



Department of
Fisheries

Fish for the future

Western Australian Government Fisheries Policy Statement March 2012



1. Introduction

Western Australia's marine and freshwater environment, with its significant resource of fish and other aquatic organisms, is one of the State's most valuable assets. Its value lies not only in what can be harvested on a sustainable basis from these environments, but in the physical environment itself that shapes the lifestyle and culture of the people of Western Australia and attracts the many tourists who visit the State each year.

For many people, eating seafood or catching their own is an integral part of the Western Australian way of life. In many coastal communities recreational and commercial fishing forms a large part of the social fabric creating both local employment opportunities and supply of fresh local produce.

While both recreational and commercial fisheries are important social contributors they are also significant contributors to the Western Australian economy.

Western Australia's commercial fishing sector employs approximately 4,300 people directly and approximately another 5,000 people indirectly. In 2010, the total contribution to the State from Western Australia's commercial fishing, pearling and aquaculture was estimated to be in the order of \$818 million. The industry is a key driver in the development of regional Western Australia with many of the major commercial fisheries, such as rock lobster and prawns, located outside of the Perth metropolitan area. The pearling and aquaculture sectors make a valuable contribution including production of the world's finest quality South sea pearls, finfish, mussels, edible oysters, freshwater species and other important products such as algae¹.

It is estimated that over 600,000 Western Australians participate in recreational fishing each year, generating significant economic activity. Aquatic tourism, which includes extractive and non-extractive charter tours is also a growing industry. In 1998, a study estimated that recreational fishing in Western Australia had an economic value of \$569 million² (direct and indirect) and created up to 7,000 full-time jobs, having particular importance in coastal towns and rural areas. While more recent economic data quantifying the value of Western Australia's recreational fisheries is not available, it is generally accepted that the value of this sector has continued to grow over the past decade (and will continue to grow with population increases).³

The State's fish and aquatic resources are also important to Aboriginal people and it is important that Aboriginal customary fishing is managed within a culturally-sensitive and sustainable framework.

For Western Australia's diverse and growing population, sustainable, profitable, healthy and viable fisheries are of utmost importance.

This Policy Statement outlines the Western Australian Government's ('the WA Government') position on, and vision for, the use of the State's fish and aquatic resources by the commercial (including pearling and aquaculture), recreational and Aboriginal customary fishing sectors (together called "fisheries").

For many people, eating seafood or catching their own is an integral part of the Western Australian way of life.

1 Information taken from the report "Economic snapshot of the WA fishing industry" prepared by Acil Tasman in February 2010 for the WA Fishing Industry Council.

2 Note that different methodologies have been used to determine the values of recreational and commercial economic activity.

3 Information taken from Fisheries Management Paper No. 247 "Integrated Fisheries Management Report West Coast Demersal Scalefish Resource".

2. Our responsibilities

Fish resources are described as ‘common pool resources’ in that they are generally owned by no-one until the point of capture. Governments intervene to regulate fisheries for the benefit of the community, ensuring long-term sustainability. Good fisheries management is reliant on sound science, quality management processes with effective engagement and consultation with stakeholders, and effective compliance.

The Western Australian Department of Fisheries (‘the Department’) is the lead agency for the management of fisheries within and adjacent to Western Australia. The Department’s primary responsibility is to conserve, develop and manage the fish and aquatic resources of the State for the benefit of current and future generations. It does this through managing and licensing fishing activities, and by protecting the environment and ecosystems on which fish depend. Since the 1980’s there has been increasing involvement in the marine and freshwater environment by other agencies, both State and Commonwealth. A complex regulatory environment has arisen with shared, and sometimes conflicting, roles across agencies. Community benefit from Western Australian fisheries involves not just management of those actively engaged in fishing, but also the active management of these complex relationships.

The Department’s fisheries management responsibilities extend across all aquatic organisms of any species⁴ (whether alive or dead), and, pursuant to the Offshore Constitutional Settlement arrangement, includes fisheries in waters extending out to the 200 nautical mile boundary of the Australian Fishing Zone (with the exception of five fisheries that are managed either by the Commonwealth or under a Joint Authority arrangement⁵).

There are five State Acts of Parliament⁶ that directly relate to the management of fisheries in Western Australia. Each Act sets out its objectives, establishes the roles of both the Minister for Fisheries and the Department, and sets out statutory responsibilities with relation to the State’s fish and aquatic resources⁷. The State fulfils these statutory responsibilities through the delivery of effective research, management, compliance and administrative services.

Good fisheries management is reliant on sound science, quality management processes with effective engagement and consultation with stakeholders, and effective compliance.

4 With the exception of aquatic mammals, aquatic reptiles, aquatic birds and amphibians.

5 Exceptions are the northern prawn fishery, tuna and tuna-like fish and deep water trawling in waters more than 200 metres deep, which are controlled by the Commonwealth; and shark fishing east of Koolan Island and demersal longlining and demersal gillnetting south of 33°S, which are controlled jointly by the State and Commonwealth, under State law.

6 *Fish Resources Management Act 1994, Pearling Act 1990, Fisheries Adjustment Schemes Act 1987, Fishing and Related Industries Compensation (Marine Reserves) Act 1987, Fishing Industry and Promotion Training and Management Levy Act 1994.*

7 There is other relevant State legislation, such as the *Coastal Waters (State Powers) Act 1980*, and Commonwealth legislation such as the *Environment Protection and Biodiversity Conservation Act 1999*.

3. Policy Context

The Department's State of the Fisheries and Aquatic Resources Report 2010/11⁸ reports that the State's significant fish stocks are in a healthy condition⁹. There are significant challenges however arising from a range of factors, including shifts in societal attitudes (especially as to the environment), population increase, demographic changes and a changing climate.

Many participants in the commercial sector have, and continue to experience, difficulties from a combination of declining real prices, escalating fuel and labour costs, increasing competition from imported products, fluctuations in the \$AUD, environmental and biological impacts on fish stocks, and loss of fishing grounds.

Aquaculture is a high technology industry with growth influenced by a range of factors including the investment climate and the effectiveness and efficiency of regulation.

The recreational fishing sector is also faced with challenges including impacts on fish stocks arising from population growth and social change, improved access to previously unfished or remote areas, technological advances which increase the efficiency of fishing, and loss of fishing ground.

The Aboriginal customary fishing sector is seeking to identify and secure its rights to fish stocks and aquatic resources. There are over thirty native title claims intersecting the WA coastline at which, to date, 8 have been finalised.¹⁰ Aboriginal groups are also seeking greater input into marine management through joint management arrangements over marine parks and conservation estates.

While these sectors are often thought of as separate and disparate, they are intertwined and closely linked and participants in, and issues relating to, each sector may overlap. The complex challenges facing these sectors, and the degree to which issues are inter-related, requires an integrated approach to management.

The Government is implementing a number of reforms aimed at transforming fisheries management in Western Australia and meeting future challenges. The reforms are focussed on removing unnecessary regulation and simplifying fisheries laws, establishing a more structured and risk-based approach to management of fish stocks, developing clearer management objectives and harvest strategies for fisheries, and working on innovative approaches such as co-management.

To underpin the reform process, work has also commenced on a new Act of Parliament to replace the Fish Resources Management Act 1994 (FRMA) and Pearling Act 1990 and provide a solid foundation for the management of fish and aquatic resources into the future.

The reform process will build on other important changes that have already been taken by the Government since 2009 in relation to commercial and recreational fisheries.

8 *The State of the Fisheries and Aquatic Resources Report* is an annual report submitted to Parliament and can be found on the Department of Fisheries' website at www.fish.wa.gov.au.

9 *State of the Fisheries and Aquatic Resources Report 2010/11* indicates that a combined total of 94% of WA fisheries have breeding stock levels considered to be either adequate or recovering. In the Northern Shark Fishery, the sandbar shark stock is considered to be depleted, while the status of the south coast herring resource remains uncertain.

10 Seven of the eight determinations have resulted in the recognition of native title rights and interests to fish and take marine resources in the intertidal zone and one has resulted in the recognition of native title rights and interests in a sea area to the 3nm mark. Two native title claims in the Kimberley region, which extend seaward to 3 and 12nm respectively are anticipated to be determined by way of consent in 2011.

Processes for consultation have been streamlined and simplified. The new process identifies the Department as the key source of Government advice on fisheries management with the Western Australian Fishing Industry Council (WAFIC) and Recfishwest as the key sources of co-ordinated industry advice for the commercial and recreational sectors, respectively.

The basis for funding fisheries management has also been reformed in Western Australia. For many years, Western Australia's commercial fisheries paid fees based on a model that distinguished between "major" and "minor" fisheries. Under this model, licensees in "major" commercial fisheries contributed on a full cost recovery basis to the costs of managing their respective fisheries, while licensees in "minor" fisheries paid fees on the basis of a percentage of Gross Value of Product (GVP) of their fishery¹¹. New arrangements are now in place in which commercial fishers pay an access fee based on a single, fixed proportion of the GVP for the respective fishery. The reforms have also introduced fees for the pearling and aquaculture sector which require them to pay for their access to the State's waters. Government has committed to fix the new fees for the term of Government.

In the recreational fishing sector, fishers contribute to the costs of management by paying recreational licence fees for specified fisheries. In 2010 the Government revised arrangements for recreational fishing licences including introduction of a licence for boat fishers.

11 Full details of the cost recovery and associated arrangements are provided in "*Future Directions for Fisheries Management in Western Australia*" (September 1995).

4. Fisheries and Aquatic Resource Policy

With recent changes to the State's fisheries management arrangements, and a new Act being developed, it is important for Government to provide guidance through a clear policy statement for fisheries in Western Australia. This policy statement, which focuses on the Government's approach to sustainable resource management, fisheries and aquaculture development and growth, and appropriate structures and processes to ensure good governance, is set out below.

4.1 Resource Management

The WA Government, through the Department of Fisheries, will provide efficient and effective management of the State's fish and aquatic resources and the environment and ecosystems on which they depend:

- consistent with the five State Acts of Parliament that directly relate to the management of fisheries in Western Australia; and
- in accordance with the principles of Ecologically Sustainable Development (ESD)¹² and Ecosystem Based Fisheries Management (EBFM)¹³; and
- through utilising a risk-based approach to determine management priorities and actions consistent with ESD and EBFM principles.

The WA Government will work to meet expectations of the fisheries sectors through development of long-term strategies that provide simple and effective management of fish and aquatic resources with flexibility and capacity to respond to change.

Management strategies will ensure the long-term sustainability of Western Australia's fish and aquatic resources, and seek to optimise the socio-economic benefits of those resources, within the overarching requirement of stock sustainability. Importantly, the conservation values enshrined in the WA Government's fisheries management strategies developed in accordance with ESD principles must be recognised.

The Western Australian Government will ensure that Aboriginal customary fishing is managed within a sustainable fisheries management framework in accordance with its Aboriginal Customary Fishing Policy¹⁴.

Fisheries management in Western Australia will be underpinned by investment in sound science, strong stakeholder engagement, development of appropriate policy and an effective legislative base. This, in combination with effective compliance, education and administrative services, will ensure sustainable fisheries for the benefit of the Western Australian community.

Management strategies will ensure the long-term sustainability of Western Australia's fish and aquatic resources, and seek to optimise the socio-economic benefits of those resources, within the overarching requirement of stock sustainability.

12 Information regarding ESD can be found within Fisheries Management Paper No.157 "Policy for the Implementation of Ecologically Sustainable Development for Fisheries and Aquaculture within Western Australia" at the Department of Fisheries' website www.fish.wa.gov.au.

13 Information regarding EBFM can be found within Fisheries Research Report No. 194 "Conceptual Models for Ecosystem Based Fisheries Management in Western Australia" at the Department of Fisheries' website www.fish.wa.gov.au.

14 Refer to Department of Fisheries' Aboriginal Customary Fishing Policy 21 December 2009 available at www.fish.wa.gov.au.

4.2 Resource Access and Allocation

The WA Government will work with the fisheries sectors to implement effective access rights to provide certainty with regard to long-term access. The importance of access rights in underpinning successful fisheries management has become increasingly accepted¹⁵. Secure access rights engender confidence and encourage private investment in improving the value of the resources as well as fostering stewardship, innovation and efficient use of resources in the long-term.

In considering future fishing closures (for sustainability reasons, or for any other reasons, including social/economic factors) the Government will ensure that proper processes are employed including consultation, appropriate transitional arrangements and, where appropriate, compensation.

The history of fisheries management around the world has shown that a process to resolve inter-sectoral allocation issues, which has widespread acceptance by user groups, is fundamental if Western Australia's fisheries are to be sustainably managed in the future¹⁶. Fisheries allocations can, and should, change over time reflecting changing community values. In managing these changes, the Government supports Integrated Fisheries Management¹⁷ (IFM) and re-affirms the application of IFM principles for the purposes of allocation of fish resources.

An independent body, currently the Integrated Fisheries Allocation Advisory Committee (IFAAC), will continue to provide advice to WA Government on inter-sectoral allocations. For fisheries not subject to formal IFM processes, the Government will facilitate resource sharing between sectors via open, transparent and accountable processes (which might include, for example, mediation).

There is also a need for principles and procedures to underpin intra-sectoral allocations.

When considering allocations within commercial fisheries, it needs to be recognised that commercial fishing management arrangements may change over time and impact on an individual fisher's share of a fish resource. Noting this, the underlying principle to be applied in commercial fisheries allocations is that intra-fishery allocations are to be as fair and equitable as possible. Importantly, differential economic impacts of allocations on individual fishers must be minimised, unless there are reasons justifiable with respect to FRMA legislative objectives (and any subsequent fisheries legislative objectives) that may dictate otherwise. The WA Government, in liaison with WAFIC, will develop a procedure in this regard.

With respect to allocations within recreational fisheries, the WA Government, in liaison with Recfishwest, will develop an allocation policy having regard to the optimum social utilisation of fish stocks available to the recreational sector. Given the changing dynamic of and different expectations of the recreational fishing sector, there is a need to develop harvest strategies that allow for a variety of experiences, while ensuring that benefits from management are realised by that sector.

15 C. Costello, S.D. Gaines, J. Lynham, *Can Catch Shares Prevent Fisheries Collapse* Science 321, 1678 (2008).

16 Refer Fisheries Management Paper No. 165. "Report to the Minister for Agriculture, Forestry and Fisheries by the Integrated Fisheries Management Review Committee" prepared by Justice John Toohey (Chair), Dr Bruce Phillips, Ms Verity Allan and Mr Greg Morton.

17 The IFM principles are set out within Fisheries Management Paper No. 165. "Report to the Minister for Agriculture, Forestry and Fisheries by the Integrated Fisheries Management Review Committee".

4.3 Environmental Management

The WA Government will work with the fishing sectors, as well as other users of the aquatic environment, to ensure that fish stocks and the habitats on which they depend are managed sustainably through the establishment of appropriate and cost-effective controls.

Adverse impacts (effects) of fishing will continue to be minimised through managing interactions with Threatened, Endangered and Protected species¹⁸, protection of habitats under threat from fishing, bycatch reduction, increased survival of returned aquatic animals and other mitigation measures.

The WA Government will work with the fishing sectors on the design, size, location and zoning of marine parks to minimise the impacts on the Western Australian community, businesses supporting the seafood industry, and recreational opportunities, whilst recognising and maintaining agreed marine park objectives and values.

4.4 Marine Planning

In respect of marine reserve planning, consistent with the Premier's statements on 3 October 2009¹⁹, the WA Government will ensure that:

- management objectives are established for marine reserves on an objective basis grounded in scientific evidence;
- activities are assessed against those objectives, taking into consideration local environmental factors, current management practices and possible future management regimes; and
- activities should be allowed in areas where compatibility with the management objectives can be established.

The Fisheries and Related Industries (Marine Reserves) Compensation Act 1997 (FRIC Act) reflects the 'New Horizons in Marine Management' policy²⁰ and provides for compensation where commercial fishing, and related industries, are excluded from certain categories of marine reserves or as a result of zoning arrangements within marine parks. If this policy changes in the future resulting in further restrictions on commercial fishing and related industries in marine reserves, the WA Government will consider amending the FRIC Act to reflect the policy change(s) and reinforce the principle that compensation should be payable in the case of detrimental impact.

To ensure long-term sustainability, impacts on the environment (including fish stocks, habitats and ecosystems) from fisheries-related activities need to be assessed, together with impacts generated by non-fishing activities (e.g. coastal development and industrial development). The WA Government will ensure that impacts on all fishers and fishing communities are taken into account in the assessment and approval processes for non-fishing related proposals and developments.

18 Threatened, Endangered and Protected species are those species listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

19 "Marine parks are created to protect the natural features and aesthetic values of an area while enabling recreational and commercial activities to take place without compromising conservation values" and "...it is the responsibility of this generation to make sure we put in place planning based on good scientific evidence, good conservation values..."

20 New Horizons in Marine Management. Government of Western Australia. November 1994.

Major project proponents would normally be expected to compensate or mitigate impacts on fishers and fishing communities. Even where individual projects may not in themselves have a direct significant impact on fisheries, there is the potential for these projects to result in cumulative impacts on fishers and fishing communities. In this regard, the Government will work with the peak sector fishing bodies and relevant stakeholders to ensure the application of appropriate management, planning and approval processes, and where appropriate, mitigation strategies.

To facilitate compensation for impacts generated by non-fishing activities, Government will consider amending the Fisheries Adjustment Schemes Act 1987 to provide a mechanism for the Minister to enter into an agreement with an authorisation holder for reasonable compensation, with such compensation either funded by Government or a third party, for temporary or permanent loss arising from impacts on commercial fishing (including pearling and aquaculture) from other industries, or from public works, such as a marina development.

The WA Government will work with Recfishwest in developing a recreational fishing policy in response to impacts generated by non-fishing activities, such as the offshore petroleum industry, or from public works, such as a marina development.

4.5 Development and Growth

The WA Government supports our local commercial fishing industry, and recognises the important roles it plays in the provision of quality seafood, maintenance of regional communities and support of small business. Government is committed to enhancing the supply of local seafood and sustainable growth of cost-effective commercial fisheries.

The WA Government will work with the commercial fishing sector to seek opportunities to increase the value of, and economic return from commercial fisheries. This will require innovative and joint approaches, given the fully or near-fully exploited nature of many of the State's fisheries and competing demands for, and values placed on, the State's fish and aquatic resources by the Western Australian community.

The Government recognises there is increasing consumer demand in Western Australia and elsewhere for seafood that is fished sustainably and that fishing activities do not cause unacceptable levels of environmental change. Consumers are increasingly looking to independent validation (third party certification) that management of fish stocks meets their expectations. Future market access, even within Australia, may require such third party certification of relevant fisheries. This provides a significant opportunity for better returns and increased market access for Western Australian commercial fisheries. While responsibility for market-based activities rests with industry, the WA Government is supportive of fishers and fishers' associations pursuing third party certification and, where appropriate, will assist industry in this regard.

The Government will continue to support mechanisms for voluntary or industry-initiated structural adjustment in individual fisheries.

Aquaculture is recognised and supported by the WA Government as a legitimate user of the State's land and aquatic resources and as a strategically important industry. The Government recognises the importance of research and science to maintain and allow for the growth of the aquaculture industry in Western Australia to provide seafood for the State's community into the future.

The WA Government will create an enabling environment for the development of the aquaculture industry by ensuring an appropriate regulatory framework and the provision of a more transparent, efficient and effective approvals process. Wherever possible, the Government will reduce and streamline the regulation of the aquaculture industry to facilitate development and investment. In particular, the approval process will be more closely matched to the risks raised by the proposals.

The WA Government will seek opportunities to enhance access to aquatic resources by recreational users, and improve the quality of recreational fishing experiences through innovative management approaches and development initiatives such as wilderness conservation areas, purpose-designed artificial reefs and fish stocking.

The WA Government supports our local commercial fishing industry, and recognises the important roles it plays in the provision of quality seafood, maintenance of regional communities and support of small business.

Recreational fishing is a healthy, active pursuit important to many Western Australians and, with commercial fishing, is an essential component of many regional economies. The WA Government recognises that where regional populations and recreational fishing pressures are increasing, additional resources will be required for the proper management of recreational fishing activity.

The WA Government is committed to strengthening partnerships and improving the knowledge base associated with recreational fishing to enhance the quality of the recreational fishing experience and access opportunities.

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4.6 Structures and Processes

The WA Government recognises WAFIC and Recfishwest, as the peak bodies representing the commercial sector (including aquaculture and pearling) and the recreational sector (including charter), respectively.

The WA Government will work with the peak bodies to ensure proper consultation with commercial and recreational fishers, including the development of structured consultation processes.

The Department's management, compliance, research and other priorities will be determined through an annual planning and priority setting process. WAFIC and Recfishwest, as peak bodies, will have direct input into the process, which will commence in 2011/12.

The Aquatic Advisory Committee shall provide independent advice to the Minister or the Department on high-level, strategic matters.

Tasked working groups (or similar) shall be used to provide advice on specific fisheries or operational matters, as considered necessary by the Minister or the Department.

The WA Government will seek a return to the community for access to, and the use of, fish and aquatic resources. For the commercial sector, this shall be by way of an access fee. For the recreational sector, this shall be by way of existing recreational licence fees.

The WA Government's commercial sector funding policy shall be set out in a Ministerial Policy Guideline to provide industry with clarity and long-term certainty as to access fees charged.

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