

**INTERIM MANAGEMENT  
ARRANGEMENTS FOR THE  
COMMERCIAL MACKEREL FISHERY**

**MINISTER'S RESPONSES  
TO THE FINAL REPORT OF THE  
MACKEREL INDEPENDENT  
ADVISORY PANEL  
(FISHERIES MANAGEMENT  
PAPER No. 164)**

**The Honorable Kim Chance MLC  
Minister for Agriculture, Forestry and Fisheries**

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November 2002

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## **1. INTRODUCTION**

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Following extensive consultation, recommendations of the Mackerel Independent Advisory Panel (MIAP) and advice from the Department of Fisheries, I have approved a number of management arrangements for drafting into an Interim Management Plan for the Mackerel Fishery.

Two rounds of public consultation were undertaken by the Department of Fisheries prior to the establishment of the MIAP. The MIAP then undertook its own public consultation process. It held public meetings in Geraldton, Carnarvon, Karratha, Broome and Fremantle and accepted submissions from stakeholders.

I have decided to implement an Interim Management Plan for the commercial mackerel fishery, based on recommendations from the MIAP and research information including:

- Commercial catches have been at historically high levels in Western Australia but have been decreasing in the Kimberley.
- There are no significant levels of mixing of Spanish mackerel across long lengths of coastline (e.g. from Exmouth to Broome). However, despite limited alongshore mixing of juveniles and adults, genetic relationships are thought to span broader regions. Hence the effects of fishing in one zone are likely to have flow-on affects in the other zones.
- It would be inappropriate to manage the fishery by size limit alone, as mortality of released fish is likely to be high, as is mortality due to sharks, both of which may add substantially to the fishing pressure on the fish.
- This species schools in large numbers, in well-known locations, and hence can be captured in large quantities. Catch rates of schooling pelagic species can remain high until stock sizes have decreased significantly. This makes them vulnerable to fishing pressure.
- Long-term commercial mackerel fishers have raised concerns about the mackerel stocks.

It was also the view of the majority of the commercial and recreational fishers consulted during the process that the fishery should be managed.

The Government recognises that the mackerel fishery is important to both the recreational and commercial fishing sectors. However, the purpose of these arrangements is not to allocate the mackerel resource between the sectors but within the commercial sector. Resources sharing issues are subject to investigation in the Integrated Fisheries Management Review where alternative management frameworks and principles for allocating fish stocks to ensure maximum benefit to the community are examined.



**Kim Chance MLC**  
**MINISTER FOR AGRICULTURE, FORESTRY AND FISHERIES**

## **2. SUMMARY OF MANAGEMENT ARRANGEMENTS**

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I have approved the following management arrangements for drafting into an Interim Management Plan for my final consideration:

- The plan will be called *Mackerel Fishery (Interim) Management Plan* and will commence operation on 1 January 2004 or as near to that date as is administratively possible.
- The plan will cease to have effect five years from the date of commencement, or earlier, if appropriate.
- The mackerel fishery will be zoned:
  - The Gascoyne-West Coast Zone, from Cape Leeuwin northwards to 114° East longitude,
  - The Pilbara Zone, from 114° East longitude to 121° east longitude; and
  - The Kimberley Zone, from 121° East longitude to the Northern Territory border.
- All zones will be managed under a quota management system, with the use of a Vessel Monitoring System (VMS), prior reporting and an option for the Executive Director to vary the mackerel fishing season.
- The Total Allowable Commercial Catch (TACC) for each zone of the fishery will be set by the Executive Director, after taking the best scientific and operational advice available to him to ensure the sustainability of the mackerel fishery.
- The TACC will not be subject to annual review and will be set for three to five years. However, biological reference points will be put in place and if they are reached in two consecutive years, the TACC will be reviewed.
- The legal minimum length of 90 cm for Spanish mackerel will remain.
- There will be a six-month season in each zone of the fishery. The Kimberley Zone from 1 June to 30 November and the Pilbara and Gascoyne-West Coast Zones from 1 April to 30 September.
- The ports/anchorages of Denham, the Blow Holes, Carnarvon, Kalbarri, Geraldton, Dongara, Jurien and Fremantle must be used to unload mackerel taken in the Gascoyne-West Coast Zone and the Department of Fisheries' Regional Offices will manage the Catch and Disposal Records.
- The ports/anchorages of Exmouth, Point Sampson, Onslow, Dampier, Port Hedland and Broome must be used to unload mackerel taken in the Pilbara Zone and the Department of Fisheries' Regional Offices will manage the Catch and Disposal Records.

- The ports/anchorage of Broome and Darwin must be used to unload mackerel taken in the Kimberley Zone and that the Catch and Disposal Records will be managed by the Department of Fisheries' Broome Regional Office and through a memorandum of understanding with the Northern Territory.
- Only permit holders in a particular Zone will be permitted to unload mackerel in that Zone.
- The benchmark date for criteria to enter the fishery is 3 November 1997. A criteria period of seven years will be taken into account, from 1 November 1990 to 31 October 1997.
- Access to the Kimberley Zone mackerel fishery will be based on the following criteria:
  - Must have caught a minimum of one tonne each year for four out of seven years from 1 November 1990 to 31 October 1997; or
  - Must have caught an average of a minimum of one tonne a year over seven years from 1 November 1990 to 31 October 1997,as shown on the returns submitted to the Department of Fisheries.
- Access to the Pilbara Zone mackerel fishery will be based on the following criteria:
  - Must have caught a minimum of 750 kg each year for four out of seven years from 1 November 1990 to 31 October 1997; or
  - Must have caught an average of a minimum of 750 kg a year over seven years from 1 November 1990 to 31 October 1997,as shown on the returns submitted to the Department of Fisheries.
- Access to the Gascoyne-West Coast Zone mackerel fishery will be based on the following criteria:
  - Must have caught a minimum of 500 kg each year for four out of seven years from 1 November 1990 to 31 October 1997; or
  - Must have caught an average of a minimum of 500 kg a year over seven years from 1 November 1990 to 31 October 1997,as shown on the returns submitted to the Department of Fisheries.
- The proportion of each boat's catch to the sum of the catches of all boats that meet the criteria will determine that boat's proportional access to the fishery.
- Each zone of the fishery will be unitised, with the unit value being derived from the TACC for the Zone. The number and value of units will be specified on the permits.
- The following conversion rates will be used when assessing the landed weight of product for criteria for access to the mackerel fishery:
  - Whole weight = head/gutted weight (kg) x 1.176
  - Whole weight = gutted/gilled weight (kg) x 1.048
  - Whole weight = fillet weight (kg) x 1.608

- At the commencement date of the Interim Management Plan a minimum proportion of five per cent of the units in the Zone of the fishery must be held before an operator can fish in the fishery. Any new operators in the fishery must hold a minimum unit holding of ten per cent of the units to operate in the fishery.
- A person must not sell, deal in or purchase any mackerel taken from the fishery unless the fish were taken by a person who holds a permit in the fishery.
- No auxiliary boats/dories are to be used in the Gascoyne-West Coast or Pilbara Zones of the fishery.
- Dories will be allowed in the Kimberley Zone of the fishery.
- A person fishing from an authorised boat in the fishery must not use a reel other than a manually powered reel to set, haul or pull gear.
- Carrier boats are not to be used in the Mackerel Fishery.
- The Department of Fisheries is to negotiate with the Commonwealth to exclude bycatch of mackerel in other adjacent Commonwealth Managed Fisheries and to provide separate advice to the Minister on this issue.
- Completion of research logbooks will be a compulsory requirement for all permit holders.

### **3. EXPLANATION FOR MANAGEMENT ARRANGEMENTS THAT DIFFER FROM THE PANEL'S RECOMMENDATIONS**

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Not all of the above management arrangements approved for drafting into the Interim Management Plan were recommended by the MIAP.

I have approved most of the MIAP's 30 recommendations. Where I have varied from the MIAP's recommendations I have provided an explanatory note (see attached table).

MIAP RECOMMENDATIONS	MINISTER'S COMMENTS
<p><b><i>MIAP Recommendation 1:</i></b></p> <p><b><i>That the legal minimum length of 90 cm for Spanish mackerel remains.</i></b></p>	<p>Approved.</p>
<p><b><i>MIAP Recommendation 2:</i></b></p> <p><b><i>That the citation be amended to incorporate the name of the proposed plan as being Mackerel Fishery (Interim) Management Plan 2003.</i></b></p>	<p>The citation will be amended to incorporate the name of the proposed plan as being the Mackerel Fishery (Interim) Management Plan 2004. For the reasons detailed below under recommendation 3, the plan will commence operation on 1 January 2004 or as near to that date as is administratively possible.</p>
<p><b><i>MIAP Recommendation 3:</i></b></p> <p><b><i>That the plan commence operation on 1 January 2003 or as near to that date as is administratively possible.</i></b></p>	<p>It is important that the process of placing the Mackerel Fishery under management is completed properly and consistently. The intention for the plan to commence in 2004 takes account of the Auditor General's report which called for ratification of catch records, the completion of the appeals process and sufficient time for all operators to ensure that they have appropriate technology fitted, e.g. VMS.</p> <p>This is a time consuming process, but will ensure that everyone is dealt with in a fair and equitable manner. The process may even take as long as 18 months. The process will be as follows:</p> <ol style="list-style-type: none"> <li>1. Drafting of legislation will take place;</li> <li>2. My signature will be sought on the legislation and I may require some further public consultation;</li> <li>3. Depending on whether more consultation is required, there will be further consideration and my final signature will be sought;</li> <li>4. The Interim Plan will be gazetted in the Government Gazette;</li> </ol>

	<ol style="list-style-type: none"> <li>5. The Interim Plan will be tabled in Parliament;</li> <li>6. Ratification of existing catch records will be undertaken by the Department;</li> <li>7. Applicants will be invited to apply for a permit in the fishery;</li> <li>8. Access will be granted to those who meet the criteria for access to the fishery;</li> <li>9. Appeals for access will be heard;</li> <li>10. Access to the fishery will be finalised and permits showing the units of entitlement issued; and</li> <li>11. The Total Allowable Commercial Catch (TACC) determined for each Zone and the extent of entitlement determined from the unit value.</li> </ol>
<p><b><i>MIAP Recommendation 4:</i></b></p> <p><b><i>That the plan ceases to have effect five years from the date of commencement.</i></b></p>	<p>Approved.</p>
<p><b><i>MIAP Recommendation 5:</i></b></p> <p><b><i>That appropriate interpretation is examined when the plan is being drafted.</i></b></p>	<p>Approved.</p>
<p><b><i>MIAP Recommendation 6:</i></b></p> <p><b><i>That the mackerel fishery be zoned.</i></b></p>	<p>Approved.</p>

<p><b>MIAP Recommendation 7:</b></p> <p><i>That the zone south of 26° 30' south latitude remains in the fishery, but that there be no requirement to apply for a permit to fish for mackerel.</i></p>	<p>I have decided not to leave the southern zone of the mackerel fishery open access. The area between 26° 30' south latitude and Cape Leeuwin will be incorporated into the Gascoyne Zone of the commercial mackerel fishery to become the Gascoyne-West Coast Zone.</p> <p>I understand that, in the MIAP's view, the average commercial catch (14.5 tonnes in the criteria years) is so small in the southern zone that it does not warrant the management. However, last year there was a recruitment 'spike' in this area and larger commercial catches were recorded (43 tonnes). This has led to calls for management from the public and recreational sector in this area. See also recommendation 8 below.</p>
<p><b>MIAP Recommendation 8:</b></p> <p><i>That if commercial mackerel catches rise above 25 tonnes for two consecutive calendar years in the area south of 26° 30' south latitude, management of the fishery in this area should take place using the following criteria for access:</i></p> <ul style="list-style-type: none"> <li>• <i>Must have caught a minimum of 500 kg each year for four out of seven years from 1 November 1990 to 31 October 1997;</i></li> <li><i>or</i></li> <li>• <i>Must have caught an average of a minimum of 500 kg a year over seven years from 1 November 1990 to 31 October 1997.</i></li> </ul>	<p>The area between 26° 30' south latitude and Cape Leeuwin will be incorporated into the Gascoyne-West Coast Zone of the commercial mackerel fishery and the recommended criteria for access to the Gascoyne Zone will apply to the whole Gascoyne-West Coast Zone.</p> <p>The cost of initiating management of a 25 tonne fishery at a later stage would far outweigh the benefits. I would prefer this area (from 26° 30' south latitude to Cape Leeuwin) to be managed in the same zone as the Gascoyne from the commencement of the Interim Management Plan.</p> <p>It is important to bear in mind that any of the MIAP's recommendations that refer to the exclusion of the "southern zone", for example Recommendations 15 and 16, are subject to my decision to include this area in the Gascoyne-West Coast Zone.</p>

<p><b>MIAP Recommendation 9:</b></p> <p><i>That the Total Allowable Commercial Catch for each zone of the fishery be set by the Executive Director, after taking the best scientific and operational advice available to him to ensure the sustainability of the mackerel fishery.</i></p>	<p>Approved.</p>
<p><b>MIAP Recommendation 10:</b></p> <p><i>That the Kimberley Zone be managed under a quota management system, using an appropriate 'paper trail', a Vessel Monitoring System (VMS), a Memorandum of Understanding with the Northern Territory Government and an option of varying the mackerel fishing season.</i></p>	<p>Approved.</p>
<p><b>MIAP Recommendation 11:</b></p> <p><i>That if, for compliance and cost effectiveness reasons and the ability to enforce prosecutions under an MOU with the Northern Territory, a quota management system cannot be achieved within the objectives set out for the Panel, the Panel recommends the next best option would be a 'days fished' management regime, taking into account steaming time, weather, searching patterns and the use of dories when deciding on the number of days to be fished, and that VMS be used to monitor the number of days fished in the mackerel fishery in the Kimberley Zone.</i></p>	<p>The fishery will be managed under a quota management system as per Recommendation 10, using an appropriate 'paper trail', VMS, a Memorandum of Understanding with the Northern Territory Government and an option of varying the mackerel fishing season.</p> <p>I have approved the MIAP's preferred management regime of quota for the whole fishery. It is my preference to have a consistent and relatively simple management system across all zones of the fishery.</p>
<p><b>MIAP Recommendation 12:</b></p> <p><i>That the Pilbara and Gascoyne Zones be managed under a quota management system with an option of varying the mackerel fishing season.</i></p>	<p>Approved. All zones of the fishery will be quota-managed.</p>

<p><b>MIAP Recommendation 13:</b></p> <p><i>That the ports/anchorages of Denham, the Blow Holes and Carnarvon must be used to unload mackerel in the Gascoyne Zone and the ports of Exmouth, Point Sampson, Onslow, Dampier, Port Hedland and Broome must be used to unload mackerel taken in the Pilbara Zone.</i></p>	<p>It is necessary to have designated landing points in a quota-managed fishery so that catch can be monitored and recorded correctly for research and management purposes.</p> <p>The ports/anchorages of Denham, the Blow Holes, Carnarvon, Kalbarri, Geraldton, Dongara, Jurien and Fremantle must be used to unload mackerel in the Gascoyne-West Coast Zone.</p> <p>The ports/anchorages of Exmouth, Point Sampson, Onslow, Dampier, Port Hedland and Broome must be used to unload mackerel taken in the Pilbara Zone.</p> <p>The ports/anchorages of Broome and Darwin must be used to unload mackerel taken in the Kimberley Zone.</p> <p>The operation of Pilbara vessels landing catch in Broome will be monitored with the VMS and may require some specific rules. Catch landed in Darwin will be recorded according to a Memorandum of Understanding with the Northern Territory Government. A docketing system will be established to ensure the effective monitoring of the catch landed in Darwin.</p>
<p><b>MIAP Recommendation 14:</b></p> <p><i>That a minimum proportion of five per cent of the units in the Zone of the fishery must be held before an operator can fish in the fishery. If less than five per cent is held, units must be traded as a whole, rather than in separate unit trades.</i></p>	<p>Approved.</p>

<p><b>MIAP Recommendation 15:</b></p> <p><i>That mackerel should only be landed by permit holders in the proposed mackerel fishery, except in the Southern Zone.</i></p>	<p>I feel it necessary to clarify that there should be no landing of mackerel by commercial fishers that do not hold a permit to operate in the proposed mackerel fishery. I will reiterate that the management arrangements discussed here are for the commercial sector and do not form the basis for resource sharing discussions.</p>
<p><b>MIAP Recommendation 16:</b></p> <p><i>That a person must not sell, deal in or purchase any mackerel taken from the fishery unless the fish were taken by a person who holds a permit in the fishery, except in the Southern Zone of the fishery.</i></p>	<p>Approved for all zones of the fishery.</p>
<p><b>MIAP Recommendation 17:</b></p> <p><i>That the benchmark date of 3 November 1997 is adopted.</i></p>	<p>Approved.</p>
<p><b>MIAP Recommendation 18:</b></p> <p><i>That a criteria period of seven years be taken into account, from 1 November 1990 to 31 October 1997.</i></p>	<p>Approved.</p>
<p><b>MIAP Recommendation 19:</b></p> <p><i>That a Ministerial Guideline be issued which ensures that the Executive Director considers hardship cases or extenuating circumstances which prevented the operator from fishing in the mackerel fishery for any year of the criteria period or otherwise meant that the criteria could not be met.</i></p>	<p>Not approved. The MIAP have recommended, and I have approved, generous criteria for access to the fishery. I do not consider it necessary to produce a Ministerial Policy Guideline.</p> <p>There may be legal obstacles to using Guidelines outside of the criteria for access, as well as questions of how to allocate proportional access to the fishery based on such circumstances.</p>

<p><b>MIAP Recommendation 20:</b></p> <p><i>That criteria for access to the mackerel fishery be based on the following criteria:</i></p> <ol style="list-style-type: none"><li>1. <b><i>Kimberley Zone: Northern Territory border to 121° east longitude</i></b><ul style="list-style-type: none"><li>• <i>Must have caught a minimum of one tonne each year for four out of seven years from 1 November 1990 to 31 October 1997; or</i></li><li>• <i>Must have caught an average of a minimum of one tonne a year over seven years from 1 November 1990 to 31 October 1997.</i></li></ul></li> <li>2. <b><i>Pilbara Zone: 121° east longitude to 114° east longitude</i></b><ul style="list-style-type: none"><li>• <i>Must have caught a minimum of 750 kg each year for four out of seven years from 1 November 1990 to 31 October 1997; or</i></li><li>• <i>Must have caught an average of a minimum of 750 kg a year over seven years from 1 November 1990 to 31 October 1997.</i></li></ul></li> <li>3. <b><i>Gascoyne Zone: 114° east longitude to 26° 30' south latitude.</i></b><ul style="list-style-type: none"><li>• <i>Must have caught a minimum of 500 kg each year for four out of seven years from 1 November 1990 to 31 October 1997; or</i></li><li>• <i>Must have caught an average of a minimum of 500 kg a year over seven years from 1 November 1990 to 31 October 1997.</i></li></ul></li></ol>	<p>Approved.</p>
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<p><b>MIAP Recommendation 21:</b></p> <p><i>That the allocations based on the above access criteria be distributed proportionately to a Total Allowable Commercial Catch whereby the sum of the catches of each boat which meets the criteria over seven years is totalled. The proportion of each boat's total catch to the total catch is the boat's proportional access to the fishery.</i></p>	<p>Approved.</p>
<p><b>MIAP Recommendation 22:</b></p> <p><i>That each zone of the fishery be unitised, with one unit equal to 250 kg in each zone. If the remainder of a person's access does not divide into 250 kg, then the units will be rounded up or down to the nearest multiple of 250 kg.</i></p>	<p>Each zone of the fishery will be unitised, with the unit value being proportional to the annual determined fishery capacity (in weight of fish). However, the Executive Director will set a Total Allowable Commercial Catch for each zone of the fishery, after taking the best scientific and operational advice available to him to ensure the sustainability of the mackerel fishery.</p>
<p><b>MIAP Recommendation 23:</b></p> <p><i>That the following conversion rates be used when assessing the landed weight of product for criteria for access to the mackerel fishery:</i></p> <p><i>Whole weight = head/gutted weight (kg) x 1.176</i>  <i>Whole weight = gutted/gilled weight (kg) x 1.048</i>  <i>Whole weight = fillet weight (kg) x 1.608.</i></p>	<p>Approved.</p>
<p><b>MIAP Recommendation 24:</b></p> <p><i>That the number and value of units be specified on the permits.</i></p>	<p>Approved.</p>

<p><b>MIAP Recommendation 25:</b></p> <p><b>That:</b></p> <p><b>(a) The dories/dinghies already in use in the Kimberley continue to be managed in accordance with their current licence conditions;</b></p> <p><b>(b) Dories/dinghies fishing in the mackerel fishery continue to be managed by licence condition on a case-by-case basis; and</b></p> <p><b>(c) Use of dories/dinghies in conjunction with a 'mother boat' should only be permitted in the Kimberley Zone of the mackerel fishery.</b></p>	<p>Approved. Specifications for the use of, and capacity of, dories in the Kimberley Zone will be discussed further with the relevant stakeholders.</p>
<p><b>MIAP Recommendation 26:</b></p> <p><b>That carrier boats should not be used in the mackerel fishery.</b></p>	<p>Approved.</p>
<p><b>MIAP Recommendation 27:</b></p> <p><b>That a person fishing from an authorised boat in the fishery must not use a reel other than a manually powered reel to set, haul or pull gear.</b></p>	<p>Approved.</p>

<p><b>MIAP Recommendation 28:</b></p> <p><b><i>That the following clauses in the Draft Mackerel Fishery (Interim) Management Plan 2000 be approved:</i></b></p> <ul style="list-style-type: none"> <li>▪ <b><i>Procedure before Plan may be amended and revoked</i></b></li> <li>▪ <b><i>Identification of the fishery</i></b></li> <li>▪ <b><i>Declaration</i></b></li> <li>▪ <b><i>Closure of zones within the fishery</i></b></li> <li>▪ <b><i>Permits</i></b></li> <li>▪ <b><i>Duration of Permits</i></b></li> <li>▪ <b><i>Fees</i></b></li> <li>▪ <b><i>Prohibition of fishing methods in the fishery</i></b></li> <li>▪ <b><i>Use of boats</i></b></li> <li>▪ <b><i>Requirements to install an Automatic Location Communicator</i></b></li> <li>▪ <b><i>Records</i></b></li> <li>▪ <b><i>Logbooks</i></b></li> <li>▪ <b><i>Offences and major provisions</i></b></li> </ul>	<p>Approved.</p>
<p><b>MIAP Recommendation 29:</b></p> <p><b><i>That you endorse the Department of Fisheries taking action to exclude bycatch of mackerel in other adjacent Commonwealth managed fisheries and provides separate advice to you on this issue following consultation with the relevant fisheries impacted.</i></b></p>	<p>Approved.</p>
<p><b>MIAP Recommendation 30:</b></p> <p><b><i>That completion of research logbooks is made a compulsory requirement for all permit holders.</i></b></p>	<p>Approved. Comprehensive research logbook information is necessary for effective monitoring of the fishery and the setting of the TACC.</p>