

In the last five years there has been an increasing focus on regional rock lobster management. This is appropriate for this fishery as adults do not move large distances, the habitat varies greatly in accessibility to both recreational and commercial fleets and biological characteristics such as growth vary substantially throughout the state. Consequently, regions such as the East Coast and North-West have seen far greater exploitation and require regional management to ensure sustainable populations. To this effect a catch cap for the combined catch from both sectors has been in place on the East Coast (stock assessment areas 1-3) since 2015, a commercial catch cap exists for the North East (area 4) and regional size limits are being discussed for the North West (area 5).

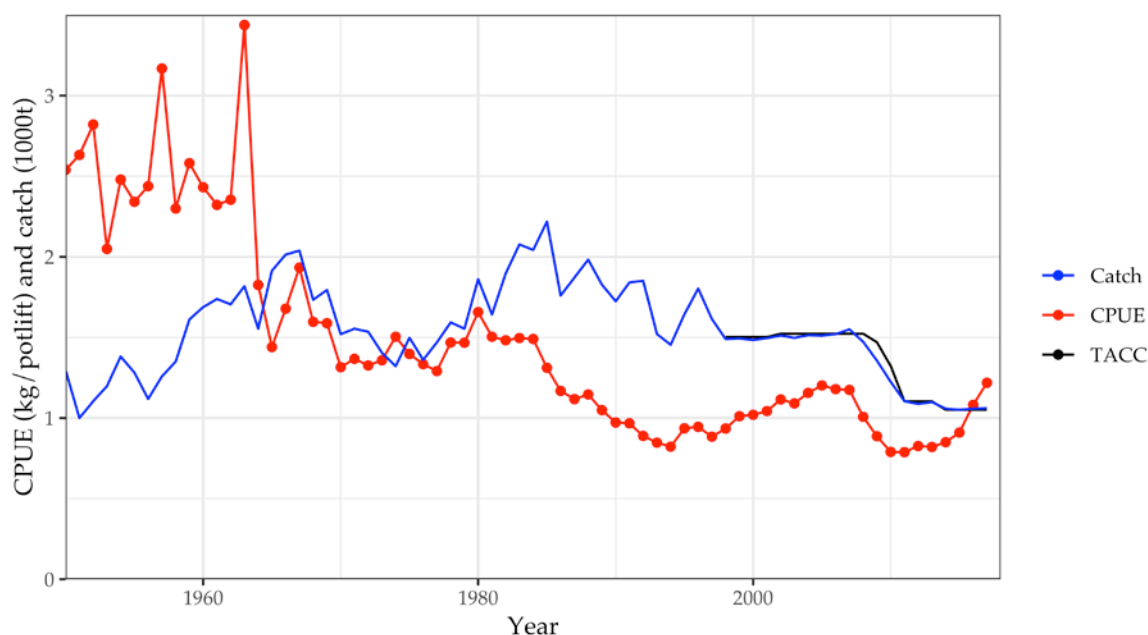
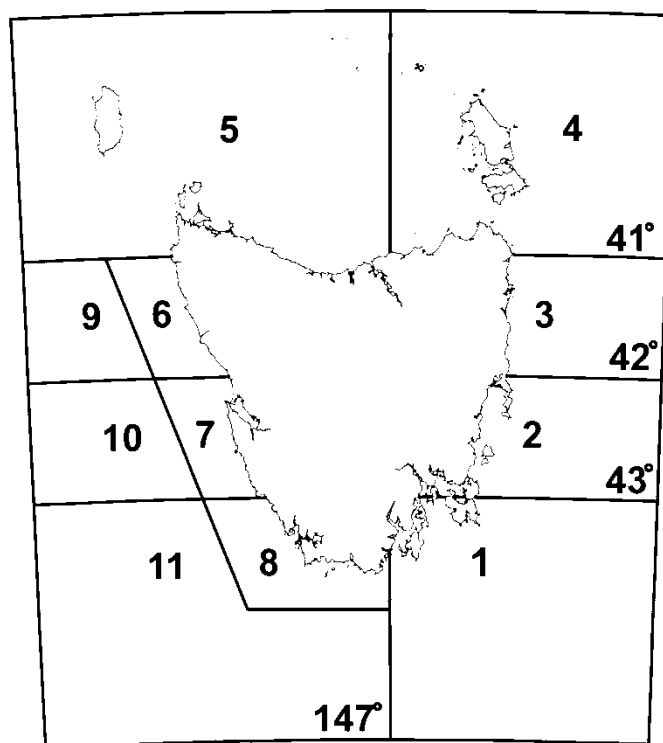


Figure 2. Commercial rock lobster catch (tonnes), CPUE (kg/potlift) and TACC (tonnes).



**Figure 3.** Schematic boundaries of the Stock Assessment areas and indicative area of State waters for the rock lobster fishery, provided by the offshore constitutional settlement (OCS).

## **2 Commercial fishery assessment**

### **2.1 Catch history**

Following the introduction of the ITQ system in 1998/99, the TACC was held stable for the first decade but was lowered by 13% over the two seasons 2009/10 and 2010/11 and a further 17% reduction for the 2011/12 quota season in response to decline in the exploitable biomass (Table 2, Figure 4). A further 4.8% reduction was made in 2014/15 to ensure the fishery remained on track to meet a rebuilding target reference point (which has now been achieved).

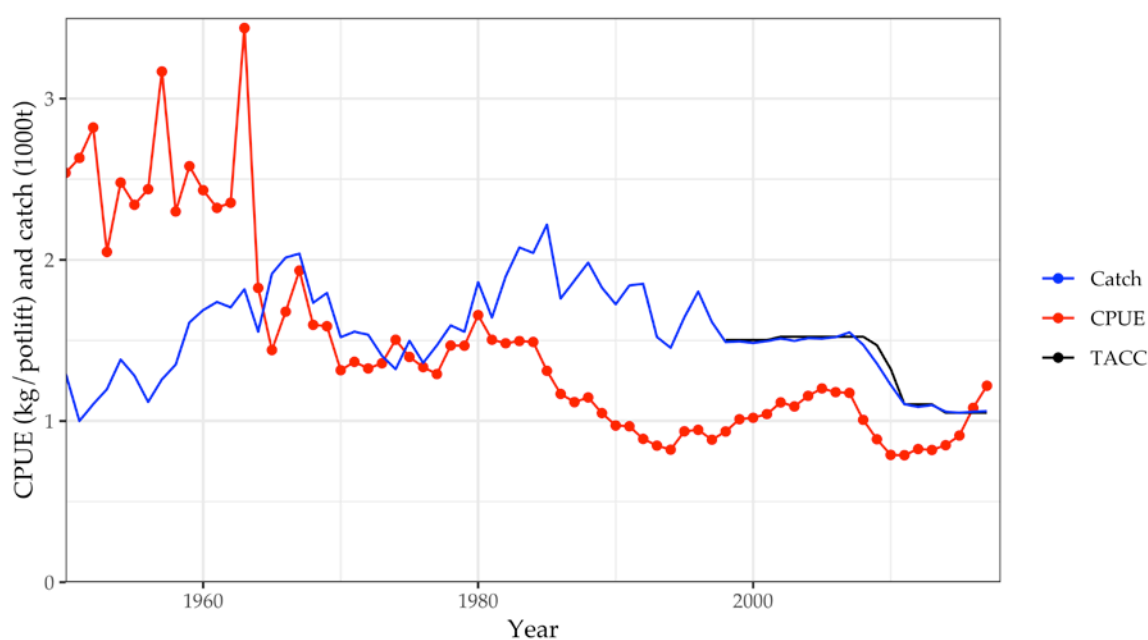
Over the last four years there has been a consistent increase in the proportion of the catch taken during early in the season and during the male only winter period (Figure 5). This has been driven by operators seeking to maximise their profit in the context of seasonal beach price patterns and increasing CPUE.

Regionally much of the reduction following the TACC decrease took place in the Eastern half of the state (Figure 6), following the decrease this has been intentionally maintained at the lower level through the “East Coast Rock Lobster Stock Rebuilding Strategy” and the catch cap in Area 4. In the Western Zone over the last few years Areas 5 and 6 have been decreasing in catch whilst Areas 7 and 8 have been increasing.

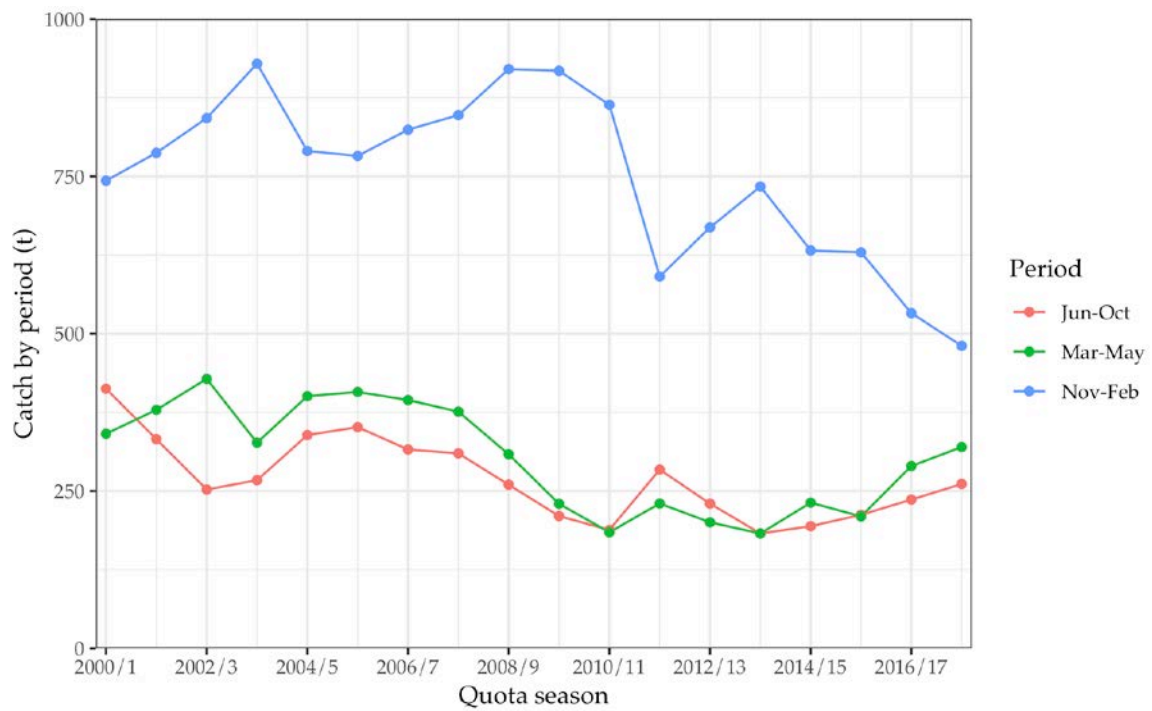
**Table 1** Total allowable commercial catch, kilos per unit, percentage change in TACC and percent of the TACC uncaught for each quota year.

Quota year	TACC	kilos per unit	% change in TACC	% TACC uncaught
1998/99	1502.5	143	0	0.8%
1999/00	1502.5	143	0	0.6%
2000/01	1502.5	143	0	1.1%
2001/02	1502.5	143	0	0.5%
2002/03	1523.5	145	+1.4%	0.7%
2003/04	1523.5	145	0	1.7%
2004/05	1523.5	145	0	0.6%
2005/06	1523.5	145	0	0.8%
2006/07	1523.5	145	0	0.2%
2007/08	1523.5	145	0	0%
2008/09	1523.5	145	0	3.3%
2009/10	1470.98	140	-3.4%	7.7%
2010/11	1323.9	126	-10.0%	7.6%*
2011/12	1103.24	105	-16.7%	<b>0%</b>
2012/13	1103.24	105	0	0.14%
2013/14	1103.24	105	0	0.35%
2014/15	1050.7	100	-4.8%	Over 0.62%
2015/16	1050.7	100	0	0.35%
2016/17	1050.7	100	0	1.82%
2017/18	1050.7	100		1.27%

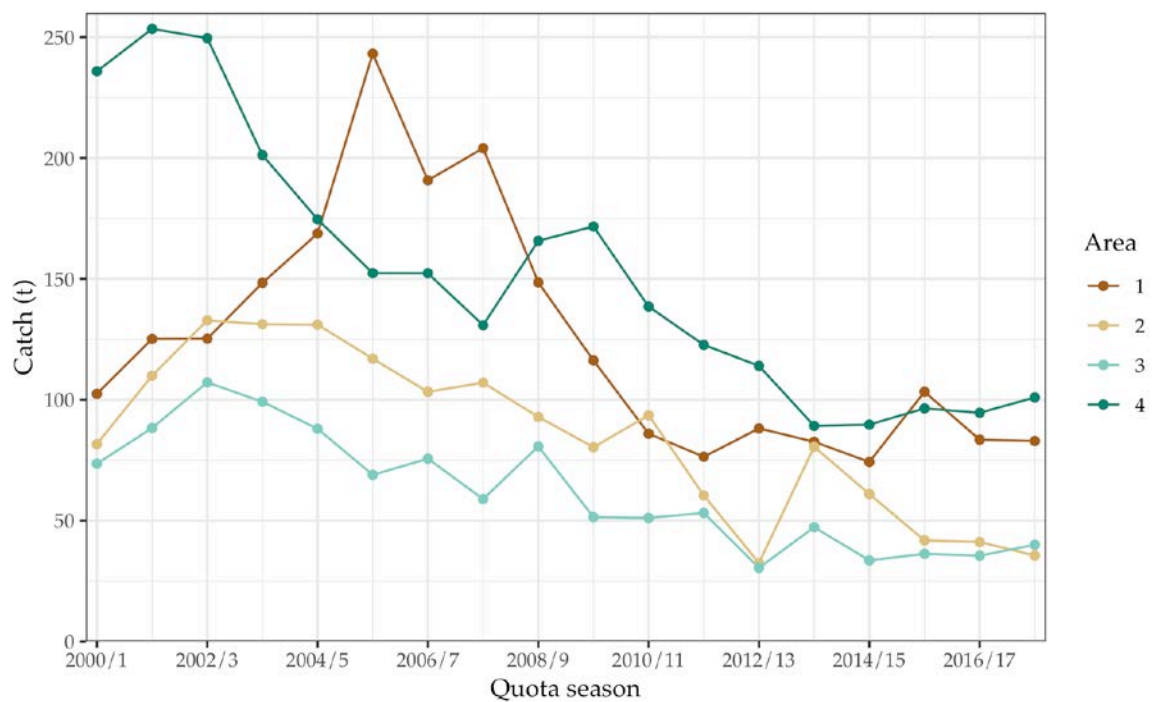
\* 11% if the carry over TACC of 37 tonnes is included.



**Figure 4:** Statewide commercial catch, CPUE (kg/potlift) and the TACC since the inception of the ITQ system.

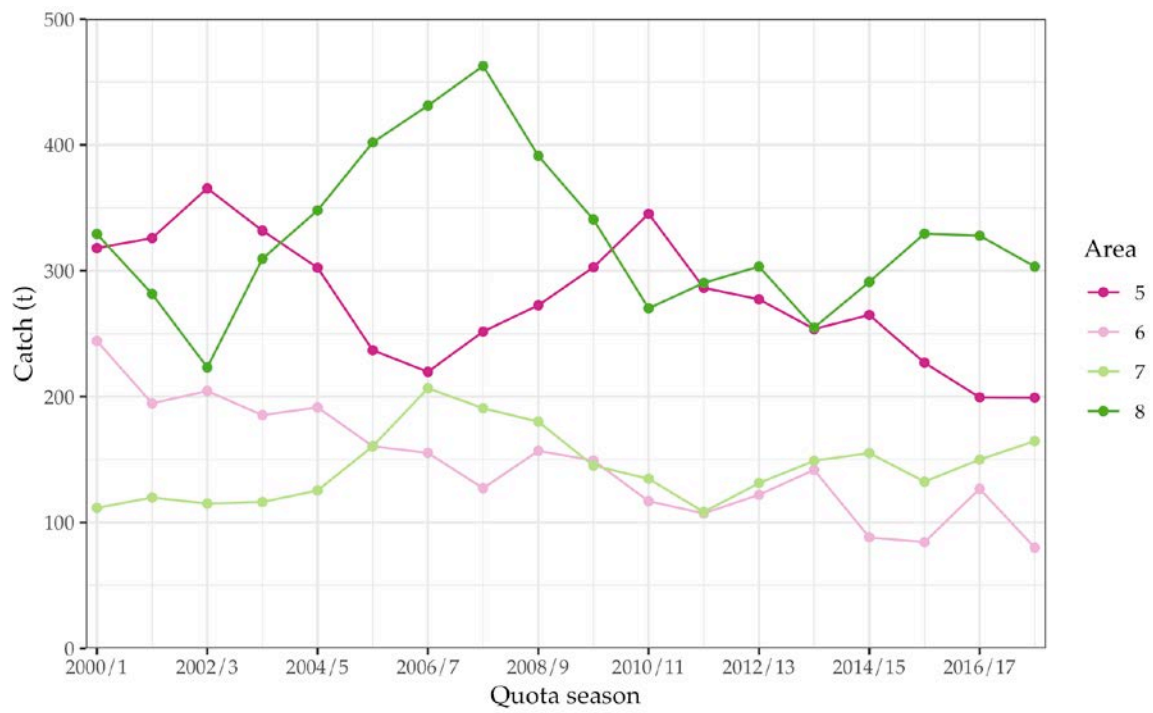


**Figure 5.** Annual catches divide by three key fishing periods. The first period is March to May, which corresponds to the initial period of the fishing season during which both males and females can be retained. The second period runs from June until the closure during which only males can be retained. The third period runs from the re-opening of the fishery until the end of the season in February.



**Figure 6:** Commercial catch in the four Eastern stock assessment areas.





**Figure 7:** Commercial catch in the four Western stock assessment areas.

## 2.2 Catch per Unit Effort (CPUE)

Consideration of long term CPUE data (Figure 4) reveals that the stock has decreased substantially through time, particularly given that early CPUE values were obtained by vessels fishing with substantially lower technology and hence lower efficiency. Important technology improvements include GPS, weather forecasting and sophisticated sonar / 3D mapping technology used on some modern vessels, this effect is often referred to as technological creep.

The CPUE analysis presented here focusses on the period following the introduction of the ITQ system. A critical component of the analysis of this data, involves a process referred to as CPUE standardisation. This process removes the effect that changes in fisher behaviour have on CPUE index that are unrelated to biomass.

The state-wide nominal and standardised CPUE are shown in Figure 8. At around the time of the 2004/05 season, fishers utilised high stock abundance to fish more during Winter (which has lower CPUE) in order to increase profits. This biased the nominal CPUE to lower levels that did not reflect the true biomass increase. There have been other changes in fishing practices over the last few decades that have led to changes in catch rate unrelated to stock abundance. The fact that CPUE is affected by processes other than simply biomass is well understood and is addressed through a process termed standardisation.

Standardisation removes the effect of processes unrelated to abundance on CPUE. It is used to produce an index that is more indicative of stock abundance and less influenced by changing fisher behaviour / fishing patterns.

The CPUE standardisation conducted for this assessment addresses effects of:

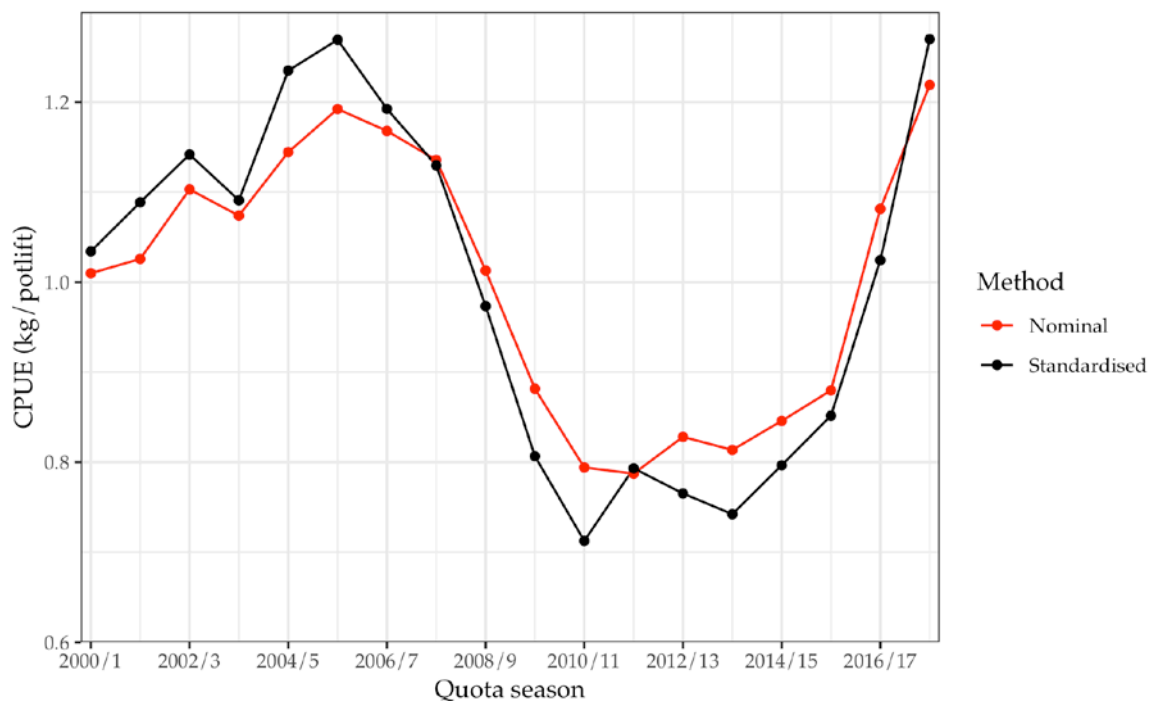
- Month (and therefore season)
- Assessment area
- Vessel
- Moon Phase
- Depth

Factors that are difficult to account for and most concerning are changes to the fishing behaviour of a large proportion of the fleet that cannot be detected from logbooks. The classic example of this is technological creep, this has been less pronounced since the introduction of ITQ (which was near coincidental with the removal of selective availability for GPS), however consideration of the impact of 3D mapping tools would be worthwhile. Another factor of concern is if the combination of high CPUE and market forces combine to promote large-scale high-grading of catch. That is, the situation of fishers reporting a smaller retained catch than the actual number of legal size lobsters captured in pots. Fishers report that the incidence of high grading is currently small enough to not affect this assessment, however, this is likely to become increasingly common as stocks recover.

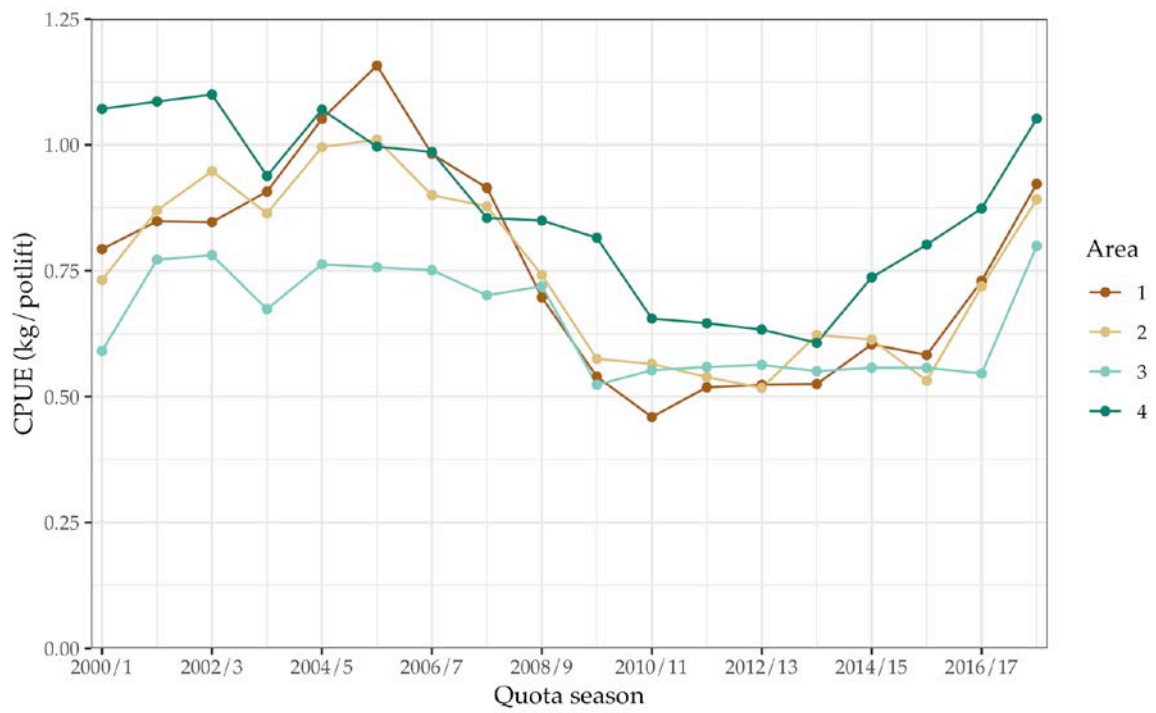
The standardised catch rate (Figure 8) shows that following the introduction of ITQs there was a steady increase in lobster abundance through a combination of several good recruitment events and constrain in catch through the TAC. These recruitment events were followed by record low recruitment leading to dramatic CPUE declines from the 2006/07

season. In response the TACC was progressively and dramatically reduced from 1523.5t in 2008/09 to the current value of 1050.7t in 2014/15. Since that time CPUE has increased steadily with especially large increases in 2016/17 and again in 2017/18. Whilst these are positive signs it should be noted that the last two years of increases have exceeded expectations and are the result of above average recruitment – they are not an indicator of the likely magnitude of future CPUE increases.

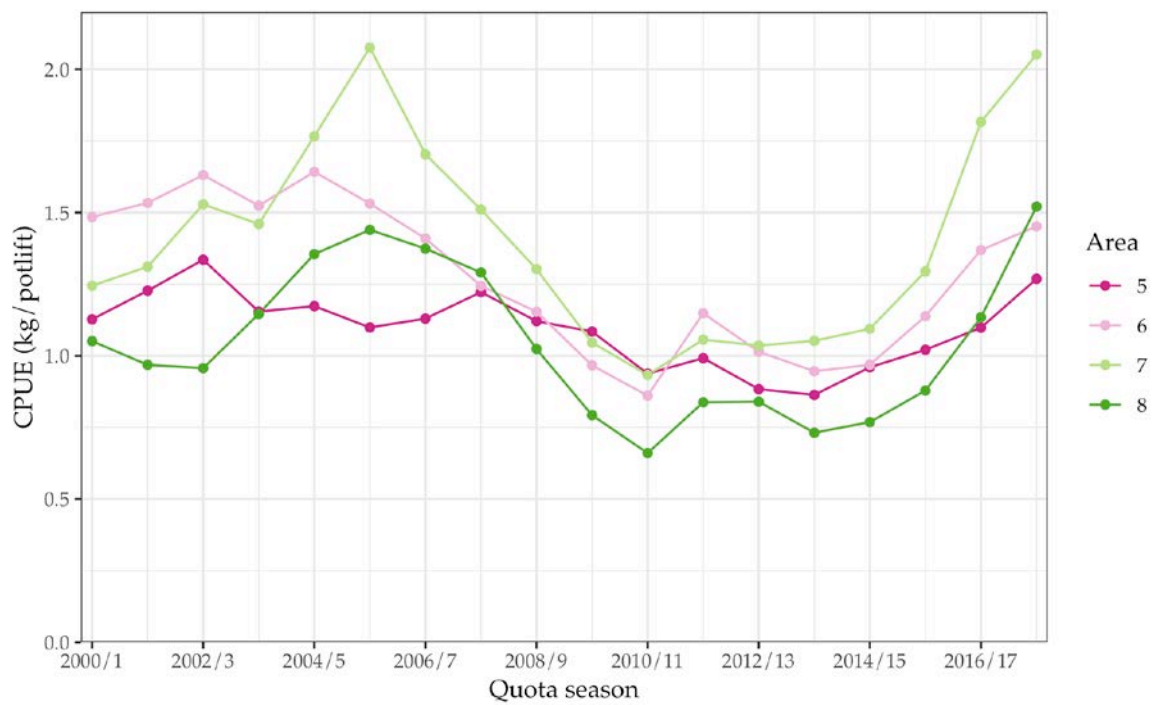
Regional standardised CPUE (Figure 9 and Figure 10) shows that catch rates have continued to increase in all areas. In areas 4-8, CPUE has been increasing since 2013/14, whilst in the East coast areas 1-3 the increase has taken place over the last 1-2 years.



**Figure 8:** Nominal and standardised annual CPUE



**Figure 9:** Standardised CPUE in the Eastern stock assessment areas



**Figure 10:** Standardised CPUE in the Western stock assessment areas

## 2.3 Fleet Characteristics

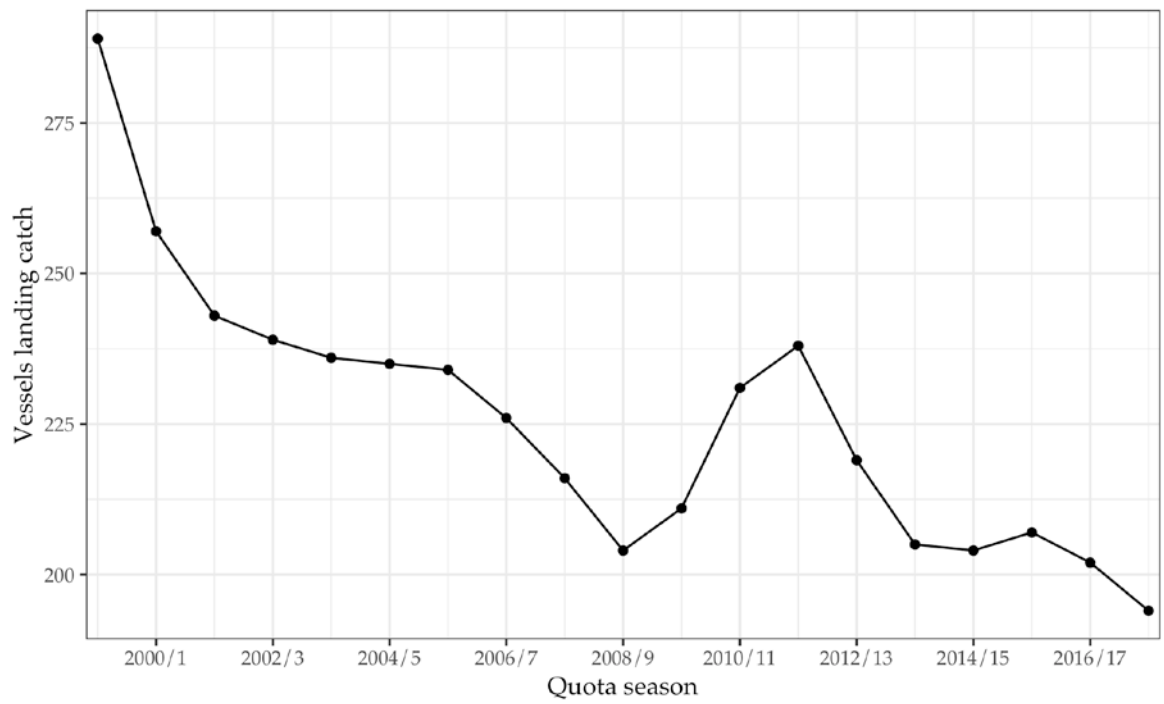
Prior to the introduction of the ITQ system the Tasmanian rock lobster fishery had nearly 300 active vessels. The combined effects of the introduction of the ITQ system, stock rebuilding and changes to vessel pot limits led a sharp decline in the number of active vessels and employment. This cut in employment was an expected outcome of the ITQ system and a limit reference point of 220 vessels was in place reflecting initial concerns about fleet size. The limit reference point was breached in the 2006/7 season at which point the industry and management was faced with the choice of allowing the fleet to shrink further so that lease prices could grow, or introducing input control to maintain the fleet above the 220 vessel threshold. Ultimately the decision was made to prioritise economic rent (seen as lease payments) so the use of an indicator for employment/vessel numbers was discontinued.

The previously discussed low recruitment and falling CPUE in 2009 and 2010 resulted in low quota lease prices as more vessel days were required to take the TACC, so that costs rose. Vessels opportunistically and rapidly re-joined the commercial rock lobster fleet leading to a short spike in employment in the fishery. This period in the history of the fishery demonstrated that new entrants exist and will readily join the industry when opportunities emerge. The long term decline in the number of commercial operators over the last 20 years is not for lack of willing and able new entrants, rather, this trend is an outcome of the policies designed to reduce the fleet size.

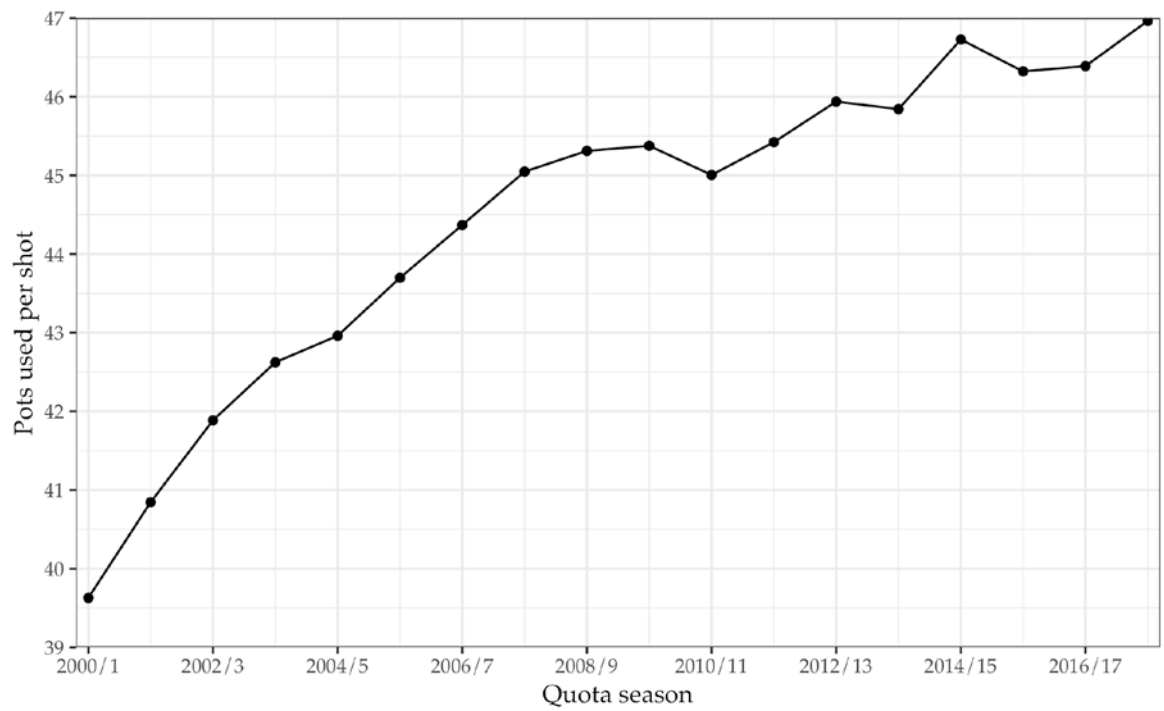
From 2011/12 onwards, the fleet has declined to 194 vessels in 2017/18 due the combined effects of stock rebuilding (higher CPUE), a lower TACC, and greater effort per vessel (Figure 11). The average effort of the remaining vessels has increased with mean pot usage at 47 pots / shot in 2017/18 (Figure 12).

The current stock rebuilding trajectory and target reference points are expected to drive an ongoing decline in vessel number and employment. A mechanism slowing this decline is a limitation that prevents any operator catching more than 200 units of quota (20t in 2017/18) although there are no limits on leasing. Other measures to accelerate the contraction of the such as relaxing input controls have been considered or trialled (for example a trial allowing operators to use 60 pots instead of the usual 50 pots).

Ogier et al. (2018) examined changes in ownership and flow of benefit in the fishery. Economic rent from the fishery has been created through policies effective at reducing employment and the fleet as described above. This led to flow of rent to the holders of the commercial quota through either catching and selling the lobsters (if they are fishers) or leasing the quota (if they are investors). There has been a trend of greater ownership of quota units by firms who lease out the quota rather than catching it directly. There has also been a trend of greater flow of economic rent from the fishery towards quota owners who are based outside Tasmania, estimated at over 25% of rent in 2016/17.



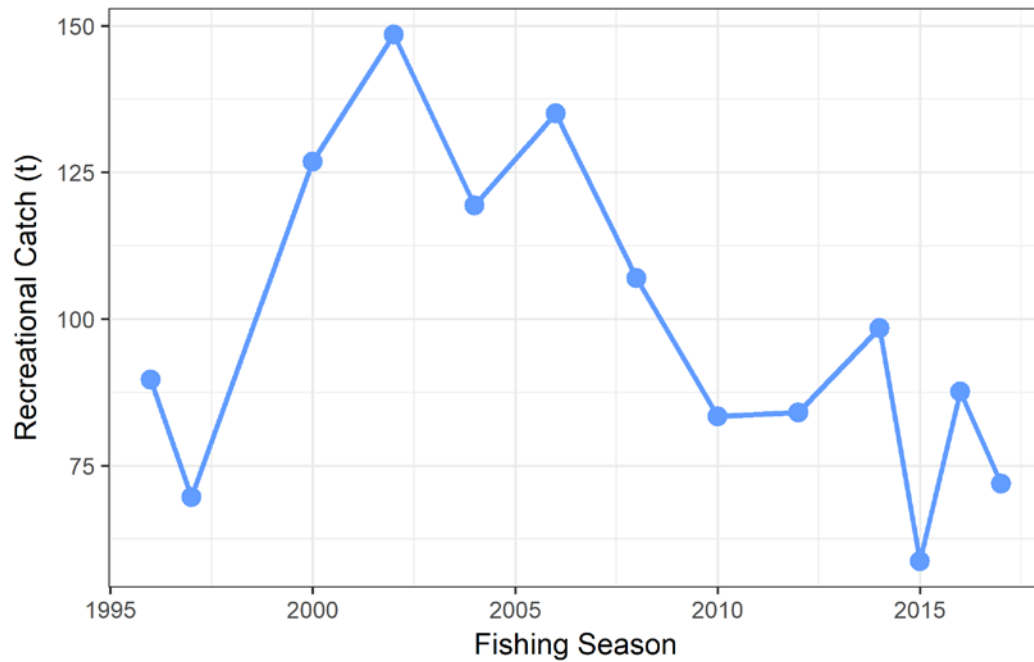
**Figure 11:** Number of vessels landing catch in each quota season.



**Figure 12:** The mean number of pots used per shot during each quota season.

## 2.4 Recreational catch

The most recent published recreational survey of rock lobster catches was for the 2017/18 fishing year (Lyle, 2018). Estimated recreational catches increased in each survey from 1996 until 2002/2003 and have since decreased steadily to the lowest value in 2015/16 (58.14 t, Figure 13). The recreational catch comes mainly from the East coast, especially from area 1, which on average accounts for 36% of the catch with areas 2 and 3 respectively contributing 16% and 11%.



**Figure 13.** Estimated state-wide weight (tonnes) of recreational catches by season.

### 3 Stock assessment model

A stock assessment model was used to determine the current status of the stock and formally evaluate different TACCs against the developed limit and target reference points. Projections of the stock made for the purposes of this report had a series of settings with the most important being:

- (i) future recruitment assumed to be broadly reflect that observed from 2000-2014 noting that undersize length frequency data also contributes information on future recruitment in projections;
- (ii) no change in catch was modelled except through changes in the TACC (i.e. recreational and illegal catch was held constant);
- (iii) no loss of productivity through expansion of no-take MPAs;
- (iv) no loss of productivity through expansion of urchin barrens;
- (v) no loss of productivity through increase in natural mortality (e.g. through increase in octopus mortalities); and
- (vi) all other management rules were held constant (including commercial scale translocations operations that commenced in 2012)
- (vii) the proposed minimum legal-size change in area 5 will be implemented for the 2020/21 season.

These assumptions and settings were made as they were considered to represent the best and most likely settings for examining future trends. Uncertainty around these settings is acknowledged and included in the decision-making process through the design of reference points. The probability of meeting reference points in the future is required to be 70% for a target reference point and 90% for a limit reference point. This conservative approach provides protection against declines in productivity that could occur through processes such as expansion of urchin barrens, increase in natural mortality or decline in recruitment.

The rock lobster stock assessment model used in previous years was updated with the new catch and effort data from fishers' logbooks and the size/sex composition obtained from the observer-based sampling program and the research pot program. Other model parameters (such as lobster growth) which are periodically reviewed were not updated in this assessment.

#### 3.1 Recruitment assumption

The model projects forward in time to determine the effect of proposed management strategies on the fishery, which requires inclusion of values of possible future recruitment. The relationship between egg production and recruitment is highly dependent on environmental variables and poorly understood. Hence, the best indication of future recruitment is given by historic recruitment estimates. The model also uses information from undersize sampling, which gives some guidance on probable future recruitment.

The model estimates historic recruitment data using commercial catch data and length-frequency data collected by observers, scientific sampling and the research pot program. An important consideration when projecting forwards is the range of years selected to



represent historic recruitment. Characteristically, recruitment to this fishery occurs in infrequent large pulses with low levels of recruitment between these pulses.

If the recruitment process is not undergoing a fundamental change, using all years for which reliable recruitment data is available is the preferred option as this will provide the best estimate. Alternatively, if the recruitment process has fundamentally changed (for example due to changing oceanic currents) it will be preferable to estimate recruitment from more recent data. The potential pitfall with selecting only a short period of recent years is that a series of years with poor recruitment may be interpreted as a change in the recruitment process when it may simply be a ‘run of bad luck’. In this case using more recent low recruitment estimates may result in inappropriate management changes.

Very similar reductions in recruitment have taken place across all SRL jurisdictions. Consequently, the Victorian, South Australian and Tasmanian model all use recruitment estimates from 2000 onwards to the most recent reliable recruitment estimate for that jurisdiction. In this stock assessment 2014 recruitment was the last year that was included. In addition to these recruitment estimates the model uses undersize size structure data to inform likely recruitment in the short term.

### **3.2 Assessment model results**

A summary of outcomes against formal performance measures is presented in Table 1. These measures were developed in consultation with stakeholders including the CFAC and RecFAC and are subject to ongoing refinement. Limit Reference Points (LRPs) define undesirable states for the fishery. Target reference points (TRPs) generally define ideal desirable performance states for the fishery, however in this fishery which is rebuilding from a very low state, the TRPs are intermediate targets on a rebuilding trajectory.

LRPs tend to be associated with management objectives related to biological sustainability. The use of LRPs to prevent recruitment overfishing is consistent with the National Status of Australian Fish Stocks report which uses LRPs to separate the status of “recruitment overfished” from “sustainable”:

*“the spawning stock biomass has been reduced through catch, so that average recruitment levels are reduced”* (SAFS 2016).

The use of LRPs to avoid recruitment overfishing is a very conservative measure. It means that the average levels of juveniles recruiting to the fishery should be equivalent to that which occurs in the unfished stock. This is possible with well-controlled fishery harvesting because of surplus production of recruits.

This LRPs is biologically conservative but doesn’t necessarily deliver good economic and social outcomes. Put simply, the job of government goes beyond merely managing fisheries to be sustainable. Sustainable fisheries are easier to achieve than fisheries that maximise benefits to the community.

The economic benefit from both recreational and commercial fisheries is related to the abundance and catch of the legal sized stock. In this case LRPs are paired with Target

Reference Points (TRPs). Target reference points are logical for managing benefit from fisheries because there is a trade-off between catch and stock abundance. This is true for recreational fisheries where benefit is the success or enjoyment of fishing and also for commercial fisheries the benefit is the financial earnings (technically, both these benefits are forms of economic yield). High levels of catch provide high revenue but reduce the legal sized biomass. Low catch rates are undesirable for both sectors because they imply high cost of fishing in the commercial sector and a greater number of unsuccessful fishing trips in the recreational sector. Hence there is a trade-off between catch rates and catch, and the TRP attempts to optimise this balance.

Management action is intended to be more forceful in achieving LRPs than TRPs because it's more serious to have a fishery that is unsustainable than a fishery that is not maximising economic yield. This different weighting is achieved through probabilities –most LRPs are assigned a high probability of 90% and TRPs a 70% probability.

Aside from biomass indicators, data is collected and reported for protected species interactions, by-catch and by-product.

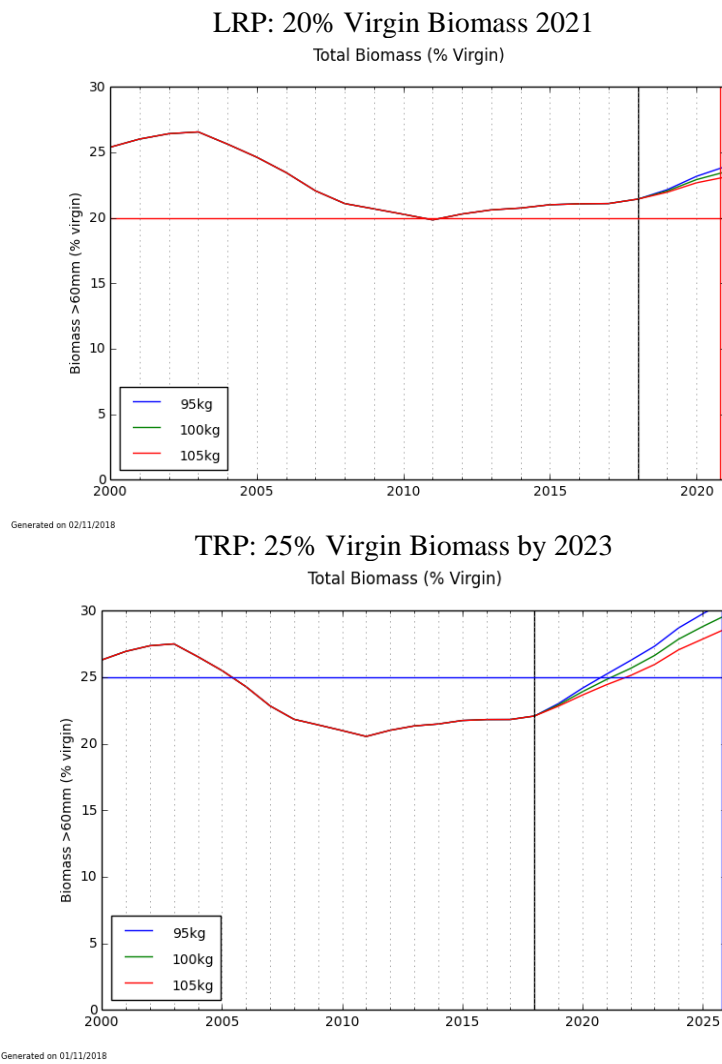
**Table 2.** Evaluation of biological reference points. The required levels are relative to the estimated unfished stock. For example, the egg production limit requires egg production to remain above 30% of the level estimated to have been produced prior to the commencement of fishing.

State-wide Reference Point	Level	Year	Probability	
			Required	Achieved
Egg Production Limit	30%	2021	90	100
Virgin Biomass Limit	20%	2021	90	99
Virgin Biomass Target	25%	2023	70	93

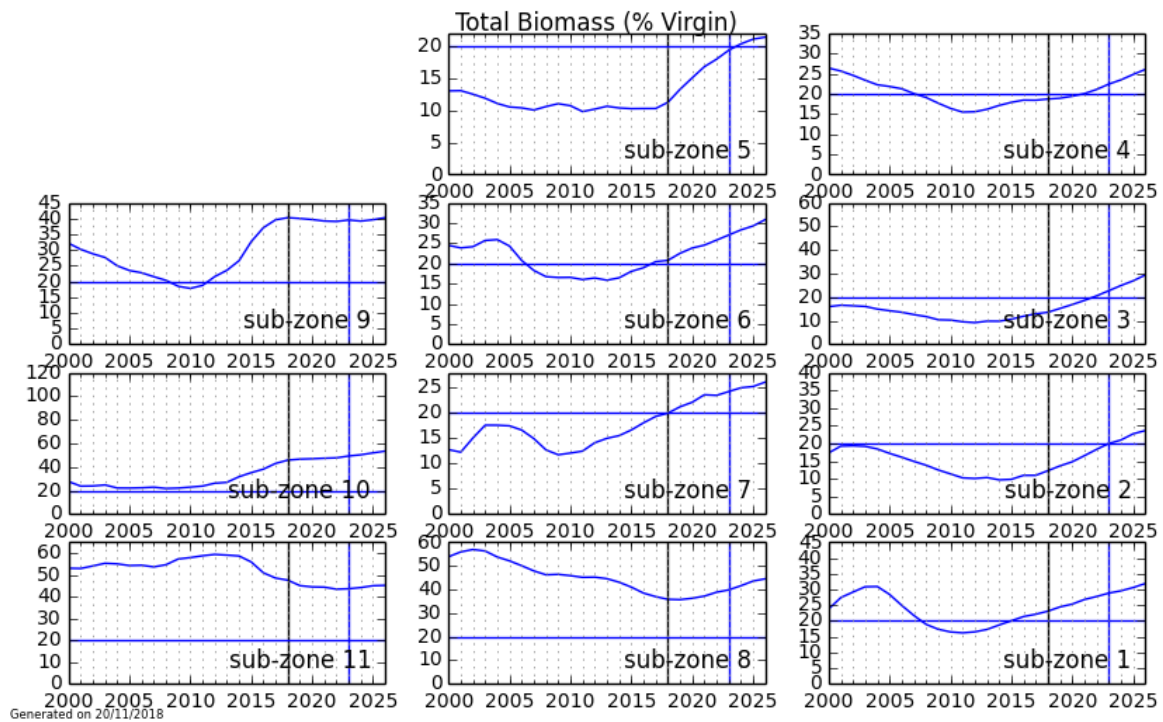
### 3.2.1 Biomass

State-wide biomass projections against the limit reference point at the required 90% probability show that at a TACC tested (95, 100 and 105 kg/pot), the biomass is currently over the limit, following a rebuilding pattern since 2015 when this hit a minimum (top, Figure 14). Projections for the target reference point at the required 70% probability shows that the TACC at the three levels will exceed the target reference point by 2023 (bottom, Figure 14).

Regional biomass varies, and areas respond differently to the current level of TACC (100 kg/pot) with some rebuilding more rapidly (Figure 15). Areas 8 to 11 remain well above the limit reference point, and the biomass in areas 4, 6 and 7 is just on the limit point. The remaining areas are responding to the regional management measures that have been / will be put in place and will meet the limit reference point by 2023.



**Figure 14.** State-wide biomass projections showing the limit and target reference points (LRP and TRP respectively) with limit reference points with 90% probability (bottom); 70% probability projections (top). Horizontal lines – target (blue) and limit (red) reference points. Vertical black line – current year; vertical red and blue lines – timeline for limit and target (2021 and 2026 respectively).



**Figure 15.** Biomass projections for each area with a TACC of 100 kg/pot. Vertical black line is the current year (2018); vertical and horizontal blue lines show regional limit reference points with 70% probability its timeline (2023).

### 3.2.2 Egg production

At current levels there is no clear link between egg production and subsequent recruitment to the fishery. This is due to the high variability inherent in the long larval duration phase (larvae spend up to two years drifting on the open ocean), plus high variability in survival between settlement and recruitment to the fishery. Nevertheless, there is inevitably some lower limit of egg production below which subsequent recruitment is likely to be significantly impacted (ie clearly at some level of depletion few adults leads to few juveniles). Responding to information on egg production requires an understanding of the following points:

- The planktonic larval stage is very protracted (1.5 – 2 years)
- Plankton sampling has demonstrated that larvae are not retained inshore on the continental shelf. Rather they live beyond the shelf in oceanic waters and are thus transported over large distances.
- There is no pattern in historical stock data between levels of egg production and future recruitment
- Modelling of larval dispersal suggest many Tasmanian recruits originate from elsewhere (SA and Vic.)
- Variation in current movement between years suggests that no one region is consistently important for larval supply and thus the source of larvae seems to vary between years.

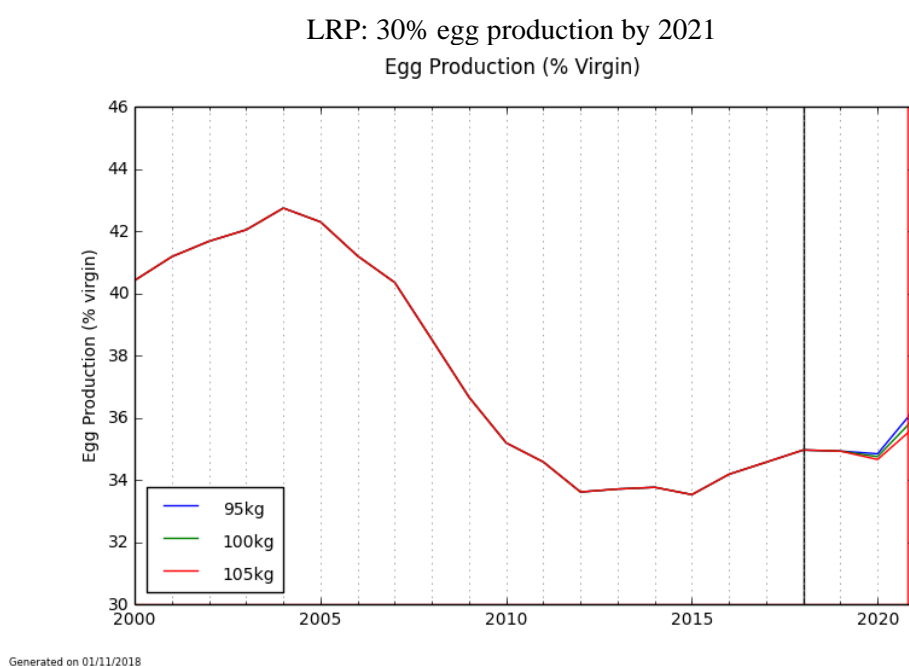
Modelling of dispersal of lobster larvae has indicated that Tasmania benefits from larvae produced elsewhere, especially to the west, but there is also some degree of recruitment

back to the state. It is also known from genetic studies that areas that are important as larval sources varies from year to year – a process termed “chaotic patchiness”.

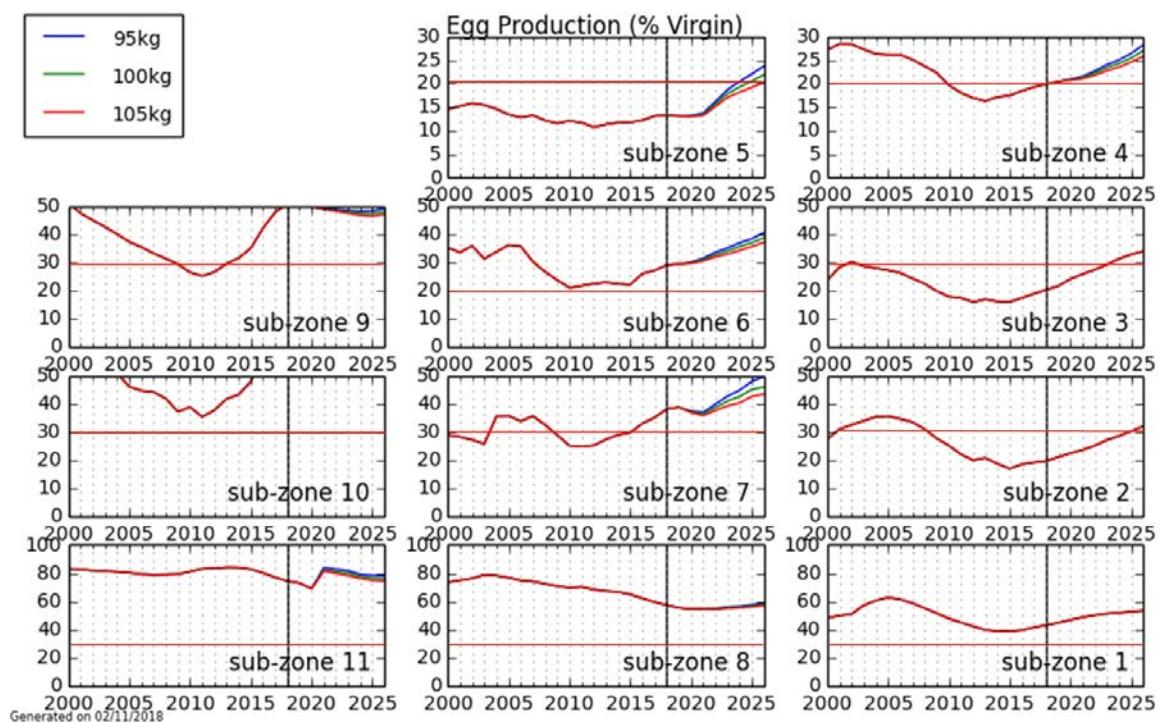
The accepted management response to this is to maintain egg production at reasonable levels in all regions of the State - the “eggs in many baskets” approach.

State-wide spawning biomass or egg production has increased over the last few years and is well over the 30% reference point (Figure 17). The south west areas 8 and 11 are near virgin spawning biomass due to a large number of mature females in that area which are below the legal minimum length. Spawning biomass in the areas 2-3 is currently below the limit reference; however, they show an increasing trend of egg production.

Note that targets for spawning stock biomass differ between northern areas. The ultimate goal is for all areas to have production above 30% of the unfished state, but this is unattainable with current size limits in areas 4, 5 and 6 so a target of 20% is used instead. This means that only area 6 is over the reference point but the other two will exceed or reach this limit within 5 years. This is worth noting that any target is arbitrary as the level of spawning biomass required to maintain the fishery is unknown without dropping to the level that crashes the fishery. Thus, the state-wide 30% target used in Tasmania is different and more conservative to that used in Victoria (20%) and South Australia (no formal limit).



**Figure 16.** State-wide egg production projection with a TACC from 95 to 105 kg/pot. Vertical black line – current year (2018); vertical red– timeline for limit reference point with 90% probability by 2021.



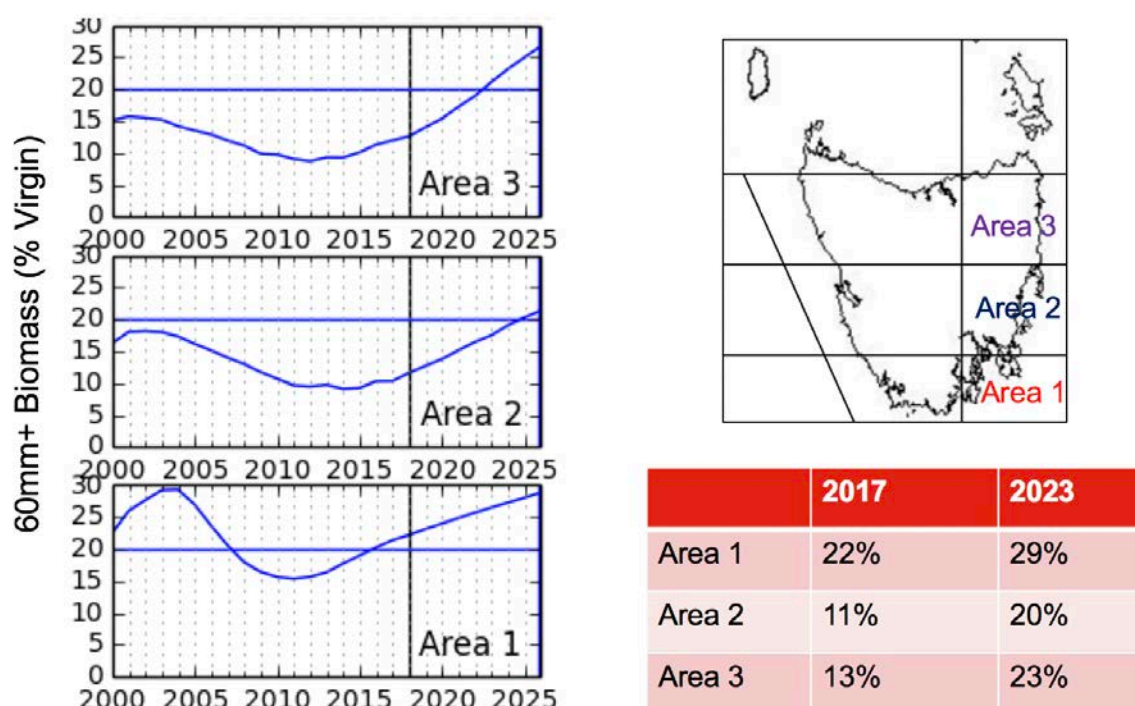
**Figure 17.** Egg production projections for each area with a TACC 95-105 kg/pot. Vertical black line is the current year (2018).



### 3.3 East Coast Stock Rebuilding Strategy

In 2011/12 east coast stocks were assessed to have hit historically low levels, attributed to a combination of years of below average recruitment and heavy fishing pressure (Hartmann et al. 2013). In response, a formal stock rebuilding strategy was implemented in 2013 with a goal to rebuild east coast stocks to greater than 20% of unfished stock level by 2023 (DPIPWE 2013, 2018). A key element of this strategy, the East Coast Stock Rebuilding Strategy (ECSRS), is to limit the average annual total catch (recreational and commercial) off the east coast of Tasmania to 200 tonnes. Under the strategy the commercial Rock Lobster fishery is subjected to a catch cap which is monitored within the quota management system. In addition, several measures have been implemented to constrain non-commercial catches, including a progressive reduction in the daily bag limit (from 5 to 2 lobster) and reductions in the length of the recreational fishing season.

Following the implementation of the ECSRS, biomass and CPUE initially increased more slowly in the Stock Rebuilding Zone (SRZ) than anticipated from model simulations. Consequently in 2017/18 the total catch allowed from the stock rebuilding zone was reduced to 195t to ensure that the strategy remained on target. The last two years have shown substantial increases in CPUE bringing the rebuild back in alignment with stock assessment modelling (Figure 18). This indicates that the strategy remains on target to achieving 20% virgin biomass in all three areas. Area 2 is the area where this is most difficult to achieve, because of being more accessible than area 3 in combination with faster growth than in area 1 – consequently the lobster population in area 2 receives less protection from the size limit.



**Figure 18:** Virgin biomass projections in the three east coast stock assessment areas. The estimated 2017 level and projected 2023 level are shown in the table.

## 4 Discussion

The fishery has seen strong increases in CPUE in all assessment areas as a result of the reduced TACC in conjunction with high recruitment. The stock assessment model indicates that at the current TACC the fishery meets both limit reference points and the target reference point.

Significant management challenges are now being created as a result of the stock rebuild. Notably this includes whether to continue with further cuts to the fleet / employment, decreasing season length in the ECSRZ and increasing recreational catches that have the potential to undermine stock rebuilding if they remain unaddressed. A key limiting factor in addressing these challenges is the lack of clear management objectives to guide these decisions concerning the allocation of access between and within sectors. This challenge will continue to increase as CPUE increases and lobsters become easier to catch.

Model projections make a broad range of assumptions about ongoing management of the fishery. If these assumptions are not met then the targets may not be achieved or other corrective management actions may be required. For example, if translocation ceases or recreational catches increase it may be necessary to lower the TACC.

Numerous changes to management are possible that would increase economic and biological yield per recruit while also addressing the problem of low egg production in some regions. The most significant opportunity is the lowering of the minimum legal size in the south west. This would increase the long-term productivity of the stock and lead to stock rebuilding when combined with a constraining TACC.



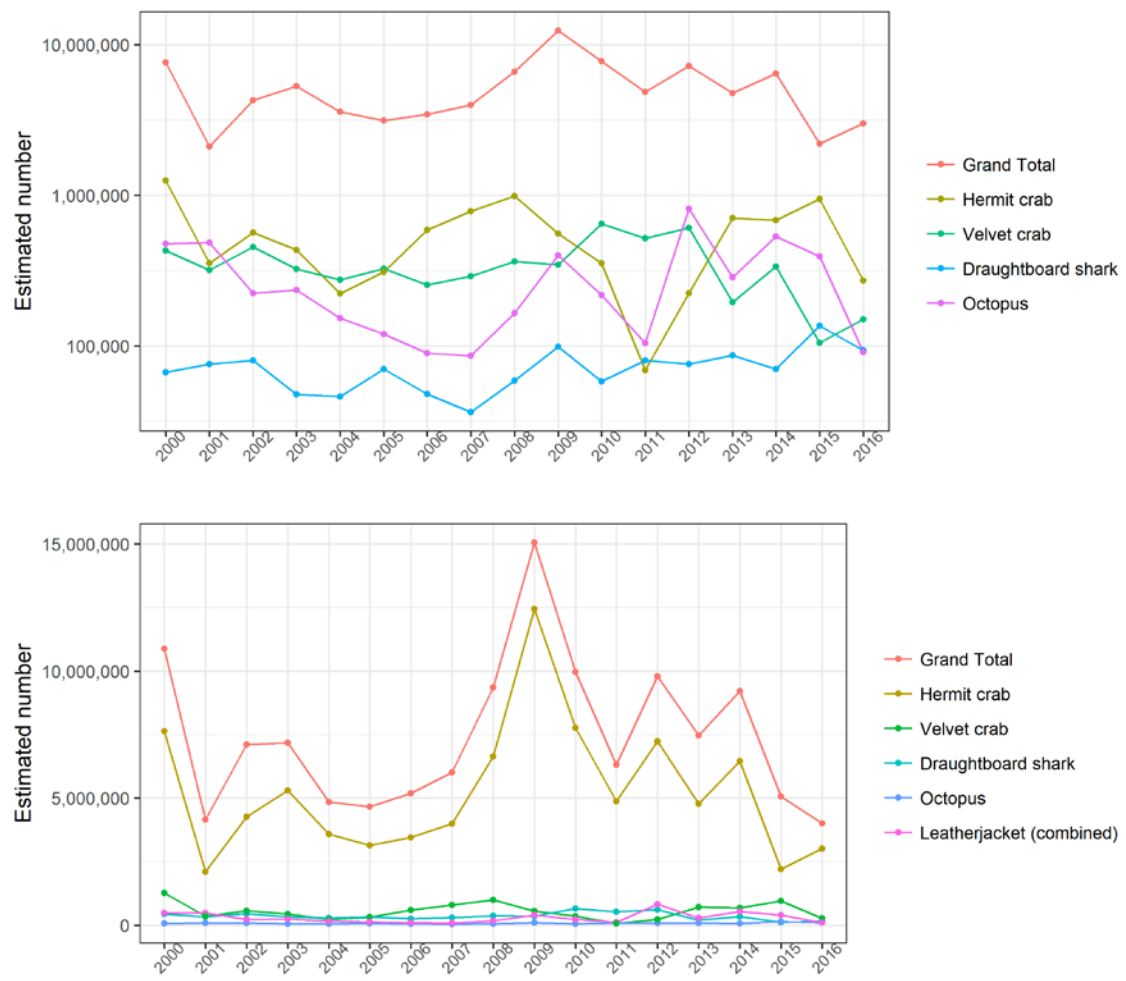
## **5 Ecosystem based management**

### **5.1 Commercial logbook data**

DPIPWE records protected species interactions through the catch and effort database. Fishers are now required to record species and the nature of interaction in their logbooks to provide greater detail than was available in previous years. However, there is still confusion amongst fishers about what needs to be reported. The current data is unsuitable for analysis to provide guidance on the extent of any interactions.

### **5.2 By-catch**

By-catch information is collected through research trips and also with observers aboard commercial vessels. These fishing trips are identical except that commercial fishers use pots with open escape gaps whereas research close these gaps to increase the number of undersize lobsters in catches. Catches of the main bycatch species are shown in Figure 20, with the major species being hermit crabs. Discard mortality of individuals captured varies between species with very low or no mortality of crabs, draughtboard sharks, conger eels and leatherjackets. Consequently, the species of most impact for by-catch monitoring are wrasse, perch, cod, octopus and leatherjackets, which are also reported under by-product.

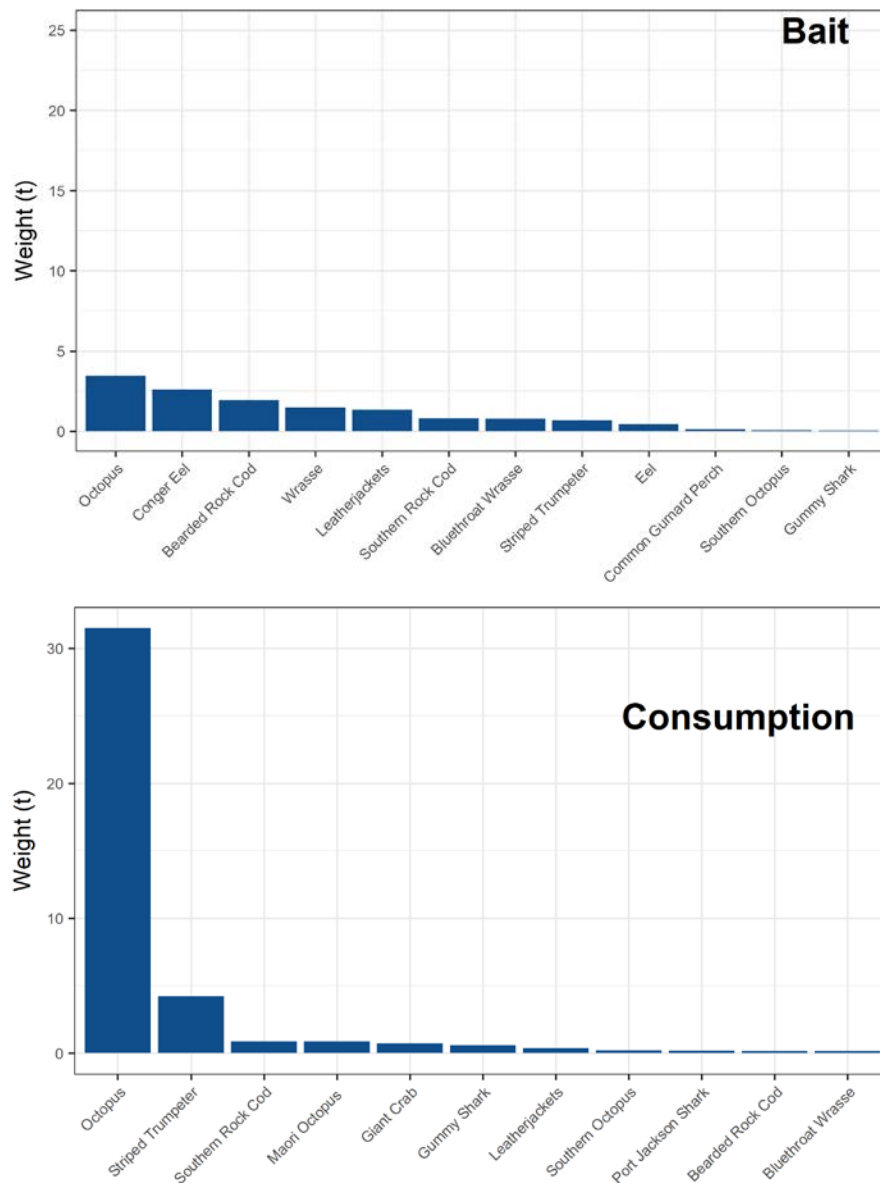


**Figure 19** Total by-catch of top five species estimated by multiplying research sampling effort and catches up to the equivalent of the annual commercial effort. Both plots show the same data however, the top has number plotted on a log scale to highlight catches of the less abundant species in the catches.

### 5.3 By-product

By-product reported is differentiated into bait and product for sale (consumption). All reported by-product from lobster pots was of a small volume, the largest being octopus with 32 t and striped trumpeter with four tonnes, for bait between seasons 2012/13 and 2016/17. (Figure 20). Octopus and leatherjackets are the most important species for bait with 3.5 tonnes each. The rest of species used as bait were reported with a volume lower than 3 tonnes (Figure 20).

By-product is clearly under-reported by the fishery, especially for animals used as bait. For example, research sampling indicates that around 10 t of wrasse are likely to be captured by fishers, yet less than one tonne is reported on average each year as by-product (Table 3). There is no apparent improvement in rate of reporting between years.



**Figure 20.** Relative importance of by-product species, based on weight, reported by commercial fishery (pooled data 2012/13-2016/17). Species included that account 95% of the total by-product catch.

**Table 3.** By-product reported by the commercial fishery (tonnes). All species with catch less than 100 kg in any one year have been excluded.

Species	Bait					Consumption				
	12/13	13/14	14/15	15/16	16/17	12/13	13/14	14/15	15/16	16/17
Octopus	0.46	0.73	0.87	1.02	0.40	5.56	6.91	4.53	5.70	5.17
Wrasse	0.45	0.23	0.30	0.25	0.11	0.11	0	0	0	0
Bluethroat Wrasse	0.36	0.26	0	0.38	0	0	0	0	0	0
Eel	0.16	0	0	0	0	0	0	0	0	0
Conger Eel	1.03	0.69	0.61	0.90	0.35	0	0.10	0	0	0
Leatherjackets	1.31	0.42	0	0.22	0.12	0	0	0	0	0
Striped Trumpeter	0	0.33	0.31	0	0	0.35	0.98	1.05	0.34	0.69
Bearded Rock Cod	0.48	0.31	0.18	0.33	0.18	0	0	0	0	0
Southern Rock Cod	0.55	0.31	0.00	0.12	0.25	0.14	0	0.11	0	0.53
Giant Crab	0	0	0	0	0	0.19	0.16	0.11	0	0.13
Maori Octopus	0	0	0	0	0	0	0	0	0	0.11
Gummy Shark	0.46	0.73	0.87	1.02	0.40	5.56	6.91	4.53	5.70	5.17

## 5.4 Supply risk of bait

A survey was conducted to determine what species are being used for this purpose and explore any risks around future supply. A total of 29 individual fishers were surveyed in TAS who declared using 8 different species of fish as a bait; however, they declared preference for Blue Mackerel and Jack Mackerel (*Scomber australasicus* and *Trachurus* spp.), Australian Salmon (*Arripis* spp.), and Barracouta (*Thyrsites atun*). Most of this bait is sourced from New Zealand.

The stock status of many of the preferred bait species used in the Southern Rock Lobster Fishery is not available through formal reporting so was classified as unknown, particularly those from NZ (Table 4). Australian Salmon and some stock assessment areas for Blue Mackerel, Jack Mackerel and Barracouta from NZ are classified as sustainable.

We found that fishers preferred a limited number of bait species and that some were being sourced from fisheries with an ‘unknown’ sustainability status and many fishers were concerned about future supply. Insecurity of existing supply means that other bait options need to be explored. Ongoing monitoring of species being used for bait would assist any future third party sustainability accreditation.

Most fishers in TAS felt that the quality of bait has remained stable. This is, when asked to rate their level of concern regarding the risk of bait supply, 62.1% of the respondent declared that they were ‘*somewhat concerned*’ about the future risk of bait supply. They also declared (52.2%) that they have not considered using alternative baits to this point.

Lobster buyers / processors also tend to be suppliers of bait and interviews confirmed that Blue Mackerel, Jack Mackerel, Australian Salmon, and Barracouta are the preferred bait types in the Southern Rock Lobster Fishery contributing roughly 90% of bait used (M.

Blake, South Australian Lobster Company, *pers. comm.*). A major supplier of Australian Salmon indicated that they had high demand from the Australian bait market (C. Pappageorge, Account Manager of United Fisheries LTD in NZ, *pers. comm.*), and MD Pty Ltd, a major seafood processor and bait supplier on King Island, TAS indicated that they are very concerned about the future supply of bait. A common theme of discussions with bait suppliers was the increasing prevalence of competition from other markets, namely the human consumption market, for fish species that have been traditionally used as bait.

The apparent shortage in bait is a market issue as Australian salmon is abundant in southern Australia but at historically low levels of catch, while Australia's small pelagic fishery has 10,000s tonnes of uncaught quota allocated each year.

**Table 4.** Reported bait taxa used in the Southern Rock Lobster Fishery from each state by origin, type, stock status.

Species	Origin	Type	Stock status	Source
Blue mackerel ( <i>Scomber australasicus</i> )	New Zealand	Whole	Unknown	(MPI, 2017)
Australian Salmon ( <i>Arripis spp.</i> )	Australia	Cut-lets/Heads	Sustainable	(Stewart et al., 2015)
Jack Mackerel ( <i>Trachurus spp.</i> )	New Zealand	Whole	Unknown	(MPI, 2017)
Kahawai ( <i>Arripis spp.</i> )	New Zealand	Heads	Sustainable/unknown	(MPI, 2017)
Tiger Flathead ( <i>Platycephalus richardsoni</i> )	Australia	Frames	Sustainable	(Maloney et al., 2015)
Atlantic salmon heads ( <i>Salmo salar</i> )	Australia	Heads	Farmed	
Shark heads (unspecified species)	Australia	Heads	Unspecified species	

## 6 Bibliography

Stewart, J., Fowler, A., Andrews, J., Lyle, J., Smith, K., Emery, T., 2015. Australian salmon *Arripis trutta*, *Arripis truttaceus*, in: Stewardson, C., Andrews, J., Ashby, C., Haddon, M., Hartmann, K., Hone, P., Horvat, P., Mayfield, S., Roelofs, A., Sainsbury, K., Saunders, T., Stewart, J., Stobutzki, I., Wise, B. (Eds.), Status of Australian Fish Stocks Reports 2016. Fisheries Research and Development Corporation, Canberra.

Lyle, J.M. and Tracey, S.R. (2018) Tasmanian recreational rock lobster and abalone fisheries : 2017-18 fishing season. Tasmanian Aquaculture and Fisheries Institute Report, 31p.

Maloney, L., Liggins, G., Andrews, J., Emery, T., 2015. Tiger flathead *Platycephalus richardsoni*, in: Stewardson, C., Andrews, J., Ashby, C., Haddon, M., Hartmann, K., Hone, P., Horvat, P., Mayfield, S., Roelofs, A., Sainsbury, K., Saunders, T., Stewart, J., Stobutzki, I., Wise, B. (Eds.), Status of Australian Fish Stocks Reports 2016. Fisheries

MPI, 2017. Fisheries Assessment Plenary, May 2017: stock assessments and stock status. Compiled by the Fisheries Science Group, Ministry for Primary Industries. Wellington, New Zealand. Wellington, New Zealand.

## 7 Appendix 1: Historical overview

The following section is based largely on a synopsis of the history of the fishery compiled by Tony Harrison (<http://www.users.on.net/~ahvem/Fisheries/Tasmania/Tasmania.html>).

Tasmania's rock lobster resource is distributed around the coast although fewer animals are found along the central north coast bordering Bass Strait due to limited opportunity for recruitment.

Aborigines fished lobsters around the State and a small indigenous harvest continues, mainly in the northeast. The resource has been harvested commercially since European settlement with fishing effort initially focused on the East Coast.

The commercial and recreational fisheries initially proceeded without records but the need for management of the fishery was recognised nonetheless. The first Act for the protection of Rock Lobster was passed by Parliament in 1885. This Act prohibited the possession of soft-shelled "crayfish" and egg-carrying females and introduced a minimum legal-size of 10 inches. This size limit is essentially equivalent to that used today and remains one of the main management constraints.

Some commercial catch information was collected in the late 1880's with around 60,000 lobsters a year landed into Hobart. This remains around the average annual commercial harvest from shallow waters in the SE of the State today (average of 39 tonnes in <10 fathoms for the period 2000-2003, Area 1; although it should be noted that now the recreational catch could match the commercial harvest).

In 1888 fisheries matters were placed under the control and management of a single Fisheries Board comprising 23 commissioners. Much of their time was spent debating the merits of different gear types.

Hemispherical cane pots (based on pots used for taking clawed lobsters in Cornwall, England) were used in Victoria while in Tasmania a baited hoop ("cray" ring) was the traditional (and preferred) method of catching rock lobsters. The two methods led to two quite different commercial fishing industries; one using larger, more robust boats that could operate pots and the other using smaller boats sufficient for operation of "cray" rings. These two fleets came into contact and conflict during periods around the moult when lobsters were too soft for freight to Victoria. Pots were subsequently banned in Tasmania in November 1902, later amended to latitudes south of 39° 31' S in February 1904 and subsequently south of 40°38'S (*i.e.* north of St Marys) in July 1904. The Fishing Board ratified this ban in November 1905.

In response to further pressure from northern commercial fishers, a Parliamentary enquiry conducted by Joseph Lyons considered that pots were not destructive and recommended that pots be legalised. However, it wasn't until 1925 that pots were finally legalised as part of a new fisheries bill that placed responsibility for the management of sea fisheries with a newly appointed Sea Fisheries Board. The centrepiece of this new bill was the allocation of varying numbers of pots to commercial vessels depending on their size. For example, a limit of 30 pots was adopted for larger vessels with proportionately fewer pots

allowed for smaller vessels. Inevitably, the use of pots led to dramatic increases in commercial catch due to greater efficiency, halted fleetingly by reduced market demand during the depression years (1930s) and the Second World War. Markets have adapted to change in technology throughout the development of the fishery.

The adoption of diesel engines during the Second World War meant that more product could be shipped to mainland Australia, which led to expanded markets. Soon after this, the development of refrigeration enabled a rapid expansion into the American frozen tail market. Most of the commercial catch is now transported live into Asia, the world's premium market for lobsters. The increased value of lobsters that has resulted from the development of these markets along with growing recognition of rock lobster as preferred seafood is considered to be a motivating factor for the steadily increasing recreational effort.

The annual commercial catch reached its historical maximum in 1984 at 2250 tonnes, prior to falling to 1440 tonnes in 1994. Concerns about declining future catches led to a shift away from a commercial fishery managed by input controls (*i.e.* number of pots and licences etc.) to one managed through control of fishery outputs (or total catch limits). This resulted in the adoption of an individual quota system in March 1998 for the commercial fishery.





The Institute for Marine and Antarctic Studies (IMAS) is an internationally recognised centre of excellence at the University of Tasmania. Strategically located at the gateway to the Southern Ocean and Antarctica, our research spans these key themes: fisheries and aquaculture; ecology and biodiversity; and oceans and cryosphere.

IMAS Waterfront Building  
20 Castray Esplanade  
Battery Point Tasmania Australia  
Telephone: +61 3 6226 6379

**Postal address:**  
Private Bag 129, Hobart TAS 7001

IMAS Launceston  
Old School Road  
Newnham Tasmania Australia  
Telephone: +61 3 6324 3801

**Postal address:**  
Private Bag 1370 Launceston TAS 7250

IMAS Taroona  
Nubeena Crescent  
Taroona Tasmania Australia  
Telephone: +61 3 6227 7277

**Postal address:**  
Private Bag 49, Hobart TAS 7001

[www.imas.utas.edu.au](http://www.imas.utas.edu.au)

**From:** Richardson, Laura (DPaC) <[Laura.Richardson@dpac.tas.gov.au](mailto:Laura.Richardson@dpac.tas.gov.au)>  
**Sent:** Monday, 23 December 2019 2:01 PM  
**To:** subleg <[subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au)>  
**Cc:** Tania. Rattray <[tania.rattray@parliament.tas.gov.au](mailto:tania.rattray@parliament.tas.gov.au)>; John Tucker DPAC <[john.tucker@dpac.tas.gov.au](mailto:john.tucker@dpac.tas.gov.au)>; GuyBarnett-ExternalEmail <[guy.barnett@dpac.tas.gov.au](mailto:guy.barnett@dpac.tas.gov.au)>  
**Subject:** Rock lobster transiting arrangements

Dear Chair,

Further to your conversation with John Tucker regarding the transitioning of rock lobster fishing vessels, the Minister has asked that I confirm with you the arrangements for transiting through a 50 pot zone with 60 pots.

Attached for your information are two documents sent to rock lobster fishers that explain the changes to the rules, both documents outline that you are able to transit through a 50 pot zone with 60 pots on your boat if you are moving through the 50 pot zone on the way to, or from a 60 pot zone.

This information was provided to the commercial fishers by the Department before the commencement of the commercial season on 15 November.

Please let me know if you require anything additional.

Regards,

**Laura Richardson**

Senior Adviser  
Office of the Hon Guy Barnett MP

Minister for Primary Industries and Water  
Minister for Energy  
Minister for Resources  
Minister for Veteran's Affairs  
Public Building, 53 St John Street, LAUNCESTON TAS 7250  
Level 5, 4 Salamanca Place, HOBART TAS 7000  
Phone: (03) 6478 6052 | Mobile: 0437 624 152 | e-mail:[laura.richardson@dpac.tas.gov.au](mailto:laura.richardson@dpac.tas.gov.au)

Department of Premier & Cabinet  
[www.dpac.tas.gov.au](http://www.dpac.tas.gov.au)



Hobart GPO Box 44, Hobart, Tasmania, 7001  
Launceston PO Box 46, Kings Meadows, Tasmania, 7249  
Devonport PO Box 303, Devonport, Tasmania, 7310  
Ph 1300 368 550  
Web [www.dpipwe.tas.gov.au](http://www.dpipwe.tas.gov.au)

6 November 2019

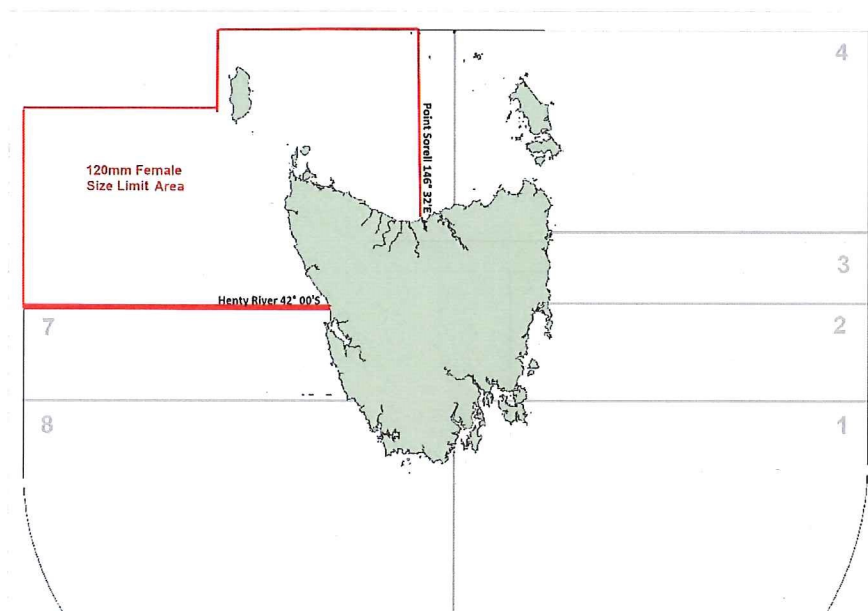
Dear Rock Lobster Fisher and Processor

The rule amendments to the *Fisheries (Rock Lobster) Rules 2011* that have been the subject of industry discussions over the last 18 months and formal public consultation in 2019 have been signed off by the Minister for implementation from 1 November 2019.

This letter provides a brief overview of the amendments.

*Increasing the female rock lobster minimum size limit from 105mm to 120mm in the northwest*

**Amendment:** A regional minimum size limit of 120mm for female rock lobster in north western waters to apply to the commercial and recreational fisheries.



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

*Why is this change needed?*

- North West lobster stocks (stock assessment area 5) were estimated to be about 10% (IMAS17/18 stock assessment) of an unfished or virgin fishery, which is a very low level, and the stocks are not rebuilding as quickly as stocks in other areas around the State. With this

very low biomass there is little buffer or resilience for the future if any unforeseen environmental or other changes occur that impact the stocks.

- 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.

To manage the compliance issues associated with enforcing a regional size limit, single zone fishing trip restrictions (similar to the restrictions in place for commercial catch cap areas) will apply.

For the commercial fishery, when female season is open, commercial fishers undertaking a trip in the NW region must unload all female rock lobster before commencing a fishing trip outside the NW region. Similarly, commercial fishers undertaking a trip outside the NW region must unload all female rock lobster before commencing a fishing trip inside the NW region.

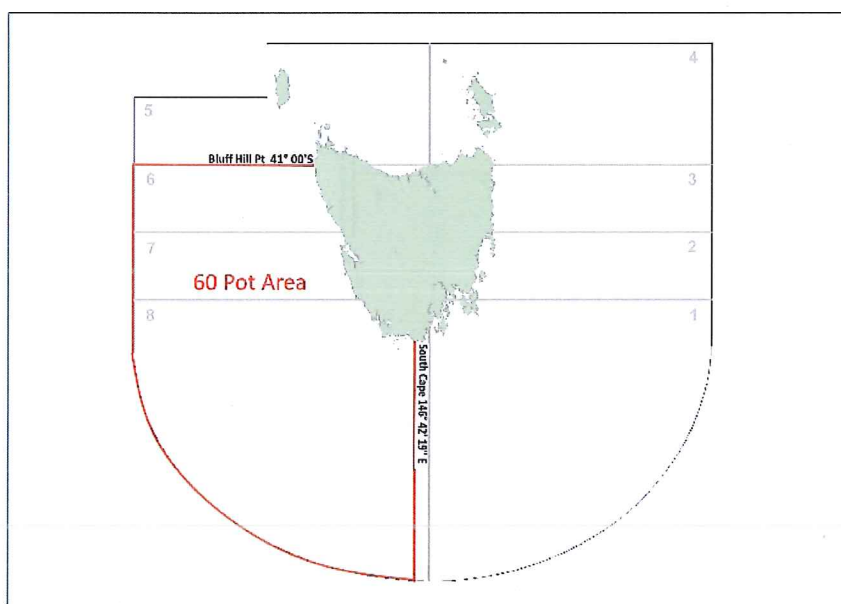
Possession of female rock lobster less than 120mm on a commercial vessel in the NW region will not be prosecuted if the holder of the fishing licence (rock lobster) can establish they were transiting the NW region and the fish were otherwise taken lawfully.

The current pre fishing telephone report will include a new question about whether a commercial fisher is starting a fishing trip in the NW region.

The Department is preparing a more detailed operational guide including FAQ's to assist fishers understand single zone fishing requirements. This information will be sent to fishers separately before the fishery reopens 15 November.

*Increasing the maximum number of pots that can be carried and used by a commercial rock lobster vessel in part of the Fishery from 50 to 60*

**Amendment:** To allow the use of up to 60 pots in an area adjacent to the west / south west coast of Tasmania, between Bluff Hill Point and South Cape.





Fishing licences (rock lobster) as specified on a fishing certificate issued after 1 November 2019, will include a condition. The condition will require that the holder, whilst in State waters can only possess, set or use more than 50 pots in the, 60 pot area as defined in Rule 75A of the *Fisheries (Rock Lobster) Rules 2011*, if a number greater than 50 rock lobster pots is specified in the licence.

If the holder of a fishing licence (rock lobster), whilst in State waters and outside the 60 pot area, is found to be in possession, of more than 50 rock lobster pots, it is a defence in relation to a prosecution if the holder of the licence can establish they were transiting to or away from the 60 pot area.

Additional pots have to be removed from the vessel before commencing a fishing trip in the 50 pot part of the fishery.

The pre fishing telephone report will include a new question about whether the fisher intends to commence a fishing trip in the 60 pot area.

There are no restrictions or requirements in relation to unloading fish between fishing trips in the different pot areas.

Fishes participating in the 2 research pot permit program can use their extra 2 pots in any part of the fishery i.e if licensed to fish with 60 pots in the 60 pot area, a fisher can set 62.

The Department is preparing a more detailed operational guide including FAQ's to assist fishers to understand single zone fishing requirements. This information will be sent to fishers separately before the fishery reopens on 15 November.

#### *Additional Information*

Following the Minister's announcement of the amendments, there has been a range of views expressed including both support from individual commercial fishers who support the decision, as well as opposition to the removal of STA 5 from the 60 pot area by a number of NW fishers and the TRLFA.

The TRLFA has made strong representations to articulate the TRLFA perspective on economic and operational issues around 60 pots in general and the revised 60 pot area in particular.

The Minister has reiterated that the primary rationale for his decision is based around stock sustainability in STA 5 and taking a precautionary approach to the risk that including the North West (Area 5) in the 60 pot area could act as an incentive to fish there, and risk an increase in the catch which could compromise the stock rebuilding goal for this area. Note whilst the Statewide quota system limits total commercial catch, it does not influence where that catch is taken from and so a 60 pot limit in Area 5 poses a foreseeable threat to stock rebuilding.

The most recent IMAS stock assessment data (18/19 quota year) presented at the TRLFA meeting in Hobart 23 October 2019 (subsequent to the Minister's decision indicates that the annual catch from Area 5 has increased by 10% (around 20 tonnes) from the previous year.

The Minister has committed to a review of the 60 pot area in 12 months when next stock assessment information is available from IMAS.

## **Removing the number of pots/vessel length schedule/associated alternative methods**

The rule, which specified 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 has been rescinded and the vessel length schedule will be removed. The old rule did not meet any current fisheries management objectives.

The new rule specifies the maximum number of pots that a licence holder may be set, used or be in possession of, on a vessel in different parts of the fishery. Please remember that individual fishers are restricted to using the number of pots specified on their licence.

Under the National Standard for Commercial Vessels (NSCV), rock lobster pots are considered as deck cargo. There was no link or relationship between the NSCV and the historic 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).

AMSA has developed an easy to understand guide to fishing vessel stability. Please call into the AMSA Hobart office for a free copy, call AMSA Connect on 1800 627 484 to have a copy posted to you, or download a copy from the AMSA website [www.amsa.gov.au](http://www.amsa.gov.au) ((<https://www.amsa.gov.au/sites/default/files/amsa507.pdf>)).

## **Other Minor amendments**

### **Removal of endorsement to unload outside State waters**

The rule relating to a historic commercial endorsement to unload in Victoria has been removed. 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 is retained.

### **Recreational boat limit in Northern Bass Strait**

A recreational boat limit of 10 rock lobster will apply for all Northern Bass Strait waters (eastern and western regions) north of a line of latitude 39 degrees 33' S. This aligns the Tasmanian limits with adjacent Victorian limits in the waters of close proximity, to aid compliance.

### **Notification of not being able to retrieve fishing gear – recreational fishery**

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 has been made to the wording of this rule to ensure that the legislation assists fisheries officers in responding to a notification of irretrievable gear.

#### Publication of a Public Notice on a website

New provision to allow the publication of a public notice on a web site rather than being restricted to the Gazette and newspapers.

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.

A copy of the Report to the Minister on the outcomes of the public consultation process is available to download from the Department's website or on request.

For more information contact Mrs Hilary Revill on by phone (03) 6165 3036, or email [hilary.revill@dpipwe.tas.gov.au](mailto:hilary.revill@dpipwe.tas.gov.au)

Yours sincerely



Ian Dutton  
**Director Marine Resources**

## **SINGLE AREA FISHING – GENERAL**

There are now multiple “single area” fishing areas within the fishery

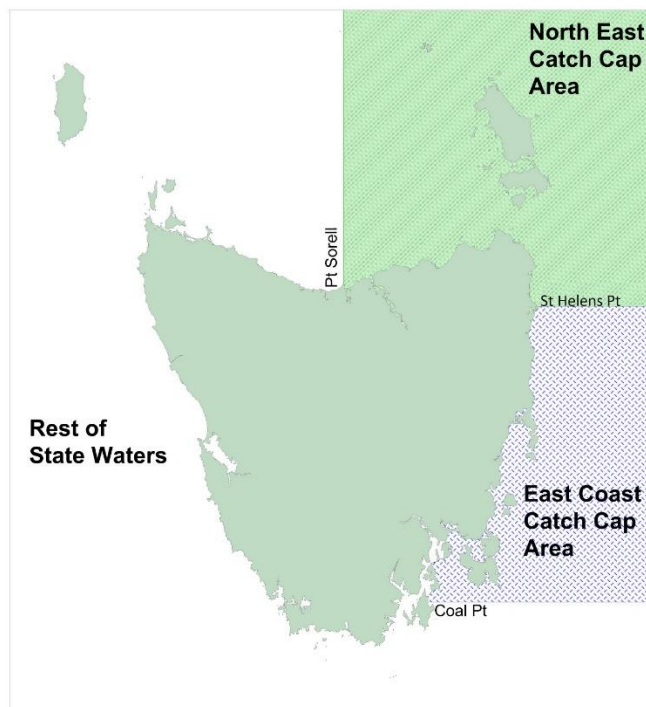
- North East(NE) and East Coast (EC) Catch Cap areas
- North Western Region (120mm female size limit)
- 60 pot Area

See indicative maps for details of boundary lines

The pre fishing telephone report will now include questions about which area or region you intend to fish in.

Fishers can unload lobsters taken from any part of the fishery, at any port designated in Schedule I *Fisheries (Rock Lobster) Rules 2011*.

### **Catch Caps**

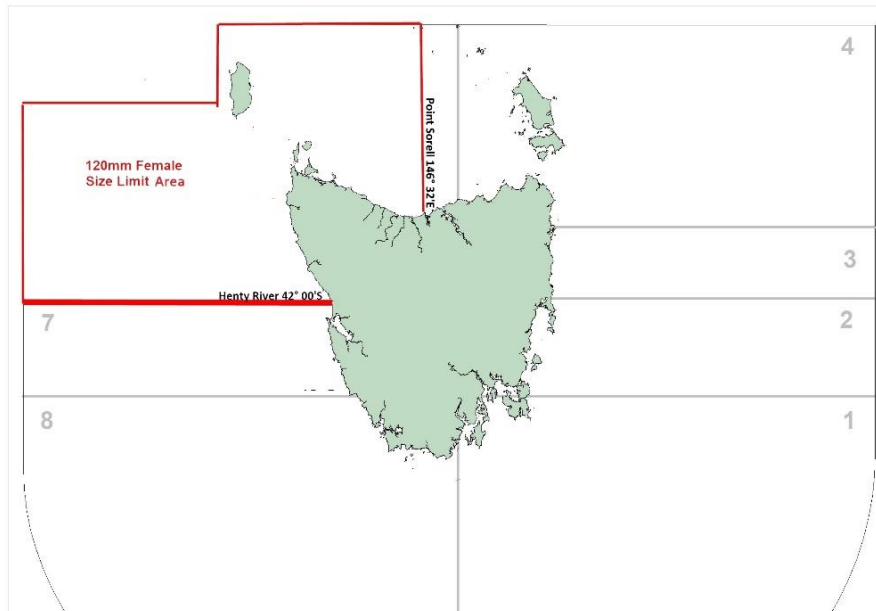


For the NE and EC catch cap areas single area fishing restrictions apply for the whole year. Fishers undertaking a trip in one catch cap area must unload all rock lobster before commencing a fishing trip in a different catch cap area or in waters that are not a catch cap area.



## NW region

For the NW region single area fishing female size limit restrictions apply during the female open season.



When female season is open, fishers undertaking a trip in the NW region **must** unload all **female** rock lobster before commencing a fishing trip outside the NW region. Similarly, commercial fishers undertaking a trip outside the NW region **must** unload all **female** rock lobster before commencing a fishing trip inside the NW region. ( there is no requirement to unload male rock lobster).

Possession of female rock lobster less than 120mm on a commercial vessel in the NW region will not be prosecuted if the holder of the fishing licence (rock lobster) can establish they were transiting the NW region and the fish were otherwise taken lawfully.

### **Meaning of "transiting an area of State waters" Fisheries (Rock Lobster) Rules 2011**

(1) For the purpose of these rules, a person is taken to be transiting an area of State waters ("transit zone") if, at the relevant time –

- (a) the person is on board a fishing vessel inside the transit zone; and
- (b) the fishing vessel is proceeding directly from port to engage in lawful fishing in waters outside the transit zone or is returning directly to port after engaging in lawful fishing in waters outside the transit zone; and
- (c) the fishing vessel has not engaged in rock lobster fishing within the transit zone on that fishing trip.

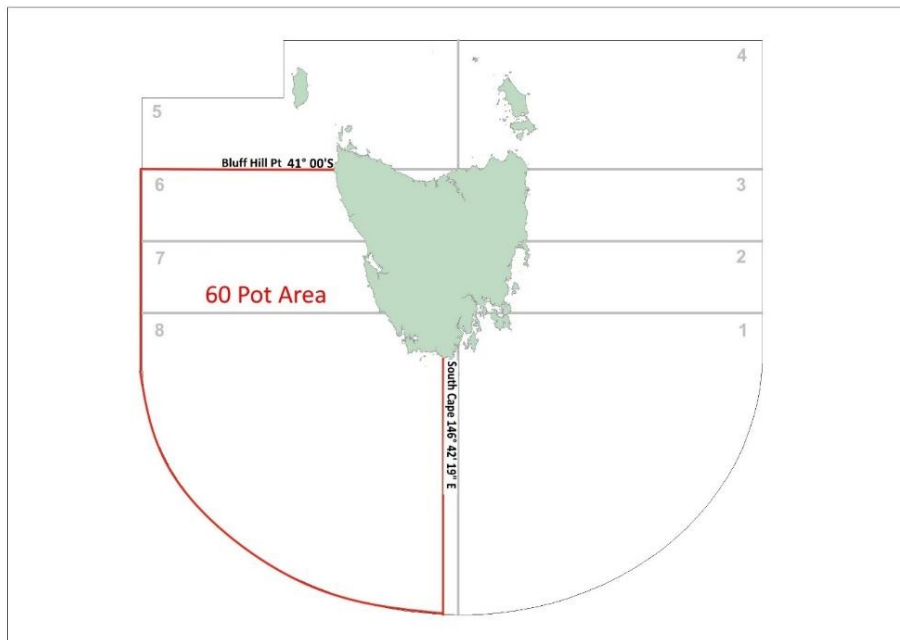
(2) Without limiting the generality of [subrule \(1\)\(c\)](#) , a fishing vessel is taken to have engaged in rock lobster fishing for the purposes of that subrule if any person has set a rock lobster pot from the vessel.

(3) For the purposes of [subrule \(2\)](#) , a person is taken to have set a rock lobster pot if any part of the rock lobster pot, or any buoy, rope or other thing attached to the rock lobster pot, is in or touching the water.

(4) In this rule –

**fishing vessel** includes any auxiliary craft used or intended to be used in conjunction with the fishing vessel.

## 60 Pot Area



Fishing licences (rock lobster) as specified on a fishing certificate issued after 1 November 2019, will include a condition. The condition will require that the holder, whilst in State waters can only possess, set or use more than 50 pots in the, 60 pot area as defined in Rule 75A of the *Fisheries (Rock Lobster) Rules 2011*, if a number greater than 50 rock lobster pots is specified in the licence.

If the holder of a fishing licence (rock lobster), whilst in State waters and outside the 60 pot area, is found to be in possession, of more than 50 rock lobster pots, it is a defence in relation to a prosecution if the holder of the licence can establish they were transiting to or away from the 60 pot area.

Subject to the number of pots specified on the licence, up to 60 pots can be used in the 60 pot area when the rock lobster season is open (not just in the winter). Fishers are reminded that the majority of the 60 pot area (south of Sandy Cape) will be closed from 1 September.

Additional pots have to be removed from the vessel before commencing a fishing trip in the 50 pot part of the fishery.

There are no restrictions or requirements in relation to unloading lobster between fishing trips in the different pot areas unless a fisher is fishing in the part of the 60 pot area which overlaps with the NW region. Under this scenario, the unloading restrictions (detailed above) relating to fishing inside or outside of the NW region will apply.

Fishes participating in the 2 research pot permit program can use their extra 2 pots in any part of the fishery i.e if fishing with 60 pots in the 60 pot area, a fisher can set 62 pots.

#### *Frequently Asked Questions.*

**Question: Do I need to unload all female rock lobster before commencing a fishing trip in the north western region?**

Answer: Yes

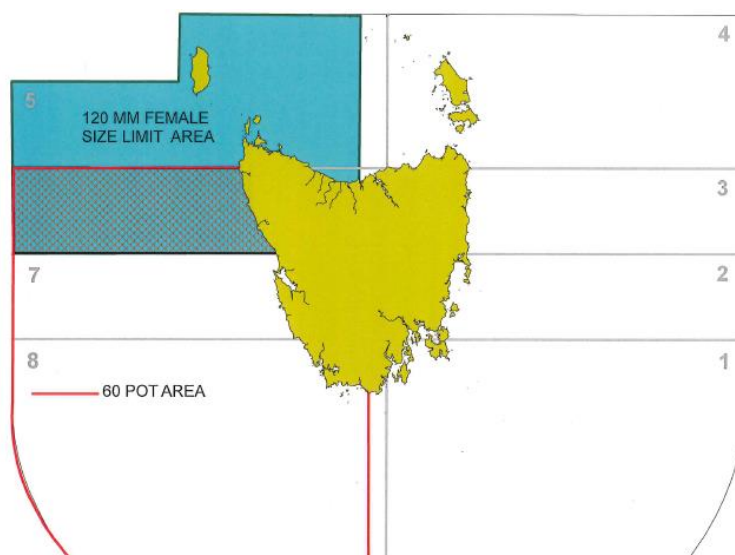
**Question: Do I need to unload all female rock lobster if I have finished fishing in the north western region and I wish to fish outside the area.**

Answer: Yes

**Question: Where can I unload female rock lobster caught in the north-western region?**

Answer: At any designated port

**Question: the female season is open and I want to use 60 pots – what operational restrictions do I need to consider?**



Answer: If you start fishing in the part of the 60 pot area that **OVERLAPS** with the **NW size limit region** ( Bluff Hill point 41° S to Henty River 42° S),

- ✚ you will have to unload your female lobsters before you can set pots south of the Henty River, as this would be changing size limit regions.
- ✚ you will have to remove the extra pots before you can set pots north of Bluff Hill Point as this would be changing from the 60 pot to the 50 pot area.

**Answer:** If you start fishing **in the part of the 60 pot area that DOES NOT overlap with NW size limit region** ( ie Henty River south to South Cape),

- ✚ you will have to unload your female lobsters before you can set pots north of the Henty River, as this would be changing size limit regions.

**Question: the female season is closed and I want to use 60 pots – what operational restrictions do I need to consider?**

**Answer:** Only the requirement to remove extra pots before you commence fishing outside the 60 pot area

**Question: If I fish south of 42 degrees (105 females) i.e. outside the NW region with 50 pots and am returning to a home port (e.g Currie) in the NW region to unload my lobsters, can I re set my pots in the NW region on my way into port ?**

**Answer:** No – the definition of transiting means that you have to unload your lobsters (taken outside of the NW region) before you can set your pots inside the NW region.

Additionally, commercial fishers undertaking a trip outside the NW region must unload all female rock lobster before commencing a fishing trip inside the NW region.

**Question: Can I set 50 pots north of 41 degrees on my way to port to unload all females?**

**Answer:** No – for the same reason as the previous question.

**Question: If I am fishing with 60 pots in the 60 pot area and I want to commence fishing outside the 60 pot area, can I steam to my new fishing location, set 50 pots and then head to port to unload my excess pots ?**

**Answer:** No, the definition of transiting requires you to unload your excess pots before you start your next fishing trip.

**Question: If I have been fishing with 60 pots in the 60 pot area and I want to stay in the 60 pot area but only use 50 pots, can I set 50 pots and then head to port to unload my excess pots ?**

**Answer:** Yes

## **Maximum Pot Numbers**

The rule, which specified 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 has been rescinded and the vessel length schedule has been removed. The old rule did not meet any current fisheries management objectives.

The new rule specifies the maximum number of pots that a licence holder may be set, used or be in possession of, on a vessel in different parts of the fishery. Please remember that individual fishers are restricted to using the number of pots specified on their licence.

Under the National Standard for Commercial Vessels (NSCV), rock lobster pots are considered as deck cargo. There was no link or relationship between the NSCV and the historic 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).

AMSA has developed an easy to understand guide to fishing vessel stability. Please call into the AMSA Hobart office for a free copy, call AMSA Connect on 1800 627 484 to have a copy posted to you, or download a copy from the AMSA website [www.amsa.gov.au](http://www.amsa.gov.au) ((<https://www.amsa.gov.au/sites/default/files/amsa507.pdf>)).

#### *Frequently Asked Questions*

**Question: Do I have to be able to carry all my rock lobster pots on my fishing vessel at one time?**

*Answer:* No, there has not been a rule requiring a vessel to be capable of carrying the total number of pots specified on the licence for at least 10 years. However, fishers should be mindful of the 48 hour maximum soak time limit rule and ensure that all pots set, can be hauled within this timeframe.

#### **Other questions ?**

Please contact the Licensing, Fisheries Monitoring and Compliance Section:

- Call (03) 6165 3000
- Email [fisheries.licensing@dpipwe.tas.gov.au](mailto:fisheries.licensing@dpipwe.tas.gov.au)



Parliament of Tasmania, Hobart, TAS, 7000  
www.parliament.tas.gov.au

## Joint Standing Committee Subordinate Legislation

14 January 2020

The Hon Guy Barnett MP  
Minister for Primary Industries and Water  
Level 5, Salamanca Building  
4 Salamanca Place  
HOBART 7000

Dear Minister

### **FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, NO. 62)**

Thank you for your correspondence of 18 December 2019 in response to questions on notice from the Committee hearing that you attended.

The Committee has considered the information provided and makes the following additional requests for further clarifying information -

- 1) Having considered the various Minutes provided by you for the consultative group meetings that were held on 20 June 2019, the Committee has noted that the Minutes do not appear to reflect agreement having been reached on the 50 pot limit for area 5. Could please provide:
  - a) further explanatory comments on this issue; and
  - b) any other evidence showing whether, or not, agreement was reached at the meeting regarding the pot limit?
- 2) The Committee notes that incentivisation is likely to be a measure that would encourage fishers to fish in certain zones containing higher assessed biomass levels and that the information on the biomass in area 5 appears to require further assessment to determine whether an increase in the minimum legal size limit should be supported, along with a decision on pot limits for the area. Would you please provide comments on the following:
  - a) any observations and/or clarification of additional work, including a stock assessment for the 2019/20 quota year, that is to be completed prior to a decision being made for the 2020/21 season; and
  - b) confirmation of when the 2019/20 assessment report will be completed and available prior to the commencement of the next season?

The Committee looks forward to receiving a response at your early convenience.

Yours sincerely

A handwritten signature in black ink, reading "Tania Rattray". The script is cursive and fluid, with the first name "Tania" and last name "Rattray" clearly distinguishable.

TANIA RATTRAY MLC

CHAIR

w. 03 6212 2250 f. 03 6212 2345 m. 0488 009 642 e. [subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au)

Minister for Primary Industries and Water  
Minister for Energy  
Minister for Resources  
Minister for Veterans' Affairs

Level 5, 4 Salamanca Place HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Phone: +61 3 6165 7678  
Email: [guy.barnett@dpac.tas.gov.au](mailto:guy.barnett@dpac.tas.gov.au)



4 FEB 2020

Hon Tania Rattray MLC  
Chair  
Joint Standing Committee Subordinate Legislation  
Parliament of Tasmania  
Email: [subleg@parliament.tas.gov.au](mailto:subleg@parliament.tas.gov.au)

Dear Ms Rattray *Tania*

Thank you for your letter of 14 January 2020 seeking further information in relation to the Fisheries (Rock Lobster) Amendment Rules 2019.

I provide the following answers to your questions below.

**Explanatory comments regarding the outcomes of the Fishery Advisory Committee meetings held 20 June 2019 in relation to the Pot limit for Area 5.**

- In relation to the proposed Rock Lobster Fishery Management Plan amendments, the Advisory Committees were asked to provide me with advice on each of the proposed amendments, taking into account the outcomes from submissions received during the statutory public consultation period.
- As has been previously documented, the Department put forward its preliminary views (not to proceed with any 60 pot area or to remove Area 5 from the 60 pot area to reduce the risk of increased fishing effort having a negative impact on the sustainability measures to accelerate stock rebuilding in Area 5) to both the Crustacean Fisheries Advisory Committee (CFAC) and the Recreational Fisheries Advisory Committee (RecFAC) in a background paper prior to the meetings, and verbally on the day, both in the joint FAC session as well as at the separate FAC meetings. It is unfortunate, that several key industry representatives who have subsequently expressed concern about the adequacy of the Department's briefing, were not able to be present at this meeting.
- Discussion by industry members at CFAC focused solely on the TRLFA policy position supporting 60 pots statewide and not on the Department's proposals. Committee members should be aware that there are 3 positions held by Directors of the Tasmanian Rock Lobster Fishermen's Association (TRLFA) Board and 1 position held by the TRLFA Chief Executive Officer. The TRLFA's policies prescribe how it engages in CFAC; if the



TRLFA has a formal policy position on an issue, these CFAC members are obliged to record their views in line with TRLFA policy. The majority of industry members recommended the use of 60 pots Statewide and recorded a fallback position, supporting the 60 pot area (including Area 5) as proposed in the draft amendment that was previously shared with the Committee.

- As was noted in my previous response to the Committee, after extensive discussion, the majority of RecFAC members supported removing Area 5 from the proposed 60 pot area.
- It is worth noting that the role of the Fishery Advisory Committees is to provide me with expertise based advice in relation to the management of Tasmania's fisheries; they are not decision making bodies. The Independent Chair of each Committee provides me with not only the Committee's recommendation on an issue but also an indication of the level of agreement (or not), including dissenting views expressed by members, which I take into account prior to making my determination on an issue. My decision was based on the full range of inputs to me from the FACs, the Department and the independent scientific advice provided by IMAS on the poor status of stocks at that time.

#### **Observations/clarification in relation to the stock assessment for the 2019/20 quota year and information relevant to the stock status in Area 5**

- I agree with the observation of the Committee that incentivisation - or conversely disincentivisation - measures should be used to encourage fishers to fish in certain zones with higher assessed biomass levels. This is in line with the rationale behind my decision to remove Area 5 from the proposed new 60 area – that is to provide an incentive (through the use of 10 extra pots) when fishing in stock assessment areas 6, 7 and 8 where over 50% of the commercial total allowable catch is taken from (and which have more robust stock levels).
- It should be noted that the IMAS stock assessment report 2016/17 presented in November 2017 flagged the low biomass (9%) in Area 5 as being of significant concern. This led to a more in- depth scientific analysis of the stock status in Area 5 (presented to CFAC in April 2018 and wider industry at the May 2018 port meetings). The IMAS forward model projections indicated that the biomass in Area 5 would not reach the regional limit reference point of greater than 20% by 2023 under the current statewide TACC without new additional management measures. The 20% limit reference point is generally regarded as is a minimum level or “floor” biomass level, so there is without doubt a management imperative to address this situation in the north west.
- After extensive consultation with industry and the recreational sector in 2018, the option to increase the minimum size of female lobsters in the north west region was included in the management plan amendments for statutory public consultation. This amendment received widespread support from both commercial and recreational fishers, as well as FAC's and Peak Bodies.
- The IMAS 2017/18 data on which my decision was based, and the subsequent 2018/19 stock assessment that was available after the process concluded, show that while biomass has increased very slowly (10% and 13% respectively), it remains at an unacceptably low level. IMAS scientific modelling has indicated that new management measures (larger female size limit) should accelerate more rapid rebuilding to ensure that a biomass level of greater than 20% is reached by 2023. Once this minimum level is reached, there will

still be a need to manage stocks carefully in this important region as it continues to rebuild over the medium term to more healthy levels of 25 – 30%.

- It is anticipated that the IMAS stock assessment report for the 2019/20 quota year will be completed by August 2020. This stock assessment will include a detailed analysis of fishing activity and stock status in Area 5, as well as forward model projections relating to future stock levels under different future catch scenarios. I will consider all the available scientific and industry information available at this time in my review of the 60 pot area. As I noted in my presentation to the Committee, I anticipate the outcomes of my review would be available ahead of the commercial fishery reopening in November 2020.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Guy Barnett', with a stylized flourish above it.

Hon Guy Barnett MP  
**Minister for Primary Industries and Water**

**From:** [johncockeri@dodo.com.au](mailto:johncockeri@dodo.com.au)  
**To:** [subleg](#)  
**Subject:** PARLIAMENTARY STANDING COMMITTEE ON SUBORDNATE LEGISLATION - S.R. No. 62 – Fisheries (Rock Lobster) Amendment Rules 2019  
**Date:** Wednesday, 4 March 2020 2:58:37 PM  
**Attachments:** [Rock Lobster Stock Assessment Areas.docx](#)

---

Mr Stuart Wright,  
Secretary, Parliamentary Standing Committee on Subordinate Legislation

I would like to speak to S.R. No. 62. Had I have been aware of the public hearing to be undertaken on 31 October 2019, I would have sought to do so then. There are three matters I wish to address – area 5 egg production and biomass, area 5 and maximum pots, and recreational catch.

For background I have been an active recreational rock lobster fisher for over 40 years. For the past two years I have been undertaking personal research into southern rock lobster and the fishery. I have been associated with the Facebook group Tasmanian Recreational Rock Lobster Fishing Group (scallops & abalone) since its commencement on 2/10/1998. (I do not speak for the over 5,000 members of that group.)

The attached map of scientific assessment areas may be of use to committee members.

Eight policy objectives were contained in the rock lobster fishery policy document (Anon, 1997). The first was “Maintaining Biomass and Fish Recruitment” including the policy objective “Biomass and egg production do not decrease and that reasonable levels of egg production are maintained in all regions of the fishery.” Both biomass and egg production have declined in area 5 since at least 1998.

Commercial sector catch control by quota commenced in 1998.

Please refer to: -

IMAS Fishery Assessment Report – Tasmanian Rock Lobster Fishery 2017-18  
([https://www.imas.utas.edu.au/\\_data/assets/pdf\\_file/0011/1245458/RL\\_Stock\\_Assessment\\_2017-19\\_Final\\_June\\_2019.pdf](https://www.imas.utas.edu.au/_data/assets/pdf_file/0011/1245458/RL_Stock_Assessment_2017-19_Final_June_2019.pdf))

- Policy document excerpt (Annon, 1997) (page 1, item 1.1.1, second point)
- Biomass (% virgin) 1999-2000 to 2017-2018, (figure 15, page 17)
- Egg production (% virgin) 1999-2000 to 2017-2018, (figure 17, page 19). Note the horizontal red lines indicating the (lower) limit levels of egg production as are set at 30% for all areas excepting for areas 4, 5 and 6.

## EGG PRODUCTION

Egg production in area 5 is the lowest in the state and long known to be so due to:-

- low total biomass limiting egg production, and
- as rock lobster mature on age, not size, and grow much faster in the north of the state
- the minimum female legal size limit of 105mm was below the 115/116mm size at which 50% of female rock lobster were sexually mature in area 5

Increasing both the female minimum size limit to 120mm and biomass has been a biological necessity known since at least 1998. Equally, is a necessity in area 4.

Please refer to: -

TAFI (predecessor to IMAS) Fishery Assessment Report – Tasmanian Rock Lobster Fishery 1998

([https://www.imas.utas.edu.au/\\_data/assets/pdf\\_file/0017/743120/Rock-Lobster\\_1998.pdf](https://www.imas.utas.edu.au/_data/assets/pdf_file/0017/743120/Rock-Lobster_1998.pdf))

- Size at maturity (figure 6 on page 19)
- Section 5 of that report is informative.

## BIOMASS & EGG PRODUCTION

Whilst the increased minimum size limit should see some increase in egg production that will depend upon sufficient mature males being available also – unfertilised females either die or at best fecundity is reduced. Biomass increase is needed.

Biomass There is no plan or strategy to increase biomass in area 5. Reliance is placed upon catch being voluntarily maintained at the lowest levels since 2000/01 and the rate at which juvenile rock lobster reach minimum legal size (recruit into the fishery) being at least maintained in area 5. See stock assessment model assumptions on page 13 of the abovementioned IMAS report. Further, there has been an historic tendency in area 5 for catch to be lowest when catch rate is higher in other areas – that relationship fluctuates and can not be relied upon to produce an increase in biomass.

For perspective, area 5 has been and is in greater need of stock rebuilding than the East Coast Stock Rebuilding Zone (ECSRZ) (originally the whole of areas 1, 2 and 3).

To increase biomass, a commercial catch limit is needed for area 5 until such time as biomass increases to the state target levels which I understand to be 25% by 2023 as a first step, then increasing to a minimum of 30% as the next step. An equitable catch limit may be appropriate for the recreational sector also.

## 60 POTS

An appropriate catch limit in area 5 would render the number of pots moot.

Absent a catch limit, when the catch rate is higher in area 5 the area will be fished harder whether 50 or 60 pot limits apply. 60 pots would simply make reducing biomass and egg production more efficient.

I would support an increase in maximum pot limit to 60 in area 5, but only if an appropriate catch limit is introduced and enforced in area 5. Perhaps 200 tonnes is appropriate, perhaps less. Perhaps the actual catches for 2018/19 and 2019/20 when viewed against projected biomass increases would inform.

## RECREATIONAL CATCH

“We heard during the briefing last week that recreational fishers on the east coast take, on average, 20 per cent more than the quota each year.”, and “The interesting thing about recreational fishers of lobster in Tasmania is that they only catch less than half of their total recreational catch quota, and most of that is caught on the east coast.” (Public hearing 31/10/2019, pages 14 & 15).

The recreational sector catch for the five years surveyed of the six years to 2018/19 the ECSRZ has existed, was on average an over catch of 15.65% or 32.6 tonnes total. Data has been publicly released for just four of the six years in relation to the commercial sector catch – an average over catch of around 11.23%, or 71 tonnes total.

There is great inequity in the catch share allocated to the recreational sector which is directly attributable to changing input controls (rules) when there was not prospect of the total allowable recreational catch being reached let alone exceeded. I expect that inequity will see the recreational overcatch exceed their catch share by 25% or more for 2019/20.

In conclusion, I respectfully request the committee consider the above, noting that both management and the TRLFA have been aware of the dire situation in area 5 since at least 1998.

I would be happy to speak directly with the committee.

Regards

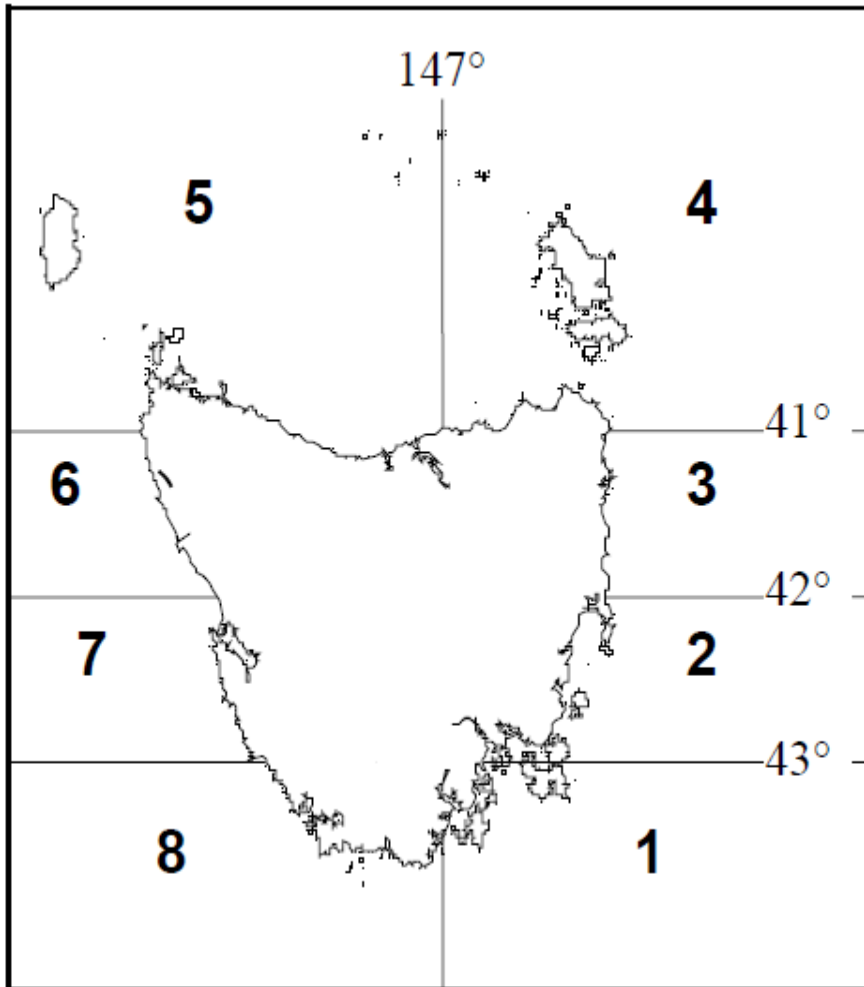
John

John Cocker

Email: - johncockeri@dodo .com.au

Mobile:- 0427 720 905

## Rock Lobster Stock Assessment Areas



Areas 6, 7 and 8 are sometimes designated as inshore, with offshore portions numbered 9, 10 and 11 respectively.

Areas 1, 2 and 3 are often referred to as east “East Coast”;

Areas 4 and 5 as north or “North Coast”;

Areas 6, 7, 8 (and 9, 10 and 11) combined as west or “West Coast”

If in doubt, look for references to longitude and latitude or geographic references (e.g. St Helens Point).

The above areas are used for stock assessment only – DO NOT correspond to

- East/west region divisions, or
- Biotoxin zones, or
- Stock rebuilding zones, or
- Catch Cap Areas.

-----Original Message-----

From: johncockeri@dodo.com.au <johncockeri@dodo.com.au>

Sent: Thursday, 19 March 2020 3:05 PM

To: subleg <subleg@parliament.tas.gov.au>

Subject: Re: PARLIAMENTARY STANDING COMMITTEE ON SUBORDNATE  
LEGISLATION - S.R. No. 62 – Fisheries (Rock Lobster) Amendment Rules 2019

Good afternoon Mr Wright

I consent to the information I provided being included in the Inquiry report.

Please advise if you can and will inform me of the outcome of the Inquiry.

Regards

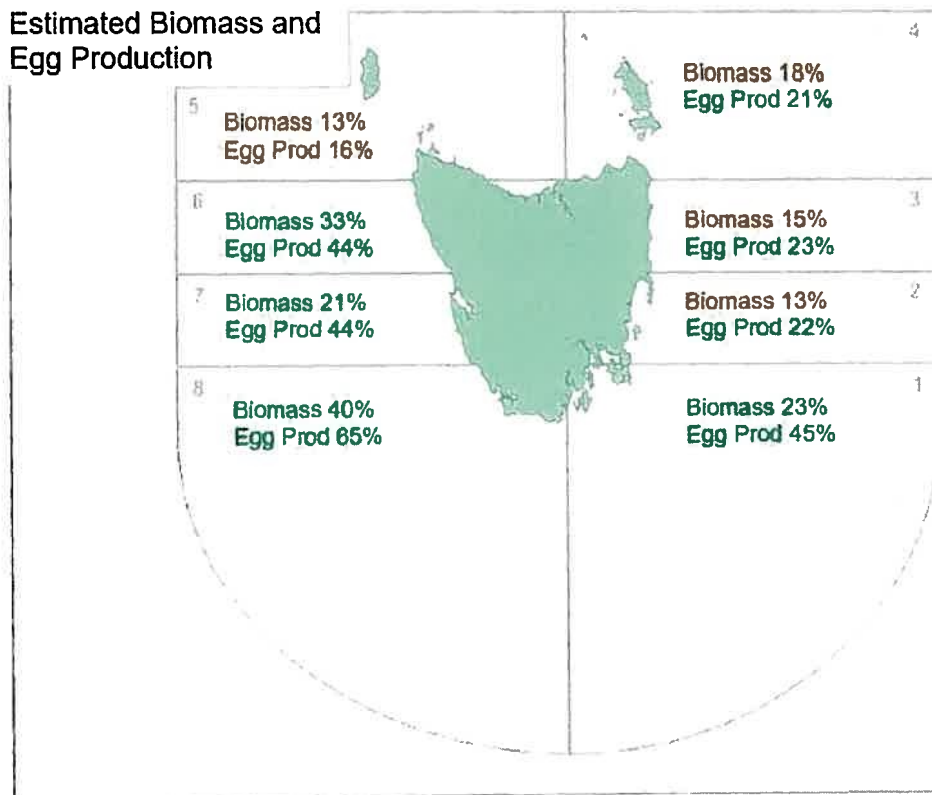
---

John Cocker

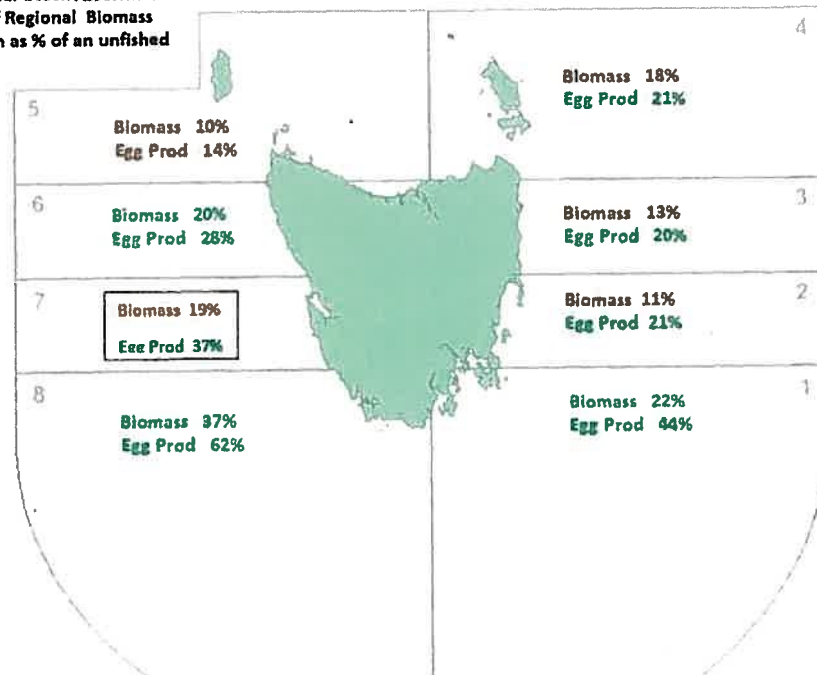
Email: johncockeri@dodo.com.au

Mobile: 0427 720 905

**2018/19 Model  
Estimated Biomass and  
Egg Production**

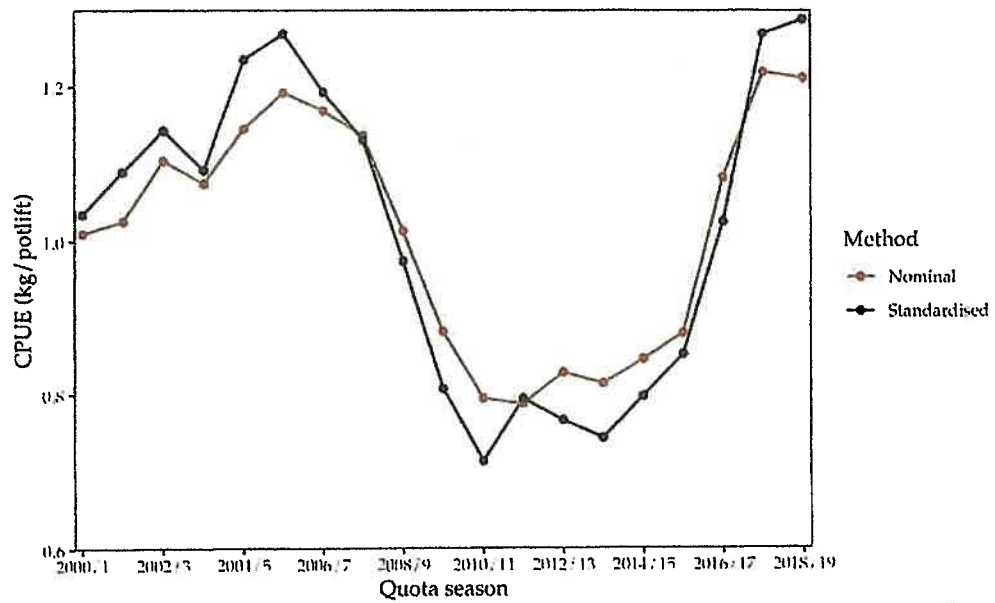


**2017/18 Rock Lobster Stock Assessment  
Model Estimates of Regional Biomass  
and Egg Production as % of an unfished  
fishery**

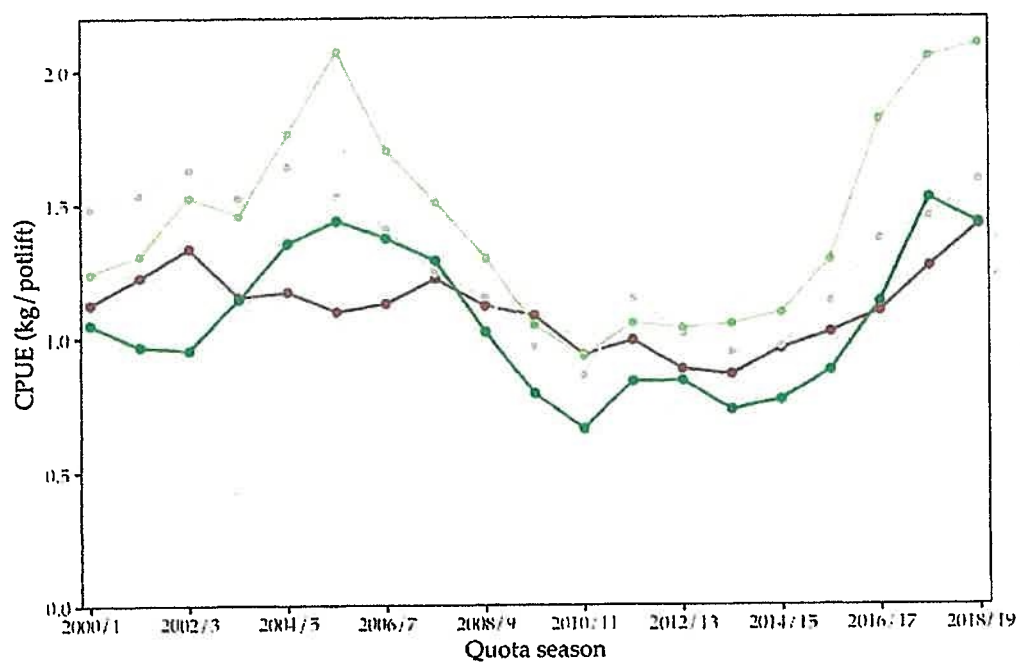




### CPUE - Statewide



### Standardised CPUE – Western Areas







## **Tasmanian Rock Lobster Fishermen's Association**

**The Inclusion of Stock Assessment Area 5  
In the area of the State that will be permitted a maximum  
vessel allocation of 60 Pots**

## Background

Since 2017, the TRLFA have had a consistent policy of seeking an increase to the maximum number of pots on a commercial rock lobster fishing vessel from 50 to 60 statewide.

Through the consultation phase of the recent Management Plan amendment process, it became evident that the Minister/DPIPWE were not going to support the inclusion of the east coast in any pot upgrade proposal with the northern boundary line at Port Sorell in the consultation documents.

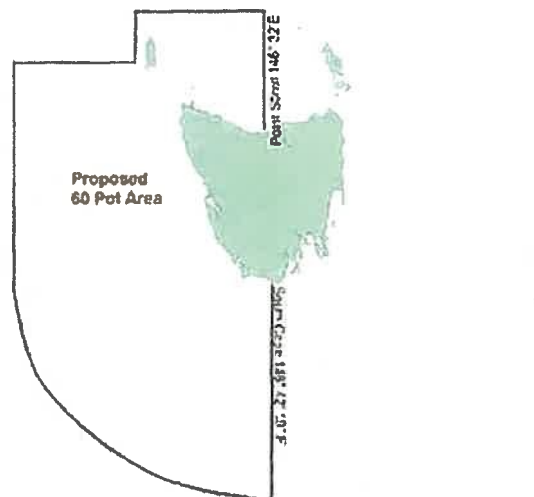
At CFAC meeting No 82 in June, the TRLFA and industry representatives maintained their support for a statewide upgrade, however they were prepared to accept the compromise position of having a pot upgrade in the western region, including Area 5. This was the CFAC position recommended to the Minister in line with the proposal that was out for the public consultation process.

While the Bluff Hill Point line was noted in the meeting background papers, it was not mentioned or raised for discussion by DPIPWE as a management option. There is no record in the official CFAC minutes of the Bluff Hill Point line being noted or discussed.

It should be quite clear that TRLFA and industry support for a 60 pot upgrade in the western region always included area 5 in line with the operational needs of industry.

On September 12 the Minister announced a decision to increase from 50 to 60 the maximum number of rock lobster pots permitted on a commercial rock lobster vessel in the western region of Tasmania. The region announced by the Minister extends from South Cape on the South Coast of Tasmania west around to Bluff Hill Point in the Northwest of Tasmania.

This decision has blindsided industry and in the TRLFA's opinion represents a clear lack of process and consultation from DPIPWE.



Original Proposed Area for Consultation

The TRLFA has written to the Minister to seek a review of the prescribed area with a view to have it extended to Port Sorell and still be in place to begin on 1 November 2019.

### **Submissions**

In reviewing the rationale for the negative comments on the proposal that went out for public comment it is obvious to the TRLFA that a lot of the negative commentary was based on flawed reasoning and incorrect assumptions.

The TRLFA are also concerned that a weight of numbers is placed on the number of negative submissions. It is well known that people affected negatively are far more prepared to put pen to paper if they perceive they are going to lose something. Most of the commercial fishers were happy to let the TRLFA submission speak on their behalf.

### **Concerns**

There are two main lines of argument from the negative comments identified regarding Area 5 in the public consultation process:

1. stock sustainability issues and benefits of increasing the female size limit are compromised by including Area 5 in the 60 pot zone.
2. Increased competition for space in areas that recreational fishers access

### **Facts about Area 5**

The rock lobster fishery in Area 5 is in mostly remote and sparsely populated areas West of Stanley and including King Island.

There was only 5.9 tonnes of recreationally caught lobsters in 2018/19 (IMAS)

This catch is about 8% of the Statewide recreational catch

Of the 3000 recreational fishers that fish outside the east coast (DPIPWE) the 8% catch in Area 5 is relatively low.

Compared to the 9,000 rec fishers on the east coast (DPIPWE Data) the risk of interactions in Area 5 would be very small in comparison

With less than 30 home ported commercial vessels in area 5 and well over half of them based on King Island it is again demonstrable that interactions are not going to be significant problem.

The TRLFA submit that the possible incidences of interactions between the two sectors is being vastly overstated in Area 5. It is not a valid reason for precluding 60 pots as a maximum allocation for commercial vessels in the area.

***The TRLFA rejects the assertion that competition for space is reasonable grounds to refuse the upgrade to 60 pots in the area.***

### **Operational Difficulties.**

The proposed line at Bluff Hill Point presents a worst case scenario for the commercial sector operationally. The original line for the winter trial was moved from Bluff Hill Point to the Stanley region for precisely this reason. DPIPWE agreed with the operational argument and supported that move.

Traditionally fishers from Stanley and Smithton have fished the west coast and moved operations to the Hunter Group in times of adverse weather conditions and then returned to the west coast to resume their fishing trip when weather conditions improved. Under the current rules, if any of those vessels had 60 pots they would have had to return to port and wait for the weather to improve before starting a new fishing trip. Or, return to port, take off the extra 10 pots and return to the Hunter Group to resume fishing and when the weather improved return to port to get their 10 pots or continue to fish without them. This is absurd and flies in the face of the economic efficiencies we are trying to establish in the fishery

The TRLFA find that the same argument when applied to the region to be included in the female size increase area is acceptable to DPIPWE when Area 6 was included purely for operational reasons and ease of compliance. The TRLFA see the same parameters apply to both issues.

***The Bluff Hill Point Line will cause fishers wishing to use 60 pots significant operational hardship***

### **Stock Sustainability**

The TRLFA are not convinced that an increase to 60 pots in area 5 will compromise the benefits of increasing the maximum size of females to 120mm in the area. It should be remembered that industry instigated and promoted this management option to raise egg production and maintain catches to a limit that will see the biomass rebuild to 20% of virgin by 2023. The TRLFA would not support another management proposal that would jeopardise the aims of the size increase. It should be remembered that the catch in Area 5 did not need to be reduced to maintain a rebuilding trajectory, just not significantly increased. The original DPIPWE proposal for a catch cap in the area had an upper limit higher than what is actually caught now. It should also be noted that not all fishers will upgrade to 60 pots for various reasons. This is evidenced by the previous trials that saw only a relatively small section of industry participants upgrade.

Ongoing monitoring of catch by IMAS will indicate whether the stock rebuilding strategy is on track similar to the east coast. If, in the future, any adjustments are required to the maintain the strategy in Area 5 they can be addressed through the normal fishery management process.

***The TRLFA advocate that there is a lack of evidence to support the claim that a pot upgrade in Area 5 will compromise the stock rebuilding aims of increasing the female LMS***

## **Conclusion**

The TRLFA maintain that the reasons given to not include Area 5 in the 60 pot region are not based on reliable evidence or realistic concerns.

Most commercial effort in Area 5 does not overlap recreational effort. The concerns around interactions are not supported by the facts. With a low number of commercial fishers in the area and a relatively small recreational catch the likelihood of interactions is far less than is claimed on the East Coast. While it is impossible to prevent some interactions, Area 5 would in all likelihood be at the lower end of the scale.

The lack of consistency with DPIPWE policy is highlighted in the management plan amendments.

On the one hand we have DPIPWE supporting the operational needs of industry in the application of rules for the area to increase the LMS for female lobsters. The inclusion of Area 6 that is not suffering from low egg production or below the 20% virgin biomass limit is acknowledged by DPIPWE as purely for operational and compliance reasons.

On the other hand DPIPWE has ignored the operational needs of fishers when applied to an area to upgrade maximum pot numbers by excluding Area 5.

The TRLFA recommends that the Minister review the decision to exclude Area 5 from the pot upgrade area. The TRLFA argue that including Area 5 does not put the area at risk of not meeting the 20% virgin biomass target reference point .

John Sansom

CEO

TRLFA Ltd



# **Tasmanian Rock Lobster Fishermen's Association**

**Submission to the Proposed Amendments to the  
Rock Lobster Fishery Management Plan  
Amendments**

***Fisheries (Rock Lobster) Rules 2011***

**May 2019**



## Background

The Tasmanian Rock Lobster Fishermen's Association is the peak representative body for the commercial Rock Lobster Fishery in Tasmania. The Association is a Government recognised body under the LMRA 1995 and represents 340 members including all Rock Lobster entitlement holders.

## Introduction

The TRLFA has already developed policies around the major proposed changes to the management plan. These policies were arrived at following a long and detailed process that informed industry fully of the implications of any changes. Decisions were arrived at following independently scrutineered ballots, and votes at General Meetings where all members had the opportunity to vote either in person or by registered proxy.

The TRLFA stands by its policies as representative of support by the majority of its members. The policies are completely justifiable and in the best interests of the long term sustainability of the fishery and economic efficiencies within the commercial catching sector.

## Proposals

### 1. Increasing the Minimum Size of Female Rock Lobster in the North West

The TRLFA does not support the proposal in its current form. The TRLFA acknowledge that the proposal will improve biomass and egg production in the North West, however the majority of TRLFA members supported including stock assessment area 4 in the proposal. The rationale for including area 4 was to improve the overall sustainability of the fishery:

- Including area 4 would improve the biomass and egg production in area 4 that are still below 20% of virgin.
- It would guarantee that all female lobsters in the North of the state had an opportunity to breed before being retained by fishers. There are still areas within area 4 that have growth rates that do not match maturity at the current legal minimum size. These animals are being harvested before maturity.
- Single zone fishing would be restricted to a larger area easing compliance issues.
- The inclusion of area 4 would help constrain the recreational catch in the area.

***The TRLFA recommends that the increase in female minimum size be applied to stock assessment areas 4, 5 & 6.***

## **2. Removing the Number of Pots/vessel length Schedule/Associated Alternative Methods**

***The TRLFA supports the proposal***

### **3. Increasing the Maximum Number of Pots to be Carried and Used by a Commercial Rock Lobster Fisher**

The TRLFA does not support the proposal in its current form. The TRLFA acknowledge that there are significant economic gains for those fishers who choose to engage in operating 60 pots under the proposal, however the majority of TRLFA members support the use of 60 pots statewide.

DPIPWE has openly acknowledged that under a quota managed fishery increasing the number of pots a commercial fishing vessel can use maximises the efficiency of fishing operations by reducing costs.

DPIPWE have acknowledged that the proposal will not increase the number of pots in the fishery.

The proposed amendment will discriminate against fishers who choose to fish on the East Coast that already operates under the statewide TAC and catch caps. There are no sustainability issues attached to the TRLFA proposal.

DIPWE have acknowledged that the TRLFA statewide proposal will reduce the time that commercial fishers are on the water on the East Coast and increase the amount of time that recreational fishers will have with no commercial interactions.

The perception that commercial vessels using 60 pots will impact more on so called popular recreational fishing areas is not accurate, even by DPIPWE reasoning. Less vessels using more pots relates to efficiency gains and less time on the water for commercial fishers. IMAS have stated the stock rebuilding strategy on the East Coast is rebuilding the biomass that is more resilient and localised depletion is not a realistic concern.

DPIPWE concern over the commercial fleet size seems at odds with the current quota management strategy that current and past governments have supported. The system was introduced to specifically manage the amount of commercial fish that could be removed from the fishery, that was openly acknowledged would reduce the commercial fleet. The fleet has continued to decline in line with stock rebuilding and economic pressures. It will continue to decline under the current management strategy until the number of vessels required to harvest the TACC in an economic and sustainable manner is reached. Initiating a 60 pot statewide vessel limit may hasten a reduction in the fleet however TRLFA members have voted to support a statewide implementation in recognition that fleet dynamics will be dictated more by economic reality than social policy.

***The TRLFA recommends that the maximum pot allocation be increased to 60 on a statewide basis***

#### **4. Removal of Endorsement to Unload Outside State Waters**

The TRLFA acknowledge that the intent is to remove a reference to an endorsement that no longer applies. While the removal is considered a "tidy up", the TRLFA still maintains an interest in the ability of fishers to be permitted to unload outside state waters in the future. The removal of the original endorsement was based on compliance issues and the TRLFA acknowledges that. With improvements in technology and traceability the TRLFA would like to record that industry may wish to revisit this issue when appropriate levels of surveillance/compliance can be demonstrated.

#### **5. Recreational Boat Limit in Northern Bass Strait**

***The TRLFA supports this amendment***

#### **6. Notification of Not Being Able to Retrieve Fishing Gear – Recreational Fishery**

***The TRLFA supports this amendment***

#### **7. Publication of a public Notice on a Website**

***The TRLFA supports this amendment***

The TRLFA thank the Minister for the opportunity to comment on the proposed amendments to the Rock Lobster Fishery Management Plan. Should he require any clarification or further information on this submission please contact the TRLFA Chief Executive Officer at [ceo@trlfa.com](mailto:ceo@trlfa.com) or phone 0427 477 284

## PUBLIC

### THE PARLIAMENTARY STANDING COMMITTEE ON SUBORDNATE LEGISLATION MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON 31 OCTOBER 2019

---

**Mr JOHN SANSOM**, CHIEF EXECUTIVE OFFICER, TASMANIAN ROCK LOBSTER FISHERMAN'S ASSOCIATION, **Mr DANIEL FOX**, FISHER, **Mr DAVID PONSFORD**, FISHER, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

**CHAIR** (Ms Rattray) - The committee made a decision last week to make this a public hearing in the interests of recording evidence for us to look over later. Thank you very much, David, Daniel and John. I make the point that anything you say within this committee hearing has privilege but that same privilege does not apply when you leave the parliament. It is something we need to make you aware of. Would you like to make an opening statement in regard to rock lobster management?

**Mr SANSOM** - My name is John Sansom, I am the Chief Executive Officer of the Tasmanian Rock Lobster Fisherman's Association - TRLFA. We are here to talk about the introduction of the management plan amendments for the rock lobster fishery. I should say in opening that we support all but two of the amendments - those being the one about the 60-pot increase and the legal minimum size of female rock lobsters to 120 mm.

The TRLFA supports the intent of the amendments but would like the proposed areas in each of the rules to be increased, and also to establish the fact that the sustainability of the resource is paramount to this industry. We have worked long and hard and made some tough decisions to get the fishery on track to where it is today. The industry has been the leader in advocating for regulation to improve biomass and egg production in the fishery. There is now far too much capital investment in the commercial sector to risk sustainability of the fishery.

I can assure you that we would not be here today if there were any concern from the industry that increasing pot numbers would have a negative impact on stocks. The industry has been the leader in advocating for regulation to improve biomass and production in the fishery. As to the rule about the 60-pot increase, my organisation represents 315 licence holders and 40 volunteer members with three main arguments to put forward in the matter of 60 pots and the exclusion of area 5, the north-west corner.

**CHAIR** - Is it area or zone?

**Mr SANSOM** - It's a stock assessment area. Zone or area, it doesn't make that much difference. The problems we have with not including area 5 are lack of consultation with the industry, inconsistent decision-making processes through the department, and lack of evidence in the rationale used to support the decision.

If we get to consultation, the decision not to include area 5 in the 60-pot zone was not discussed with industry. It was never brought to attention that the department was going to recommend that particular option to the minister. It was not discussed with industry as an option for management, so the minister's decision actually blindsided industry and, had we known, we would have made much more representation to the minister and the department beforehand. We feel we missed that opportunity.

## PUBLIC

The matter itself was not discussed at the Crustacean Fisheries Advisory Committee, the minister's own advisory committee. The effect was that, in the recent round of port meetings I've had, there have been some very angry people in the north-west of the state who presumed area 5 was going to be included in the zone. I'm sure that a lot of you have had some emails and some correspondence over that.

**CHAIR** - We have. Your members have been very active.

**Mr SANSOM** - That shows you the amount of angst and concern about the fact that they were left out.

Inconsistent decisions; when we look at this raft of amendments - there are two I said we're dealing with - the rationale in one defies logic in the other. In the one where we have an increase in legal minimum size, the department set out in the background paper, including area 6 in that particular one; it says -

... 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.

For that reason and ease of compliance, area 6 was included in the rationale for the increase in female size limits. The same rationale applies to 60 pots, and yet we're quite happy to put a line in the water, which is probably the worst possible place you could ever put a line for the operational flexibility of fishers. It means, for anyone leaving for Stanley and going fishing past the bottom of that line, if the weather turns bad and they have to seek shelter, they have to go all the way back to Stanley and take their extra 10 pots off before they can come back out fishing again, which defies logic in operational terms. It is the same thing if they were leaving from King Island and coming south as well, and the same thing if you were in the southern part of the fishery and you left Strahan to go fishing, you couldn't go out of the area without going back home and taking your pots back off. As I say, it's not a logical decision.

**CHAIR** - The quota does remain the same.

**Mr SANSOM** - Yes, the quota remains the same. The whole basis of 60 pots is an economic rationale.

**Mr FOX** - It's almost like a log truck dumping its dog trailer in Launceston, driving to Bell Bay, dropping off its first load and driving all the way back to Launceston to pick up its dog trailer to tow it back to Bell Bay again. It's just so backwards.

**CHAIR** - Daniel, you're a fisherman?

**Mr FOX** - Yes, I am a fisherman, I fish in the north-west.

**CHAIR** - Fisher?

**Mr FOX** - Fisher, yes, harvester.

## **PUBLIC**

**CHAIR** - Do you want to talk about the safety concerns because that is something I was given -

**Mr FOX** - I don't know where to start and where to finish. You can either run away for safety and go to a place like Stanley where you can leave your 60 pots on, potentially get back to the 60-pot zone - and we're not over all the rules yet, either. We don't know as fisherman if you've got to unload your fish before you go and fish back in the 60-pot zone. Under the permits we used to operate under before, you had to unload your crays.

In the way that the fishing industry is at the moment, we fish for a market. If we've got a Dragon Boat Festival in China, Chinese New Year, Chinese National Day or Moon Cake Festival, we fish for those festivals. I fish about 160 days a year and I try to market my fish for those festivals. If you have to unload your fish because of bad weather 10 days before you want to unload, you can potentially cut yourself out of \$10 a kilo and \$10 a kilo on 1500 kilo is \$15 000. It is a big chunk of change. The other option is to go to somewhere like Marrawah where it is generally reasonably safe unless you get a big westerly swell. If you get caught there -

**CHAIR** - How long are you caught for?

**Mr FOX** - You can be laid up there for days if you want to go back to the 60-pot zone, but you can get caught there. I know blokes who have been anchored up and the wind blows so hard this way that the sea hits them side on and breaks across the deck and keeps going.

**Ms FORREST** - It is one of the best surf breaks in the nation.

**Mr FOX** - Yes, that is right. You have to make a decision yourself as a skipper. There is pressure on people. It is frustrating. We had the 60-pot trial further north through the winter, which is north of the Hunter. We lost ground here. The department's idea that if we had 60-pots for King Island that we would catch more fish. At the moment with 50 pots the guys work about, and it depends upon how much quota you have to catch; most of the boats at King Island are tied up for half the year already.

If there were more quota to catch, they would go and catch it. You can't get quota. At the moment, quota costs about \$60 to \$65 per kilo to lease it in and in the wintertime we get about a \$100 to \$120 per kilo. At the moment the price is down about \$85 per kilo. You couldn't even go fishing at the moment viably. You have to try to catch as much fish as you can through the wintertime and as the 120 mm comes in -

**CHAIR** - Which the industry supports.

**Mr FOX** - Absolutely. We wanted the 120 mm to go to Flinders Island as well but the department threw it out. That is fine. We thought that was going to happen. We are stewards of the industry. We are a maturing industry. We will probably lose about 15 to 20 per cent of our catch because of the size of the girls is going bigger so we have more egg production. Having the extra pots was going to offset that. We were not going to catch any more fish. If we could catch more fish now, if there were more quota to get, we would get it, but the guys are already tied up for six months as it is.

**Mr SANSOM** - Can I make a point there? It is important because area 5 got down to about 9 per cent of biomass a number of years ago. It has now improved under the current arrangements

## PUBLIC

and in the last self-assessment we were up to 13 per cent biomass there on 16 per cent egg production. It is going north but it is not going north fast enough. One of the reasons the industry came up with was increasing the size of the females did both jobs. It helped increase the biomass level and helped increase egg production. What we have to realise is that within there, the intent was not to reduce the catch. We did not need to reduce the catch. We needed to stop the catch going significantly higher or faster.

**Ms FORREST** - We will ask this of other witnesses too, but can you understand any reason why this might have been put in place? I know it wasn't consulted so it is hard to make a judgment about that. I have had a number of constituents - as you can imagine, being the member for this area - contact me and I can't understand what the rationale is. Have you any idea?

**Mr SANSOM** - There are two main rationales put behind it. One was that the recreational sector thought there would be interactions between commercial fishers and recreational fishers in the area if they went to 60 pots. After I did a little homework, I found that the recreational catch in the north-west is six tons, which is verified by IMAS. That is a low catch for that area. There are only approximately 30 home-ported vessels up there. The fear of interactions is not supported by the facts. There are not enough boats and people there for those interactions. You can't say they don't happen because occasionally they do, but compared to the east coast where you have 50- or 60-odd boats and 8000 recreational fishermen, interactions are going to happen there.

**Ms FORREST** - On the interactions between the recreational and the commercial fishers, if you are allowed 60 pots in the area, aren't you going out less so there is less chance of interaction?

**Mr SAMSON** - Exactly. You are not fishing as long.

**Mr FOX** - It is a mathematical equation. If you have 10 ton to catch and you are catching a kilo per pot lift you could have 10 000 pot lifts. The sooner you can get them done, the better.

**Ms FORREST** - Yes, reduce your risk of interaction.

**Mr SAMSON** - Pots are the tools of trade for a fisherman.

**Mr FOX** - The only way fishermen can make more money out of this game at the moment, because we price takers, we are not price setters, is cut your costs down on fishing. Giving people more pots does exactly that. It doesn't let them catch any more; it just lets them catch them more efficiently.

**Mr FOX** - I would say to you guys that today there's not many dairy farms milking 30 and 40 cows any more. It is a thing of the past.

**CHAIR** - The average herd is about 250 now.

**Mr FOX** - That's right, and they're not putting them through herringbone - they put them on a rotary. If you ran semitrailers, you would be broke. You have to have B-doubles, you have to have efficiency. It is a competitive industry. We are not dissimilar.

When the fuel truck man comes in and puts fuel in the boat, he doesn't give it to you cheaper because you're working 50 pots. At the end of the day, at 50 pots, we are the lowest pot-numbered lobster industry just about anywhere in the world.

## PUBLIC

South Australia is at 100 and in South Australia the guys knock their quota off in 90 to 100 days. In Western Australia, the guys are catching in 30 or 40 days. They work 140 pots and catch their quota in 30 or 40 days.

**Ms FORREST** - Being a non-crayfisher, in terms of the impact on fishery, if you are out there harvesting hard, you have 60 pots in the water and you're pulling in 10 kilos a pot -

**Mr FOX** - Some pots have 10 kilos sometimes, yes.

**Ms FORREST** - Well, let's say up to. This is something I don't understand, and maybe other people might to be asked this as well, but in terms of the impact on the fishery, will that have a greater negative impact than having fewer pots in that same area?

**Mr FOX** - Potentially, Ruth, we can improve the fisher with the 60 pots because basically at the moment we start on 1 March and we're allowed to catch girls for March and April. Then when we go to May we are only allowed to catch the boys but a lot of our quota now is caught through the winter period, just on the boys only.

If I had 20 per cent more catchability going from 50 to 60 pots, I can potentially take more boys in the wintertime. If I said to you, sitting right here now, I have 4300 kilos to catch this summer. If I had an extra 20 per cent, I would probably have - if I started with 17.5 tons - I would probably have a ton to go.

Potentially what is going to happen now is in November, I go fishing and I'm catching boys and girls. If I caught all those fish through the winter - a bigger chunk of boys - it leaves more girls behind in the water and improves egg production. You can see on area 5 that the egg production is low and we try to improve it. I asked Klaas from IMAS, our scientists, they said, 'Yes, I haven't modelled that but that could be the case.'

**Mr SANSOM** - The one you have is a little bit outdated.

**Mr FOX** - This is the newer one.

**CHAIR** - I am mindful that there will be a lot of questions. David, I am interested if you want to add something to what Daniel has said in regard to the question I asked and Ruth followed up with before we move onto what the solution might be. Do you want to add something there?

**Mr PONSFORD** - For the life of me, I don't understand why that line is there. I can't see any rationality behind it whatsoever.

**CHAIR** - You pretty much support what's been put forward?

**Mr PONSFORD** - Yes, 100 per cent.

**Mr SANSOM** - The idea of sustainability and the fact that the department has quoted that having 60 pots in that area will encourage other people to go there is not supported by fact. It is not supported by fisher behaviour and it's not supported by history.



## PUBLIC

When we had a 60-pot trial for five years in the west coast, it did not encourage a whole lot of people to go over there and try. Fishermen, by their own nature, are creatures of habit. The secret to fishing is knowing your ground and, once you know your ground, you know when to work, how to work and so on.

People don't go to a new area thinking that 60 pots is going to make up for their lack of knowledge there, especially in an area like area 5, which is a really specialised knowledge area. A lot of people go up there, have a look, and come home with their tail between their legs because it is not fishing like anywhere else in the state. It's a very specialised knowledge place.

**Mr FOX** - The guys don't even need to come there. The fish are getting so easy to catch everywhere, everybody just goes to their usual haunts and I'm still going to fish in the north-west, even if I have 50 pots, I'm still fishing there and I'm still going to catch my quota.

The last trip I did in the wintertime was 46 days long, and I said to Guy Barnett at the meeting the other day, 'I've been at sea for thousands and thousands of days. You know, I've missed all my kids first steps' -

**CHAIR** - You don't look that old actually, do you?

**Mr FOX** - Yes, I am. I've missed all my kids' first steps, the first days of school; you've missed anniversaries, weddings, funerals.

**CHAIR** - That happens a bit in this job too, you know.

**Mr FOX** - Yes, I'd imagine. It's the choice I've made, but it doesn't need to keep happening. If you can get a guy home for 20 per cent more of his year - even if you don't look at the monetary costs, look at the cost of your life; it's your life.

**Mr SANSOM** - I think it was stated by one fisher at our general meeting the other day that if he'd had 60 pots last year, he would have had 23 days extra at home.

**Mr TUCKER** - How many fishing boats or fishers have 60 pots, how many have 50 pots and how many have fewer than 40 pots working in Tasmania?

**Mr SANSOM** - Off the top of my head, I don't know the answer. Most of them are 50-pot vessels.

**Mr TUCKER** - Most of them are?

**Mr SANSOM** - Most of them; by far the majority of them. I would have to ask Daniel: would you know the answer to that?

**Mr FOX** - There was a graph the other day at the meeting. It had spiked - there used to be a lot of smaller single-handed fishermen, but we took away the length tonnage rule in the fisheries rules a couple of years ago to bring the smaller boats up to 50 pots. We used to have a length tonnage rule on their measured length and how much they weighed, but that rule has gone by so now they can put 50 pots on a boat and it just made it more efficient.

## PUBLIC

**Mr SANSOM** - The rationale behind that is we made all these smaller boats a lot more viable by giving them an increase in pot numbers, but we are not making the larger boats any more viable by not giving them any increase either.

**CHAIR** - It has been proposed to me that there be a permit system put in place for those extra 10 pots. That's obviously something that has been trialled before. What was wrong with that process? Is it just about what the department sees as sustainability for the industry? I am interested in your view.

**Mr SANSOM** - The permit system is something that the department can use to let people do something which is outside the rules; that's how the trial was allowed to take place because the maximum was 50 pots. Under the permit system you could allow people to use 60. If the current legislation goes ahead right now and the people in the north-west in area 5 are not allowed to use pots, the department or the minister could issue permits to allow them to do that.

**CHAIR** - Sixty pots. So you either issue an additional 10 permits or you change the zone?

**Mr SANSOM** - Or you change the legislation. Yes.

**CHAIR** - Are they really the two options?

**Mr SANSOM** - As far as I know they're the only two options available.

**CHAIR** - Any other comment about that, Daniel or David?

**Mr FOX** - On the permit system, when we first started with the permit system, where they put the line now at Bluff Hill Point is where the original permit system started from and it wasn't workable so we changed it. The line basically went about 15 miles below King Island and it sort of went across the top of Hunter Island, so we brought the line up probably 40 miles, which made it a lot more workable and that was quite good. Now the King Islanders want to get included in the 60-pot zone, so it's -

**Ms FORREST** - I have definitely had representations from King Island.

**Mr FOX** - Years ago they were a bit reluctant about it, but now they've come on board - it's just -

**Ms FORREST** - They did say that.

**Mr FOX** - Yes, they were against it, but now they are definitely on board with a full head of steam.

**Mr SANSOM** - Something to just get in before we finish: the rule about the increase not including area 4. Basically industry just voted in a clear majority to include area 4 in that system.

**Ms FORREST** - In the 50-pot system?

**Mr SANSOM** - No, in the increase to the female 120-millimetre size, basically because we saw that increased egg production across the whole state is good for the biomass, it's good for egg production. Healthy biomasses are the prerequisite of a resilient fishery and healthy ecosystems

## **PUBLIC**

and with climate change we really need resilience in our fishery. One of the first places to be affected by climate change is the north-eastern Bass Strait area.

**Ms FORREST** - The west coast has certainly improved in terms of its production of biomass.

**Mr SANSOM** - Look, we don't like to pat ourselves on the back, but I think where we've got to today is far, far better than where we were 10 years ago; we've done a really good job to get this fishery where it is. We still have a long way to go though: 20 per cent of virgin biomass is still not a great place to go. We haven't even talked about having an increase in quotas until we get to 25 per cent. Even then, I think we are going to be looking at 30 per cent before we even touch on that one.

**CHAIR** - We still have a few minutes. If you want to add anything, this is your opportunity because members are here and keen to listen.

**Mr SANSOM** - I am sure you can find something to add, Daniel.

**Mr FOX** - I just think there's just a cost, a monetary cost. Like John said, one fisherman would save himself 23 days; I would be in a similar sort of ballpark. It's not only me either, it's my deckhand, the crew. It's very frustrating.

**Ms FORREST** - Just one other question. Once the announcement came out that the 50-pot limit was going to exist in area 5, what actions did you take at the time? Did you do anything about that?

**Mr SANSOM** - Yes, I contacted the department and asked, 'What is going on? Where did this line come from?' I then asked to have an urgent meeting with the minister. I did have a meeting with the minister; it was on the side of the road on the phone, going between one port visit and the next, but that was okay. One thing I will say is the minister did promise to review the situation in 12 months time, but he was not inclined to change his mind after I had presented.

**Ms FORREST** - Did you discuss the option of permits for that 12 months?

**Mr SANSOM** - Yes.

**Ms FORREST** - So that was included in that, right?

**Mr SANSOM** - I did. The submission that TRLFA put into the original raft of amendment plans.

**CHAIR** - Thank you, we will get a copy of that as well.

**Ms FORREST** - There was no follow-up communication from the minister's office after that phone call?

**Mr SANSOM** - No.

**CHAIR** - As an industry group, you have met and you have discussed the situation.

**Mr SANSOM** - Yes, and the minister came to our meeting the other day and he was told that people were unhappy. He said again that he would review the situation in 12 months time.

## **PUBLIC**

**Mr PONSFORD** - If he can review it in 12 months time, why can't he make an amendment now and still review in 12 months time?

**CHAIR** - Do you think the permit system would be more palatable for the industry or you don't think it makes any difference?

**Mr SANSOM** - It's whatever works at the moment;, if we can get that across the line, that's the easiest way to do it because if we have to change the rules again, we'd have to wait another two years for the process to start again, to change the rules in the amendment plan because it has to go out for consultation.

**CHAIR** - If the areas stay as they are -

**Mr SANSOM** - Even if the minister reviews the situation in 12 months time, he would have to issue a permit then to make it work, or he would have to go through the whole amendment plan and we would be sitting here again.

**Mr PONSFORD** - Can also say that I am a member of the Scalefish Fishery Advisory Committee and I can't recall a discussion about a line at 41 degrees south. I know it was unanimous for the entire west coast so somehow it got changed and we never knew anything about it. I think that if the department wanted to change it, it should have come back to the SFAC.

**CHAIR** - As the advisory committee to the minister. A departmental person would obviously sit on that committee?

**Mr PONSFORD** - Yes.

**CHAIR** - We have a paper trail.

**Mr PONSFORD** - That's the one I sent to the minister in response to his not including area 5.

**CHAIR** - Any other questions to these gentlemen before they leave the table and we invite the minister and his team? If not, we thank you very much for your time today. It certainly has been of interest to members, particularly those who have direct representation in these areas where fishing is a pretty important industry.

**Mr SANSOM** - If there are any follow-up questions, I'm freely available at any time.

**CHAIR** - Thank you.

**Ms FORREST** - You are welcome to stay and listen.

**CHAIR** - Yes, this is a public hearing and there are plenty of seats.

**THE WITNESSES WITHDREW.**

## PUBLIC

THE **HON. GUY BARNETT MP**, MINISTER FOR PRIMARY RESOURCES AND WATER; WAS CALLED AND EXAMINED; AND **JOHN WHITTINGTON**, SECRETARY, **IAN DUTTON**, DIRECTOR (MARINE RESOURCES), AND **HILARY REVILL**, PRINCIPAL FISHERIES MANAGEMENT OFFICER, DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER AND ENVIRONMENT, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

**CHAIR** - Thank you, minister, I know your time is always valuable so please come forward. On behalf of the committee we thank you for making yourself available today at what is possibly fairly short notice, but it is important. We know there is a time frame around this. The committee has had significant representation and we thought this was the best way to move forward. You might introduce your team.

**Mr BARNETT** - Thank you very much, Madam Chair. I take my responsibilities very seriously and appreciate the opportunity to present for the committee. I have been a member of the committee in the past and Chair of the Senate Subordinate Legislation Committee so I know how important it is in your role. On my right is John Whittington, the secretary of the department, Ian Dutton, head of Fisheries and Hilary Revill as well, for providing operational advice.

**CHAIR** - You were here earlier when I gave out the information that it comes with privilege inside the parliament, but once you're out that doesn't apply anymore.

We will get straight into it. Minister, you're obviously fully aware of the concerns that the rock lobster fishers have raised with the committee. We'd appreciate your view in addressing the matter.

**Mr BARNETT** - Thank you very much, Madam Chair. I appreciate the opportunity. As I said before, it's a very important role that we all have. I acknowledge the work of the Tasmanian Rock Lobster Fishermen's Association - TRLFA. We've heard from John and Dan and Dave before lunchtime today. We have a very good professional working relationship. I recognise that and I put that on the record. They've been consistent in their views with respect to the preference for the 60 pots statewide and also acknowledge their support in terms of the size limit for the female rock lobster from 105 to 120 mm. That's noted and appreciated.

I want to outline that the principles behind the decision-making that I take very seriously as the minister on behalf of the Government. It is for a long-term sustainable fishery decision based on evidence, based on science, to get the best outcome with a balanced approach wherever possible. I recognise the importance of the commercial fishermen and fisherwomen in the fishery sector, particularly rock lobster and, indeed, obviously recreational fishers. We have 100 000 across Tasmania, and that's important.

I know the 60-pot limit is a special focus for the committee today. Obviously I made those rules very recently. The rationale behind 60 pots was that the preference from the rock lobster association was 60 pots statewide. I had to make a decision based on evidence, based on science. I get that feedback from the Institute for Marine and Antarctic Studies - IMAS - from the department, from CFAC and from the Recreational Fisheries Advisory Committee -RecFAC. I get all that feedback and information and submissions. I acknowledge that. There were just short of 300 submissions in terms of the process that we went through. Obviously, the department has been through all those submissions, most of them from the recreational fishing side but about 60 to 70, from the commercial side. Again, the TRLFA has been consistently supporting 60 pots statewide.

**SUBORDINATE LEGISLATION, HOBART 31/10/19 - FISHERIES (ROCK LOBSTER)  
AMENDMENT RULES 2019 (BARNETT/WHITTINGTON/DUTTON/REVILL)** **10**

## PUBLIC

We had to base the decision for the 60 pots bar the stage 5, area 5 on the north-west. Again it's based on a precautionary principle, sustainable fishery and based on the evidence of 10 per cent of the biomass at the moment in that area and with the target to increase to 20 per cent by 2023 and statewide to 25 per cent by 2026. We have to continue our efforts to remain on track. The current low level of 10 per cent of the unfished fisheries and the biomass in the north-west region is very low.

As minister, I took the evidence very seriously and took the advice of the department in that regard. It's the primary concern. If it remained at 60 pots there would be a potential incentive to fish and potentially to over-fish in that area.

**Ms FORREST** - On what basis do you say that, minister?

**Mr BARNETT** - On the basis that if it's 60 pots then, there's the potential to catch more fish based on the fact that there's a 10 per cent target at the moment. We have a target to get to 20 per cent by 2023, so there was a concern that it would send a message that you can go out -

**Ms FORREST** - You still have a quota.

**CHAIR** - You have a quota.

**Mr BARNETT** - Yes, I know but -

**Ms FORREST** - I am interested in the science. I asked the other fisher witnesses as to the science that says that having 60 pots working in an area is detrimental to the biomass than having 50 out more often.

**CHAIR** - Given that it is ultimately the same quota.

**Ms FORREST** - I am interested in the science. We were told, and your people can correct it, that there was a view to reducing the pot number to 50 in this area was not raised as a matter during the consultation, so it comes as a shock to the people working in the area.

**Mr BARNETT** - Yes, I would like to respond to that, if possible.

There are two parts to your question. One about the identified blindsiding or shock to the TRLFA. I would like to ask Ian to speak about that because it was raised in a CFAC meeting. At which John was not present so Ian can outline those circumstances, but that is the advice in and around the blindsiding.

You have asked about the quota. I want to respond to that question, through you, Chair, and the same question from Ms Forrest.

The quota is statewide -

**Ms FORREST** - And the science, minister.

**Mr BARNETT** - I have had two questions and I am trying to deal with the second question. The quota is statewide for our commercial fishers. That applies across the state, so we had to think,

## PUBLIC

'What are we going to do about area 5 in the north-west because of the science in and around the evidence that it is just 10 per cent of the biomass? What will we do as a government to protect the long-term viability of the fish in the north-west in area 5 for the long-term?'

I did not want to see it depleted or impacted adversely in the long term because we need fish for the future. That is the evidence behind the science. John might want to add to that and -

**Ms FORREST** - No, that is not evidence behind the science.

What I want to know is: how does having 60 pots out there less often create a greater negative impact and how the science backs it? I would be happy to see a scientific review that showed this. That is what I think - I need to show why that is detrimental when you still have the same quota in terms of how fishers operate. You were not here earlier. There is a line on the map - you know where it is. The fishers who go out of Stanley do not have to head very far south to be into a 60-pot zone.

The weather out there is pretty tough. I am not going out there with any of them, I can assure you of that; I will meet them on the wharf. I recognise the nature of the water out there - it is not an uncommon occurrence for the weather to cut up and for the need to seek shelter. I am asking for the science that shows that. I understand the challenge for the long-term sustainable fishery. I believe the fishers are just as keen to see that, as we all are.

**Mr BARNETT** - I can see it from their point of view as well. I was at the annual general meeting a week or so ago when I spoke about the decision. I also spoke about the fact that I would happily review this. I think it is important to review it within 12 months. Over the next 12 months we will take on data and evidence about the biomass, and determine what decision we can make in 12 months time with respect to the viability and sustainability of the fishery for the long term.

I make it very clear that with respect to the quota, I cannot control where they catch their quota. This is one way to express a view in terms of the north-west where evidence had been put to us, through IMAS and the department. IMAS and the department say that with respect to the 10 per cent, that is a very low biomass.

**Ms FORREST** - Yes, but can you provide the scientific evidence?

**Mr BARNETT** - Yes, absolutely.

**Ms FORREST** - The scientific evidence of the lower biomass, and also the impact of having 60 pots in that area as opposed to 50.

**CHAIR** - We have a question from Ms Webb. It is a supplementary question, thank you.

**Ms WEBB** - Perhaps you could just clarify that I understood correctly something that was said. Is the 50-pot limit being imposed in area 5 to deter the fishers from taking a great deal of their quota, or just to minimise the amount of quota that they take from the area? It's a deterrence rather than, say, by science, which is what the member for Murchison was looking for, which would indicate that the same quota taken over a short time from 60 pots compared to a slightly longer time with 50 pots [shows?] anything different about that in the ultimate impact on the biomass. Is the key reason you are imposing that to deter catch in that area to some extent?

## PUBLIC

**Dr WHITTINGTON** - I would turn it around. We have a statewide quota and we have one on the east coast. Where the quota is caught in the areas up to the west coast is a matter of where the fishers catch the fish. They determine where they are fishing. What we are doing, from an economic efficiency perspective, is incentivising effort in the far west and south-west where the stock is higher. We have stock assessments and it shows that unfished virgin biomass is higher than it is in area 5. Through this, we are incentivising the quota to be taken from there as opposed to area 5 where we have an assessment that shows the stock numbers are currently low. As the quota is not block-specific, it is over a large area, this is a way of incentivising effort further south and south-west.

**Ms WEBB** - That is the flipside of the same coin. You are saying is it is not so much about a scientific basis for one or the other, it is more about whether you are providing an incentive or disincentive for people to go to particular areas rather than others. That is the key function of this restriction.

**Dr WHITTINGTON** - The key issue is we are trying to restore the biomass in the north-west. The biomass is higher in the far west and south-west, so our preference is that is where the lobsters are taken from.

**CHAIR** - Unfortunately, there are not many processing factories in the far south, so it makes it difficult. It is not as cost-effective.

**Mr BARNETT** - For the record, in terms of rock lobsters: in area 5 we have 10 per cent; area 6, 20 per cent; area 7, 19 per cent; area 8, 37 per cent; and area 4, 18 per cent. On the east coast we have: 13 per cent in area 3; 11 per cent in area 2; and 22 per cent in area 1. I think you have a copy of that assessment.

**Ms WEBB** - You read the 2017-18 figures, I believe.

**Mr BARNETT** - Yes.

**CHAIR** - We might be able to share the 2018-19 figures with you, minister.

**Mr BARNETT** - Thank you, but I have those as well.

**Ms FORREST** - Are you saying that the 60-pot limit is only okay on the west coast?

**Mr BARNETT** - Yes.

**Ms WEBB** - With the intention for that incentive/deterrent effect, do you have evidence of what difference that may make, having allocated area 5 as 50 pots instead of the 60, and having that incentive, as you would describe it, to have people come further down into the other areas? Have you modelled what impact that might have in preserving or allowing increase in the biomass in area 5 compared to if it were 60 pots all the way up?

**Mr BARNETT** - Thank you, that might be a good question for Dr Dutton.

**Dr DUTTON** - We do model a lot of scenarios for the future of the fishery, including those options, whenever we make these kinds of assessments. These decisions were all based on the 2017-18 stock assessment you've just heard from the minister, and that I shared with many of you



## PUBLIC

in a presentation to the Legislative Council a few weeks ago. The other thing I point out is that in the most recent data we have received, there has been an uptick in effort because we can't control that entire quota zone. There was an uptick of 20 tons in area 5 in the last year. Our ability to constrain fishing activity in an area where the stock status is precipitous or very poor is a real issue. Because of that, we have applied a precautionary principle to this area. If it were a patient in a hospital, it would be in the ICU.

**Mr TUCKER** - Minister, I can see where you are coming from with this incentive process. Have you looked at any other incentive processes to try to rectify this issue with the biomass, to try to get fishermen to spread instead of concentrating on these areas? This is what's standing out. They are concentrating in certain areas because they're good fishing.

**Dr DUTTON** - One of the principal measures is to provide the opportunity, as the secretary indicated, for extra fishing effort, more efficient effort in the more productive areas of fishery in the areas 6, 7 and 8, where the largest numbers of crayfish are available are now accessible. We've also done a lot of work in trying to optimise new approaches to lobster management. We've had a lot of consultation with industry about different approaches. We are working with industry very closely on things like trade strategies, the timing and the types of catch. We work hand in hand with the industry wherever we can to try to find ways for them to be more efficient and safer in work that they're doing. Sometimes we have to make these tough decisions.

**Ms STANDEN** - We've heard some rather passionate evidence from the fishers that they don't believe the measure for area 5 is going to work. They think that it means there will be 20 per cent more time at sea rather than changing their pattern of fishing as to areas and so on. What do you say to that?

**Mr BARNETT** - I think it's a good question and I recognise the concerns of the Tasmanian Rock Lobster Fisherman's Association and their members. There are some different views from different members and I have had different feedback. We've had the consultation process and we have a range of different views but the association has been consistent in its support for the 60 pots on the west coast across the board. This is a tool, a policy lever that we can pull and we've pulled the lever because 10 per cent is too low. Ian Dutton has used another analogy. We are very concerned about it and we need to get to a position where it is sustainable in the long term. I try to take my decisions based on the long-term sustainability and 10 per cent is way too low.

**Ms STANDEN** - I am struggling with the advice from the association that a 20 per cent reduction in the pots won't make one iota of a difference in the proportion of quota caught in that area and, instead, will just negatively impact those fishermen.

**Mr BARNETT** - Sure. Well, there are two responses in addition to what I've already said. I have had feedback from other fisherman who have a different view to the Tasmanian Rock Lobster Fisherman's Association and those that you have heard today, and I will be reviewing this very carefully and will consider the position once we have taken on further advice, evidence and research in the next 12 months.

**CHAIR** - We heard during the briefing last week that recreational fishers on the east coast take, on average, 20 per cent more than the quota each year. If you're making commercial fishers go further south where there's more stock, won't the recreational fishers, whose quota you only see at the end of the season, have more opportunity to fish more anyway and you might not necessarily get the outcome that you want? Does that not make sense? It makes sense to me.

## PUBLIC

**Dr DUTTON** - Again, recreational fishers are quite different in that most of the recreational fishery quota is caught on the east coast. Most of the commercial fishery is caught on the west coast, but within that -

**CHAIR** - They still have recreational fishers on the west coast.

**Dr DUTTON** - There are, yes. The interesting thing about recreational fishers of lobster in Tasmania is that they only catch less than half of their total recreational catch quota, and most of that is caught on the east coast. About 100 tons is uncaught for the recreational quota and that's available to be caught elsewhere in the state but they just don't go there to catch it currently.

**CHAIR** - Because of the conditions?

**Ms REVILL** - The size limit increase is applied to the recreational fishery in the north-west as well as the commercial fishery. So that sector will have to put fish back if they're under the new size limit as well. It's not just a commercial fishery measure, just to clarify it.

**CHAIR** - I understand that. We talked a little about how honest recreational fishers are with putting their hand up to say what they catch each year. I'm not a recreational fisher so I can't verify that.

**Mrs PETRUSMA** - The minister has answered the question in part, but I want to go back to the 12-month review, what data were you looking at during that time so that you could make an assessment for the future?

**Mr BARNETT** - That is a very good question. Frankly it's critical to the future to make good decisions obviously this time next year. We'll be basing that decision on advice from the department based on the Crustacean Fisheries Advisory Committee, the Recreational Fishery Advisory Committee, IMAS research and any other relevant research we can obtain.

The department is also active in and around working with the commercial fishermen so they have forums, meetings and briefings. We are very engaged, not just with the association but also with commercial and recreational fishermen around Tasmania.

I've announced a review of the economic and social impact on the east coast. I know the member for Lyons will have a special interest in that and perhaps others, going forward.

**CHAIR** - The member for McIntyre will.

**Mr BARNETT** - Absolutely, the Chair will as well; many others will. That is the first time that is to occur, looking at the economic and social impact going forward for the east coast and then developing a recreational fishing strategy. It will be the first one in Tasmania at the end of that 12-month period. Do you want to add to that, Ian?

**Dr DUTTON** - If I could, Madam Chair, two quick things. One is we had more submissions from commercial fishermen opposed to a 60-pot increase in this area than we had in favour of the 60-pot increase in this area so that is one important factoid.

The other thing is that reflects a very -

## **PUBLIC**

**CHAIR** - Did everyone know about it, though? We have to get to that question yet.

**Dr DUTTON** - Sure, but the other thing I point out is that there's a very wide diversity of users, as the minister has indicated, within the fishing sector about this. We've had strong representations from folks in other parts of the state to have a lower pot limit because of the economic efficiency. As I mentioned the other week, we lose about 10 boats a year currently out of the commercial lobster fishery because of efficiency changes.

**Ms FORREST** - We need to get to that oversight - that matter with the lack of consultation or not being at the right meeting.

**Mr BARNETT** - I am keen to give the answer to that.

**Ms FORREST** - In terms of practicalities, if a fisher goes out from Stanley or even out from the Smithton area or anywhere there, with an intention of going down to the 60-pot area into the west, the weather cuts up badly and they come back and they end up back in the 50-pot area, do they need to go back to the port to offload all their pots before they can go back out?

**Ms REVILL** - They do.

**Mr BARNETT** - That's my understanding.

**Ms FORREST** - Do they have to unload any fish that they've caught already or just unload the extra pots and then go back out again?

**Mr BARNETT** - I think Hilary is the expert at the table.

**Ms REVILL** - With the 60-pot zone it's just the pots; they don't have to unload the fish.

**Ms FORREST** - Pots on deck, not pots in water?

**Ms REVILL** - The pots have to be physically taken off the boat before they can start a fishing trip in the 50-pot zone. That's the way the legislation has ruled it.

**Ms FORREST** - So sailing through the 50-pot zone with 60 pots on your deck?

**Ms REVILL** - Yes, you can do that. You can transit through the 50-pot area but before you start a new fishing trip in the 50-pot area, the fisherman is required to take the extra 10 pots off the boat and leave them at a port.

**Mrs PETRUSMA** - You can transit through.

**Ms REVILL** - You can transit through, yes.

**Ms FORREST** - Going back to that meeting then, what happened there?

**Mr BARNETT** - I think it would be good to allow the department, in particular, because I think the association has indicated they were blindsided - they used that word - and that is obviously some concern to me as the minister. I'd say two things, one, we received 277 submissions - 58

## PUBLIC

submissions from commercial rock lobster fishers, and 208 from non-commercial fishers. Ian has outlined the proportion in terms of for and against the 60 pots.

I have the CFAC, the Crustacean Fisheries Advisory Council, obviously the Recreational Fishery Advisory Committee - RecFAC - as well. Now CFAC has meetings from time to time that the department attends so on that note I will pass to Ian in terms of what was advised during that CFAC.

**CHAIR** - The question is, why would you propose that at a meeting when the representative was not there?

**Ms FORREST** - I would like to know: what date were the meetings, who was there and what was said?

**Dr DUTTON** - We can certainly provide the details of the meeting and who was there and what was said and so on.

I want to be clear here - I think it is an unfair characterisation to say the industry was not consulted. This proposal was formulated in response to the feedback we received - it is a two-step process. This proposal was in the background papers for that meeting and it was part of a slide presentation that my colleague, Principal Fisheries Management Officer Hilary Revill, made of that meeting.

**Ms FORREST** - When was this meeting?

**Dr DUTTON** - Hilary can give you the date.

**Ms REVILL** - Yes, it was 20 June 2019.

**Dr DUTTON** - It is unfortunate that the chair of the Tasmanian Rock Lobster Fisherman's Association was not present at the meeting. Other colleagues from the association were there.

**Ms FORREST** - One member who was at that meeting said at the 2 June CFAC meeting, there was no mention of reducing the 60-pot area as per the meeting minutes.

**CHAIR** - We will need a copy of the minutes.

**Dr DUTTON** - There was no what?

**Ms FORREST** - It was obviously mentioned in the minutes; there was no mention of reducing the 60-pot area as per the meeting minutes.

**Dr DUTTON** - The minutes are a summary of the meeting not a word-for-word recording; I want to be clear that is the way we approach our meeting. That said, we would be very happy to furnish you with a copy of Ms Revill's presentation and all the background materials that were part of that, which did reference this proposal.

**Ms FORREST** - The minutes will include who was at the meeting?

**Dr DUTTON** - Yes.

## **PUBLIC**

**Ms FORREST** - It would be helpful to have that. The representations I have had, and there have been a number - and this is the meeting in question - suggest that they were not aware that was being discussed. I would be interested to know who was actually there.

**Ms WEBB** - There is a disconnect, isn't there?

**Ms FORREST** - There is a big disconnect here.

**Ms WEBB** - I wanted to clarify: 58 submissions from commercial fishers and the proportion, you said more of them were supportive rather than opposed. So, of the 58?

**Dr DUTTON** - If I could refer this to Hilary, who has a copy of the summary of the submissions here.

**Ms REVILL** - Is this in relation to the 60-pot amendment?

**Ms WEBB** - I think that is what you were referring to when you talked about more supported than opposed.

**Ms REVILL** - The majority of submissions came in through an online response form we provided. To the question, 'Do you support increasing the maximum number of pots that can be used by a commercial vessel from 50 to 60?', in the submissions from commercial fishers, 30 did not support, 25 did support. For recreational fishers, 136 did not support and 58 did support. We had a follow-up question, so the first question was around the principle of increasing the pot numbers, the second was around the area.

In terms of the proposed area, the proposal did include area 5: commercial fishers do not support, 33, supported, 18; and for recreational fishers, do not support was 137 and supported, 44.

**Ms FORREST** - There are mixed views on this.

**Ms WEBB** - So there was not a question that had the exclusion of area 5 because that did not come until the next stage?

**Ms REVILL** - That is correct.

**CHAIR** - Thank you very much. As a committee we appreciate very much this opportunity to have this information on the public record. The committee will make some deliberations. Thank you very much everyone.

**THE WITNESSES WITHDREW.**

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**THURSDAY, 17 OCTOBER 2019**

**COMMENCEMENT**

The Committee met at 1.04 pm in Committee Room No. 1, Parliament House, Hobart.

**MEMBERS PRESENT**

**Legislative Council**

*Ms Forrest*  
*Ms Rattray*  
*Ms Webb*

**House of Assembly**

*Ms Standen*  
*Mr Tucker*

**APOLOGY**

*Ms Petrusma*

**GENERAL  
CORRESPONDENCE**

***Resolved***, that the following general correspondence be received:

6. Email received 16 October 2019 from John Sansom, Chief Executive Officer, TRLFA Ltd requesting an opportunity to address the Committee regarding the Rock Lobster Fishery Management Plan.

**SUPPORTING  
CORRESPONDENCE**

***Resolved***, that the following supporting correspondence be received:

5. Letter received 9 October 2019 from Laurie Dwyer, Acting General Manager, Department of Primary Industries, Parks, Water & Environment – Water and Marine Resources Division regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)

**REGULATIONS  
(held-over)**

***Resolved***, That the following Regulations be held-over —

8. FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)

***Resolved***, that a briefing be arranged with John Samson, CEO, Tasmanian Rock Lobster Fishermen's Association Ltd in relation to the above Regulations.

***Resolved***, that a briefing by Departmental Officials be arranged in relation to the above Regulations.

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**WEDNESDAY, 23 OCTOBER 2019**

**COMMENCEMENT**

The Committee met at 9.00 am in Committee Room No. 2, Parliament House, Hobart.

**MEMBERS PRESENT**

**Legislative Council**

Ms Rattray (*Chair*) (via phone)  
Ms Webb (via phone)

**House of Assembly**

Mr Petrusma (via phone)  
Ms Standen (via phone)  
Mr Tucker (via phone)

**APOLOGY**

Ms Forrest

**FISHERIES (ROCK  
LOBSTER)  
AMENDMENT  
RULES 2019  
(S.R. 2019, No. 62)**

A general discussion took place regarding the Committee's future program. The Secretary provided advice that the Committee could either resolve to commence an inquiry if the Committee so desired or could proceed with a briefing and confirm information in writing with the Minister with the view to progressing to an inquiry if the matter was not resolved through the standard briefing process. The Secretary also provided the Committee with advice on the process for a disallowance motion under the *Acts Interpretation Act 1931*.

***Resolved,*** that the Committee commence an inquiry into these Regulations and invite the Minister and Tasmanian Rock Lobster Fisherman's Association to present verbal evidence at a public hearing next Thursday, 31 October 2019 or alternatively, if the Minister is not available, Thursday 7 November 2019 at 10.00 am.

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**THURSDAY, 31 OCTOBER 2019**

**COMMENCEMENT**

The Committee met at 1.10 pm in Committee Room No. 1, Parliament House, Hobart.

## **MEMBERS PRESENT**

### **Legislative Council**

Ms Forrest (*Deputy Chair*)  
Ms Rattray (*Chair*)  
Ms Webb

### **House of Assembly**

Mr Petrusma  
Ms Standen  
Mr Tucker

## **PUBLIC HEARINGS**

### **FISHERIES**

#### **(ROCK LOBSTER)**

#### **AMENDMENT RULES**

#### **2019 (S.R. 2019, No. 62)**

At 1.10 pm John Sansom CEO Tasmanian Rock Lobster Fisherman's Association, Daniel Fox, Fisher and David Ponsford, Fisher made the statutory declaration and were examined.

#### **Tabled Documents:**

1. 2018/19 Model Estimated Biomass and Egg Production and 2017/18 Rock Lobster Stock Assessment Model Estimates of Regional Biomass and Egg Production as % of an unfished fishery
2. CPUE – Statewide and Standardised CPUE – Western Areas
3. Zone Map
4. Tasmanian Rock Lobster Fishermen's Association *The Inclusion of Stock Assessment Area 5 In the area of the State that will be permitted a maximum vessel allocation of 60 Pots*
5. Tasmanian Rock Lobster Fishermen's Association *Submission to the Proposed Amendments to the Rock Lobster Fishery Management Plan Amendments - Fisheries (Rock Lobster) Rules 2011 - May 2019*

The witnesses withdrew at 1.39 pm.

At 1.40 pm The Hon Guy Barnett MP, Minister for Primary Industries and Water, John Whittington, Secretary, Department of Primary Industries, Parks, Water and Environment, Dr Ian Dutton, Director Marine Resources and Hilary Revill, Principal Fisheries Management Officer, DPIPW made the statutory declaration and were examined.

#### **Questions on Notice**

- How many boats are currently operating within the fishery?
- Further details of the consultative meeting that took place on 20 June?
- The age demographic data of the fishers within the industry?
- Would the Minister consider a permit system for this current year as an interim measure prior to a full review being completed?

The witnesses withdrew at 2.09 pm.



**Resolved**, the Chair write to John Sansom thanking him for appearing today and extending an invitation to provide any comments in response to Minister Barnett's evidence.

**Resolved**, the Rules be held-over.

**OUTWARDS  
CORRESPONDENCE**

7. Letter sent 23 October 2019 to the Hon Guy Barnett MP, Minister for Primary Industries and Water regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**THURSDAY, 28 NOVEMBER 2019**

**COMMENCEMENT**

The Committee met at 1.05 pm in Committee Room No. 1, Parliament House, Hobart.

**MEMBERS PRESENT**

**Legislative Council**

Ms Forrest (*Deputy Chair*)  
Ms Webb

**House of Assembly**

Mr Petrusma  
Ms Standen  
Mr Tucker

**APOLOGY**

Ms Rattray (*Chair*)

**OUTWARDS  
CORRESPONDENCE**

**Resolved**, that the following correspondence be endorsed:

3. Letter dated 4 November 2019 to the Hon Guy Barnett MP, Minister for Primary Industries and Water regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)
4. Letter dated 4 November 2019 to John Sansom, CEO, Tasmanian Rock Lobster Fisherman's Association regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)

**GENERAL  
CORRESPONDENCE**

**Resolved**, that the following general correspondence be received:

1. Letter dated 6 November 2019 from John Sansom, CEO, TRLFA Ltd regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)

3. Letter dated 27 November 2019 from the Hon Guy Barnett MLC, Minister for Primary Industries and Water regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)

**REGULATIONS**  
**(held-over)**

That the following Regulations be held-over —

4. FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)

A discussion took place. The *Secretary* advised the disallowance motion needs to be moved in either house within 15 sitting days from the tabling date.

**Resolved**, that the Transcript from the Meeting on 31 October 2019 be published to the website.

**Resolved**, that the Deputy Chair write to the Minister seeking further information regarding:

- Details of the scientific evidence;
- A copy of the minutes referred to at the hearing; and
- What percentage of the total catch was taken per area?

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**MONDAY, 23 DECEMBER 2019**

**COMMENCEMENT**

The Committee met at 3.30 pm via teleconference.

**MEMBERS PRESENT**

**Legislative Council**

**House of Assembly**

Ms Rattray (Chair)  
Mr Forrest (Deputy Chair)  
Ms Webb

Mr Tucker  
Mr Petrusma

**APOLOGY**

Ms Standen

**SUPPORTING**  
**CORRESPONDENCE**

**Resolved**, that the following supporting correspondence be received:

1. Letter dated 18 December 2019 from the Minister for Primary Industries and Water regarding contain the following additional attachments
  - i. CFAC 82 Draft Agenda – 20 June 2019

- ii. CFAC 82 Minutes – 20 June 2019
- iii. CFAC/RECFAC Draft Agenda – 20 June 2019
- iv. RecFAC Agenda – Meeting 66 – 20 June 2019
- v. RecFAC Minutes – Meeting 66 – 20 June 2019
- 2. IMAS – Fishery Assessment Report, Tasmanian Rock Lobster Fishery 2017/18
- 3. Correspondence circulated by Mr *Tucker* by email of 23 December 2019 containing
  - i. Letter of 6 November 2019 to Rock Lobster fishers and processors from Mr Ian Dutton, Director, Marine Resources, DPIPWE
  - ii. Fisheries operational guidelines - FAQs

**FISHERIES (ROCK  
LOBSTER  
AMENDMENT RULES  
2019)  
(S.R. 2019, No. 62)**

There was a general discussion about the Rules, the responses received from the Minister and the additional information circulated by Mr *Tucker* by email of 23 December 2019.

The Committee ***Resolved*** that the Chair write to the Minister to confirm the following and request further comment from him–

- The Minutes provided don't appear to reflect agreement having been reached on the 50 pot limit for area 5
- Note that incentivisation is required and the biomass in area 5 needs further work
- The Minister to undertake a review of findings from the year (season) ASAP

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**THURSDAY, 19 MARCH 2020**

**COMMENCEMENT**

The Committee met at 1.08 pm in Committee Room No. 2, Parliament House, Hobart.

**MEMBERS PRESENT**

**Legislative Council**  
Ms Rattray (*Chair*)

**House of Assembly**  
Ms Standen  
Mr Street  
Mr Tucker

Ms *Webb* took her place at 1.09 pm

**OUTWARDS  
CORRESPONDENCE**

**Resolved**, that the following correspondence be endorsed:

4. Letter dated 2 December 2019 to the to the Hon Guy Barnett MP, Minister for Primary Industries and Water requesting further information regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)
11. Letter dated 14 January 2020 to the Hon Guy Barnett MP, Minister for Primary Industries and Water regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)

**GENERAL  
CORRESPONDENCE**

**Resolved**, that the following general correspondence be received:

1. Email dated 23 October 2019 from John Samson, CEO, Tasmanian Rock Lobster Fisherman's Association regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)
5. Letter received 4 February 2020 from the Hon Guy Barnett MP, Minister for Primary Industries and Water regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)
9. Email dated 6 March 2020 from John Cocker regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)

Ms *Forrest* took her place at 1.12 pm

**REGULATIONS  
(examined)**

That the following Regulations be examined —

2. FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2019, No. 62)

A general discussion took place.

**RESOLVED**, the Secretary to draft a report for the Committee's consideration and to contact Mr John Tucker to confirm whether he consents to information contained in his correspondence being included in the Committee report.

**JOINT STANDING COMMITTEE**

**SUBORDINATE LEGISLATION**

**THURSDAY, 26 MARCH 2020**

## **COMMENCEMENT**

The Committee met at 1.05pm in Committee Room No. 2, Parliament House, Hobart.

## **MEMBERS PRESENT**

### **Legislative Council**

Ms *Forrest* (Deputy Chair)  
Ms *Rattray* (Chair)  
Ms *Webb*

### **House of Assembly**

Ms *Standen*  
Mr *Street*  
Mr *Tucker*

## **GENERAL CORRESPONDENCE**

***Resolved***, that the following general correspondence be received:

1. Email dated 19 March 2020 from John Cocker regarding FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 20189, No. 61)

## **JOINT PARLIAMENTARY STANDING COMMITTEE**

### **SUBORDINATE LEGISLATION**

**TUESDAY 23 JUNE 2020**

## **COMMENCEMENT**

The Committee met at 1.33 pm in Committee Room 2, Parliament House, Hobart and via Webex.

## **MEMBERS PRESENT**

### **Legislative Council**

Ms *Rattray* (Chair)  
Ms *Forrest* (Deputy Chair)  
Ms *Meg Webb*

### **House of Assembly**

Ms *Standen* (via Webex)  
Mr *Street*  
Mr *Tucker*

## **DRAFT REPORT FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019 (S.R. 2020, No. 62)**

The Committee considered the Draft Report.

The Committee amended the Draft Report.

The Committee ***AGREED*** the Chair include findings in the next Draft Report for the Committee's consideration.

## **JOINT PARLIAMENTARY STANDING COMMITTEE**

### **SUBORDINATE LEGISLATION**

**FRIDAY 26 JUNE 2020 & MONDAY 29 JUNE 2020**

## **COMMENCEMENT**

The Committee met at 11.03 am in Committee Room 2, Parliament House, Hobart.

**MEMBERS PRESENT**

**Legislative Council**

Ms Rattray (*Chair*)  
Ms Forrest (*Deputy Chair*)  
Ms Meg Webb

**House of Assembly**

Ms Standen  
Mr Street  
Mr Tucker

**DRAFT REPORT**  
**FISHERIES**  
**(ROCK LOBSTER)**  
**AMENDMENT**  
**RULES 2019**  
**(S.R. 2020, No. 62)**

The Committee considered the Draft Report.

The Committee amended the Draft Report.

The Committee suspended at 11.28 am.  
The Committee resumed at 11.31 am.

**DRAFT REPORT**  
**FISHERIES**  
**(ROCK LOBSTER)**  
**AMENDMENT**  
**RULES 2019**  
**(S.R. 2020, No. 62)**

The Committee further considered the Draft Report.

The Committee amended the Draft Report.

The Committee ***RESOLVED*** —

1. The Draft Report be adopted; and
2. Presented to the President out of session by Ms Webb and tabled by Mr Tucker in the House Assembly.