



## Aquatic Resources Management Act

The next evolution in Aquatic Resource Management in Western Australia

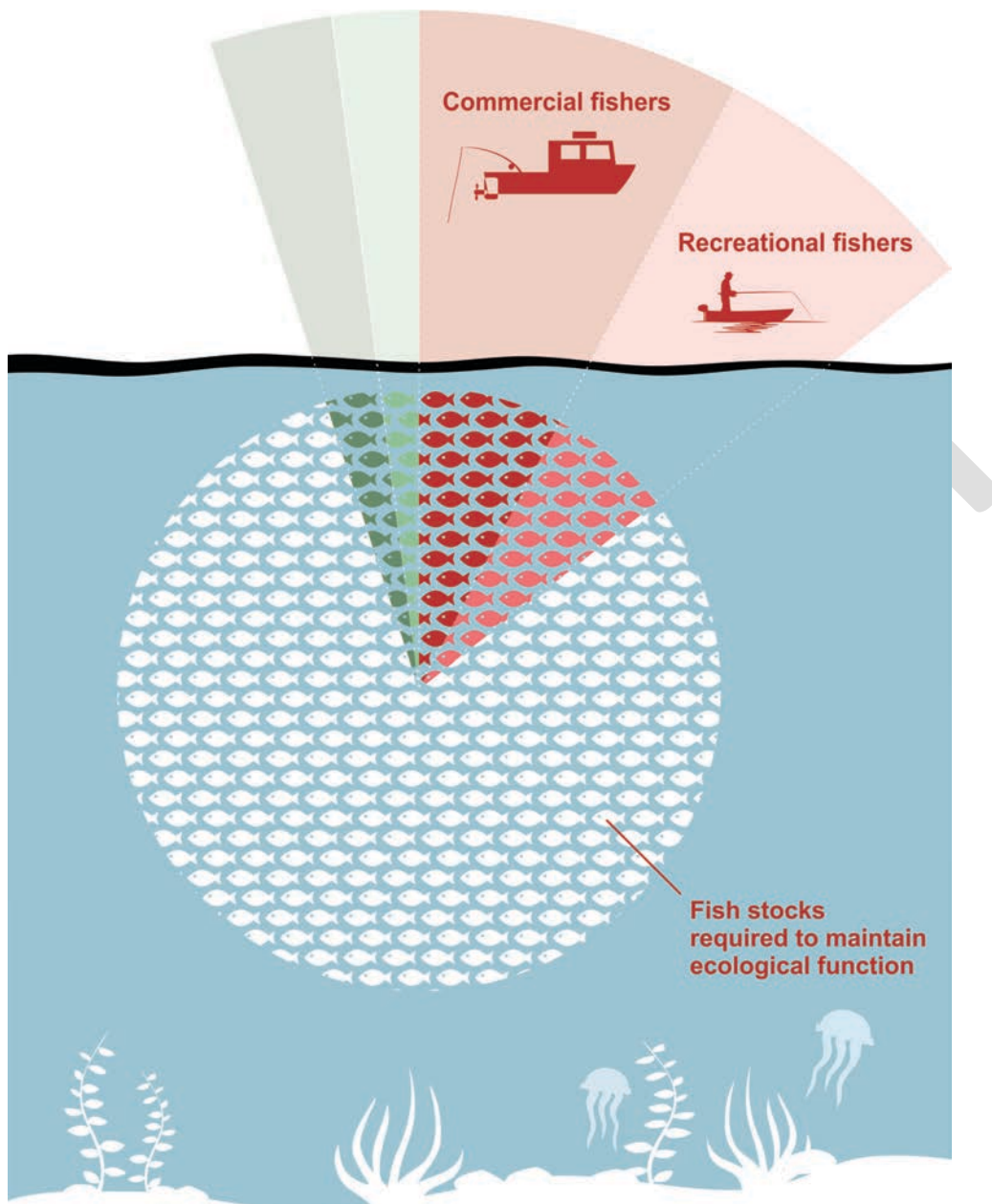
# ALLOCATION AND ALLOWANCES

DRAFT

Version	Date	Changes
V10	29.08.16	
V11	20.09.16	Incorporating Steering group comments

## What is allocation?

Allocation refers to how access to the sustainable harvest level is split between the users of the resource. Other allowances for use of the resource may also be made as part of the allocation process.



## **Is this allocation policy different from how fisheries in Western Australia are currently allocated?**

The allocation principles proposed are consistent with the underlying principles of the current Integrated Fisheries Management (IFM) process used by the Department of Fisheries since 2004. This policy is still followed by the Department today. The aim of the policy is to ensure total catch is sustainable by managing each sector to a specific catch level or proportion, including recreational, commercial & customary sectors. However the process proposed to be undertaken is different to the current IFM system where an independent Integrated Fisheries Allocation Advisory Committee was created to help Minister to determine allocations. This committee used a standardised process which included the development of an allocation report with public comment period to enable a determination by the Minister. The process proposed would be incorporated into the process of developing an ARMS (Figure 2).

## **Why does the current IFM process need to change?**

The allocation decisions determined under the IFM model have been largely accepted by stakeholders due to the policy requirements for independence, transparency and accountability. However, the factors that make it successful have also meant that the process has been slower than originally anticipated. Fisheries have taken many years to move through the process. Under the 2009 IFM policy the Department was required to prepare an IFM resource report for each resource to be allocated. The IFM report represented largely re-packaged data that was already available in sources such as:

- annual State of the Fisheries and Aquatic Resources (SoFAR) reports;
- Marine Stewardship Council (MSC) pre- assessment and full-assessment reports; and
- Biennial statewide surveys of boat-based recreational fishing (iSurveys).

Rather than slowing the process down by producing another layer of reporting, the intention is that the process will simply draw the data from its original sources. As a result, the requirement to prepare an IFM resource report is proposed not to be part of the allocation process under the *Aquatic Resource Management Act 2016* (ARMA). This will enable a more streamlined approach to ensure more fisheries can transition to the ARMS management framework.

## **How will resources be allocated under Aquatic Resource Management Bill?**

The ARMA is based on aquatic resources being a “common pool” resource, with the degree of access for various purposes determined by the State “having regard to the economic, social and other benefits” that these resources may provide “for the benefit of present and future generations” (s9).

Where a decision is made to declare a managed aquatic resource, the ARMA requires that explicit allocations between sectors are included in the Aquatic Resource Management Strategy (ARMS). Key principles include:

### ***Allowance key principles***

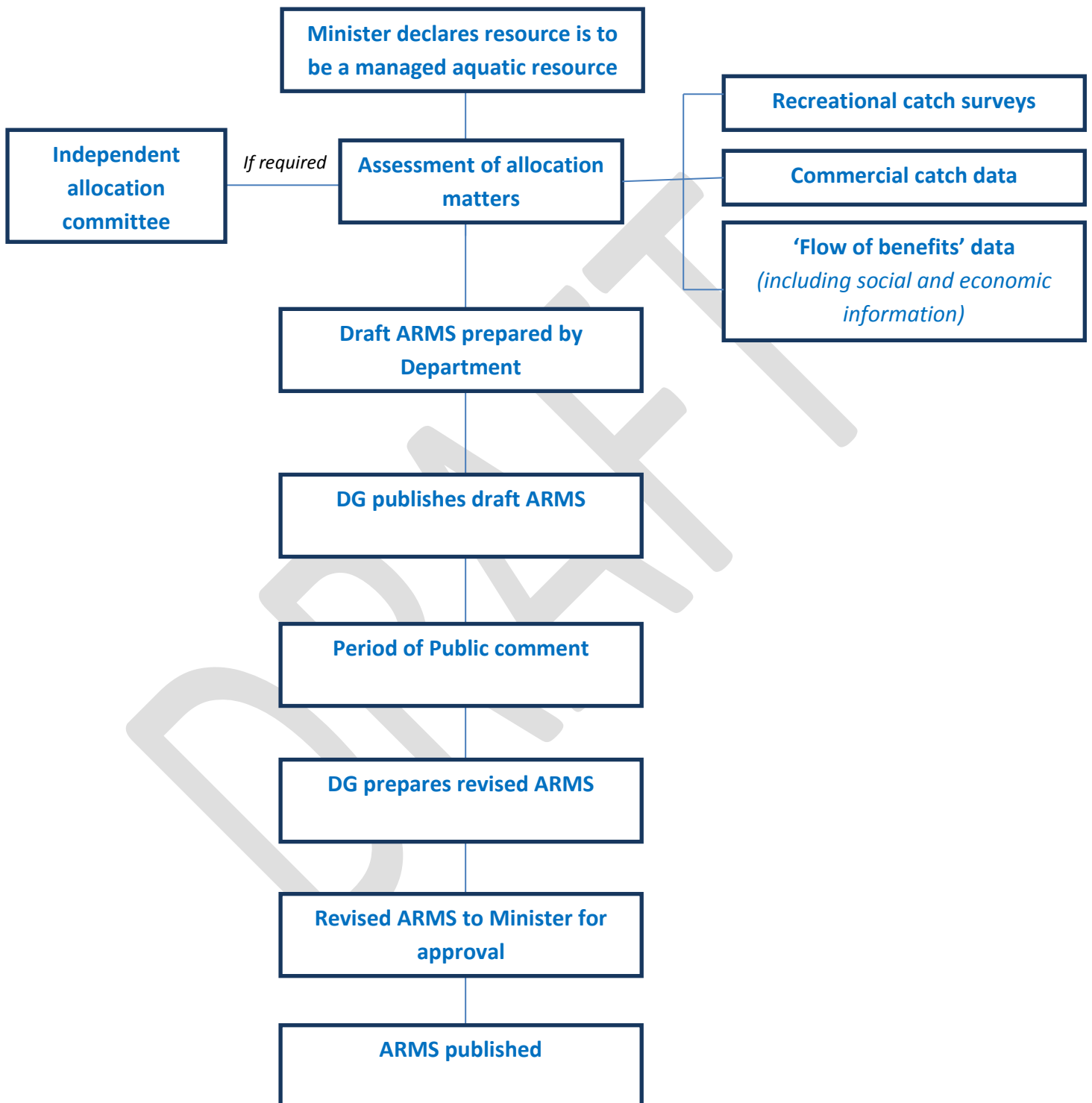
- An allowance for customary fishing and public benefit uses is required to be provided for prior to the calculation of the Total Allowable Catch (TAC<sup>1</sup>) (s16(1)(f)).
- Customary allowances will have priority over other uses.
- An allowance for marginal use may also be applied (refer to later section).
- Allowances are not tradeable.

### ***Allocation key principles***

- Proportions of the total allowable catch (TAC) can be allocated for commercial (which may include aquaculture) and recreational fishing (s16 (1)(i)).
- An allocation for either the commercial or recreational sector may range from zero to 100 per cent of the sustainable harvest level of the resource.
- There is no requirement for a “conservation” allocation. Conservation purposes are accommodated in the method for setting the TAC which takes account of the fish stocks required to maintain ecological function.

### What is the proposed new allocation process?

It is proposed that the allocation process will be a fundamental component of the larger ARMS development process, which will follow the process outlined below:



### **How long will the allocation process take?**

Under s17 of the ARMA, a draft ARMS must be prepared 'as soon as is practicable' after an aquatic resource is declared to be a managed aquatic resource. Therefore, time limits on the allocation process are essential.

A limit of 12 months to prepare the allocation advice to the DG as part of the ARMS preparation process is considered sufficient time for the allocation decision. The ARMS, including the allocation advice will be provided to the Minister for approval.

### **Proposed business rules for preparation of data**

Data used as the basis for allocation needs to have been collected in a way that can be used into the future (so that it is comparable when monitoring catch shares). Agreed business rules based on recent data (e.g. no more than 6 years, or 3 iSurveys) need to be signed off by the Department in consultation with the recreational and commercial sectors prior to the commencement of an ARMS process.

As part of the allocation process under an ARMS the Department will consider the 'flow of benefit' of the resource. The commercial and recreational sectors will have the opportunity to provide information on what the 'flow of benefit' are and if it is proposed that an allocation should vary from the proportions indicated through analysis of the data.

### **How can stakeholders be involved in the allocation process?**

The Department will consult with stakeholders as part of the development of the ARMS, including regarding the allocation and allowances for a resource. Stakeholders will have a further opportunity for input about allocation and allowance decisions during the public comment stage of an ARMS' development.

### **Will allocation processes involve an Allocation Committee?**

If business rules have been agreed prior to the commencement of the allocation process and there is agreement between the sectors as to flow of benefit issues, there should be no need for an independent allocation committee to review the allocation.

Where there is no inter-sectoral agreement on the flow of benefits resulting from the allocation the Director General may refer the issue to an independent allocation committee, which would provide transparent allocation advice to the Director General for the purpose of preparing the draft ARMS.

### **Allocation of aquatic resources which are mainly accessed by either the commercial or recreational sector**

Where there is a very low level of use by a sector which does not affect the potential of other sectors to take their allowable catch this allocation may be described as a "marginal use".

### **How will marginal use be considered in the allocation process?**

It is proposed that marginal use will be provided for through a nominal allowance provided for prior to the calculation of the TAC. This allowance will not be tradable

and will be managed through tools such as bag limits, not through the ARMS/ARUP framework. The Department intends to work with peak bodies to identify resources where the concept of marginal use should be applied.

### **Why bother making an allowance for marginal use?**

An allowance of “zero” to any sector effectively means that Government is not supporting the use, albeit small, of the resource by a sector. One undesirable consequence of such a decision would be to effectively “criminalise” marginal use activity despite its minimal impact. In practice such a “zero decision” may also create perceptions of unreasonable bias, and also not be optimal in terms of the broad benefits to the community from use of the resource. Such a decision may also not properly recognise any pre-existing common law access right, or pay heed to past and present use of the resource on a small scale.

**Want more info on the Aquatic Resources Management Bill?**

Head to the Department of Fisheries website at [www.fish.wa.gov.au](http://www.fish.wa.gov.au)

Want regular updates or have a question? Contact us at [arma@fish.wa.gov.au](mailto:arma@fish.wa.gov.au)