

**RECOMMENDED ACCESS AND ALLOCATION  
CRITERIA FOR THE WEST COAST AND  
GASCOYNE COMMERCIAL 'WETLINE'  
FISHERIES**

*A Report to the Ministry of Fisheries prepared by the  
Commercial Access Panel*

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FISHERIES MANAGEMENT PAPER No. 207

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Published by  
Department of Fisheries  
168 St. Georges Terrace  
Perth WA 6000

January 2006

ISSN 0819-4327



Recommended Access And Allocation Criteria for the  
West Coast And Gascoyne Commercial 'Wetline' Fisheries

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## LETTER TO THE MINISTER FROM THE WETLINE REVIEW COMMERCIAL ACCESS PANEL

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### Wetline Review Commercial Access Panel

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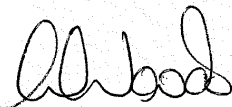
Hon Jon Ford JP MLC  
MINISTER FOR FISHERIES; the KIMBERLEY,  
PILBARA AND GASCOYNE  
14<sup>th</sup> Floor, May Holman Centre  
32 St Georges Tce  
PERTH WA 6000

Dear Minister

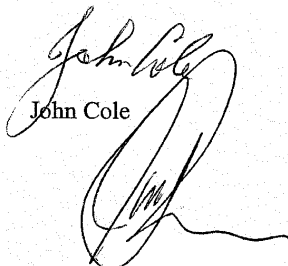
The Commercial Access Panel has pleasure in forwarding to you its final recommendations regarding access to, and allocation of entitlements within, the commercial West Coast and Gascoyne Demersal Scalefish Fisheries.

The Panel reconvened in May 2005 following a four-month public comment period on its report *Proposed Access and Allocation Arrangements for the Commercial 'Wetline' Fisheries*. The Panel has met several times since to consider all of the submissions received (written and verbal) and reconsider the earlier proposals. Please find the Panel's final recommendations herein for your consideration.

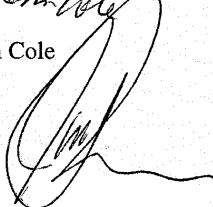
Yours sincerely



Elizabeth Woods  
Chairperson



John Cole



John Jenkin



## **SECTION 1 SUMMARY OF RECOMMENDATIONS**

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### ***West Coast Demersal Scalefish Fishery - Access***

- 1) *Access to the West Coast Demersal Scalefish Fishery be based on catch history of demersal scalefish, taken by “wetline” methods, reported in the West Coast bioregion in the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) and post-benchmark period (financial years from 1997-98 to 2002-03 inclusive).*
- 2) *West Coast Demersal Scalefish Fishery permits be granted to Fishing Boat Licence (FBL) holders whose current FBL has reported a minimum average of 1000 kg of wetline catch (when averaging the best three annual catches) in either, or both, the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) or post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) in the West Coast bioregion.*

### ***West Coast Demersal Scalefish Fishery – Allocation***

- 3) *Allocation within the West Coast Demersal Scalefish Fishery be based on catch history of demersal scalefish, taken by “wetline” methods, reported in the West Coast bioregion in the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) and post-benchmark period (financial years from 1997-98 to 2002-03 inclusive).*
- 4) *FBL holders qualifying for access under Recommendation 2 be allocated entitlement in each of the zones of the West Coast Demersal Scalefish Fishery (Kalbarri, Mid-West, Metro and South-West) in which their FBL has reported catch in the criteria periods.*
- 5) *Each FBL that qualifies for access under Recommendation 2 be granted entitlement to the zones of the West Coast Demersal Scalefish Fishery (Kalbarri, Mid-West, Metro and South-West) based on its historical catch as a proportion of the total combined catch of all operators who meet the access criteria in that zone.*
- 6) *If the combined catch of eligible operators is greater than the target commercial catch for that zone then each individual’s entitlement should be proportionally reduced to meet the target commercial catch level.*
- 7) *For the purpose of allocating entitlement in the West Coast Demersal Scalefish Fishery, catch from the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) should be weighted over catch from the post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) at a ratio of 60:40.*

### **Gascoyne Demersal Scalefish Fishery – Access**

- 8) *Access to the Gascoyne Demersal Scalefish Fishery be based on catch history of demersal scalefish, taken by “wetlining”, reported in the Gascoyne bioregion in the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) and post-benchmark period (financial years from 1997-98 to 2002-03 inclusive).*
- 9) *Gascoyne Demersal Scalefish Fishery “inner-shelf zone” permits be granted to Fishing Boat Licence (FBL) holders whose current FBL has reported a minimum average of 1000 kg of wetline catch (when averaging the best three annual catches) in either, or both, the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) or post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) in the Gascoyne bioregion.*

*Wetline catch for the purposes of granting inner-shelf permits should exclude goldband snapper catch (all *Pristipomoides* species including goldband snapper (*Pristipomoides multidens*), rosy jobfish (*Pristipomoides filamentosus*) and sharptooth snapper (*Pristipomoides typus*)).*

- 10) *Gascoyne Demersal Scalefish Fishery “outer-shelf zone” permits be granted to Fishing Boat Licence (FBL) holders whose current FBL has reported a minimum average of 1,000 kg (when averaging the best three annual catches) of goldband snapper (as defined in Recommendation 9) in the Gascoyne bioregion in the post-benchmark period (financial years from 1997-98 to 2002-03 inclusive).*

### **Gascoyne Demersal Scalefish Fishery – Allocation**

- 11) *Allocation within the Gascoyne Demersal Scalefish Fishery be based on catch history of demersal scalefish, taken by “wetlining”, reported in the Gascoyne bioregion in the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) and post-benchmark period (financial years from 1997-98 to 2002-03 inclusive).*
- 12) *FBL holders qualifying for access under Recommendation 9 be allocated entitlement in the Gascoyne Demersal Scalefish Fishery “inner-shelf” zone based on its historical wetline catch as a proportion of the total combined catch of all operators who meet the access criteria for that zone.*
- 13) *FBL holders qualifying for access under Recommendation 10 be allocated entitlement in the Gascoyne Demersal Scalefish Fishery “outer-shelf” zone based on its post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) catch of goldband snapper (as defined in Recommendation 9) as a proportion of the total combined catch of all operators who meet the access criteria for that zone.*
- 14) *If the combined catch of eligible operators is greater than the target commercial catch then each individual’s entitlement should be proportionally reduced to meet the target commercial catch level.*



- 15) *For the purpose of allocating entitlement in the “inner-shelf” zone, catch from the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) should be weighted over catch from the post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) at a ratio of 60:40.*

#### ***West Coast Inshore Net Fishery - Access***

- 16) *Access to the West Coast Inshore Net Fishery (as defined in the Management Planning Panel report) be granted to Fishing Boat Licence (FBL) holders whose current FBL has reported a minimum average of 1,000 kg of wetline catch by ‘open-access’ netting (when averaging the best three annual catches) in either, or both, the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) or post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) in the West Coast bioregion.*

#### ***Gascoyne Inshore Net Fishery - Access***

- 17) *Access to the Gascoyne Inshore Net Fishery (as defined in the Management Planning Panel report) be granted to Fishing Boat Licence (FBL) holders whose current FBL has reported a minimum average of 1,000 kg of wetline catch by ‘open-access’ netting (when averaging the best three annual catches) in either, or both, the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) or post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) in the Gascoyne bioregion.*

#### ***Other Important Matters***

- 18) *Commercial fishers without any access to the West Coast and Gascoyne Demersal Scalefish Fisheries should be able to land a specified limit of scalefish for personal consumption. Operators outside the managed scalefish fisheries should not be permitted to sell their catch of scalefish.*
- 19) *The ‘personal consumption’ limit should be set at the current recreational ‘bag’ and possession limits.*
- 20) *Commercial fishers fishing for the ‘personal consumption’ limit should only be permitted to use approved recreational fishing methods (i.e. use of a handline or rod and line with no more than three hooks, or gangs of hooks, attached).*
- 21) *Fisheries legislation be amended to permit holders of Commercial Fishing Licences to apply for a Recreational Fishing Licence for abalone and rock lobster provided they do not operate in the commercial managed fishery for that species. Fishing activity requiring a recreational licence should not be permitted to be undertaken from a commercial fishing boat.*

- 22) *The Minister for Fisheries consider the need for further scalefish research, specifically for the key indicator species in each of the State's bioregions, to provide adequate data and information for the effective management of scalefish fisheries.*
- 23) *The Minister for Fisheries consider implementing interim management arrangements for the 'wetline fisheries' in the South Coast and Pilbara regions, to avoid unregulated transfer of effort between fisheries and to ensure commercial fishing is maintained at sustainable levels, until such time as formal management plans can be developed for these regions.*
- 24) *The Minister for Fisheries gives consideration to prohibiting all 'open access fishing' in WA to avoid any future unregulated expansion of fishing effort. Access to any new or developing fisheries (not addressed as part of this review) should be assessed through the Developing New Fisheries process.*

## **SECTION 2 REVIEW PROCESS**

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The Minister for Fisheries established two panels to conduct a review of ‘wetline’ fishing in the West Coast and Gascoyne bioregions:

- A Management Planning Panel (MPP) was appointed to develop the specific management arrangements for the fishery; and
- A Commercial Access Panel (CAP) was appointed to devise a fair and equitable method of determining who will have access to the fishery and their level of allocation.

This is the first time a two-panel system has been used in a review in WA. This approach, which was suggested by the WA Fishing Industry Council (WAFIC), was taken to separate the task of determining the management arrangements for the fishery (which requires extensive input from commercial fishers) from access and allocation (which may benefit from a more independent analysis of fairness and equity issues).

The CAP’s primary responsibility was to develop criteria for access and allocation within the context of the management framework developed by the MPP. It is therefore important that this management paper is read in conjunction with the papers prepared by the MPP that outline the recommended management arrangements for the Gascoyne (Fisheries Management Paper No. 205) and the West Coast (Fisheries Management Paper No. 206) regions.

### **2.1 Terms of reference**

The terms of reference for the CAP are:

- ‘To provide advice and recommendations to the Minister on matters related to the grant of access to each of the regional ‘wetline’ managed commercial fisheries in Western Australia and in particular by:
  - Recommending a method for determining who should be eligible to access each of the fisheries; and
  - Recommending a method to determine the degree and nature of access which should be granted to eligible persons.

The Minister also noted that in providing these recommendations the CAP should:

- Examine the West Coast and Gascoyne regions first, followed by the other regions.
- Liaise with the MPP on relevant issues.
- Make such enquiries on ‘wetline’ fishing as the CAP thinks necessary to properly carry out its function.

- Take into account the spatial distribution of catch and effort.
- Take into account whether there should be any weighting given to key species.
- Take into account the various statements by the Minister regarding investment or activity in the wetline fishery after 3 November 1997 in any future allocation of access to the fishery.
- Take into account other issues related to access criteria that the CAP considers relevant.

## **2.2 Membership**

The Minister for Fisheries appointed a three-person independent panel to provide advice and recommendations on access and allocation issues. Members of the CAP are:

Ms Elizabeth Woods    Chair

Mr John Cole            Member

Mr John Jenkin        Member

## **2.3 Consultation process**

The consultation process to date has included:

- A letter of 3 November 1997 to all Fishing Boat Licence (FBL) holders, advising that the (then) Minister had asked that the Department of Fisheries undertake an assessment of fishing activity against FBLs (that is, in the 'wetline' fishery). In addition, it advised that a benchmark date of 3 November 1997 had been set by the Minister in relation to the recognition of history within the fishery.
- The then Minister's address at the Western Fishing Industry Advisory Council (WAFIC) Annual General Meeting in September 2001, which raised the issue of wetline management and sought WAFIC's view on the rate at which this should be progressed.
- An article by Guy Leyland in the *ProWest* January/February 2002 edition on WAFIC's view on progressing the matter of wetline management.
- A Ministerial media statement on 11 July 2002 formally announcing plans to review the management of the 'wetline' sector of WA's commercial fishing industry.
- An article in the *ProWest* January/February 2003 edition about the Minister having formally agreed to the process for the wetline review, including information about the roles of the two panels (the MPP and the CAP).

- A Ministerial media statement on 11 April 2003 announcing the creation of two panels (the MPP and the CAP) to provide advice on proposed access and management arrangements for WA's commercial wetline fisheries.
- An article in the first edition of *Western Fisheries* in 2003 about the start of the review of commercial 'wetlining', commencing in the West Coast and Gascoyne regions, including information about the composition and role of each of the two panels.
- A letter of 23 June 2003 to all FBL holders with regard to validation of catch records, which advised about the establishment of two panels (the MPP and the CAP) to undertake a review of WA's commercial wetline fishery. A copy of the Minister's media statement of 11 April 2003 was included with the letter.
- Advertisements explaining the review and extending an invitation for any interested persons to make initial written submissions on matters the panels should consider as part of the review were placed in *The West Australian* (on the 12<sup>th</sup> and 13<sup>th</sup> September 2003), the *Geraldton Guardian*, *Northern Guardian* and the *Augusta-Margaret River Mail* (on the 17<sup>th</sup> September 2003), and the *Bunbury/South West Times* (on the 18<sup>th</sup> September 2003).
- Information about the review was placed on the Department of Fisheries' website, including an invitation to make an initial written submission in September 2003. There was also provision to send a submission direct from the site.
- An invitation to make an initial submission was placed on the *Citizenscape and Consultation Catalogue* section of the Department of Premier and Cabinet's website, with a direct link to the Department of Fisheries' website in September 2003.
- Presentation to all WA boat brokers on 19 September 2003.
- A letter of 26 September 2003 to all peak industry bodies, including professional fishermen's associations, explaining the review and extending an invitation to make initial written submissions on matters they believe the CAP should consider as part of the review.
- Posters about the review, released in early October 2003, displayed in all regional and district offices of the Department of Fisheries, as well as at major wetfish processing establishments. Also, the same posters were displayed at meetings of the annual rock lobster coastal tour in the week beginning 13 October 2003.
- An article in the September/October 2003 edition of *ProWest*.
- A letter (as per the 26 September letter to industry bodies) to all FBL holders on 8 October 2003.
- The advertisement repeated in *The West Australian* of 25 October 2003.
- Meetings held in Jurien Bay, Dongara, Geraldton, Kalbarri and Carnarvon by the Commercial Access Panel in February 2004 providing an opportunity for interested associations and individuals to provide their views to the CAP on issues such as access and allocation.

- Meetings were held in Bunbury, Busselton and Fremantle by the Commercial Access Panel in May 2004.
- Discussion papers released in January 2005 by the MPP and the CAP outlining proposed management arrangements for a four-month public comment period. The comment period closed 29 April.
- Information sessions, facilitated by the WAFIC were conducted in Jurien Bay, Dongara, Geraldton, Fremantle, Mandurah, Bunbury, Augusta, Albany, Kalbarri, Carnarvon and Ledge Point.

## **SECTION 3 BACKGROUND**

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### **3.1 What is ‘wetlining’?**

In terms of fisheries legislation, there is currently no such activity as ‘wetline’ fishing. The term ‘wetlining’ is generally applied to fishing activities undertaken under the authority of a Commercial Fishing Licence (CFL) used in conjunction with a Fishing Boat Licence (FBL).

Permitted fishing activities are any activity (which may include fishing for certain species, using certain gear, or operating in certain areas), which is not otherwise prohibited by other legislation (such as a management plan, regulations, or Section 43 Order).

Typically, wetlining involves the catching of scalefish using a handline or dropline, but may also involve the use of nets in inshore areas to target species such as mullet or whiting. The nature of wetlining, in terms of the species targeted and the gear that can be used, may therefore vary between regions, depending upon the existing managed fisheries in that region.

An FBL is sometimes colloquially referred to by commercial fishers as an ‘open west coast licence’ or ‘wetline licence’ which has promoted a perception that wetline fishing is a separately managed (and licensed) activity. It is likely that boat brokers initially coined these terms, however they are now widely used. Indeed some fishers believe that an FBL carries some form of endorsement, or confers some form of right to take scalefish, rather than just being the residual permissible activities arising from holding an FBL.

It is important to note that all references to wetlining in the Gascoyne bioregion do not include the take of pink snapper from within the boundaries of the Shark Bay Snapper Fishery, nor any catch taken under the authority of the Shark Bay Beach Seine and Mesh Net Fishery.

### **3.2 The history of ‘wetline’ management in WA**

Before September 1983, there was no constraint on the issue of commercial Fishing Boat Licences (FBLs) in Western Australia. Any person submitting a competent application was granted a new FBL, which authorised the use of a boat for commercial fishing.

Provided that person also held a Commercial Fishing Licence (CFL) or a Professional Fishing Licence (PFL) as it was then called, the licensed boat could be used in fishing operations to take any fish<sup>1</sup> for commercial sale, unless there was an existing constraint under fisheries legislation preventing the licence holder from operating within a managed fishery, operating in a specific area or taking a specific fish species.

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<sup>1</sup> ‘fish’ mean an aquatic organism of any species (excluding aquatic mammals, aquatic reptiles, aquatic birds, and amphibians). It therefore includes all species taken commercially by fishers including crustaceans, molluscs, squid and octopus, as well as scalefish.

On 5 September 1983 the then Minister for Fisheries announced an immediate freeze on all new applications to enter the fishing industry via an FBL, noting that ‘the government and industry are increasingly being faced with the consequences of excess fishing capacity in areas such as ... the inshore fisheries on shark, dhufish and other reef fish species ...’.

Ultimately this led to the *Ministerial Policy Guidelines for Entry into the Western Australian Fishing Fleet* being adopted in 1984. The main thrust of the guidelines was a permanent cap on the total number of registered fishing boats in the WA fishing industry. Thus from 1984 onwards, people wishing to enter into the commercial fishing industry could only do so by purchasing an existing FBL.

At this time there were only five managed fisheries in WA, but progressively the majority of the State’s fisheries have been brought under management. Now there are over 30 managed fisheries and a variety of fishing prohibitions. This progression has reduced the range of activities available to the holder of an unrestricted FBL, to the extent that ‘wetlining’ is the last major commercial activity available to a FBL holder who does not hold a Managed Fishery Licence (MFL).

The concept of managing the wetline fishery is not new. A discussion paper released by the Department of Fisheries in 1985 ‘*Arrangements for entry to all fisheries off and along the West Coast*’ proposed the establishment of a managed handline fishery and a managed dropline fishery on the West Coast.

On 3 November 1997, the Department of Fisheries announced that a study would be undertaken into the activities associated with the ‘unrestricted’ FBL (i.e. an FBL with no restrictive conditions in addition to the standard conditions), commonly known as ‘wetline’ or ‘open access’ fishing and its associated wetline fishery. The then Minister for Fisheries set a benchmark date of 3 November 1997 for fishing history within the wetline fishery.

This benchmark date was announced following concerns that large numbers of operators who did not normally participate in the wetline fishery were gearing up to gain history in it, following the commencement of negotiations between the Department of Fisheries and WAFIC over future management of wetline fishing. The media release noted: ‘No wetline fishing history after this date would be considered in the development of any new arrangements for the fishery’.

At the same time it was announced that 3 November 1997 would be a benchmark date for all open access fisheries where benchmark dates had not previously been announced. At the time, a letter was also sent to all FBL holders which noted that ‘... fishing history after 3 November may not be taken into account’.

In March 2000, the Department of Fisheries released Fisheries Management Paper No. 134 ‘*Management Directions for WA’s Coastal Commercial Finfish Resources*’. It proposed that:

- Scalefish stocks no longer automatically be available for take by all commercial fishing boat licence holders.
- A dedicated small-scale commercial fishery for scalefish should be established, with clear entry criteria and an appropriate limit on the number of operators in each bioregion.



- The basis for managing the scalefish fishery should be the allocation of Total Allowable Effort for commercial fishers, complemented by appropriate controls on recreational catches.

In July 2002, the then Minister for Fisheries announced that a review of wetline fishing would be undertaken. Two panels, a Management Planning Panel and a Commercial Access Panel, were appointed in 2003 to undertake the review.



## **SECTION 4 KEY MATTERS FOR CONSIDERATION**

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### **4.1 Fairness and equity**

The Minister is responsible for the administration of the *Fish Resources Management Act 1994* (FRMA) and has powers for the making of ‘management plans’ (delegated legislation). The imposition of a management plan may have the effect of rendering authorizations ineffective. For example Section 71 of the FRMA notes:

- (1) *The fact that a person engaged in fishing, or used any boat for fishing, in a fishery before a management plan was determined for the fishery is not to be taken as conferring upon that person any right to the grant of an authorization if a management plan is determined for the fishery.*
- (2) *Despite subsection (1) the Executive Director is to take into account a person’s past history of fishing in a fishery when determining whether or not to grant the person an authorization.*

Further, Section 73 of FRMA notes: *A commercial fishing boat licence or any other licence granted under the regulations does not authorize a person to use a boat for fishing or engage in a fishing activity in a managed fishery or an interim managed fishery.*

The power to make delegated legislation has been given for a reason, to achieve a purpose, which in this case is to ensure the sustainability of the wetline fishery. The test for the validity of a management plan is not whether the rules ought to have provided a ‘fairer’ procedure for allocation, the test is whether the management plan is a reasonable means of attaining the ends of the management plan powers.

In exercising delegated legislative powers, the Minister is bound to exercise the power ‘properly’. There is an established body of law in respect of matters concerning natural justice, for example exercising the power for a proper purpose, taking into account relevant considerations, not taking into account irrelevant considerations, and other matters.

One of the core principles of natural justice is ‘fairness’. One example of the application of this principle is the legal concept of a ‘legitimate expectation’. A legitimate expectation may exist where a person carries out wetline fishing activities and they have an expectation that they will be able to continue.

Although not explicit in the Commercial Access Panel’s (CAP’s) Terms of Reference, it has attempted to devise a method of determining access and allocation based on the principles of ‘fairness’ and ‘equity’. While there is no widely recognised definition of either principle, the CAP has noted that precedents in allocating rights, particularly in WA fisheries management, have uniformly supported the claims of historic users.

## **4.2 The 1997 benchmark date**

Prior to the imposition of fishing restrictions, all fishers (and in fact all citizens) had the right to engage in fishing. This stems from the right of the ‘commons’. That is, nobody owns the oceanic fish resources and everyone has a right to go fishing; however the State (Government) has jurisdiction to regulate fishing activities and it does so by making legislation.

Inevitably, over time, fishing activities have had to be constrained to ensure their sustainable use. Wetlining remains an aspect of the ‘commons’ in that it is not yet formally managed. Fishing for scalefish from a licensed fishing boat (‘wetlining’) does not fall under a ‘managed’ fishery and no separate licence (permission) is required.

In the past, what are termed ‘pioneer rights’ of licence holders, have been used as the basis for continued access to a fishery when a fishery has been brought under management. In WA, and with most other national jurisdictions, access to limited entry fisheries has traditionally been granted on the basis of catch history in a particular fishery.

In WA, catch history is recorded against the FBL, which has provided a basis for ‘pioneer rights’. Because FBLs are transferable, the ‘pioneer rights’ related to that history have always been taken to rest with the current holder of the relevant FBL.

In 1997 there was a Ministerial announcement that fishing history after 3 November 1997 may not be taken into account when determining future management arrangements. This included the Department of Fisheries issuing a media statement and sending a letter to all FBL holders (and in fact the media statement indicated history after this date would not be taken into account).

The Department of Fisheries has advised the CAP that advice on the benchmark date is provided to any person who contacts the Department regarding wetline fishing or buying an FBL. While the CAP noted that not all buyers would necessarily have chosen to contact the Department, they considered it would be reasonable to expect a prudent investor, intending to invest large amounts of money in the fishing industry, would make enquiries to all relevant Government agencies that may have knowledge about issues that could affect the venture.

## **4.3 Awareness of the 1997 benchmark date**

The extensive consultation process carried out for the Wetline Review is outlined in section 2.3 of this document. The CAP considers that the role of catch history in management is widely recognised and that the practice of fishing history being transferred with an FBL is also widely understood and accepted by fishers.

This is so much so that some fishers advised the CAP that the benchmark date announcement affected their decision on which FBL to purchase.

Developing management arrangements for the State’s wetline fishery only commenced in 2003, some six years after the initial announcement. Such a prolonged time period creates difficulties for fishers in considering their investment decisions with respect to

the fishery. The long delay between the announcement of the benchmark date and the establishment of this review has clearly exacerbated such matters with respect to the wetline fishery.

The long delay in the case of the wetline fishery has undoubtedly made this review process more complex. During consultation, it was argued by some that the 1997 announcement was all-important and should be the only trigger for management.

Others argued that inaction causes it to lose force over time and progressive doubt builds up as to whether the decision will ever be implemented. Yet, for a whole range of reasons, fishers must make commercial decisions with respect to their investments.

The CAP recognised this dichotomy and attempted to achieve a balance between the two positions.

#### **4.4 Relevance of catch history**

For many years commercial fishing activities have been carried out from licensed fishing boats. The details of these activities have been recorded on 'returns' submitted by commercial fishers to the Department of Fisheries. These returns are stored by reference to the Fishing Boat Licence or 'FBL' (via the licensed fishing boat number).

There is an established convention in the industry by which the history of fishing activities carried out under a licence is taken to accrue or belong to the FBL. This history is called 'fishing history'.

There was judicial comment in *Adams v Executive Director* [(2000) WASC 34] that "fishing history" is not a proprietary right so "what is the relevance of the fact?" The CAP considers that one point of relevance may be that fishing history can be used to indicate a licence holder's dependence on a particular type of fishing. That is, a particular type of fishing represents all or a significant proportion of an operator's livelihood and changes to existing management arrangements may therefore have economic and social consequences for them.

This level of dependence could be demonstrated by their reliance on that type of fishing, and catch history may be used as an indicator for this.

Other measures of the operator's economic position may include the value of licences, vessel, gear and any associated onshore facilities relating to wetline fishing. The difficulty with considering these measures is that wetlining is often part of a fishing package, and items such as an FBL or a boat, for example, are required to operate commercially, irrespective of whether the operator has an interest in wetlining.

The CAP considers the level of dependence on, or degree of involvement in, a fishery is an important consideration. Therefore the CAP considers that catch history (in the form of scalefish catches taken by wetlining) provides the most reliable measure of an operator's wetline fishing activity.

There is also judicial comment that if there is too much fishing and if everyone has to be treated equally then why not make those who are fishing most reduce their fishing effort? Reducing the level of fishing to the lowest denominator as suggested by some

Courts fails to recognise that different operators have varying levels of dependence on 'wetlining'. The sole activity of some operators is wetlining and they may have made significant investments in relevant infrastructure.

The CAP noted that a key purpose of having a viable commercial industry is to make fresh seafood available for sale to consumers. In this regard, the MPP report listed one of the objectives of management of the wetline fishery as "*The management arrangements should be compatible with encouraging the supply of a high quality scalefish product to markets and the maximisation of returns through processes such as value adding.*"

Granting access to operators who have not previously taken scalefish for sale, or do so irregularly, and may or may not have the necessary expertise, does not support the above objective.

The CAP also considers there is a widespread acceptance among industry that catch history is a logical factor for determining access and has been used over an extended period of time in WA. This view was reinforced in submissions to the CAP and at meetings, and is also reflected in the market place, with licences commonly being transferred on the basis of catch history.

The CAP notes that the Minister requested, through his terms of reference, that it take into account the spatial distribution of catch and effort and whether there should be any weighting given to key species. While the CAP is satisfied that the spatial distribution of catch and effort has been addressed in both the following recommended criteria and those criteria recommended by the MPP, it does not believe weighting of key species is a necessary consideration for access or allocation.

#### **4.5 Extent of involvement in wetlining**

Clearly, various FBL holders have chosen to exercise the option to wetline to varying degrees. Some FBL holders are fully dependent on this fishery (they do not have access to any other managed fishery); for others it may be an important component of their overall fishing operations.

However, statutory catch returns show the majority of FBL holders have historically used minimal access (i.e. small catches taken irregularly, probably for personal use or occasional limited sale) or not wetlined at all.

Some submissions questioned the CAP's proposal to apply a minimum threshold catch as a measure of dependency and commitment to the wetline fishery. They argued that all FBLs have an equal entitlement to wetline and are therefore equally entitled to access the managed fishery. Other submissions argued that a marginal catch may be of greater value to a diversified operator than a specialized one and suggested proportional allocations to all FBLs.

Furthermore, the CAP's initial proposal to grant access based on consistent catches over a period of time has attracted some comment. It has been claimed that requiring consistent catches as a test for access ignores what may well be valid reasons for inconsistent catches, such as where an operator sees wetlining as part of an overall 'package' of their operation. For example, commercial fishers on the south coast have

traditionally fished in a number of different fisheries on a seasonal basis, in order to maintain a business.

Individuals offered a number of personal reasons as to why their FBL had nil catch years in the proposed access period.

While the extent of involvement is not necessarily important in meeting the 'quality scalefish' objective, it may be argued that those whose business is largely involved in wetlining have established the best distribution linkages to take product to the market and are reliable suppliers to the market - as opposed to a tendency of those mainly involved in other fisheries to wetline only opportunistically or when income levels from their principal activity is under pressure.

#### **4.6 Impact of management on the 'value' of FBLs**

FBLs are transferable and because of the policy of restricted entry into WA fisheries, they have a value determined within a secondary market for licences. The CAP understands that following the benchmark date announcement, licenses with pre 1997 'wetline' history attracted a premium on the market of some \$10,000 to \$20,000 above an FBL 'without history'.

The CAP reaffirmed this in discussions with some fishers who indicated they elected not to purchase some licences that were available for sale, but rather waited until a licence 'with history' became available, even if it was more expensive.

In more recent years, the market price of an FBL has increased and decreased with changes in managed fishery activity, particularly rock lobster. The current price is thought to be about \$50,000 to \$60,000, which is a decrease from that at the beginning of the review when they were selling for \$75,000 to \$110,000, irrespective of any 'wetline' history. The CAP understands that this price peak was driven by a limited availability of licences for sale and an increased demand as a result of increased managed fishery activity (rock lobster in particular). It is unlikely that the price rise represented the 'value' of a licence to go wetlining.

FBLs are still required for commercial fishing (where a boat is required) and they will therefore retain a market value. Once wetline management is introduced, any value attributable to the ability to wetline will be assigned to the newly-created managed fishery licence (or interim managed fishery permit) rather than the FBL itself.

This value will relate to the potential catch from each unit of entitlement (rather than what the current operator has historically been able to catch).

#### **4.7 Wealth redistribution**

Because FBLs are, and have always been, transferable, it is assumed that the FBL has a value as an asset, regardless of whether it was used to earn an income from fishing or not (and this value is dependent on demand). Some submissions argued that all FBLs have similar asset values and that equal allocations to all FBL holders would minimize wealth redistribution.

It is important to note however, that an FBL is not an authorisation to take scalefish. As outlined above, scalefish fishing or 'wetlining' is, in essence, an aspect of the 'commons' in that it is not yet formally managed.

Once wetlining is under management, FBLs will still be required to conduct all commercial fishing activities (that require a boat) and will therefore maintain value as an asset. It is likely that individuals who actually wetline (particularly those that take above average catches or have taken consistent catches over a number of years) would feel aggrieved by equal allocations to all FBL holders. Furthermore, they may argue that their licence has a greater value because of its catch history.



## **SECTION 5 RECOMMENDED ACCESS AND ALLOCATION CRITERIA**

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The CAP considered a wide range of options by which access to a future wetline fishery and possible methods of allocation of entitlement could be determined. These included options that have been used in other fisheries, options suggested in submissions or meetings, or options identified by the CAP itself.

Given the current ‘open access’ arrangements, the CAP recognised that whichever method is adopted it will change the circumstances of most fishers, and while the CAP was conscious of trying to minimise any impacts the primary outcome must be the sustainable management of the commercial scalefish fisheries.

The CAP has presented the criteria for access to, and allocation within, the West Coast and Gascoyne Demersal Scalefish Fisheries separately for the convenience of those affected. However, this has created some repetition in the text because the recommended criteria are the same for each region.

It is important to recognise *access* and *allocation* as two separate ‘stages’. If an FBL meets the criteria for access to the West Coast (section 4.1.1) or Gascoyne (4.2.1) the criteria for allocation of entitlement can then be applied (section 4.1.2 and 4.2.2 respectively).

### **5.1 West Coast Demersal Scalefish Fishery**

#### **5.1.1 Access criteria**

##### ***Catch history***

As explained in detail above, the CAP believes that catch history is a reasonable determinant for access to the West Coast wetline fishery and has the support of the majority of stakeholders. After careful consideration of all of the matters raised, the CAP considers that the long-term role of benchmark dates and catch history in the management of WA fisheries has resulted in widespread industry understanding and acceptance of this practice.

However, the CAP was conscious that a significant period of time has elapsed since the announcement of the benchmark date and an operator’s involvement and dependence on wetlining may have changed over this period. The CAP felt that the greater the passage of time, the weaker the argument becomes for excluding history after 1997.

As a result, the CAP considers it unreasonable to not give recognition to post-1997 wetline activity. Albeit an uncommon situation, there are operators currently in the industry who bought an FBL, without significant history, in 1997 directly before the announcement of the benchmark date. Should post-1997 history not be recognised, they will be severely disadvantaged, despite perhaps having run a successful operation for (up to) the last eight years.

After carefully considering all matters raised, the CAP's view is that catch history<sup>2</sup> from both periods should be recognised for access to the West Coast Scalefish Fishery. It recommends an extended criteria period of 12-years, comprising the six financial years either side of the 1997 benchmark date.

***Recommendation:***

- 1) *Access to the West Coast Demersal Scalefish Fishery be based on catch history of demersal scalefish, taken by "wetline" methods, reported in the West Coast bioregion in the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) and post-benchmark period (financial years from 1997-98 to 2002-03 inclusive).*

***Minimum threshold catch for access***

The CAP still considers it necessary that a minimum catch threshold be required for access to the fishery. West Coast scalefish stocks are relatively low in productivity, currently considered fully or over exploited (depending on the zone) and the CAP is conscious of the need to reduce the current catch and effort levels.

Put simply, there is not enough catch to distribute viable entitlements to all FBL holders.

Some submissions argue that the entitlements do not need to be viable because industry would 'rationalise' itself through the secondary market. The CAP acknowledges this, but, for the reasons set out in the sections above, feels strongly that those FBLs that have demonstrated a significant history and major focus in wetline activity over an extended period should be granted the greater share of the fishery.

The greater the number of operators that are allocated an entitlement, the more 'dependent' wetliners are disadvantaged by being granted entitlements that are less reflective of their historical and current catches, and which might often be unviable without the purchase of additional units of entitlement.

Having said that, it is recommend that a generous threshold be applied in recognition of those operators who do have diversified operations. The CAP recommends that each FBL that has reported<sup>3</sup> a minimum average of 1,000 kg (when averaging the best three annual catches) in either the pre-benchmark (1991-92 to 1996-97) or post-benchmark (1997-98 to 2002-03) periods be granted access. It recommends averaging the best three annual catches, rather than all six annual catches in each period, in recognition of the sporadic nature of some operators' wetline activity.

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<sup>2</sup> The CAP believes that mackerel catch, which has not previously been recognised for the grant of a Mackerel Interim Managed Fishery Permit, should be recognised as 'wetline' catch for the purposes of access to, and allocation within, the West Coast and Gascoyne Demersal Scalefish Fisheries.

<sup>3</sup> "Reported" will be taken to mean statutory monthly records of catch against FBLs, for the criteria periods, submitted before the published date of this review.

**Recommendation:**

- 2) *West Coast Demersal Scalefish Fishery permits be granted to Fishing Boat Licence (FBL) holders whose current FBL has reported a minimum average of 1000 kg of wetline catch (when averaging the best three annual catches) in either, or both, the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) or post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) in the West Coast bioregion.*

**5.1.2 Allocation criteria**

The CAP also recommends the use of catch history to determine proportional allocation of entitlement (to those who meet the access criteria). That is, once access to the fishery has been determined, each eligible FBL should be granted an entitlement based on its catch as a proportion of the total catch in the fishery.

Each FBL's proportion should then be applied to the new target commercial catch level (see Section 6 for examples).

This is a two-step process. Each FBL's allocation will be determined, based on its catch history, as a proportion of the total combined catch of all operators who meet the access criteria. Then, each FBL's entitlement would be adjusted (on a proportional basis) to meet the target commercial catch level (see the MPP's report – Fisheries Management Paper No. 206).

The CAP is confident that there is widespread industry understanding and acceptance of using catch history to determine access and allocation to the State's fisheries. Submissions to the CAP's proposals have clearly outlined the importance of the benchmark date announcement in 1997.

The CAP therefore recommends that allocation of entitlements be granted on the basis that catch from the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) be weighted at a ratio of 60:40 over catch from the post-benchmark period (financial years from 1997-98 to 2002-03 inclusive).

The CAP recommends that FBLs that meet the minimum catch criteria be granted proportional shares (of the target commercial catch) of the West Coast Demersal Scalefish Fishery, based on their levels of catch history in the period in which that boat meets the criteria.

For example, if an FBL meets the criteria for the pre-benchmark period only, then its allocation will be based on its best three catches in that period (1991-92 to 1996-97 inclusive) as a proportion of the total catch of all eligible FBLs in that period (with that proportion then applied to the new target commercial catch for the fishery). If an operator meets the criteria in both the pre- and post-benchmark periods then its allocation will be based on the combination of the two periods.

This means that fishers with history in both periods will be entitled to shares based upon their catch history in each period, that is, a combination of their pre-benchmark 'share' and their post-benchmark 'share', while fishers with catch history in one or other of the

history periods will achieve a single share for that period only. This gives recognition to those operators who the CAP considers to be “long-term” wetliners (see section 6).

The MPP has recommended target commercial catches for each zone of the West Coast Demersal Scalefish Fishery (Table 1). It is important that each FBL that qualifies for access is granted a proportional entitlement of this take. The target commercial take as recommended by the MPP will effectively reduce the current catch in the West Coast by around 25 per cent.

It is also important to note that because the CAP has recommended priority recognition of pre-1997 catch history, operators who bought licences directly before the Minister’s benchmark date announcement, or operators who have moved between towns in the West Coast over the 12-year criteria period, may not receive an allocation (or an allocation reflective of current activity) in the zone(s) in which they are currently operating.

The CAP recognises that initial investment warnings did not specify that catch history had to be in the area in which an operator intended to operate, but believes that the few operators who will be affected will still have entitlement in the fishery that can be traded. Although this is not an ideal situation, it has come about because of the lapse in time between the announcement of the benchmark date and this review.

It will be possible for operators to sell units in unwanted zones and buy units in others or make suitable lease arrangements.

***Recommendations:***

- 3) *Allocation within the West Coast Demersal Scalefish Fishery be based on catch history of demersal scalefish, taken by “wetline” methods, reported in the West Coast bioregion in the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) and post-benchmark period (financial years from 1997-98 to 2002-03 inclusive).*
- 4) *FBL holders qualifying for access under Recommendation 2 be allocated entitlement in each of the zones of the West Coast Demersal Scalefish Fishery (Kalbarri, Mid-West, Metro and South-West) in which their FBL has reported catch in the criteria periods.*
- 5) *Each FBL that qualifies for access under Recommendation 2 be granted entitlement to the zones of the West Coast Demersal Scalefish Fishery (Kalbarri, Mid-West, Metro and South-West) based on its historical catch as a proportion of the total combined catch of all operators who meet the access criteria in that zone.*
- 6) *If the combined catch of eligible operators is greater than the target commercial catch for that zone then each individual’s entitlement should be proportionally reduced to meet the target commercial catch level.*
- 7) *For the purpose of allocating entitlement in the West Coast Demersal Scalefish Fishery, catch from the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) should be weighted over catch from the post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) at a ratio of 60:40.*

## **5.2 Gascoyne Demersal Scalefish Fishery**

### **5.2.1 Access criteria**

#### ***Catch history***

As explained in detail above, the CAP believes that catch history is a reasonable determinant for access to the Gascoyne wetline fishery and has the support of the majority of stakeholders. After careful consideration of all of the matters raised, the CAP considers that the long term role of benchmark dates and catch history in the management of WA fisheries has resulted in widespread industry understanding and acceptance of this practice.

However, the CAP was conscious that a significant period of time has elapsed since the announcement of the benchmark date and an operator's involvement and dependence on wetlining may have changed over this period. The CAP felt that the greater the passage of time, the weaker the argument becomes for excluding history after 1997.

The CAP considers it unreasonable to not give recognition to post-1997 wetline activity. Albeit an uncommon situation, there are operators currently in the industry who bought an FBL, without significant history, in 1997 directly before the announcement of the benchmark date. Should post-1997 history not be recognised, they will be severely disadvantaged, despite having run a successful operation during what is now up to eight years.

After carefully considering all matters raised, the CAP's view is that catch history from both periods should be recognised for access to the Gascoyne Scalefish Fisheries. It recommends an extended criteria period of 12-years, comprising the six financial years either side of the 1997 benchmark date.

#### ***Recommendation:***

- 8) *Access to the Gascoyne Demersal Scalefish Fishery be based on catch history of demersal scalefish, taken by "wetlining", reported in the Gascoyne bioregion in the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) and post-benchmark period (financial years from 1997-98 to 2002-03 inclusive).*

#### ***Minimum threshold catch for access***

The CAP still considers it necessary that a minimum catch threshold be required for access to the fishery. Gascoyne scalefish stocks are relatively low in productivity, currently considered over exploited and the CAP is conscious of the need to reduce the current catch and effort levels. Put simply, there is not enough catch to distribute viable entitlements to all FBL holders.

Some submissions argue that the entitlements do not need to be viable because industry would 'rationalise' itself through the secondary market. The CAP acknowledges this, but for the reasons set out in the sections above feels strongly that those FBLs that have demonstrated a significant history and major focus in wetline activity over an extended period should be granted the greater share of the fishery.

The greater the number of operators that are allocated an entitlement, the more 'dependent' wetliners are disadvantaged by being granted entitlements that are less reflective of their historical and current catches, and which might often be unviable without the purchase of additional units of entitlement.

Having said that, it is recommended that a generous threshold be applied in recognition of those operators who do have diversified operations. The CAP recommends that each FBL that has reported<sup>4</sup> a minimum average of 1,000 kg (when averaging the best three annual catches) in either the pre-benchmark (1991-92 to 1996-97) or post-benchmark (1997-98 to 2002-03) periods be granted access.

The CAP recommends averaging the best three annual catches rather than all six annual catches in each period, in recognition of the sporadic nature of some operators' wetline activity.

### ***Inner-shelf and outer-shelf zones***

The MPP has recommended two management zones for the Gascoyne Demersal Scalefish Fishery:

- a. An inner-shelf zone extending out to a line of 'best fit', based on the 150-metre depth contour; and
- b. An outer-shelf zone extending from the 150-metre line to a line of 'best fit', based on the 250-metre depth contour.

The inner shelf zone encompasses the area in which both snapper fishing by operators in the Shark Bay Snapper Managed Fishery (SBSMF) and wetlining for other species (including pink snapper outside the boundaries of the SBSMF) has traditionally been undertaken (see the MPP's report on the Gascoyne – Fisheries Management Paper No. 205).

There is no record of the deepwater fishery for goldband snapper and rosy jobfish until after the benchmark date (the first reported goldband catches being in 1999). Because of these two distinctive classes of fishing activity, the CAP considers that the access and allocation criteria should apply separately to each of these two zones, or wetline activities, to give full recognition to the different groups who conducted the different fishing activities.

A complicating factor in introducing the new management arrangements is that the current reporting system's spatial scale (60 nautical mile by 60 nautical mile blocks) is too coarse to allow the distinction of these two activities by block (or location). The only way of distinguishing the two activities is by catch of different species.

For this reason, the CAP has recommended that goldband snapper<sup>5</sup> not be counted for access to the Gascoyne inner shelf zone. Likewise, only goldband snapper<sup>3</sup> catch should count for access to the outer-shelf zone. That is, fishers who have traditionally

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<sup>4</sup> "Reported" will be taken to mean statutory monthly records of catch against FBLs, for the criteria periods, submitted before the published date of this report.

<sup>5</sup> All *Pristipomoides* species including goldband snapper (*Pristipomoides multidentis*), rosy jobfish (*Pristipomoides filamentosus*) and sharptooth snapper (*Pristipomoides typus*).

targeted deepwater species and not accessed the inner shelf should not gain access to the inner-shelf based on their deepwater catch and *vice versa*.

However, *allocation* of wetline entitlement should be considered separately<sup>6</sup>. Goldband snapper catch by inner-shelf operators (including snapper MFL holders) should not be recognised for *access* to the inner-shelf zone, but should be recognised as ‘wetline’ catch for the purposes of *allocation* of an individual’s entitlement in the inner-shelf zone because it was considered ‘wetline catch’ at the time it was taken.

Likewise, pink snapper taken outside the boundaries of the SBSMF, will be considered ‘wetline catch’ for the purposes of allocating wetline entitlement to deepwater permit holders. Some FBLs will be eligible for permits in both zones. However, it is important to note that the MPP have recommended the expansion of the current management arrangements which would require all operators to hold pink snapper quota before being able to operate in the Gascoyne.

**Recommendations:**

- 9) *Gascoyne Demersal Scalefish Fishery “inner-shelf zone” permits be granted to Fishing Boat Licence (FBL) holders whose current FBL has reported a minimum average of 1000 kg of wetline catch (when averaging the best three annual catches) in either, or both, the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) or post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) in the Gascoyne bioregion.*

*Wetline catch for the purposes of granting inner-shelf permits should exclude goldband snapper catch (all *Pristipomoides* species including goldband snapper (*Pristipomoides multidens*), rosy jobfish (*Pristipomoides filamentosus*) and sharptooth snapper (*Pristipomoides typus*).*

- 10) *Gascoyne Demersal Scalefish Fishery “outer-shelf zone” permits be granted to Fishing Boat Licence (FBL) holders whose current FBL has reported a minimum average of 1000 kg (when averaging the best three annual catches) of goldband snapper (as defined in Recommendation 9) in the Gascoyne bioregion in the post-benchmark period (financial years from 1997-98 to 2002-03 inclusive).*

### **5.2.2 Allocation criteria**

The CAP also recommends the use of wetline catch history to determine proportional allocation of entitlement (to those who meet the access criteria). That is, once access to the fishery has been determined, each eligible FBL should be granted an entitlement based on its wetline catch as a proportion of the total wetline catch in the fishery.

Each FBL’s proportion should then be applied to the new target commercial catch level (see Section 6 for examples).

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<sup>6</sup> Please note that this discussion relates to the wetline component of the Gascoyne catch only and not pink snapper taken under the authority of a managed fishery licence.

This is a two-step process. Each FBL's allocation will be determined, based on its catch history as a proportion of the total combined catch of all operators who meet the wetline access criteria. Then, each FBL's entitlement would be adjusted (on a proportional basis) to meet the target commercial catch level (see the MPP's report – see Fisheries Management Paper No. 205).

The CAP is confident that there is widespread industry understanding and acceptance of using catch history to determine access and allocation to the State's fisheries. Submissions to the CAP's proposals have clearly outlined the importance of the benchmark date announcement in 1997.

The CAP therefore recommends that allocation of entitlements be granted on the basis that catch from the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) be weighted at a ratio of 60:40 over catch from the post-benchmark period (financial years from 1997-98 to 2002-03 inclusive). Because there is no "pre-benchmark" catch of goldband snapper recorded in the outer zone of the Gascoyne Demersal Scalefish Fishery, this weighting will not be applicable.

The CAP recommends that FBLs that meet the minimum catch criteria in Recommendation 4 (Gascoyne region) be granted proportional shares (of the target commercial catch) in the Gascoyne inner-shelf zone based on their levels of catch history in the pre-benchmark period and the post-benchmark period with the pre-benchmark catch history being weighted over the post-benchmark history at a ratio of 60:40.

The CAP recommends that FBLs that meet the minimum catch criteria in Recommendation 5 be granted proportional shares (of the target commercial catch) in the Gascoyne outer-shelf zone based on their levels of goldband snapper<sup>7</sup> catch history in the post-benchmark period.

***Recommendations:***

- 11) *Allocation within the Gascoyne Demersal Scalefish Fishery be based on catch history of demersal scalefish, taken by "wetlining", reported in the Gascoyne bioregion in the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) and post-benchmark period (financial years from 1997-98 to 2002-03 inclusive).*
- 12) *FBL holders qualifying for access under Recommendation 9 be allocated entitlement in the Gascoyne Demersal Scalefish Fishery "inner-shelf" zone based on its historical wetline catch as a proportion of the total combined catch of all operators who meet the access criteria for that zone.*
- 13) *FBL holders qualifying for access under Recommendation 10 be allocated entitlement in the Gascoyne Demersal Scalefish Fishery "outer-shelf" zone based on its post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) catch of goldband snapper (as defined in Recommendation 9) as a proportion of the total combined catch of all operators who meet the access criteria for that zone.*

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<sup>7</sup> Where goldband snapper is all *Pristipomoides* species including goldband snapper (*Pristipomoides multidens*), rosy jobfish (*Pristipomoides filamentosus*) and sharptooth snapper (*Pristipomoides typus*)



- 14) *If the combined catch of eligible operators is greater than the target commercial catch then each individual's entitlement should be proportionally reduced to meet the target commercial catch level.*
- 15) *For the purpose of allocating entitlement in the "inner-shelf" zone, catch from the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) should be weighted over catch from the post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) at a ratio of 60:40.*

### **5.3 West Coast Inshore Net Fishery**

The CAP noted that the MPP has recommended that the inshore net fisheries in the West Coast and Gascoyne be managed by limited entry at this stage. This is based on the Department's Research Division advice that recent catch levels in these inshore net fisheries appear to be sustainable.

The CAP intends the same access criteria apply to the inshore net fisheries, but does not consider allocation criteria is required at this stage.

#### ***Recommendation:***

- 16) *Access to the West Coast Inshore Net Fishery (as defined in the Management Planning Panel report) be granted to Fishing Boat Licence (FBL) holders whose current FBL has reported a minimum average of 1,000 kg of wetline catch by 'open-access' netting (when averaging the best three annual catches) in either, or both, the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) or post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) in the West Coast bioregion.*

### **5.4 Gascoyne Inshore Net Fishery**

The CAP noted that the MPP has recommended that the inshore net fisheries in the West Coast and Gascoyne be managed by limited entry at this stage. This is based on the Department's Research Division advice that recent catch levels in these inshore net fisheries appear to be sustainable.

The CAP intends the same access criteria apply to the inshore net fisheries but does not consider allocation criteria is required at this stage.

#### ***Recommendation:***

- 17) *Access to the Gascoyne Inshore Net Fishery (as defined in the Management Planning Panel report) be granted to Fishing Boat Licence (FBL) holders whose current FBL has reported a minimum average of 1,000 kg of wetline catch by 'open-access' netting (when averaging the best three annual catches) in either, or both, the pre-benchmark period (financial years from 1991-92 to 1996-97 inclusive) or post-benchmark period (financial years from 1997-98 to 2002-03 inclusive) in the Gascoyne bioregion.*



## **SECTION 6 OTHER MATTERS FOR CONSIDERATION**

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### **6.1 Catch of scalefish by those who do not have access to the managed scalefish fisheries**

The CAP noted that the MPP initially proposed that commercial fishers outside the managed fishery should be permitted to take scalefish for personal consumption. However, following its review of submissions the MPP revised its position and now recommends that only operators licensed in the managed commercial scalefish fishery should be permitted to land scalefish.

The CAP recognises the MPP position is to ensure catch can be regulated for sustainability purposes. However, the CAP believes that the take of scalefish for personal use is akin to ‘recreational’ use and that it is reasonable to allow operators who make a living from fishing and spend a considerable period of time on the water to take a feed of scalefish home to their families.

Furthermore, the CAP recognises that such a ‘non-commercial’ catch has been taken by the commercial sector in the past and, provided measures are put in place to ensure this is not abused, this practice should be permitted to continue. Such measures might include compulsory reporting, limiting gear to that for recreational fishing and setting specified catch limits (i.e. recreational bag limits).

The issue of CFL holders being prohibited from applying for recreational licences was also of concern to the CAP. Currently, a CFL holder can catch recreational limits of species that do not require a recreational licence (e.g. crabs or mackerel) if fishing from a private recreational vessel (i.e. not a commercial fishing boat).

However fisheries legislation prohibits the holders of CFLs from being able to hold a Recreational Fishing Licence (RFL). This effectively excludes all commercial fishers from being able to catch those species for which an RFL is required.

The CAP feels this is inequitable and recommends that fisheries legislation should be amended to permit holders of CFLs to obtain RFLs for fisheries in which they are not authorised to operate commercially. For example, a commercial rock lobster fisher should be permitted to hold a recreational abalone licence but not a recreational rock lobster licence.

Catch taken under a recreational licence should not be sold and must be taken in accordance with recreational fishing rules.

The CAP recognises that such an arrangements may require amendments to the *Fish Resources Management Act 1994* (FRMA) and safeguards put in place to prohibit the sale of scalefish by operators outside the managed fishery.

**Recommendations:**

- 18) *Commercial fishers without any access to the West Coast and Gascoyne Demersal Scalefish Fisheries should be able to land a specified limit of scalefish for personal consumption. Operators outside the managed scalefish fisheries should not be permitted to sell their catch of scalefish.*
- 19) *The 'personal consumption' limit should be set at the current recreational 'bag' and possession limits.*
- 20) *Commercial fishers fishing for the 'personal consumption' limit should only be permitted to use approved recreational fishing methods (i.e. use of a handline or rod and line with no more than three hooks, or gangs of hooks, attached).*
- 21) *Fisheries legislation be amended to permit holders of Commercial Fishing Licences to apply for a Recreational Fishing Licence for abalone and rock lobster provided they do not operate in the commercial managed fishery for that species. Fishing activity requiring a recreational licence should not be permitted to be undertaken from a commercial fishing boat.*

## **6.2 Research**

The CAP also recognises that there are significant data and knowledge gaps with respect to scalefish species in the State. During consultation, the CAP met with a number of fishers who called for specific spatial and temporal closures to protect spawning aggregations and breeding seasons.

What was clear to the Panel, however, was that fishers have different ideas on when and where these aggregations occur and the Department of Fisheries does not have adequate research data to accurately determine the timing or placement of such closures, nor their suitability for particular species. The CAP understands that some work to this effect is underway on the West Coast but that the Department is not in a position to draw conclusions at this stage.

The CAP recommends that the Minister consider commissioning further scalefish research to support likely management requirements. The future management of the fishery will require greater data and knowledge for at least the key indicator species.

**Recommendation:**

- 22) *The Minister for Fisheries consider the need for further scalefish research, specifically for the key indicator species in each of the State's bioregions, to provide adequate data and information for the effective management of scalefish fisheries.*

### **6.3 Licensing review**

While not part of its terms of reference, the CAP made the observation that the current licensing system is unnecessarily complex and somewhat confusing. Some of the apparent ‘oddities’ that the CAP have identified include the use of FBLs to record catch data (when the authority to take fish relates to the Commercial Fishing Licence [CFL] and in some fisheries also an MFL); and a lack of clear understanding among industry about what various licences legally entitle the holder to do.

Following the introduction of wetline management across all regions and once there are no more ‘open access’ fisheries in the State (that is, once all fisheries have effective management controls in place) the CAP believes the requirement to limit the number of, or even the need to hold, FBLs becomes questionable. It is reasonable to allow the market to dictate the number of participants in a fishery at any time.

During discussions on this matter, a number of operators expressed concern that they would lose a valuable asset if FBLs were no longer required. However, the CAP believes that any value currently attached to an FBL would become incorporated in the value of the fishing entitlement (that is, the MFL or units of entitlement).

Clearly this matter requires careful consideration and is outside the terms of reference for this review. The CAP considers there may be merit in establishing a future review to examine the role of FBLs, and possibly other licence categories, following the implementation of wetline management throughout the state.

#### ***Recommendation:***

- 23) *A review of the commercial fisheries licensing system should be conducted to examine the role and necessity of different licences (CFLs, FBLs and MFLs in particular) with a view to simplifying the licensing system.*

### **6.4 The flow-on effects of introducing management in the West Coast and Gascoyne Regions**

The CAP notes that many of the current management problems have arisen as a result of the ‘staggered’ introduction of management across fisheries. Consequently, as more fisheries are brought under management, those fishers unsuccessful in gaining access are ‘pushed’ into other fisheries.

Such issues arise from the historic nature of ‘open access’ fishing. With the majority of fisheries now under management, wetline fishing has become the only major option available to persons who only hold an FBL.

The CAP therefore believes it is essential that the introduction of wetline management in the West Coast and Gascoyne regions does not result in a ‘spill-over’ of effort into other fisheries, such as the wetline fisheries in the Pilbara or South Coast regions.

The CAP has not had the opportunity to speak with commercial fishers in the other regions and therefore is not in a position to recommend specific criteria for these.

However, it does recommend that the Minister for Fisheries consider implementing interim management arrangements in these regions until such time as formal management plans can be developed.

The CAP does not necessarily recommend the application of the access and allocation criteria developed for the West Coast and Gascoyne to these regions and notes that a number of submissions raised concerns over suitability of these criteria, particularly to the South Coast, and object to the application of 'generic' criteria.

In the case of future or emerging fisheries, access could be considered via the 'Developing New Fisheries' process to avoid a recurrence of similar problems of unregulated increases in catch and effort. On this basis, the outcome of the current wetline review could be the introduction of management plans for the West Coast and Gascoyne fisheries and the introduction of limited entry fisheries on the north and south coasts.

It may then be possible to 'fast track' management in the Pilbara/Kimberley and South Coast regions by making these fisheries limited entry initially (and thereby avoid problems of possible transfers of effort) and then developing more specific management arrangements for these fisheries.

***Recommendations:***

- 24) *The Minister for Fisheries consider implementing interim management arrangements for the 'wetline fisheries' in the South Coast and Pilbara regions, to avoid unregulated transfer of effort between fisheries and to ensure commercial fishing is maintained at sustainable levels, until such time as formal management plans can be developed for these regions.*
- 25) *The Minister for Fisheries gives consideration to prohibiting all 'open access fishing' in WA to avoid any future unregulated expansion of fishing effort. Access to any new or developing fisheries (not addressed as part of this review) should be assessed through the Developing New Fisheries process.*

## SECTION 7 WORKING EXAMPLES OF THE CRITERIA

The MPP have recommended that the West Coast bioregion be managed on the basis of four management zones - Kalbarri (26°30'S to 28°S); Mid-West (28°S to 31°S); Metropolitan (31°S to 33°S); and South-West (33°S to 115°30'E).

It has recommended that the management of the West Coast Demersal Scalefish Fishery be based on an Individual Transferable Effort (ITE) system with units of 'boat fishing days' (or 'line days' for the South West). It has recommended an initial target commercial catch of 756 tonnes<sup>8</sup>, which, based on historic distribution of catch, should be allocated between zones as indicated in Table 1.

*Table 1 The target commercial catch (tonnes); catch per unit effort; and number of fishing days recommended by the MPP for each management zone in the West Coast bioregion.*

<b>Zone</b>	<b>Target Commercial Catch (tonnes)</b>	<b>Catch Per Unit Effort<sup>9</sup></b>	<b>Days to be allocated</b>
Kalbarri	193	357	541
Mid-West	350	199	1,758
Metropolitan	116	150	766
South-West	98	125	784
<b>TOTAL</b>	<b>756</b>	<b>208</b>	<b>3,850</b>

It is important to note that the examples below are based on the recommended access and allocation criteria and the recommended target commercial catches as recommended by the MPP. Should any of these factors change, the allocations in the examples would change accordingly. Furthermore, any successful appeals through the State Administrative Tribunal would result in a greater number of permits being issued and therefore reduced allocations to individuals.

<sup>8</sup> Catches are recommended for the purpose of initial allocation only and are to be reviewed on a regular basis.

<sup>9</sup> The MPP recommends that the Catch Per Unit Effort (CPUE) in kg/day for determining the initial capacity of the West Coast Demersal Scalefish Fishery be estimated on the basis of the annual average (over the three most recent years) of the top five fishers (by total wetline catch) in each management zone. See MPP report (Fisheries Management Paper No. 206) for further details.

### 7.1 Example 1: A “long-term wetliner”

Kevin is what the CAP would refer to as a “long-term wetliner” because he has high catches both pre- and post-benchmark date.

Year	Catch (kg)			
	Kalbarri	Mid-west	Metropolitan	South-west
1991-92	18,861	7,791		
1992-93	17,999	5,966		
1993-94	30,567		65	100
1994-95	22,835		890	63
1995-96	32,403	4,668		
1996-97	26,376	5,993		
1997-98	25,372	2,704		
1998-99	14,935	6,810		
1999-00	19,925	7,804		
2000-01	27,612	382		
2001-02	30,534			
2002-03	30,672	2,158		

The test for access looks at the average of Kevin’s best three annual catches in the pre- and post-benchmark periods, which at 29,782 kg and 29,606 kg respectively in the Kalbarri zone alone, clearly meets the 1,000 kg threshold, but what and where will his allocation be? Looking at his average catches relative to the zones in which he fished:

	Zone	A. Total catch of the Fishery	B. Kevin’s average catch	C. Kevin’s catch as a proportion of the total catch	D. Kevin’s potential catch allocation (kg)
Pre- Benchmark					<i>(Based on 60% of target commercial catch)</i>
	Kalbarri	280,307 kg	29,782 kg	10.6 %	12,275 kg
	Mid West	536,175 kg	6,583 kg	1.2 %	2,520 kg
Post- Benchmark					<i>(Based on 40% of target commercial catch)</i>
	Kalbarri	390,278 kg	29,606 kg	7.6 %	5,868 kg
	Mid West	618,607 kg	5,773 kg	0.9 %	1,260 kg



**A. Total Catch of Fishery (kg)** refers to total average catch of all boats that meet the access criteria in each zone in the pre-benchmark or post-benchmark period.

**B. Kevin's Average Catch (kg)** refers to the average of Kevin's best three annual catches in each zone in both the pre-benchmark and post-benchmark periods.

**C. Kevin's Catch as a Proportion of Total Catch (%)** refers to Kevin's catch as a percentage of the Total Average Catch of the Fishery (kg). Calculated = (B / A) multiplied by 100.

**D. Kevin's Potential Catch Allocation (kg)** is Kevin's historical proportion of the zone's catch applied to the target commercial catch for the zone. The CAP has recommended a ratio of 60:40 for the weighting of pre- versus post-benchmark catches.

In this example, *Kevin's Potential Catch Allocation (kg)* in the Kalbarri zone is **10.6 per cent of (60 per cent of 193,000 kg) = 12,275 kg** for the pre-benchmark period; and **7.6 per cent of (40 per cent of 193,000 kg) = 5,868 kg** for the post benchmark period, which gives him a total of **18,143 kg**. The same calculations are then carried out for each zone in which he reported catch.

Based on the recommended management arrangements, Kevin's allocation is then converted to a number of fishing days required to take this catch in each zone, based on the catch rates in these zones.

...so for the Kalbarri Zone:

Kevin's allocation of 'fishing boat days' in the Kalbarri Zone would be the total of his pre- and post-benchmark allocations (D.) divided by the catch rate or Catch Per Unit Effort (CPUE) for the Kalbarri zone (Table 1).

<u>D. Pre-Benchmark + D. Post-Benchmark</u>	<u>12,275 kg + 5,868 kg</u>	=	<b>51 days</b>
CPUE	357		

...and for the Mid West Zone:

Kevin's allocation of 'fishing boat days' in the Mid West Zone would be the total of his pre- and post-benchmark allocations (D.) divided by the catch rate or Catch Per Unit Effort (CPUE) for the Mid West zone (Table 1).

<u>D. Pre-Benchmark + D. Post-Benchmark</u>	<u>2,520 kg + 1,260 kg</u>	=	<b>19 days</b>
CPUE	199		

## 7.2 Example 2: A “post-benchmark wetliner”

John is what the CAP would refer to as a “post-benchmark wetliner” because all of his catch was taken in the post-benchmark period.

Year	Catch (kg)			
	Kalbarri	Mid-west	Metropolitan	South-west
1991-92				
1992-93				
1993-94				
1994-95				
1995-96				
1996-97				
1997-98				
1998-99				
1999-00		408		
2000-01		3,446		
2001-02		13,071	32	
2002-03		43,685		

The test for access looks at the average of John’s best three annual catches, which at 20,067 kg clearly meets the 1,000 kg threshold, but what and where will his allocation be? Looking at his average relative to the zones in which he fished:

	Zone	A. Total catch of the Fishery	B. John’s average catch	C. John’s catch as a proportion of the total catch	D. John’s potential catch allocation (kg)
Pre- Benchmark					<i>(Based on 60% of target commercial catch)</i>
	Mid- West	536,175 kg	0 kg	0 %	0 kg
Post- Benchmark					<i>(Based on 40% of target commercial catch)</i>
	Mid- West	618,607 kg	20,067kg	3.2 %	4,480 kg

**A. Total Catch of Fishery (kg)** refers to total average catch of all boats that meet the access criteria in each zone in the pre-benchmark or post-benchmark period.

**B. John's Average Catch (kg)** refers to the average of John's best three annual catches in each zone in both the pre-benchmark and post-benchmark periods.

**C. John's Catch as a Proportion of Total Catch (%)** refers to John's catch as a percentage of the Total Average Catch of the Fishery (kg). Calculated = (B / A) multiplied by 100.

**D. John's Potential Catch Allocation (kg)** is John's historical proportion of the zone's catch applied to the target commercial catch for the zone. The CAP has recommended a ratio of 60:40 for the weighting of pre- versus post-benchmark catches.

In this example *John's Potential Catch Allocation (kg)* in the Mid-West zone is **3.2 per cent of (40 per cent of 350,000 kg) = 4,480 kg**. The same calculations are carried out for each zone in which he reported catch.

Based on the recommended management arrangements, John's allocation is then converted to a number of fishing days required to take this notional catch in each zone, based on the catch rates in these zones.

...so for the Mid West Zone:

John's allocation of 'fishing boat days' in the Mid West Zone would be the total of his pre- and post-benchmark allocations (D.) divided by the catch rate or Catch Per Unit Effort (CPUE) for the Mid West zone (Table 1).

$$\begin{array}{rcccl}
 \text{D. Pre-Benchmark} + \text{D. Post-Benchmark} & = & \text{0 kg} + 4,480 \text{ kg} & = & \text{23 days} \\
 \text{CPUE} & & 199 & & 
 \end{array}$$

### 7.3 Example 3: A “pre-benchmark wetliner”

Dave is what the CAP would refer to as a “pre-benchmark wetliner” because he reported most of his wetline catch before the benchmark date.

Year	Catch (kg)			
	Kalbarri	Mid-west	Metropolitan	South-west
1991-92		10,494		
1992-93	3,545			
1993-94	3,922	18,591		
1994-95	5,849	29,469		
1995-96	2,109	32,951		
1996-97	1,698	29,061	381	
1997-98		2,919	1,187	
1998-99		3,311	237	
1999-00	269	465	223	
2000-01		817		
2001-02	776	7,294		
2002-03		12,913		

The test for access looks at the average of Dave’s best three annual catches, which at 30,494 kg clearly meets the 1,000 kg threshold, but what and where will his allocation be? Looking at his average catches relative to the zones in which he fished:

	Zone	A. Total catch of the Fishery	B. Dave’s average catch	C. Dave’s catch as a proportion of the total catch	D. Dave’s potential catch allocation (kg)
Pre- Benchmark					<i>(Based on 60 % of target commercial catch)</i>
	Kalbarri	280,307 kg	4,439 kg	1.6 %	1,853 kg
	Mid West	536,175 kg	30,494 kg	5.7 %	11,970 kg
Post- Benchmark					<i>(Based on 40 % of target commercial catch)</i>
	Mid West	618,607 kg	7,839 kg	1.3 %	1,820 kg

**A. Total Catch of Fishery (kg)** refers to total average catch of all boats that meet the access criteria in each zone in the pre-benchmark or post-benchmark period.

**B. Dave’s Average Catch (kg)** refers to the average of Dave’s best three annual catches in each zone in both the pre-benchmark and post-benchmark periods.

**C. Dave’s Catch as a Proportion of Total Catch (%)** refers to Dave’s catch as a percentage of the Total Average Catch of the Fishery (kg). Calculated = (B / A) multiplied by 100.

**D. Dave’s Potential Catch Allocation (kg)** is Dave’s historical proportion of the zone’s catch applied to the target commercial catch for the zone. The CAP has recommended a ratio of 60:40 for the weighting of pre- versus post-benchmark catches.

In this example *Dave’s Potential Catch Allocation (kg)* in the Mid-West zone is **5.7 per cent of (60 per cent of 350,000 kg) = 11,970 kg** for the pre-benchmark period; and **1.3 per cent of (40 per cent of 350,000 kg) = 1,820 kg** for the post-benchmark period, which gives him a total of **13,790 kg**. The same calculations are then carried out for each zone in which he reported catch.

Based on the recommended management arrangements, Dave’s allocation is then converted to a number of fishing days required to take this notional catch in each zone, based on the catch rates in these zones.

... so for the Mid West Zone:

Dave’s allocation of ‘fishing boat days’ in the Mid West Zone would be the total of his pre- and post-benchmark allocations (D.) divided by the catch rate or Catch Per Unit Effort (CPUE) for the Mid West zone (Table x).

$$\frac{\text{D. Pre-Benchmark} + \text{D. Post-Benchmark}}{\text{CPUE}} = \frac{11,970 \text{ kg} + 1,820 \text{ kg}}{199} = \mathbf{69 \text{ days}}$$

... and for the Kalbarri Zone:

Dave’s allocation of ‘fishing boat days’ in the Kalbarri Zone would be the total of his pre-benchmark allocation (D.) divided by the catch rate or Catch Per Unit Effort (CPUE) for the Kalbarri zone (Table 1).

$$= \frac{\text{D. Pre-Benchmark} + \text{D. Post-Benchmark}}{\text{CPUE}} = \frac{1,853 \text{ kg} + 0 \text{ kg}}{357} = \mathbf{5 \text{ days}}$$

#### 7.4 Example 4: A wetliner with history in different zones

Bob reported wetline catch in the West Coast region in the pre- and post-benchmark periods. His catch was mainly taken in the Mid-West and South-West zones (he also reported a small amount in the Metro zone, but because it averaged less than 1,000 kg he will not be allocated entitlement for this zone).

Year	Catch (kg)			
	Kalbarri	Mid-west	Metropolitan	South-west
1991-92		1,199		4,043
1992-93		4,890		4,770
1993-94		4,473		4,898
1994-95		6,534		5,867
1995-96		7,235		6,870
1996-97				25,081
1997-98		3,313	385	16,533
1998-99		2,618		15,491
1999-00		2,583		14,096
2000-01		2,480	1,598	18,210
2001-02				31,216
2002-03				26,734

The test for access looks at the average of Bob's best three annual catches, which at 25,387 kg clearly meets the 1,000 kg threshold, but what and where will his allocation be? Looking at his average catches relative to the zones in which he fished:

	<b>Zone</b>	<b>A. Total catch of the Fishery</b>	<b>B. Bob's average catch</b>	<b>C. Bob's catch as a proportion of the total catch</b>	<b>D. Bob's potential catch allocation (kg)</b>
Pre-Benchmark					<i>(Based on 60% of target commercial catch)</i>
	South West	76,644 kg	12,606 kg	16.4 %	9,643 kg
	Mid West	536,175 kg	6,220 kg	1.2 %	2,520 kg
Post-Benchmark					<i>(Based on 40% of target commercial catch)</i>
	South West	162,905 kg	25,387 kg	15.6 %	6,115 kg
	Mid West	618,607 kg	2,838 kg	0.5 %	700 kg

**A. Total Catch of Fishery (kg)** refers to total average catch of all boats that meet the access criteria in each zone in the pre-benchmark or post-benchmark period.

**B. Bob's Average Catch (kg)** refers to the average of Bob's best three annual catches in each zone in both the pre-benchmark and post-benchmark periods.

**C. Bob's Catch as a Proportion of Total Catch (%)** refers to Bob's catch as a percentage of the Total Average Catch of the Fishery (kg). Calculated =  $(B / A)$  multiplied by 100.

**D. Bob's Potential Catch Allocation (kg)** is Bob's historical proportion of the zone's catch applied to the target commercial catch for the zone. The CAP has recommended a ratio of 60:40 for the weighting of pre- versus post-benchmark catches.

So, in this example for *Bob's Potential Catch Allocation (kg)* in the South West zone = **16.4 per cent of (60 per cent of 98,000 kg) = 9,643 kg** for the pre benchmark period; and **15.6 per cent of (40 per cent of 98,000 kg) = 6,115 kg** for the post benchmark period, which gives him a total of **15,758 kg**. The same calculations are carried out for each zone in which he reported catch.

Based on the recommended management arrangements, Bob's allocation is then converted to a number of fishing days required to take this notional catch in each zone, based on the catch rates in these zones (Table 1).

...so for the South West Zone:

Bob's allocation of 'line days' in the South West Zone would be the total of his pre- and post-benchmark allocations (D.) divided by the catch rate or Catch Per Unit Effort (CPUE) for the South West Zone (Table 1).

$$\frac{\text{D. Pre-Benchmark} + \text{D. Post-Benchmark}}{\text{CPUE}} = \frac{9,643 \text{ kg} + 6,115 \text{ kg}}{125} = \mathbf{126 \text{ days}}$$

...and for the Mid West Zone:

Bob's allocation of 'fishing boat days' in the Mid West Zone would be the total of his pre- and post-benchmark allocations (D.) divided by the catch rate or Catch Per Unit Effort (CPUE) for the Mid West zone (Table x).

$$\frac{\text{D. Pre-Benchmark} + \text{D. Post-Benchmark}}{\text{CPUE}} = \frac{2,520 \text{ kg} + 700 \text{ kg}}{199} = \mathbf{16 \text{ days}}$$



## SECTION 8 APPENDICES

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### 8.1 Bibliography

#### *Legislation*

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*Fish Resources Management Regulations 1995*

*Fisheries Adjustment Schemes Act 1987*

*Offshore Constitutional Settlement 1995*

*Fisheries Management Act 1991*

Various pieces of subsidiary legislation under the *Fish Resources Management Act 1994*

#### *Case Law*

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## **8.2 Submissions received 2003**

R L & M A Alexander

Brent Avery

David Barton (Sabrina Fishing Co)

Todd Bennett (AMB Holdings Pty Ltd)

Ken Bentley

Mark Billings

Sam Binder

Eric Buehrig

R E Carr

Barry Carter

Terry Cockman (Tebco Fishing Co)

Merv Collinson

John Craike

Tom Donaldson

M Dove, L Lambeth & R Mitchell

Geoff Dowsett & Sharon McAuliffe (Shazbut Fishing Co)

Ray Dunstan

W H & D J Dyson

J R Farrell

A G Fiocco

Daniel Fisher

Morrie Fisher

Neil Flynn

Ian Fowler

Peter Glass

John Godenzi

Phil de Grauw (Sabea Fishing Co)

J & D Groesslinger

Mark Grove

David Harrington

Philip Harrington

Ron Heberle

Glenn Hill

J Horwood

Tony Jurinovich (Kajuree Fishing Co.)

Indre Kirsten

Sam Koncurat

A D Kongras

Kybret Pty Ltd (Jan & Stephen Hughes)

David Lake

S A Macdonald

S C McCaskie

Ken McClements

Dave Miller

P J Moore & Son, Phillip Moore, Paul Moore

Garry Peters

Alex Petrelis

Denis Ritchie

Rob (recreational fisher)

John M Robertson

Craig Scott

A Sharp

Pat Shinnick

Ian Stagles

E J Toomey

David Wells

Simon Wells

Andrew Woodley-Page

G Woodley-Page

Peter Shaw & Melissa Zerbe (Ningaloo Experience)

Australian Anglers Association (WA Division) Inc

Central West Coast Professional Fishermen's Ass.

Geraldton Abrolhos Wetliners Association

Geraldton Professional Fishermen's Association Inc.

Kalbarri Snapper Fishermen's Association

Myalup Beach Caravan Park & Indian Ocean Retreat

Offshore Angling Club of WA Beach Branch (Inc)

Onslow Professional Fishermans Association Inc.

Recfishwest

Surf Casting and Angling Club of WA (Inc.)

Western Australian Fishing Industry Council

Western Australian Professional Shell Fishermen's Association

### **8.3 Submissions received 2005**

Kal Abdullah

T J & F M Adams

R L & M A Alexander

Austell Pty Ltd

Bruce W Ayling

Russell & Sarah Baker

Chris Barton & family (Sabrina Fishing Co)

David Barton (Sabrina Fishing Co)

C & J Basile – G & C De Leo

Todd Bennett

Darren Blom

Julie Blom

Kevin & Juanita Brewer & family

Geoff Bury

John Cabarrus

Warwick Cantrall

R E Carr

Barry Carter (Breaksea Nominees Pty Ltd)

J, B & T Cockman (Tebco Fishing Company)

Jeffrey Cooke

Robert Cooper

John Craike

Steven Dawe

L R, M E & D J Dixon

G J Dowsett & S M McAuliffe

Dulzurah Pty Ltd

Ray Dunstan

Jan & Max Duthie

W H & D J Dyson

Martin Edwards

Elphick Fishing

P A & D M Emmerson

J R Farrell

Hugh Gilbert

Peter Glass

Phil de Grauw (Sabea Fishing Co)

W C Harvey

Kim & Susan Hastings

Roley Hawkins

Louis M Hayler

Glenn Hill

Laura Hooton (Texcoast Pty Ltd)

H A Jackman

John Horwood

Tony Jurinovich

Jurinovich Superannuation Fund

Kevin Kelly

Shirley Kelly

Graham Kennedy

Sam Koncurat

David Lake

Jason MacDonald

Stan MacDonald

Ken Major

L E & G E Martin

B McClymans

Raymond McDonald

RR & KJ McGregor

Brian McTaggart

Paul Moore

Peter Moore

Phillip Moore

Geoff & Faye Myers

Scott Shane Newman

Graeme Otterson (Otto's Fishing Company)

Aaron Papandroulakis (Aristos Seafood Trading)

Garry Peters

Stephen Powell

Peter Prideaux

Raymond Prior

Raymond Ruby (Dorre Island Fishing Co)

Alan Rule

Les Rule

John C Servaas

John Sexton

John Shaw

Peter Shaw (Ningaloo Experience)

Pat Shinnick

Cindy Lucas & Trevor Smith

Antonino Spinella

Trevor Sutcliffe

Chris Taylor (Fraser's Restaurant)

Murray Turner

Jamie Waite

Kelvin Warburton

Peter Warrilow

R J Wilson

John Wise

D A & J L Wren

Justin Wright

R & P Yukich

Abalone Industry Association of WA

Aquarium Specimen Collectors Association of WA Inc.

Australian Anglers Association (WA Division) Inc

Combined submission from 16 south-west FBL holders

Coral Bay Professional Fishing Association

Department of Fisheries

Dongara Professional Fisherman's Association

Integrated Fisheries Allocation Advisory Committee

Kalbarri Snapper Fishermens Association

Nickol Pay Professional Fishers Association Inc.

Onslow Professional Fisherman's Association Inc.

Recfishwest

Shark Bay Prawn Trawler Operators Association Inc.

Shark Bay Snapper Fishermen's Association

South Coast Licensed Fishermen's Association Inc.

Western Australian Fishing Industry Council

Western Australian Professional Shell Fishermen's Assoc (Inc)

Zone C Professional Fishermen's Association



## **FISHERIES MANAGEMENT PAPERS**

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- No. 2** The Report of the Fish Farming Legislative Review Committee. Chairman P. Rogers (1986)
- No. 3** Management Measures for the Shark Bay Snapper 1987 Season. P. Millington (1986)
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