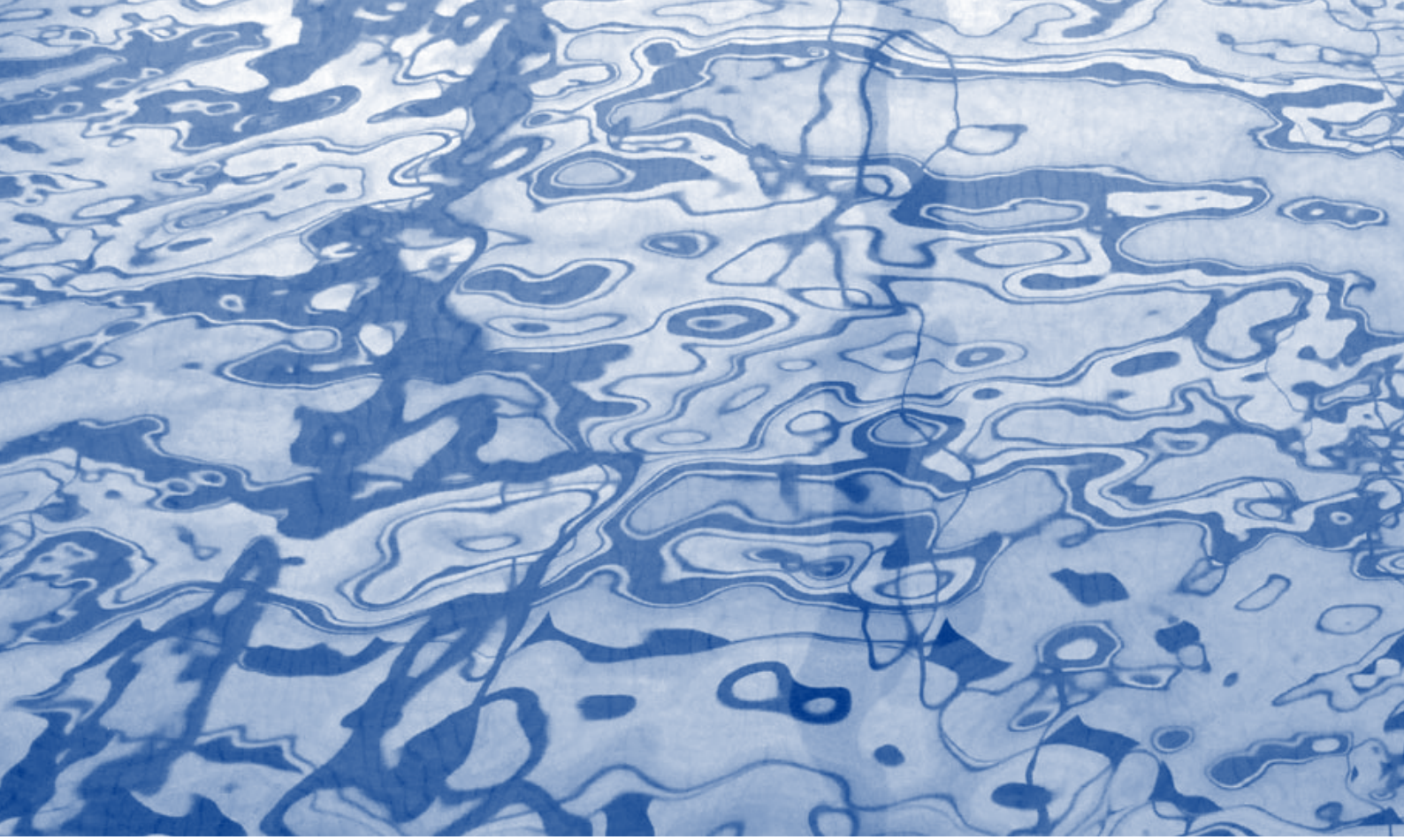
Tasmanian rock lobster fishery

The journey towards an explicit resource sharing arrangement for the Tasmanian rock lobster fishery



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The journey towards an explicit resource sharing arrangement for the Tasmanian rock lobster fishery

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Abstract

The rock lobster fishery is a major Tasmanian fishery providing significant benefits from exports and a highly popular and iconic recreational fishery. The commercial sector has 315 licensed participants and the overall catch is highly regulated. The overall catch of the recreational sector is not regulated and participation has grown significantly over the past decade with over 16,000 participants in recent seasons. While there has not been a formal sharing arrangement for the fishery, a threshold of 10% of the total commercial catch was set for the recreational fishery. The threshold was met in 2003 and this triggered the formal review of sharing arrangements. The process to review the existing management arrangements for the two sectors and develop new options for resource sharing has evolved through a number of different informal and formal consultative steps. These include working groups, fishery advisory committees and public consultation. A resource sharing framework was developed and released for public comment in August 2005. The framework provided for a total allowable catch (TAC) with an explicit share allocated to each sector. In addition a fixed minimum share was established for the recreational fishery. The shares between sectors will be open to formal review every 5 years. The process has highlighted a number of problems and thrown up various challenges. Resource sharing alone is not considered a significant management control. However, it is an important prerequisite that must be resolved before more important challenges issues can be dealt with. This paper explores the effectiveness of the consultative process and discusses the impact on future management.

INTRODUCTION

The rock lobster fishery is a major Tasmanian fishery providing significant benefits from exports from the commercial fishery and a highly popular and iconic recreational fishery. The species is the Southern Rock Lobster *Jasus edwardsii*. The commercial sector has 315 licensed participants and the overall catch is highly regulated. The overall catch of the recreational sector is not regulated and participation has doubled over the past decade with over 16,000 participants in recent seasons. While there has not been a formal sharing arrangement for the fishery, a threshold of 10% of the total commercial catch was set for the recreational fishery. The threshold was met in 2003 and this triggered a formal review of sharing arrangements.

GOVERNANCE

In Tasmania, the minister has final responsibility for fisheries management decisions. Decisions are made under the Living Marine Resources Management Act 1995 and there is a schedule of objectives for resource management within the act. These objectives include sustainable development, safeguarding resources for future generations, taking account of community needs and interests and encouraging community participation in the planning process.

The minister receives advice from the department and from expertise based Fishery Advisory Committees (FAC's). The FAC's comprise of 15 or more members. There is one recreational FAC and 4 commercial FAC's (one for each major fishery). Members are appointed for two years by the minister. Membership includes commercial fishers, or recreational fishers, processors, a Tasmanian Fishing Industry Council (TFIC) representative, a conservation /community representative, research scientist, marine police officer, quota monitoring officer (for ITQ fisheries only), fishery manager, and independent chairman.

Historical overview

There have been no major changes to the key recreational arrangements for over 10 years. Any one over the age of 10 can buy a recreational rock lobster licence. Licence holders can use 1 pot or take lobster by hand whilst diving (scuba or surface air). The individual daily bag limit is five rock lobsters. The season runs from November to April for females and November to August for males.

The commercial fishery moved from an input controlled fishery to a predominantly output controlled fishery in 1998, in response to concerns about the state of the stocks. The current management arrangements include a total allowable commercial catch (1523 tonnes), individual transferable quota units (ITQ's), pot limits (50 maximum) and seasons similar to the recreational fishery.

The 1998 management plan policy document for the fishery included a trigger point for a review of the recreational management arrangements if the recreational catch reached 10% of the commercial catch.

In 2003, this trigger point was reached and the minister of the day initiated a review.

Materials and methods

In 2002, (prior to the 10% trigger point being reached) the relationship between the commercial and recreational sectors had reached a low point. The commercial sector had concerns about various recreational issues and the recreational sector was upset that it was not consulted about the commercial sector total allowable commercial catch (TACC) being increased for the first time since the introduction of quotas. There was considerable dialogue and correspondence between both sectors and the minister of the day. A joint working group was set up by the department with representatives from two ministerial fishery advisory committees to try and work through issues of common interest between the two sectors. The group met three times and produced a draft memorandum of understanding (MOU) detailing issues in the fishery that they agreed should to be addressed, but reached a "brick wall" in making any progress on the concept of a resource sharing arrangement.

In late 2003, the estimate of the recreational catch for the 2002/3 season indicated that the 10% recreational catch trigger had been reached. A new working group was formed, with the explicit task of developing detailed options for resource sharing which could be then be put to the relevant FAC's and peak bodies for comments and further development.

The perceptions of the commercial sector, at this time were that they had taken a lot of pain through the major restructuring of the fleet in the change to a quota managed fishery on the promise of greater resource security and increased TACC's as stocks rebuilt. They perceived the recreational sector to be "unregulated" while they were highly regulated and that with an ever increasing number of recreational participants there was no guarantee that the commercial sector was going to benefit from the significant rebuilding of the stocks that was occurring.

The recreational sector however, felt that the current arrangements provided adequate limits and had much greater concerns about the increasing

commercial fishing effort inshore and conflicts that could potentially flow from an increasing spatial overlap of the two sectors.

Additional problems were also associated with the fact that the commercial sector was very familiar with the "big picture management issues and management tools " of the fishery (TAC's, ITQ's etc), but the recreational sector has little exposure or previous need to consider such concepts.

The structure of the two sectors is also very different. 300 or so licence holders with access to 90% of the catch and a high proportion represented by a well organised industry association versus 16,000 individuals taking 10% of the catch, with a low proportion belonging to a recreational fishing organisation.

The new working group met twice and developed a framework of key principles for a resource sharing arrangement.

The key principles were:

- The setting of a total allowable catch for the whole fishery.
- Allocating an explicit share of the TAC to each sector. Total allowable commercial catch (TACC) and total allowable recreational catch (TARC).
- The TACC to be managed under the current quota management system.
- The TARC would act as a limit to which the management of the recreational fishery would aim at containing the fishery.
- The initial allocation of shares to be based around current catch levels for each sector, but with a buffer or small increase for the recreational share to accommodate increasing participation.

The variation in the share for each sector if the TAC was increased or decreased, would be in equal proportion to each sectors overall share. This would provide a common incentive for both sectors in setting goals for the resource and fair benefits to both sectors of likely increases in future TAC levels.

The explicit shares would be fixed in legislation but reviewed every five years to provide an ability to respond to changes in the communities values for recreational and commercial fishing that may occur in the longer term.

Monitoring of the recreational catch would be undertaken through biennial surveys. The commercial catch would continue to be subject to a rigorous quota monitoring system.

This draft framework received "in principle" support from both the recreational and commercial fishery advisory committees and the peak bodies in late 2004.

In early 2005, a major review of the rock lobster management plan commenced, so that a new plan could be developed by February 2006, when the old plan expired.

The first consultation phase of the review involved the release of an "issues paper" which presented the key issues facing the fishery and in some cases options to address those issues. The aim of the paper was to promote discussion and debate before proceeding to develop formal draft policy and legislation.

The need to manage the catch and the resource sharing framework developed by the working group were explained in detail in the issues paper. A questionnaire was provided to assist fishers to record their comments on the issues and options presented in the paper.

All recreational rock lobster licence holders and commercial fishers, associations and other interested groups were notified by letter about the issues paper.

The department received 394 responses from recreational fishers and 125 responses from commercial fishers.

There were three questions relating to resource sharing on the questionnaire.

Do you support the provision of a Total Allowable Catch that covers the whole fishery with allocated portions of this to the commercial and recreational fisheries?

- 80- 90% of the responses were "yes" from both sectors

Do you support the allocation to the recreational fishery to be based on the current catch with the capacity for future growth?

- 90% "yes" from recreational sector, 50% "yes" from commercial sector

Do you support setting the formal review of the management plan as the mechanism for the review of the allocated share to each sector?

- 80-90% of responses were "yes" from both sectors.

Key comments made by respondents were that explicit sharing should not be at a cost to either sector. There was confusion that the proposal implied that the recreational sector was to have ITQ's and there were concerns about the way the recreational catch was estimated. There were also concerns that inshore fishing interactions were more important than resource sharing and there was clear feedback that future benefits needed to be fair and equitable for both sectors.

The feedback from the issues paper was considered by both the Recreational and Commercial Fishery Advisory Committees with recommendations to the minister about what policy should be formally put out for public consultation in the second and statutory phase of public consultation for the review of the plan.

The commercial committee supported the sharing framework.

The recreational committee generally supported the framework but recommended the inclusion of a new concept, which would give the recreational sector a guaranteed minimum tonnage below which its share would not decrease even if the TAC decreased.

The joint working group met again to consider the new proposal. The commercial sector representatives had some reservations, but decided on balance that they could "live with it" in the longer term interests of reaching a resource sharing agreement.

A modified framework with a guaranteed minimum of 170 tonnes for the recreational sector was then considered by both fishery advisory committees. The commercial FAC continued to support the proposal, the recreational FAC expressed very mixed views. The recreational peak body position was that no overall recreational limit was required but if there was to be one it should be 30% of the TAC not 10%.

The minister supported the release of the modified sharing framework for the statutory two months of public consultation in August 2005 as part of the review of the rock lobster management plan.

The department ran public meetings for both sectors around the state. This issue dominated the recreational meetings, but more from the perspective of recreational fishers needing explanation and clarification rather than opposition to the proposal.

Submissions on the proposal were generally supported by commercial fishers with some reservations about the guaranteed minimum and the methods used to estimate the recreational catch.

Relatively few submissions were received from recreational fishers. However a wide range of views was expressed about the sharing proposal.

Both FAC's considered the submissions. The commercial FAC expressed support for the framework. The Recreational FAC expressed a wide range of views including no support and complete support.

In December 2005 the minister considered the outcomes of the second public consultation process and supported the resource sharing proposal without amendment.

The final arrangement is:

- The minister will set a total allowable catch for the commercial and recreational rock lobster fishery.
- If the TAC is set at 1700t tonnes or more the commercial sector will be allocated 90%, and the recreational sector 10%.
- If the TAC is set below 1700 tonnes, the recreational sector will be allocated 170 tonnes, the commercial sector will be allocated the remainder of the TAC.
- This sharing arrangement will be reviewed when the plan expires in five years.
- The recreational catch will be assessed every two years and a rolling two year average used to determine if the TARC has been exceeded.
- If the TARC is exceeded, new management arrangements will be considered, to contain the recreational catch.

There is a very low risk of the commercial sector exceeding the TACC because of the rigorous quota monitoring system.

The new management plan including the resource sharing arrangement was gazetted in February 2006 and takes effect from 1 March 2006. The first TAC for the whole fishery will be determined at the end of the year, for 1 March 2007.

However potential political debate on the legislation is yet to occur. New legislation has to sit in both Tasmanian Houses of Parliament for a certain number of days, during which time it can be debated and all or part of the new plan can be disallowed by either house.

Conclusions

Good stock rebuilding provides the best possible opportunity for putting in place a resource sharing arrangement that has "no cost" to either sector.

The commercial representatives had a strong expectation of a resolution to resource sharing through negotiating a deal with the recreational representatives in the working group. The department did not make it clear that whatever the working group came up with would be subject to extensive public comment.

The guaranteed minimum tonnage had an initial perception of high level of "inequity associated with it for the commercial sector.

Written communication with the 16,000 recreational fishers is a logistical and budgetary challenge for the department. There is a need to explore more cost effective ways of communication.

Adequately explaining why any change is necessary and promoting an understanding of a whole of sector limit versus an individual limit is difficult but essential. There appeared to be endless rumours that individual recreational fisher bag limits would be reduced as part of this process.

How to maintain a focus on the principles and basis for the allocations rather than a focus on the percentage split was another communication challenge.

The political process and opportunity for lobbying by a minority will always need to be considered and managed. However, the consultation process can be demonstrated to have been very thorough.

Resource sharing alone is not considered a significant management control. However it is an important prerequisite that must be resolved before more important challenges and issues for the fishery can be dealt with.