

SCUBA DIVERS FEDERATION of VICTORIA
GPO Box 1705P Melbourne, 3001



26 February, 2003

Majella McIntosh,
Fisheries Victoria,
Dept of Primary Industries,
PO Box 500,
East Melbourne,
VICTORIA, 3002.

**re: Comments in relation to the Victorian Rock Lobster
Fishery Draft Management Plan**

Dear Ms McIntosh,

SCUBA Diver's Federation of Victoria (SDFV) has considered the *Victorian Rock Lobster Fishery Draft Management Plan*.

The SDFV represents the interest and community values of recreational SCUBA divers throughout Victoria. Recreational divers are the primary non-commercial fisher stakeholders in the abalone fishery. The SDFV was the nominated body to represent the Victorian Recreational Fishing Peak Body (VRFish) on Rock Lobster & Giant Crab Management Plan Steering Committee. Our submission is made in the context of this representation and participation.

Please find our comments about the Draft Management Plan attached, and we thank you for the opportunity to comment.

Yours sincerely,

(signed Daniel Grimm)

Daniel Grimm,
Vice President - Communications,
SCUBA Divers Federation of Victoria, Inc.



Comment on the *process*

While the SDFV participated in the development of the DMP, we can not let it pass without formally reporting that, as a stakeholder, we were very satisfied with the process. We were particularly encouraged by the refreshingly open and transparent procedural approach taken by the Committee. Our members and other interested parties were regularly updated with content progress, and continually encouraged to provide input at any stage during the development of the plan. In particular, we think the open forum held by the Committee was extremely timely, functional and productive. We commend the Chairman for his professionalism, and we applaud the Committee for getting the job done in such a proficient and (relatively) non-contentious manner. We trust that the methodology and experience can be applied in the development of other fisheries plans.

Comments on the *contents*

We have considered the DMP in terms of:-

- A. the specific sector interests of the recreational rock lobster fisher.
- B. the general soundness and appropriateness of the plan, given the inherent community interest aspects in the exploitation of a wild-stock resource.

A. Recreational Sector

Specifically, the DMP:-

- establishes, for the first time, an allocation of a proportion of the exploitable bio-mass to the recreational sector.

Comment: We applaud the initiative to recognise the principle of resource allocation, and we fully support the introduction of a (notional) recreational TAC in the rock lobster fishery. We agree that by fixing the TARC as a percentage of the TAC, the recreational catch can “be increased or decreased equitably” (page 27). We further agree that the TARC and its usefulness requires improved knowledge of the recreational fishery, and we look forward to participation in the establishment of agreed methods to monitor and estimate the recreational catch.

- does not propose or prescribe changes to the current fishing regulations governing the recreational sector.

Comment:- The current regulations for the recreational rock lobster fishery are now generally accepted by recreational fishers as being appropriate and reasonable given the status of the stock and the level of commercial harvesting. In this context, it is appropriate that the DMP does not propose additional regulations. In our view, maintenance of the *status-quo* is a fair and appropriate strategy until the characteristics of the recreational fishery are better known. The DMP also formalises the SDFV’s long-held view that regulations in relation to stock such as closed seasons and LMLs should apply equally to the commercial and recreational sectors unless there are clear and demonstrable reasons in the interests of the fishery to do otherwise.

- outlines the general process of consultation to occur in relation to changes to regulations which apply to the recreational sector.

Comment: In the past, changes to the management of the recreational sector of a fishery have occurred as a result of lobbying by the commercial sector of that fishery.

(cont/...)



This has been a long-standing festering issue for the SDFV. (For instance the current bag limit was a direct result of recommendations made by the Commercial Rock Lobster Committee of the FCC. The consultation process was not open, nor did the recreational fishers support it). The SDFV strongly argues that it is totally inappropriate that matters relevant only to the recreational sector be promulgated by the (very) influential commercial sector. The DMP clearly establishes that the changes to the management regime applying to the recreational sector will, in the future, occur through open and transparent dialogue between relevant parties. We assume here that the implicit intention in the DMP is that regulations for the recreational fishery will be, in the first instance, largely determined from a fair and balanced recreational (not commercial) perspective. If so, we wholeheartedly support and endorse such a new approach.

In summary, the SDFV generally welcomes and supports the DMP in relation to the management objectives and strategies for the recreational rock lobster fishery. In our view, the initiatives are fair, and progressive.

B. General

The DMP document is structured with an overview of the fishery, current management arrangements, objectives of the plan, and a formal description of the elements of the Management Plan. The DMP succinctly describes the fishery and the status of the stock, and it is clear that the fishery is not as healthy as it could be. While the DMP fails to assign an order of priority with respect to the suite of stated goals and objectives, it is taken as self evident that security of the resource and rebuilding of stock levels is paramount. It is accepted as understandable that some of the objectives are therefore secondary in importance, and in this context, we take some objectives as motherhood. It is also appropriate that some issues in relation to the operation of the fishery are described only in policy terms, with no detail as to management mechanisms and control. Generally, we accept that such issues are outside the scope of implementation within the management plan.

We conclude that, in general, the rationale for the strategies to achieve the stated goals and objectives are sufficiently described and the DMP is an adequate blueprint to rebuild the stock bio-mass and thus safeguard the sustainability of the rock lobster fishery. Furthermore, it is accepted that this management plan applies to a fishery that has just undergone a very significant restructure. The management tools appear reasonable and appropriate given the current circumstances of the fishery, and we find the plan sufficiently structured so as to allow adjustment as the need arises.

Specific comments

Trigger levels and response

The DMP establishes that the spawning bio-mass is to be used as the principle “biological indicator for assessing sustainability”, and the available bio-mass the “principle social and economic indicator.” (page 15). Determination of the bio-mass trends is based on a “sophisticated length-structured model that is fitted to data on catches in weight and number, catch rates and the sizes of lobsters in the catch” (page 4). The DMP prescribes a “biological bottom-line” of 20% of the estimated bio-mass in 1951, and establishes 40% of the available bio-mass in 1951 as a target to which to build stock levels. Performance measures, which effectively track the trend of the stock levels, and management responses that are triggered in response to the trends, are specified. All the specified triggers invoke decision rules involving setting the TAC. In general,



we accept and support the approach. However, we note some anomalies in the detail of Table 5 (page 16), which should be subject to clarification.

(i) *Eastern Zone bio-mass.*

The status of the stock in the Eastern Zone is very low, such that the primary management aim is (presumably) to ensure the projected stock level is trending upwards at an acceptable rate.

- For the given TAC, if the projected trend is level (but not decreasing) or only slightly increasing upward, then surely the TAC should be reduced so as to increase the trend upward in subsequent years. As written, the projected trend could remain virtually zero with no review of the TAC. Given the very low level of available bio-mass for the Eastern Zone, we suggest that this response is insufficient protection of stock levels.
- There does not appear to be a trigger response of any dimension in relation to an increasing trend in the 5-year prediction for the available bio-mass in the Eastern Zone. This implies there is no rate of increase in the predicted bio-mass possible (in five years) to warrant a review of the TAC.

(ii) *Western Zone bio-mass.*

The Decision Rule for an increasing trend in the 5-year projection is to hold the 2002 TAC for 3 years, then review. Given that the 5-year projection for 2002 indicates an increasing trend, then the decision rule, as written, implies the TAC should be at the 2002 level for 3 years. However, if the model output in 2003 or 2004 projects a downward trend, the management trigger specifies that the TAC should be review. Such a review might lead to a reduced TAC. Fishers potentially affected may then argue that the TAC should remain at the 2002 TAC level for a total of three years before the TAC is reviewed. We suggest the decision rule should be clarified so as to differentiate between the requirement that there must be three consecutive years of upward trends before an increase in the TAC can be considered and the requirement to review the TAC in any year a downward trend is projected.

TAC setting process.

The DMP provides for resource sustainability through proper and appropriate management of the TAC. In our view, it follows that the TAC setting process is therefore one of the critical elements underpinning the success of the plan.

The DMP establishes an open TAC Forum, and outlines structural requirements for setting the TAC. We note that with the very recent move to quota management in 2001, there is virtually no historical experience for the DMP to draw on in relation to setting TAC's for the rock lobster fishery. While the DMP articulates reference and trigger points, and by implication, mandates particular types of management responses, all these are in reference to the TAC existing at the time. We acknowledge that a TAC now exists, and by definition, all future TAC setting exercises will involve considering a change to the existing TAC.

However, the DMP *does not* provide any guidance on how to arrive at an appropriate TAC. By implication, the fishery model is the primary tool to be used in testing the sensitivity of projected bio-mass trends to different TAC levels. For instance, Figures 2 & 3 in the DMP (pages 17 & 18) illustrate 15-year bio-mass projections from 2002-2017, based on the current TACC in each zone. Yet, in Table 5 (page 16), management triggers specify 5-year projections. It is not clear whether this 5-year projection is merely the first 5-years in the 15-year projection, or the 5-year projection a separate model output. The model predictions are less certain with increasing time into the future, so if the management trigger is based on a separate 5-year projection, the usefulness of the 15-year projection is not evident.



The fishery model is presumably very versatile, and can provide projections over any given time in the future, and there is the possibility that a particular projection may be more favorable to particular vested interests. Therefore, if the level of the TAC is to be derived from the projected trends, the SDFV strongly suggests it very important that the DMP specify “standard reference conditions” of the modeling for the purposes of TAC setting.

TAC advice

The DMP prescribes that an all-stakeholders open forum (to be called the TAC Forum) is to be held after the annual MARFI stock assessment (which is currently an open forum) to formulate TAC recommendations. As written, the TAC Forum recommendations are to be forwarded to DPI and to the Rock Lobster and Giant Crab Committee of FCC. The SDFV applauds and unreservedly supports the *intention* for open and transparent processes in matters pertaining to the utilisation of community resources. However, we point out that the TAC Forum has no statutory standing. Formal “fishery expert” advice to the Minister comes from FCC and sector interest advice comes from the peak bodies. Furthermore, we understand that advice solicited by the Minister between FCC or DPI is effectively privileged. Therefore, we see no binding statutory obligation for the FCC or DPI to forward the recommendations of the TAC Forum. Furthermore, we see no prohibition on either the FCC or DPI appending the TAC Forum advice with additional material that may or may not be known to the TAC Forum.

It is our understanding that the Rock Lobster and Giant Crab Committee of FCC is effectively just a renaming of the previous Commercial Rock Lobster Committee, and that the committee membership comprises experts of the commercial fishery. It is not clear in the DMP whether it is intended that the formal advice provided by the Rock Lobster and Giant Crab Committee extends into areas that affect the recreational fishery. However, it is clear from the Figure 4 (*page 20*) in the DMP that the Rock Lobster and Giant Crab Committee is to provide the only formal expert fishery advice in relation to the rock lobster fishery.

The SDFV reiterates and maintains that while the fishery is considered as two separate and unrelated groups – *i.e.* commercial and recreational – **it is totally inappropriate and unacceptable** that FCC’s commercial rock lobster fishery experts provide policy or management advice **relating to recreational or non-commercial sector** matters. Furthermore, in relation to providing formal TAC recommendations, we suggest that the commercial-interests composition of the Rock Lobster and Giant Crab Committee may perpetuate community perceptions of self-interests over the welfare of the fishery.

The SDFV has identified and faced this issue before with the abalone fishery, and we propose a similar solution. In the common goal of delivering a healthy and sustainable fishery, there is scope for further co-operation and increased consensus between competing users. In our view, the DMP provides opportunity to move towards “whole-of-fishery” co-management. We propose that the Rock Lobster DMP prescribe the expertise on Rock Lobster and Giant Crab Committee include recognised recreational fishery and fishery research expertise (perhaps seconded from the FCC Recreational Marine and FCC Research Committees) so as to provide a broader community perspective. In this way, the FCC expert advice will be seen as a “whole-of-fishery” perspective and the recreational stakeholders will have a sense of equity in the provision of formal expert advice.



In summary, the SDFV suggests the draft management plan:-

- clarifies the practical use of the management trigger points and decision rules,
- specifies a target *rate* of building both stocks in the Eastern Zone,
- specifies a standard reference conditions in using projections for the purposes of establishing the TAC level,
- specifies that fishery expertise on the Rock Lobster & Giant Crab Committee of FCC, encompass the recreational perspective and a fisheries research perspective.

End of Comments

SDFV Executive,
26 Feb, 2003.