

**APPLICATION TO THE DEPARTMENT OF THE ENVIRONMENT AND  
WATER RESOURCES ON THE  
WESTERN ROCK LOBSTER FISHERY**

*Against the Guidelines for the Ecologically Sustainable Management of  
Fisheries - 2007*

June 2007



**Department of Fisheries**  
Government of Western Australia



*Fish for the future*

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## BACKGROUND

The purpose of this report is to update the Department of the Environment and Water Resources (DEW) on changes in the Western Rock Lobster Fishery (the Fishery) to enable the re-assessment of the Fishery against the *Guidelines for Ecologically Sustainable Management of Fisheries*, under Part 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### Previous Assessment

In November 2001, the WA Department of Fisheries (DOF) submitted an application to DEW (then Environment Australia) for assessment of the Fishery against the *Guidelines for the Ecologically Sustainable Management of Fisheries*, under Part 13 and 13A of the EPBC Act.

On 20 August 2002, the (then) Minister for the Environment and Heritage amended the list of exempt native specimens to include all product taken in accordance with the *Western Rock Lobster Management Plan 1993*, including rock lobster (*Panulirus cygnus*), octopus (*Octopus* species), snow crab (*Chacean bicolor*), champagne crab (*Hypothalassia acerba*) and giant crab (*Pseudocarcinus gigas*). Effectively declaring the Fishery as exempt from Part 13 and 13A of the EPBC Act for a period of 5 years. The exemption will expire on 20 August 2007.

The exemption came with 14 recommendations, focused on ensuring continued good management practices in the Fishery.

A copy of the DOF application and the DEW assessment report and letter of approval are available on the DEW website

<http://www.environment.gov.au/coasts/fisheries/wa/rocklob/index.html>

### Re- Assessment Process

This report provides responses to the 14 recommendations arising from the original ESD assessment, outlining what has been achieved in addressing each recommendation.

As agreed, the documentation attached to enable re-assess the Fishery consists of:

- i) a summary of the key changes that have occurred in the Fishery in the past five years;
- ii) a report addressing the progress of the Fishery against each of the 14 recommendations;
- iii) a copy of the Fishery's annual reports, published in the annual [State of the Fisheries Report](#) over the past five years (Appendix 5); and
- iv) ancillary information to assist in the re-assessment process.

### Marine Stewardship Council (MSC) Assessment

In March 2000, the Fishery was awarded certification by an independent worldwide organisation, the Marine Stewardship Council (MSC) based on demonstrated ecological sustainability of its fishing and management practices. The Fishery's MSC certification was renewed in November 2006 for a further 5 years, until November 2011. A copy of relevant MSC reports and the latest certification report, are available from the following MSC website address: [http://www.msc.org/html/content\\_1277.htm](http://www.msc.org/html/content_1277.htm).

The Fishery's MSC certification is based on demonstrated ecological sustainability of its fishing and management practices that, in many areas exceed what is required under the EPBC Act. A number of documents were developed, to gain and maintain MSC certification and approval, as outlined below:

- The Fishery's Environmental Management Strategy (EMS) (the '[Western Rock Lobster Environmental Management Strategy July 2002 – July 2006](http://www.fish.wa.gov.au/docs/op/op017/index.php?0206)') was developed for use in the assessment of the broader ecosystem impacts of rock lobster fishing in the context of Ecologically Sustainable Development (ESD) and MSC certification. This document is revised annually and reviewed every five years. This strategy includes research to reduce the interaction of sea lion pups with pots and an investigation into the ecosystem effects of rock lobster fishing in deep water.
- The Fishery's Management Strategy '*Western Rock Lobster Management System July 2004*' (Appendix 1) provides a detailed explanation of the current management system. It also provides a basis for implementing the management strategies for response to risks identified in the EMS report.
- In 2005, an Ecological Risk Assessment (ERA) of the Fishery was conducted, to identify ecological risks and priorities. The results and findings from this workshop are located in the '[Western Rock Lobster Fishery Ecological Risk Assessment 2005 Report](http://www.fish.wa.gov.au/docs/mp/mp203/index.php?0206)', (<http://www.fish.wa.gov.au/docs/mp/mp203/index.php?0206>).
- In 2007, a new ERA was completed and a report is being prepared for dissemination which will be available on the Department's web site [www.fish.wa.gov.au](http://www.fish.wa.gov.au) in the coming months.

## Contact

This report should provide sufficient information for DEWR to re-assess the Fishery against the guidelines for *Guidelines for the Ecologically Sustainable Management of Fisheries*, under Part 13 and 13A of the *EPBC Act 1999*. However, should you require any further information regarding the details of the contents of this report please contact Kevin Donohue on (08) 9482 7394 or via email [Kevin.Donohue@fish.wa.gov.au](mailto:Kevin.Donohue@fish.wa.gov.au).

## 1. SUMMARY OF CHANGES IN THE FISHERY

A high level of fisheries management, compliance and research has been maintained in the Fishery since the initial ESD certification in 2002. In particular, a number of management arrangements have been developed to ensure sustainable fisheries management into the future, that are relevant to the re-assessment application, including:

- The Integrated Fisheries Allocation Advisory Committee (IFAAC) developed recommendations on resource allocation issues for the western rock lobster resource. The final round of public consultation on these recommendations closed in April 2007.
- Ongoing recreational and commercial fisheries comprehensive compliance enforcement and education programs.
- The establishment of two Scientific Research Groups (SRG's) (the Western Rock Lobster Ecosystem effects of Fishing SRG and the Sea lion SRG) were established to ensure that the western rock lobster resource is managed in a manner that is consistent with the principals of EBFM.
- In 2006, a recognised independent expert (Professor Norman Hall, Murdoch University) was contracted to review the 2004/05 stock assessment of the West Coast Rock Lobster Fishery. The final report from this review is envisaged to be complete and available for the consideration of the Rock Lobster Industry Advisory Committee (RLIAC) by July 2007 and then be publicly available at [www.fish.wa.gov.au](http://www.fish.wa.gov.au). Additionally, a stock assessment review workshop including four independent stock assessment experts is scheduled for July 2007.
- In 2005, as a precautionary response to indications of declines in the egg production index (despite the egg production index remaining above the trigger limits), the Minister for Fisheries approved a 15% effective fishing effort reduction in the northern coastal region (Zone B), a 5% effective fishing effort reduction in the southern region (Zone C), and a small effort reduction in the Abrolhos Islands region (Zone A) of the Fishery.
- The mandatory implementation of Sea Lion Exclusion Devices (SLED's) in both recreational and commercial rock lobster pots in 2006, in the area from north of Wedge Island to Freshwater Bay. More detail on SLED's is available in from the Department's [sea lion exclusion devices brochure](#).

## 2. PROGRESS IN IMPLEMENTING RECOMMENDATIONS

1. **The Western Rock Lobster Fishery submission contains a number of detailed and explicit management triggers, decision rules and performance measures which are not included in the management plan. The Western Australian Department of Fisheries (DOF) and the Rock Lobster Industry Advisory Committee (RLIAC) should formally incorporate these into the management regime and decision making process with clear timelines for implementation. These measures must ensure the total effort in the fishery from all sectors is controlled and within sustainable limits. Serious consideration should be given to a cap on total effort including both the recreational and commercial sectors.**

There are two parts to this recommendation:

***1a) that the Department and RLIAC should formally incorporate triggers and indicators into the management regime and decision making process with clear timelines for implementations.***

The *West Coast Rock Lobster Management Plan 1993* (the Management Plan) legislates the rules of operation within the Fishery, but does not include management triggers or performance indicators. In 2004 a discussion paper was released on the 'Development of a Decision Rules Framework for the West Coast Rock Lobster Fishery' containing the Fishery's management trigger limits and fishery performance measures. Following comment from stakeholders the Decision Rules Framework was updated in 2006. The current draft of the Fishery's Decision Rules Framework is provided at Appendix 2.

The adequacy of the current draft Decision Rules Framework will be reviewed at the stock assessment workshop of the fishery scheduled for July 2007. If there are proposed changes to the performance indicators flowing from the review, consultation will be undertaken with stakeholders about amending the current draft Decision Rules Framework. The consultation process is envisaged to be complete by 2008, at which time a revised document would be presented to the Minister for his approval.

***1b) that the management measures must ensure the total effort in the fishery from all sectors is controlled and within sustainable limits, and that serious consideration be given to a cap on total effort including both the recreational and commercial sectors.***

A recent development in fisheries management in Western Australia is the introduction of Integrated Fisheries Management (IFM). IFM is an initiative aimed at addressing the issue of how fish resources can be best shared between competing extractive users (recreational, commercial and customary) within the broad context of ESD.

In 2004, the Minister for Fisheries established the Integrated Fisheries Allocation Advisory Committee (IFAAC), to investigate the IFM resource allocation issues, and make recommendations on optimal resource use. IFM involves i) setting the total sustainable harvest level of each resource that allows for an ecologically sustainable level of fishing, ii) allocation of explicit catch shares for use by commercial, recreational and indigenous fishers, iii) continual monitoring of each sector's harvest, iv) managing each sector within its allocated catch share and developing mechanisms to enable the reallocation of catch shares between sectors.

The final round of public consultation for allocation of the western rock lobster resource closed in April 2007. The Minister will determine allocations for each sector based on advice

from the IFAAC and public submissions received. It is envisaged that the IFM management arrangements will be implemented by 2010. At that time each sector will be managed within its proportional allocated share of a total sustainable harvest for the fishery. More information on the IFM process is available in the [Western Rock Lobster Resource Integrated Fisheries Management Allocation Report](#).

- 2. DOF should undertake contingency planning to deal with breaches in the existing management triggers. In the event that a review is triggered by a breach of the performance measures and that review establishes that the management regime is under-performing, the management plan should require that action must be taken to return the fishery to a stage where it will satisfy the management objectives.**

Please refer to recommendation 1 (particularly 1a), as the same processes and reviews are relevant for this recommendation.

The Fishery's Decision Rules Framework is currently in a draft form that sets out the ESD management objectives of the Fishery and performance indicators and measures for each objective (Appendix 2).

- 3. The compliance and enforcement strategy should continue to be periodically reviewed to ensure emerging compliance risks are identified and addressed. DOF should conduct an annual assessment of the risks to ensure that the current compliance and enforcement regime is as effective for the recreational as for the commercial sector.**

A comprehensive compliance program has been developed to ensure the continued sustainability of the Fishery and promote equity amongst commercial fishers and the fishing community. Compliance activities include at sea inspections of licences, catch and fishing gear, land inspections of catch and fish processing factories and retail outlets. Officers also participate in educational initiatives aimed at promoting awareness of fisheries regulations.

Comprehensive statistics on compliance activities are collected and analysed by a dedicated research scientist to ensure that these activities are effective. This information is reported in the annual [State of the Fisheries Report](#) (Appendix 5).

A joint Department of Fisheries and rock lobster industry compliance risk assessment workshop is undertaken every two years. Results from this workshop are reported directly to RLIAC. Following the risk assessment process, a compliance strategy is developed to address the high priority risks, and other management arrangements of a lower risk through normal routine compliance activities.

Additionally, regional fisheries compliance managers regularly review compliance activities to ensure that these strategies are implemented effectively.

- 4. Recognising that consideration of issues relating to the impact of the fishery on the marine environment is currently undertaken as an implicit part of the development of the advice of the RLIAC, consideration should be given to including an explicit requirement to consider such impacts in the terms of reference for the Committee.**

The RLIAC is a Statutory Ministerial Advisory Committee established under the *Fish Resources Management Act 1994*, to provide the Minister for Fisheries with advice on all matters relevant to the western rock lobster management system. The *Fish Resources*

*Management Act 1994* is currently being amended to include an ecological expert member on RLIAC.

The RLIAC have two Scientific Research Group's (SRG) that are responsible for ensuring RLIAC is provided with advice on how to ensure the western rock lobster resource is managed in a manner that is consistent with the principles of Ecosystem Based Fisheries Management (EBFM).

In 2003, the RLIAC established the Western Rock Lobster Ecosystem Effects of Fishing Scientific Reference Group (Eco SRG) to provide independent expert scientific advice to RLIAC on a number of issues, primarily on effects of rock lobster fishing on the marine environment. This committee meets every year and a 3-day workshop is planned for August 2007 to review existing research and plan for future research requirements.

In 2005, the Sea Lion Scientific Reference Group (Sea Lion SRG) was established to develop the best possible strategy to mitigate the incidental mortality of sea lions in the Fishery's pots. A major study was undertaken to investigate the level of sea lions caught by rock lobster pots and to determine means for reducing these interactions through the use of Sea Lion Exclusion Devices (SLED's). This study led to the mandatory implementation of SLED's in both recreational and commercial rock lobster pots in 2006, in the area from north of Freshwater Bay and the southern boundary of the zone is just to the south of Wedge Island. More detail on SLED's is available in the Fisheries Management Paper 197 '[Proposed implementation of Sea Lion Exclusion Devices in the Western Rock Lobster Fishery](#)' and in the Department-issued [How to Guide for Commercial and Recreational Fishers](#).

The RLIAC also has a number of sub-committees to provide further advice on strategic management, cost recovery finance, stock sustainability research and development, and compliance and marketing issues.

The RLIAC have been involved in the development and implementation of the Fishery's ERA and EMS. In 2005, an ERA was conducted on the Fishery, to identify ecological risks and priorities. The results and findings from this workshop are located in the '[Western Rock Lobster Fishery Ecological Risk Assessment 2005 Report](#)'. The ERA was reviewed in 2007, and the revised ERA report will be available at [www.fish.wa.gov.au](http://www.fish.wa.gov.au), in the coming months.

The Fishery's Environmental Management Strategy (EMS) (the '[Western Rock Lobster Environmental Management Strategy July 2002 – July 2006](#)') was developed for use in the assessment of the broader ecosystem impacts of rock lobster fishing in the context of ESD and MSC certification. This document is revised annually and reviewed every five years. This strategy includes research to reduce the interaction of sea lion pups with pots and an investigation into the ecosystem effects of rock lobster fishing in deep water.

- 5. DOF should continue active encouragement of broad public notification of the potential to input into the environmental impact assessment processes. Furthermore DOF should ensure the external peer review of the existing stock assessment process is maintained.**

There are two parts to this recommendation:

- 5a. DOF should continue active encouragement of broad public notification of the potential to input into the environmental impact assessment processes***

Fishery stakeholder and community engagement is achieved through regular communication with all stakeholders and the general public, via an array of media. The Department informs

and provides all stakeholders with an opportunity to participate in all matters relating to the rock lobster fishery. For example, the Department provides this opportunity through the following methods:

- discussion papers;
- reports ( including the [State of the Fisheries Report](#) (see Appendix 5));
- RLIAC newsletters;
- RLIAC coastal tour meetings;
- RLIAC stakeholder meetings;
- Media releases;
- DFWA Western Fisheries magazine; and
- advertisements in major and local newspapers.

***5b. DOF should ensure the external peer review of the existing stock assessment process is maintained***

The Fishery's MSC certification requires that the Fishery's stock assessment process to be independently reviewed annually. The Fishery is also required to apply for full re-assessment every five years, with the last re-assessment being complete in 2006.

In 2006, a recognised independent expert (Professor Norman Hall, Murdoch University) was contracted to review the 2004/05 stock assessment of the West Coast Rock Lobster Fishery. The final report from this review is envisaged to be complete and available for the consideration of RLIAC by July 2007 and then be publicly available at [www.fish.wa.gov.au](http://www.fish.wa.gov.au).

A stock assessment review workshop including four independent stock assessment experts is scheduled for July 2007. A draft Terms of Reference has been developed for the stock assessment review to coordinate the process (Appendix 3). This workshop will enable i) the peer-review of the current western rock lobster stock assessment process, ii) the review of a model that has recently been developed for use in providing management advice on the Fishery, iii) the review of the fishery's harvest strategy, and iv) the review of Professor Hall's report and recommendations on the 2004/05 stock assessment process.

Additionally, a number of research projects undertaken on the stock assessment of the Fishery have been published in peer-reviewed journals. An up to date list of relevant research journal publications are listed annually in the [State of the Fisheries Report](#) (Appendix 5).

**6. DOF should continue to monitor the situation with respect to the harvest of immature animals to ensure any reductions in egg production or puerulus settlement are detected in a timely manner, and develop a management response for implementation in the event that a major issue develops.**

The Department of Fisheries Research Division continues to monitor settlement of pueruli and early stage post pueruli at a number of long-term monitoring sites spread across the distribution of the Fishery. Research is focused on assessing stock sustainability and forecasting future catch levels, involving fishery-independent monitoring of puerulus settlement and breeding stock levels.

Changes in recruitment are monitored by fishery-independent and fishery-dependent breeding stock surveys, by estimating egg production per pot lift each season to provide an estimate of egg production in the Fishery. The 1980 estimated egg production level is now the agreed biological reference point. Graphs showing the trends in the Fishery's spawning

(egg production) stock indices and puerulus settlement annual indices are published annually in the [State of the Fisheries Report](#) (Appendix 5).

These indices are used as triggers and indicators in the Fishery's Decisions Rules Framework (see recommendation 1a).

**7. DOF should continue to implement annual estimation of recreational and indigenous harvest of lobsters which is factored into management, including ongoing improvement of data collection and analysis.**

The Department of Fisheries Research Division continues to collect annual estimates of recreational catch, primarily through phone/diary and mail surveys. Recreational mail surveys have been undertaken since the 1986/87 season. Additional phone/diary surveys were undertaken in 2000/01, 2001/02, 2004/05, 2005/06 and 2006/07, as an additional survey technique aimed at validating the results of the mail surveys.

Results from the phone/diary surveys indicate that the mail surveys had significantly higher catch estimates for recreational fishers, however the overall trends remain comparable for the two survey methods. Estimates of recreational catch from phone/diary surveys are considered to be more accurate than those from mail surveys, as the phone/diary eliminates the recall bias in the mail survey and there is a higher response rate in the random sample of fishers that are surveyed.

A graph showing recreational catch estimates is published annually in the [State of the Fisheries Report](#) (Appendix 5). All mail survey data has been revised using the phone/diary data conversion factor. Both surveys will be continued in the next 3-4 years to assess the correction factor.

Many indigenous rock lobster fishers have recreational fishing licences and would therefore be included in the Department's catch estimates. Customary catch estimates are unknown but considered inconsequential.

**8. Research into changes in fishing efficiency should be undertaken on a five yearly basis, and contingency plans and management strategies be developed to compensate for potential increases.**

A considerable amount of research has been undertaken to improve the understanding of fishing efficiencies in the Fishery over recent years. The Department collects information annually on the gear and equipment used on board fishing vessels.

In 2006, a depletion technique was applied to the Fishery (by Wright *et al.* 2006) in the non-migrating part of the season (March to June). This work showed exploitation in the northern zone (Zone A and B) of the fishery decreased from about 75% in the early 1990s to about 60% in the mid-1990s, as a result of management changes in 1993/94. It also indicated that exploitation has since increased again to about 75% in the last 10 years, thought to primarily be due to increases in fishing efficiency.

In the last few years there has been a decline in the egg production index (see the [State of the Fisheries Report](#) at Appendix 5). Increasing fishing efficiency has been a key factor contributing increases in exploitation, and a consequential decline in egg production. Despite the fact that these declines in the egg production index were above the trigger limit, in 2005 the Department and industry developed a precautionary management strategy to address these short to medium term sustainability concerns regarding the level of breeding stock.

Three-year sustainability packages were produced, one for Zones A and B (northern region) and one for Zone C (southern region), as the sustainability risks in these areas differed. It was determined that the northern coastal region required a management package equivalent to a 15% reduction in effective effort to have a significant and positive impact on the breeding stock. The southern region required that a precautionary approach be taken due to the predicted decline in recruitment to the fishery over the next three seasons, and a management package equivalent to a 5% reduction in effective effort was recommended.

In 2005, the Minister for Fisheries approved a 15% effective fishing effort reduction in the northern coastal region, a 5% effective fishing effort reduction in the southern region (Zone C), and a small effort reduction in the Abrolhos Islands region (Zone A) of the Fishery.

To reduce effective fishing effort by 15% in the northern coastal region (Zone B) and produce a small reduction in effort in Zone A, the management package included the following measures:

- 10% pot reduction (15 November – 14 March);
- Zone A 10% pot reduction (15 March – 15 April);
- 15 January – 9 February closure;
- Sundays off in Zone B (15 March – 30 June); and
- Time off – fishery closed for Christmas Day and New Year's Day.

To reduce effective effort by 5% in the southern region (Zone A), the management package included the following:

- 10-day November closure (15 November – 24 November);
- 3-day moon closures from the 1 February - 30 June (near the full moon period); and
- Time off - Christmas Day and New Year's Day.

The package will be re-assessed in 2007/08, taking into consideration any further efficiency increases. Proposals that will be discussed with industry to account for fishing efficiency increases include making annual adjustment to fishing effort or adjustments on a less frequently 5 to 10 years.

**9. Monitoring should be undertaken to evaluate whether the impact of the fishery on octopus is increasing, and if so the impacts that harvest is having on the stock and ecosystem. A management response should be developed by DOF as a contingency.**

Octopi are generally caught in the shallow waters of the Fishery (0-37m depth). The catch rate of octopus in the Fishery is monitored annually through the statutory catch data, logbook data and fishery independent observer coverage. This data is published annually in the [State of the Fisheries Report](#) (Appendix 5), and was recently reviewed in the review of the '[Western Rock Lobster Fishery Ecological Risk Assessment 2005 Report](#)'. The revised ERA report will be available at [www.fish.wa.gov.au](http://www.fish.wa.gov.au) in the coming months.

**10. The retention of deep sea crabs in the western rock lobster fishery should be actively managed by DOF to ensure the sustainability of the developing deep sea crab fishery.**

Catches of deep sea crabs by lobster fishers have always been small and restricted to a short period of the year (around early January), when the fishers are targeting migrating white lobsters. To prevent an increased take of deep sea crabs in the Fishery in the future, a possession limit of twelve deep sea crabs has been approved by the Minister.

Although the Management Plan is yet to be amended industry has been widely consulted and taken on the catch limit anyway. Monitoring on commercial fishing vessels continues to provide fishery-independent data on the catch of deep-sea crabs in the Fishery.

**11. DOF should undertake to develop appropriate triggers for endangered, threatened, protected or bycatch species and appropriate management strategies should the levels or sensitivity of interactions are shown to be greater than currently estimated. To facilitate this process it is important that:**

**11a. DOF continue the recording of byproduct and bycatch taken by the fishery (using both fishery dependent and fishery independent methods). DOF analyse whether byproduct and bycatch recording by the fishery dependent methods are an effective mechanism for obtaining these data.**

Rock Lobster fishers are required to record all their retained catch in their statutory monthly catch and effort returns (CAES data). Over the past 5 seasons, the Fishery has also had a volunteer logbook program to record interactions with protected species. The logbook program will not continue into the next season, as all interactions (including protected species interactions) will be included in the CAES data collection.

The Fishery also has a fishery independent observer program, which provides the capacity to validate the information collected in the CAES data.

Octopus is the main byproduct (see section 9 response).

**11b. DOF continue the ongoing monitoring of sea lion and cetacean interactions. In the event that these interactions significantly increase, DOF should implement appropriate mitigation measures in a timely fashion**

The 2005 ERA identified ecological risks and priorities for the Fishery. The results and findings from this workshop are located in the '[Western Rock Lobster Fishery Ecological Risk Assessment 2005 Report](#)'. In 2007, the ERA was reviewed, outlining the threats to protected species based on the knowledge collected from fishery-dependent surveys. The revised ERA report will be available at [www.fish.wa.gov.au](http://www.fish.wa.gov.au), in the coming months.

The Department continues to work closely with the Department of Environment and Conservation for all interactions with non-fish species, including marine mammals, sea birds and marine reptiles.

### **Sea Lions**

In 2005, the Sea Lion Scientific Reference Group was established to develop the best possible strategy to assess and mitigate the incidental mortality of sea lions in the Fishery's pots (see Appendix 1). A major study was undertaken to investigate the number of sea lions caught in rock lobster pots and to determine means for reducing these interactions through the use of Sea Lion Exclusion Devices (SLED's). This study led to the mandatory implementation of SLED's in both recreational and commercial rock lobster pots in 2006, in the area from north of Wedge Island to Freshwater Bay. More detail on SLED's is available in from the Department's [sea lion exclusion devices brochure](#).

The commercial and recreational fishing sectors have both demonstrated a high level of compliance in the use of SLEDs in the first year of implementation. The level of compliance will continue to be monitored each year using Fisheries Patrol Vessels. Ongoing videographic experiments are planned to monitor the efficacy of SLEDs, to ensure that vulnerable sized sea lions are not at risk of being captured in the modified pots. Preliminary

research on the foraging behaviour of vulnerable sized sea lions in the area affected has demonstrated that these animals spend the vast majority of their time within the boundaries of the prescribed mandatory area for the use of SLEDs (Campbell & Holley 2007). Continued research on this topic will provide further evidence on the effectiveness of SLEDs in eliminating incidental sea lion bycatch.

### ***Whales and Cetaceans***

There are occasional reports of whales becoming entangled with pot ropes. The humpback whale is the predominant species that interacts with the Fishery during its migration north to the North West Shelf breeding grounds in June to August annually. The Fishery has a closed season over the period 30 June to 15 November reducing the period in which interactions may occur. Interactions are reported to the Department of Environment and Conservation (DEC) and a specialist team operates to disentangle the whale, with a very high success rate. Industry and the Department of Fisheries vessels are used to assist in these operations.

It is likely that the rate of whale entanglement will increase in the future as the population of humpback whales continues to recover. In the 2005/06 season there was an increase in entanglements of large whales above the rate over the last 20 years. At least 6 entanglements of humpback whales occurred, with 5 being successfully released. This is above the historic rate of 0-4 whale entanglements per annum.

The Western Australian Rock Lobster Council, in conjunction with SeaNet, DEC, and industry, have developed a [code of practice](#) to minimise interactions with whales. These strategies also minimise entanglements with other marine wildlife. The level of interactions is also affected by the strength and location of the ocean currents eg Leeuwin Current, during this migration.

### ***MarineTurtles***

The Fishery has minimal interactions with marine turtles, with interactions resulting in the death of the turtle being very rare. The current rate of entanglement is 2-5 per year, with the vast majority of these animals being disentangled and released alive. The species most affected is the leatherback turtle. The code of practice (to minimise interactions with whales) is expected to also reduce the Fishery's interactions with leatherback turtles.

- 12. DOF should assess options for system-based management objectives and associated biological reference, target and limit levels, and implement system-based performance measures in the fishery. This should include a determination of the appropriate levels of protection for larger lobsters. DOF therefore are encouraged to undertake the proposed additional work on the issue of the role of large western rock lobsters in the system, including work on the catchability of larger lobsters.**

In 2003, a Fisheries Research and Development Corporation (FRDC) funded project (Project 005/2003) commenced, to investigate reproductive biology issues relevant to managing the western rock lobster broodstock. The project is envisaged to be complete by June 2007.

There are several parts to this project, including:

- a. Rock lobster eggs and larvae were collected from different sized breeding females, from different regions of the fishery, to determine whether the 'quality' of the larvae differed on the basis of the size and locality of capture of the mother (Melville-Smith *et al.* in press). Initial results indicate that eggs and larvae from different maternal size classes and regions were not significantly different with respect to lipid class, fatty acid composition, protein composition, water content, and larval competency

(competency is a measure of the health and agility of the larvae). The results imply that the individual female lobster and its diet may have a greater influence on larval competency in western rock lobster (*P. cygnus*) than the maternal attributes (size and capture site), and that large breeding lobsters do not produce more robust and healthy offspring.

- b. The size that female western rock lobster's first reach sexual maturity and the sizes at which females carry more than one brood has also been determined (Melville-Smith and de Lestang 2006; de Lestang and Melville-Smith 2006). The results improve managers' ability to determine the benefits of protecting different size classes in the population, by determining the contribution that different sized females make to the brood stock.
- c. Paternity assignment tests were used to determine what sized males are fertilising breeding females and whether there is a shortage of large breeding males to undertake the fertilisation process. Preliminary results indicate that (within the area that has been sampled) there is no evidence of mature females not being fertilised and there is little or no evidence of sperm limitation in the population.

An FRDC project is also underway assessing the effects of rock lobster fishing in deep water (40-100 m) where most of the larger lobsters reside.

Depletion analyses have provided insight into spatial and temporal changes in catchability in the western rock lobster fishery (Wright *et al.* 2006). The next phase of this research will be to examine separately these changes in the deep water and shallow water. Since the breeding stocks are located in deep water, this work will be addressing catchability of the larger animals. This work and the associated paternity assignment research, has provided good preliminary evidence for differences in catchability of breeding animals at different times of the year.

Biological reference points have been established in the Fishery (see Recommendation 7), with respect to egg production. Changes in egg production are monitored by fishery independent and fishery dependent breeding stock surveys, by estimating egg production per pot lift each season to provide an estimate of egg production in the Fishery. The 1980 estimated egg production level is now the agreed minimum target egg production level.

**13. DOF should examine mechanisms for monitoring ecosystem impacts of the fishery, including the appropriateness of reference areas that would allow comparison of fished and unfished areas.**

The Fishery is unlikely to cause significant trophic cascade effects, as the protected sub-legal-sized lobsters and breeding stock components form a relatively constant significant proportion of the biomass (>80%) which remains from year to year, and the catch, particularly in the inshore areas, is less than the annual variability in biomass due to natural recruitment cycles.

In 2004/05, a Fisheries Research and Development Corporation (FRDC) funded project commenced to examine the effects of western rock lobster fishing on the deep-water ecosystem off the west coast of Western Australia. The final report from this project will be available in 2008.

Research was been undertaken for some years by CSIRO, comparing shallow water fished and unfished areas in Jurien Bay. Additionally, a number of different research organisations (Murdoch University, Edith Cowen University, Department of Fisheries and CSIRO) are researching trophic dynamics within the Jurien Bay Marine Park. Western rock lobsters are a key component of this study. Further, the Swan Catchment Council recently provided funding to the Department of Fisheries to monitor key indicators in the Rottneest Island fished

and unfished areas. Most of the fished-unfished research is in its infancy in Western Australia, but results are starting to become available (eg. Babcock *et al.* in press).

In August 2007, a workshop is scheduled to discuss the ecological effects of the Fishery. The two main objectives of this workshop will be i) to review the results from the FRDC funded deepwater ecology research project and ii) to develop a new ecological research project to meet the requirements of the MSc recertification requirements for the Fishery.

This new project will be required to develop a research plan to identify and prioritise impacts. It is anticipated that the research project will be based on comparing fished and unfished areas using research closures that are still to be negotiated with Government and industry.

**14. DOF should establish an environmental management plan for the fishery that deals with effective waste management in the fishery and minimises the impacts of gear loss.**

The legislated design of rock lobster pots and the materials they are made from and the strict control of replacement pots prevents 'ghost fishing' problems arising. Rock Lobster pots are also not secure traps and lobsters are able to leave the pots at will. They stay in pots because of the availability of food (bait) and the temporary shelter they provide during daylight.

The Western Australian Fishing Industry Council developed a Rock Lobster Industry voluntary code of practice for using and handling bait, bait packaging and rubbish (Appendix 4).

The use of bait bands in the Fishery and their potential for contributing to the mortality of adult dusky whaler sharks was identified as a moderate risk in the 2007 ERA. The ERA suggested remedial action for a zero tolerance of bait bands by the Fishery. The Western Australian Fishing Industry Council is currently consulting on how to best deal with this issue.

An FRDC-funded study of human impacts (including rock lobster fishing) on the marine environments of the Abrolhos Islands estimated that potting might impact on between 0.1% and 0.3% of the surface area of fragile habitat (corals) at the Abrolhos Islands. Throughout the coastal fishery, rock lobster fishing generally occurs on sandy areas around limestone reef systems. This type of high-energy coastal habitat is regularly subjected to swell and winter storms and is considered highly resistant to damage.

In 2005, the Department of Fisheries in conjunction with the (then) Department of Environment conducted an audit of the waste management practices at the Abrolhos Islands. In consultation with the stakeholders at the islands, a draft Abrolhos Islands Waste Management Strategy was developed to address a number of waste management practices including storage and disposal of hydrocarbons, commercial, domestic and human waste disposal, general hygiene and amenity, incineration, sea dumping and alternative power sources. The draft Abrolhos Islands Waste Management Strategy is expected to be formally adopted this year.

A project funded by the [Northern Agricultural Catchments Council](#), focuses on the key elements of incineration, domestic and commercial waste disposal, trials of alternative toilet systems and water sampling, and more recently, education programs and hydrocarbon management.

Commercial and domestic waste is being collected and returned to the mainland for recycling and/or disposal, and there has been a voluntary moratorium on incineration of all plastics,

aerosols, and inorganic materials. Compliance with the moratorium has been high, (approx 90%) and there are ongoing education programs.

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## **APPENDICES**

### **Appendix 1. Western Rock Lobster Management System June 2007**



**Department of Fisheries**  
Government of Western Australia

# **Western Rock Lobster Management System**

**June 2007**

## **EXECUTIVE SUMMARY**

The western rock lobster (*Panulirus cygnus*) is a species of spiny lobster endemic to the west coast of Western Australia. The species has become the basis of one of the world's most successful commercial fisheries while also supporting a vibrant recreational fishery.

Responsibility for managing the resource is vested in the West Australian Government in accordance with the objects and provisions of the *Fish Resources Management Act 1994* (FRMA). The Minister for Fisheries is responsible for making executive decisions that determine the strategic and structural manner in which the fishery is managed, while the Executive Director of the Department of Fisheries is responsible for the functional management or administration of the fisheries management system.

Establishment, amendment and review of the western rock lobster management system by the Minister for Fisheries occurs on the advice of the Rock Lobster Industry Advisory Committee (RLIAC). This statutory Ministerial Advisory Committee is set the task of providing the Minister for Fisheries with advice on all matters relevant to the western rock lobster management system. In order to perform this role effectively it is essential that RLIAC have access to a variety of relevant and related expertise, be highly consultative and conduct its business in a manner that is transparent and accountable.

RLIAC performs this role with the aid of a number of established and well-recognised processes designed to constantly scan the environment (in its broad sense) for issues that can and do affect the management system.

In particular the National Ecologically Sustainable Development Reporting framework is used to provide advice to RLIAC, and therefore Government, on the risks posed by fishing on the stock and more broadly the ecosystem and strategies to mitigate those risks.

In the western rock lobster management system this environmental scanning to identify and manage risk occurs on three levels: strategic (every five years), annual and as needed. Importantly the three levels of assessment ensure that there is a system to identify risks and rate them appropriately when they occur and that management measures can be adopted early to mitigate the risks.

This document, with supporting documentation in the appendices, provides a detailed explanation of the management system. It thus provides the basis for implementing the detailed management strategies in place to respond to the identified risks contained within the document '*Western Rock Lobster Environmental Management Strategy*'.

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## **1.0 DESCRIPTION OF THE WESTERN ROCK LOBSTER FISHERY**

The commercial fishery for western rock lobster is the most valuable single-species fishery in Australia (worth between \$A200 and \$A400 million annually) and usually represents about twenty per cent of the total value of Australia's fisheries.

This fishery also supports a significant recreational fishery with about 37,000 recreational rock lobster licences issued in 2002/03 and around 80% of these licences used to catch 500-600 tonnes (approx. 5% of the total commercial and recreational catch). A recreational licence entitles the holder to use two pots and/or dive for rock lobster and keep up to 8 lobsters per day.

As one of the first managed fisheries in Western Australia, data has been kept on the western rock lobster fishery since the early 1900s. Details of the western rock lobster data sets are at Appendix 1. The rock lobster fishery was declared limited entry in March 1963 when licence and pot numbers were capped. Since 1963, boat numbers have declined from 836 to 545 (November 2003). The commercial catch has varied between 8,000t and 14,500t over the last 20 years. The settlement of puerulus (1 year old lobsters) is used reliably to predict catches three to four years ahead.

The management package currently in place employs a variety of measures to pursue the legislative objectives – at the heart of which is resource sustainability. The rock lobster management package is widely recognised as successfully meeting this objective, but the extent to which other fisheries management objectives are pursued is a matter of considerably more debate.

On a broad level, the capacity of the fishery (total number of usable pots) is limited thereby placing an overall cap on effort – a Total Allowable Effort (TAE). Unitisation of the effort in the fishery and relatively liberal transferability provisions allow market forces to determine what is the most efficient use of licences and available entitlement (pots). This system of management is known as an Individually Transferable Effort (ITE) system.

The fishery is also divided into zones of access. This distributes effort across the entire fishery, rather than permitting the fleet to concentrate effort on areas of seasonally high productivity which could result in a higher than acceptable exploitation rate. Zonal management also enables management controls aimed at addressing zone specific issues to be implemented. For example, there are currently different maximum size restrictions in the northern and southern regions of the fishery. A form of zonal management known as “closed areas” has also been used in a number of instances - Rottneest and Quobba Point closures to commercial fishing, and Fish Habitat Fish Protection Areas at Cottesloe, Yallingup and Lancelin Island have been implemented. Further examples of closed areas are present under the Marine Park management system administered by the Department for Conservation and Land Management (CALM).

Other management tools of note are those of a biological nature, specifically: protection of females in breeding condition, minimum carapace length and maximum carapace length. Gear restrictions, such as the need for escape gaps, also play a significant role in controlling exploitation rates.

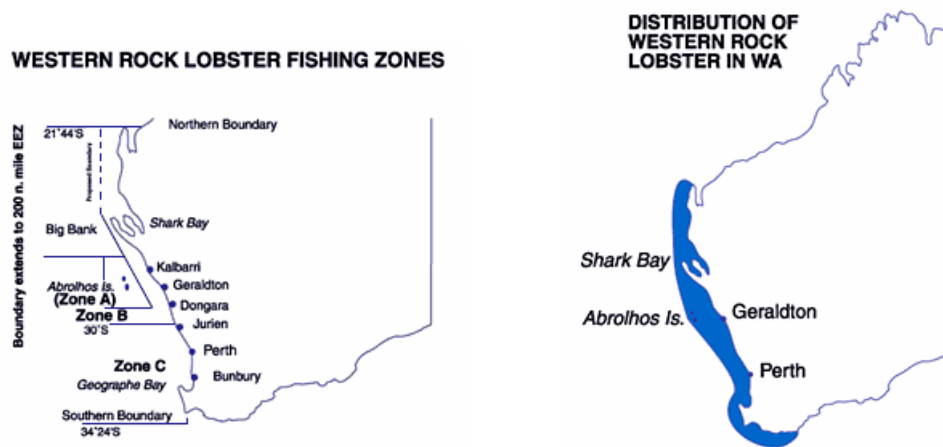


Figure 1: Western rock lobster fishing zones and distribution of western rock lobster.

## 2.0 SYSTEM OF GOVERNMENT IN WESTERN AUSTRALIA AND RELEVANT FISHERIES LEGISLATION

The Government of Western Australia operates under the Westminster system, and an important tenant of this system is that the responsible Minister makes executive decisions. Insofar as the administration of fisheries in Western Australia is concerned the relevant executive decision maker is the Minister for Fisheries.

The Department of Fisheries is established under the *Public Sector Management Act 1994* and is the department principally responsible for assisting the Minister for Fisheries in administering the following acts:

- *Fish Resources Management Act 1994 (FRMA)*;
- *Pearling Act 1990*;
- *Fisheries Adjustment Schemes Act 1987*;
- *Fishing and Related Industries Compensation (Marine Reserves) Act 1997*; and
- *Fishing Industry Promotion Training and Management Levy Act 1994*.

Up to date versions of these acts can be accessed via [www.fish.wa.gov.au](http://www.fish.wa.gov.au) .

Of particular relevance to the management of fish resources is the *Fish Resources Management Act 1994 (FRMA)*. Section 3 of the FRMA establishes that:

“The objects of the Act are to conserve, develop and share the fish resources of the State for the benefit of present and future generations.”

The fish resources that fall under the jurisdiction of the FRMA are described in a formal agreement between the Commonwealth and State Government’s – the Offshore Constitutional Settlement. This agreement and explanation of it is contained within *Fisheries Management Paper No.77 – Offshore Constitutional Settlement 1995*.

Under the FRMA, there is a division of power between the Minister for Fisheries and the statutory office of the Department of Fisheries Executive Director. In broad terms, it is the Minister for Fisheries who establishes the legal and policy framework for fisheries management, while the Executive Director (and staff) carry out the day-to-day administration of these frameworks.

### **3.0 SOURCE OF MINISTERIAL ADVICE AND PROCESSES THROUGH WHICH IT IS PROVIDED**

To assist the Minister for Fisheries in the task of managing the State's fish resources the FRMA makes provision, under Part 4, for the establishment of Advisory Committees. For the western rock lobster fishery resource the relevant advisory committee is the Rock Lobster Industry Advisory Committee (RLIAC). However, the Minister is not limited to seeking advice only from RLIAC and can, for example, seek advice directly from stakeholders, the Department of Fisheries or Parliamentary colleagues.

RLIAC is one of three statutory advisory committees established under the FRMA. As a statutory committee the FRMA specifically and explicitly establishes RLIAC's composition (including who chairs meetings), functions, constitution and proceedings.

Section 29 of the FRMA specifies that there are 14 membership positions on RLIAC comprising of an independent chairperson, the Executive Director, 1 Department of Fisheries Officer, 8 commercial rock lobster fishers, a recreational rock lobster fisher and 2 processing/marketers of rock lobster. In addition to the formal membership, RLIAC has a number of permanent observers who participate in the process at the direction of the Chairperson. Representatives from the Conservation Council of Western Australia and the Western Rock Lobster Council are permanent observers while a senior member of the Minister's staff also attends meetings.

Section 30 of the FRMA states that:

*“(1) The functions of the Advisory Committee [RLIAC] are –*

- a. to identify issues that affect rock lobster fishing;*
- b. to advise the Minister on matters relating to the management, protection and development of rock lobster fisheries; and*
- c. to advise the Minister on matters relating to rock lobster fisheries on which the advice of the Advisory Committee is sought by the Minister.*

*(2) The Advisory Committee [RLIAC] may do all things necessary or convenient to be done for or in connection with the performance of its functions.”*

To provide additional non-legislative guidance for the operation of RLIAC, and other advisory committees, the Minister for Fisheries issued *Fisheries Management Guide No.3 – A guide for Management and Ministerial Advisory Committee (MACs) and the conduct of meetings issued by the Minister for Fisheries* as published in January 2003 by the Department of Fisheries. This Guide covers all critical operational aspects for advisory committees such as RLIAC. For example, the guide covers the role of members and observers, procedural matters, disclosure of interests and executive support for advisory committees. A copy of this guide is at Appendix 2.

In a manner that is consistent with Fisheries Management Guide No. 3, RLIAC has established a number of sub-committees to assist it to complete its functions. Collectively these sub-committees cover strategic management, cost recovery finance, stock sustainability research and development, and compliance.

In addition to its longstanding sub-committees RLIAC has recently established two Scientific Reference Groups (SRG's) that are responsible for ensuring that RLIAC is provided with advice how to ensure the western rock lobster resource is managed in a manner that is consistent with the principles of ecosystem based management (EBM).

All these subordinates of RLIAC have a composition and terms of reference that is set down by RLIAC and each subordinate reports directly to RLIAC and operate in a manner that is consistent with Fisheries Management Guide No. 3.

See Appendices 3,4,5, and 6 for terms of reference, composition, operational aspects and the process for amending these arrangements of the various RLIAC subordinates.

Traditionally, the focus of management, and therefore consultative processes, has been the commercial sector. However, the management and RLIAC processes have evolved to more explicitly recognize and include other stakeholders – in particular the recreational and conservation sectors. This process continues.

Discussion with stakeholders occurs through a variety of fora, but regular and well-known features of the RLIAC process include the annual coastal tour and Stakeholder meetings held three to four times in a twelve-month period. The coastal tour is a day long forum with rock lobster stakeholders, including conservation representation, coordinated and organised by RLIAC. The tour is open to the public and held in October each year and visits three major rock lobster ports between Fremantle and Geraldton. This forum is widely recognised by rock lobster stakeholders as a mechanism for receiving the most up-to-date scientific advice on the status of the fishery within an ESD framework and discussing new and ongoing management issues in the context of the three-year planning process. Background material and the program for the upcoming coastal tour can be viewed and downloaded from [www.fish.wa.gov.au](http://www.fish.wa.gov.au) around late September each.

In recent years RLIAC's consultation and communication with stakeholders has been further enhanced by conducting half day "Stakeholder meetings" prior to a meeting of RLIAC itself. Held quarterly, these stakeholder meetings provide regular opportunities for all rock lobster stakeholders to have direct input into and with the RLIAC process throughout the year.

RLIAC communication and engagement with stakeholders is through a variety of mediums:

- RLIAC News – published quarterly
- [www.rocklobsterwa.com](http://www.rocklobsterwa.com) and [www.fish.wa.gov.au](http://www.fish.wa.gov.au)
- Updates posted on the Marine and Coastal Community Network
- Scheduled RLIAC meetings
- Scheduled Joint Stakeholder meetings
- Annual RLIAC coastal tour and accompanying background documentation and reports
- RLIAC Executive Officer

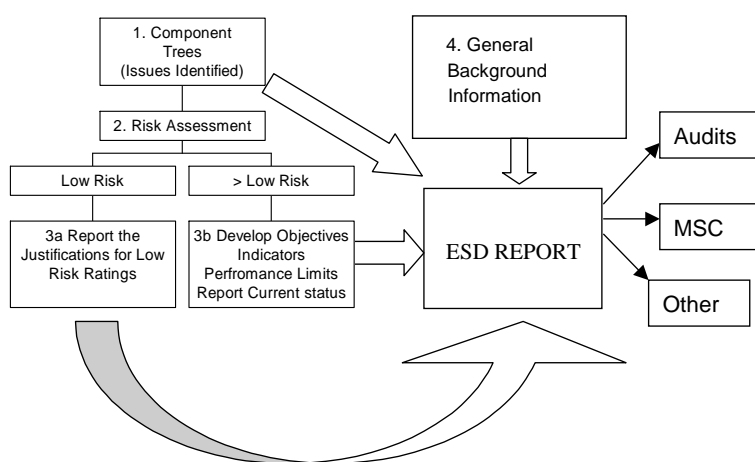
Increasingly managers of this process are using web-based techniques to communicate notification of upcoming events (and the respective program) along with status reports and management outcomes.

The purpose of these communication and consultation processes is to ensure stakeholders and the community more generally have access to relevant information, reports and advice that shapes the advice RLIAC provides to the Minister. For example, reports from the Scientific Reference Groups are made available to the public. By making this information available RLIAC encourages input from stakeholders and the community into the management process.

#### 4.0 ECOLOGICALLY SUSTAINABLE DEVELOPMENT REPORTING

In Australia there exists an Ecologically Sustainable Development (ESD) reporting framework for fisheries as developed by the *Fisheries Research and Development Corporation ESD Subprogram*. This framework is now outlined within a series of reports (including a “*How To*” *Guide*, Fletcher *et al.*, 2002), which makes the completion of ESD reports as efficient and effective as possible. They are all available from the subprogram website [www.fisheries-esd.com](http://www.fisheries-esd.com).

There are four main processes needed to complete an ESD report (see Figure 2 for summary)<sup>1</sup>. These include: identifying issues; determining the importance of each of these issues using risk assessment; completing suitably detailed reports; and compiling sufficient background material to put these reports into context. Sections of the *Guide* outline in detail how to complete each of these major elements by providing detailed descriptions of the methodology, examples of outputs from case studies and, where necessary, the theoretical foundations to the methods used.



**Figure 2 Summary of ESD framework processes**

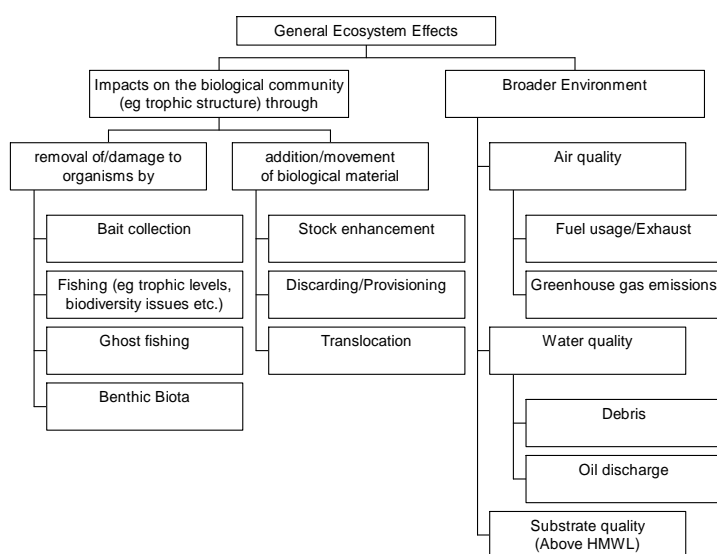
#### First Step - Identifying the Issues

The first step in the ESD reporting process is to identify what are the issues relevant to the fishery being assessed. This step is equivalent to the ‘hazard identification’ process used in most risk assessment procedures.

<sup>1</sup> These elements are equivalent to completing a standard risk analysis process.

Identifying the issues for a fishery is assisted through the use and modification of a set of “*generic component trees*” (see Figure 3 for an example). There is one *generic component tree* for each of the eight components of ESD (retained species, non-retained species, general ecosystem, indigenous, community and national wellbeing, impacts of the environment and governance). These generic component trees are used as a starting point, with each fishery tailoring them to suit their individual circumstances, expanding some sub-components and collapsing or removing others, depending upon the fishing methods, areas of operation and the species involved.

For example, the generic component tree for “*general ecosystem issues*” shown below covers all the major categories of possible effects on the biological community, and on air, water and substrate quality by fisheries.



**Figure 3. One of the eight generic component tree (see Fletcher et al., 2002 for full details).**

## **Second Step – Prioritisation Using Risk Assessment tools**

The generation of component trees for a fishery often results in a large number of issues being identified, the importance of which varies greatly. For example in reporting on a lobster fishery, there will almost certainly be a different level of direct management and reporting needed to ameliorate the impacts of the fishery on the stocks of lobster compared to the impacts the fishery may have on manta rays from entanglement in ropes.

Consequently, in many cases it will be sensible to prioritise the issues so that the level of management actions and the details of the reports generated are aligned.

To determine the priority of issues and the appropriate level of response, the second step outlined in the *Guide* is the Risk Assessment methodology used to assist this process. This methodology operates by completing an assessment of the ‘risk’ associated with each of the identified issues. The Risk Analysis tool used in this ESD process is based upon the AS/NZ Standard, but adapted for use within the fisheries context. It works by assigning a level of consequence – what level of impact - from negligible (eg no measurable change) to

catastrophic (eg extinction of the species) and the likelihood of this consequence occurring (from remote to likely) for each issue.

From the combination of consequence and likelihood, an overall level of *risk* is generated (from negligible to severe). This *risk* can then be used to assist in deciding whether an issue requires specific management or not.

To be of value for the ESD reporting process, it is not sufficient to only quote the levels of consequence and likelihood levels chosen and the subsequent risk ratings generated. Instead, appropriately detailed justifications for why these levels were chosen and why any decisions were made are also needed. The key element is that other parties who were not part of the process to generate the report need to be able to see the logic and assumptions behind the decisions that were made.

Consequently, the completion of appropriately detailed performance reports on each of the identified issues, including any justifications generated during the risk assessment process, are the major outputs from the ESD reporting process.

### Third Step - Performance Reports

In general, two types of reports are completed on issues.

- 1) Where specific management is not undertaken, the reports only need to justify this conclusion.
- 2) Where specific management actions are needed, a full performance report that details all elements of the management system is required.

For issues with risk ratings sufficiently low to not warrant having *specific* management actions, the reports only need to cover the rationale for coming to this decision. In some cases, only a few lines or paragraphs may be needed to achieve this.

If an issue does require specific management actions then the performance reports should use the following as a guide:

<b>Performance Report Heading</b>	<b>Description</b>
1. Rationale for Inclusion	<i>Why is this considered an issue?</i>
2. Operational Objective (plus justification)	<i>What outcome are you trying to achieve and why?</i>
3. Indicator	<i>What are you going to use to measure performance?</i>
4. Performance Measure/Limit (justification)	<i>What levels define acceptable and unacceptable performance and why?</i>
5. Data Requirements/Availability	<i>What monitoring programs are needed?</i>
6. Evaluation	<i>What is the current performance of the fishery this issue?</i>
7. Robustness	<i>How robust is the indicator &amp; or the performance measure in assessing performance against objective?</i>
8. Fisheries Management Response	
- Current	<i>What are the management actions currently being used to achieve acceptable performance?</i>

- Future	<i>What extra management is to be introduced?</i>
- Actions if Performance Limit is exceeded	<i>What will happen if the indicator suggests performance is not acceptable?</i>
9. Comments and Action	<i>Summarise what actions will happen in the coming years</i>
10. External Drivers	<i>What factors, outside of the fisheries agency control, may affect performance against the objective?</i>

#### **Fourth Step - Background Material**

The provision of background material allows the other sections of the report to be put in context: This material is also needed to complete the Risk Assessment process.

The material covered should include:

- the history of the fishery.
- where the fishery operates.
- the kind of fishing methods used.
- the major species, habitats and environment that could be affected.
- summaries of the biological characteristics of the main species and habitats involved.

The descriptions in the *Guide* are detailed, while the description here is an overview of the whole process for those require a general understanding of the process. For those who will be taking part in this ESD reporting or are simply interested in gaining a more in depth understanding of the process, it is recommended that the full documentation is obtained and referenced.

The first two steps of the ESD reporting framework can be categorised more broadly as *Ecological Risk Assessment* (ERA) and the third step is broadly categorised as representing the *Environmental Management Strategy* (EMS) for the fishery. Step 4 is applicable to both the ERA and EMS phases of ESD reporting. Chapters 2, 3 and 4 in this series contain the current ERA and EMS respectively for the Western Rock Lobster Fishery.

#### ***Ensuring the currency of the ERA and EMS***

It is a requirement that the ERA and EMS documents be reviewed annually so as to: update risk ranking as a result of changed circumstances, increased knowledge or effect of management. Alternately the review may confirm the existing risk ranking. This annual assessment is used to determine if the adopted management strategies are on track to achieve the stated management and operational objectives broadly designed to mitigate the identified risk. Where a strategy is not on track the annual review is used as the basis for an adaptive management approach to correct the strategy based on new information.

Similarly “out of session” or “as needed” reviews of the ERA and EMS status entirely or on certain aspects can be triggered in response to new information, changed circumstances or the identification of a new risk. At the very least such reviews would be undertaken by the Department of Fisheries in liaison with the SRG’s and if possible (or necessary) via the formal meeting of the SRG’s.

The decision as to the level of attention a newly identified risk would warrant and how urgent it is for the matter to be addressed would be made after canvassing the views of Reference Group members (most likely by email or telephone).

The full ESD reporting process occurs every five years and will result in the production of a new ERA and a new EMS.

The SRGs are responsible for undertaking these risk identification, review and assessment processes along with assessment of the performance of strategies already in place to mitigate against known risks. Details of how this process occurs is contained in documents that explicitly detail the terms of reference and operational requirements of these committees.

The management system recognises that stakeholder input into the risk identification, review and management assessment processes is most important. The processes through which RLIAC formally engages stakeholders has already been outlined (see section 3.0), but is valuable to re-emphasise that those mechanisms are not simply industry mechanisms but rather broader stakeholder mechanisms.

The RLIAC strategic plan identifies communication with non-industry stakeholders as a high priority. In particular it is noted that because RLIAC has in the past primarily dealt with the industry group there is some work that needs to be done to ensure that other stakeholder groups are aware of, and understand the RLIAC process and how it can be used to address their concerns.

That said, there are checks and balances in the system that will ensure that where a stakeholder is not familiar with the RLIAC processes it is highly probable that their concerns will be directed to the RLIAC process in order for it to be addressed by the appropriate SRG. In particular the networks of non-government organisations associated with the RLIAC process including the: Conservation Council of WA, WWF and Recfishwest are valuable collection points. Furthermore the system of government in WA assigns Minister's to portfolios and stakeholders are free to raise concerns directly at the Ministerial level or with the responsible department and this is yet a further collection point for the process.

## **5.0 POWER TO MANAGE THE WESTERN ROCK LOBSTER FISHERY**

As the primary and statutory source of advice on all matters relevant to the management of the western rock lobster resource and use of it RLIAC has an extensive network of expertise advise across its various subordinate committees, reference groups and processes for regularly engaging directly with stakeholders more broadly.

As the recipient of much advice from RLIAC on management issues the Minister requires legislative power to turn knowledge and advice into action. Parts 5 and 6 of the FRMA deal with the general regulation of fisheries through the use of orders and regulations and the specific management of fisheries via the declaration or amendment of fisheries management plans. Principally, the Minister for Fisheries manages the western rock lobster resource by exercising powers provided under Parts 5 and 6 of the FRMA on the advice of the Rock Lobster Industry Advisory Committee. The administration of these arrangements ostensibly then becomes the responsibility of the Executive Director and the Department of Fisheries more generally.

For the western rock lobster resource there is a fisheries management plan determined by the Minister for Fisheries that limits the right to fish commercially for western rock lobster to those who hold an appropriate licence issued only by the Executive Director. The management plan establishes the area and sub areas (zones) of the fishery, the capacity, permissible gear type, open and closed seasons and rules for transferring licences or parts of licences. The management plan can be viewed at [www.fish.wa.gov.au](http://www.fish.wa.gov.au) .

In addition to the management plan there are orders determined by the Minister that (amongst other things) manage access to special areas within the overall boundaries of the fishery. For example there is an order that generally prohibits commercial fishing in waters immediately surrounding Rottnest Island off the Perth metropolitan coast.

To complement the management plan and various orders there is a body of regulation approved by the Minister and determined by the Governor that applies specifically to western rock lobsters. In particular these regulations deal with the specifics of what size lobster cannot be taken, the protection of lobster in breeding condition, the dimensions of approved rock lobster fishing gear, bait types that cannot be used and the requirement to hold a recreational fishing licence to fish recreationally for western rock lobster. A process is currently underway to make the collection of orders and regulations available online.

To assist RLIAC and its subordinate committees and reference groups in developing management advice for the Minister, a fisheries management decision rules framework for the western rock lobster fishery has been developed. This decision framework is currently in draft form but will be fully implemented by the commencement of the 2004/05 season.

## **6.0 SOURCE OF FUNDS TO RESOURCE THE MANAGEMENT PROCESS**

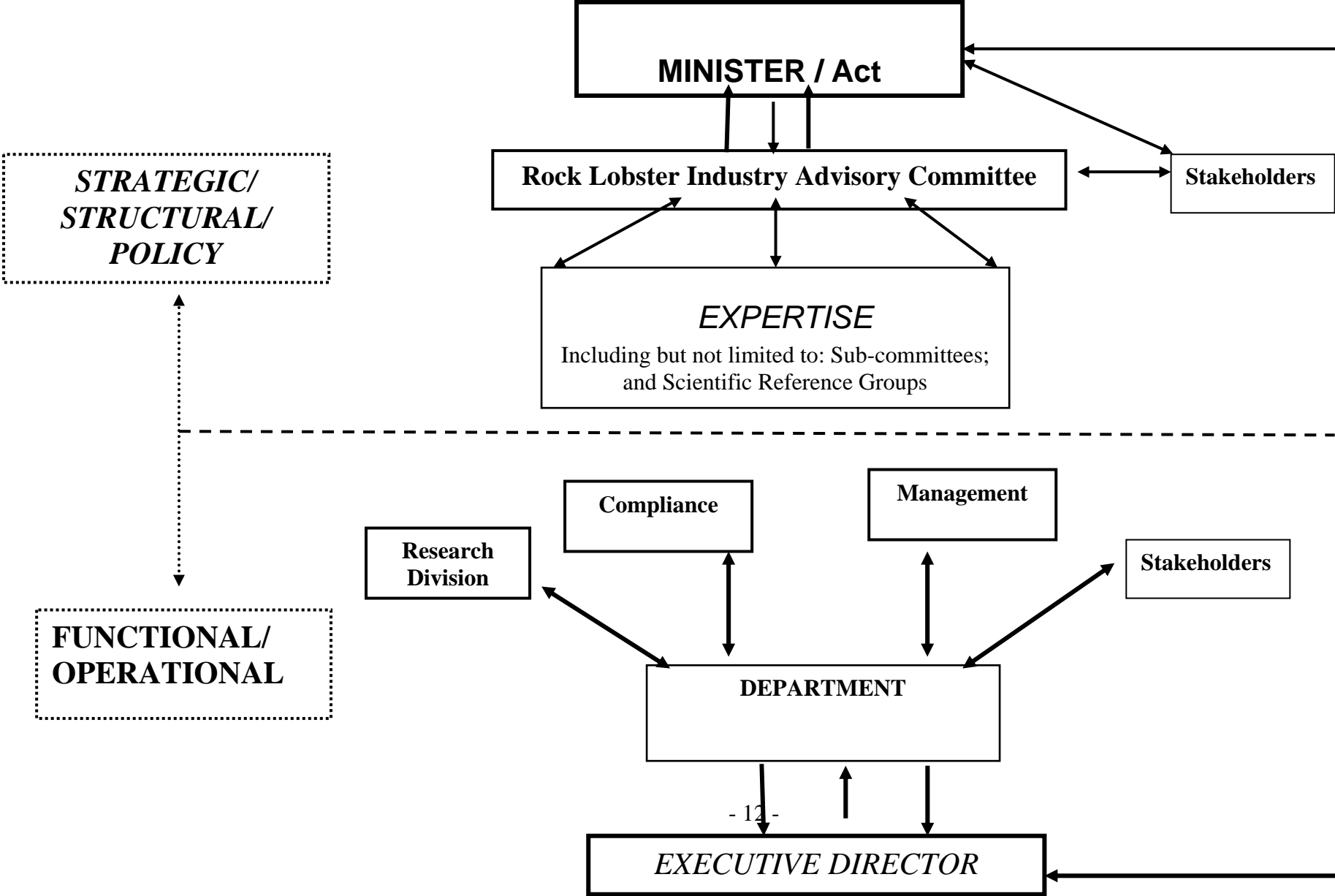
The costs of managing the Western Rock Lobster Fishery are met from a variety of sources, in particular significant contributions each financial year come from the:

- West Coast Rock Lobster industry through the established cost recovery process;
- State Government;
- Fisheries Research and Development Corporation;
- Industry Development Unit; and
- Development and Better Interests Fund

## **7.0 SUMMARY**

The established management system for the western rock lobster fishery is based on the principles of good government and the premise that responsibility for managing access to the common property resource is vested in the Government and its agencies. To ensure that executive decisions are made in good faith and on the best available information formal consultation, communication and expertise based assessment processes exist. Figure 4 illustrates the separation of executive and administrative powers and responsibilities under the *Fish Resources Management Act 194* as applied to management of the Western Rock Lobster Fishery.

Figure 4 Illustration of strategic and operational aspects of the Western Rock Lobster consultation and management framework.



## APPENDIX 1 – OVERVIEW OF DATA SETS

### Overview of Western Rock Lobster Data Sets

Research advice to management is based upon a number of fishery dependent and fishery independent, long time-series of data. Of particular importance are: the compulsory fishers' monthly returns; the compulsory processors' monthly returns; the voluntary log book programme; the commercial monitoring programme; the independent breeding stock survey; the puerulus collection programme; and the annual bycatch survey returns. A summary of the basic features of each programme appear below:

- Compulsory fishers' monthly returns: as a condition of their licence each fisher must provide a monthly record of the catch of lobsters taken and number of days fished and pots used in a calendar month in each commercial fishing block of 1° of latitude by 1° of longitude;
- Compulsory processors' monthly returns: as a condition of holding a processing licence each processor must report to the Department of Fisheries on a calendar month basis, the quantity of lobsters purchased from individual vessels, and the product type and grade (size) produced for sale;
- The voluntary log book programme is completed by around 35-40% of the fleet and across all areas of the fishery. This provides detailed daily data on catch and fishing effort (pots: type and bait used) by depth (0-10 fathoms, 10-20fm, 20-30 fm, 30-40 fm and 40+fm) in transects of 30 minutes of longitude by 10 minutes of latitude. Information on the daily numbers of sub-legal sized, setose, berried and female rock lobsters greater than the maximum legal size are also recorded together with numbers of octopus, information on wind, swell and current and since 2000 information on the interactions with "icon" species.
- The commercial monitoring programme is an observer programme in which a departmental officer travels aboard a commercial vessel and measures a sample of lobsters from the days fishing. A sample of 300-400 lobsters is required from each depth category (0-10 fathoms, 10-20fm, 20-30fm 30+fm) from Fremantle, Lancelin, Jurien, Dongara, Kalbarri and the Abrolhos Islands each month of the season (November to the following June inclusive). Data on bottom type, bycatch and octopus are recorded as well as details of icon species sighted or entangled or caught in gear. Vessels are chosen so that their operations fall within a 30 nautical mile range, ie between 15 nautical miles north and south of the harbour of the location being monitored. These data provide size composition, sex ratio and breeding information from lobsters caught in pots.
- The independent breeding stock survey commenced in 1992. It is a standardized survey of areas of deep water (20-40 fathoms) breeding grounds defined in consultation with fishers at each location. Sampling at Fremantle, Jurien and Dongara commenced in 1992 while sampling at Lancelin and Kalbarri began in 1993. All coastal sites were sampled up to and including 1997 and in 2002. From 1998 to 2001 only Lancelin and Dongara were sampled. The Abrolhos Islands have been sampled in all years. On the coast, 160 standard pots are set in each coastal location over the new moon in October, the commencement of the breeding season. The pots are set on

a standard grid pattern determined by global positioning system (GPS) positions for each pot on each day in each area. Chartered commercial rock lobster vessels are used to set and pull pots on 2-day soak times, so 80 pots are pulled per day. The sampling occurs over a ten-day period. At the same time the Department's Research Vessel *Naturaliste* (and formerly *RV Flinders*) is used to fish 51 pots daily in depths of 0-30 fathoms at three stations within each group of the Abrolhos (Pelsaert, Easter, Wallabi and North island). Twelve days of fishing occur as the research vessel moves systematically from south to north through the Abrolhos. Environmental data are collected and the catch rates and sizes of breeding females are combined to produce an index of egg production.

- The puerulus collection programme samples settling pueruli at 9 sites along the coast and at the Abrolhos Islands. The sampling locations are protected nearshore reefs at Cape Mentelle, Warnbro Sound, Alkimos, Lancelin, Jurien, Dongara, Port Gregory, South Passage (Shark Bay) and at the Easter Group of the Abrolhos. Sampling of the 5-7 collectors (depending upon the location) is undertaken over every full moon period. Numbers settling are combined to produce an annual index of puerulus settlement which correlates very well with catch three and four years later. Temperature recorders are placed at all collection sites.
- Annual bycatch survey form: this is sent out each year with the annual vessel, gear and equipment survey form and is not compulsory. It is completed by about 30% of the fleet. The form requests information on the number and type of interactions with icon species over the previous season. An initial question asks if there was a capture or accidental entanglement and if yes, then more detail is requested such as location, date, capture or entanglement and so on. The yes answers are followed up by telephone interview.
- Random telephone interviews with fishers throughout the fishery will be conducted twice each season to gather more accurate data on interactions with "icon species" and to ascertain the level of non-reporting amongst fishers for data validation. It will also serve to promote the other forms of data collection (log-book and surveys). This phone survey of about 50-80 randomly chosen fishers will be conducted twice per year. It will collect spatial and temporal information on the level of interaction and sightings in the 2002/03 and later seasons as well as more general information on the level of interaction in previous seasons.

These data provide information on the catch of lobsters, the fishing effort, the size structure of pot catches and landed lobsters, the size of the breeding stock and levels of egg production, the type and level of pot-caught bycatch (such as fish, eels etc), and more recently indications of the level of entanglement and capture of icon species. Combinations of the commercial catch and effort data and the voluntary log-book data provide a very good picture of the distribution of catch and fishing effort by 30 n. mile by 10n.mile transect by depth over the entire fishery. These changes can be tracked since the mid 1960s. Commercial monitoring data from the observer programme commenced in 1971 yields information on bycatch of fish and octopus from lobster pots. The processors' data provides another data set from which changes in the size (grade) composition of the legally retained lobsters can be examined. The comprehensive data sets can be combined in sophisticated models to examine sustainability and other management issues.

The distribution of the annual bycatch survey forms and the introduction of requests for data relating to "icon" species interactions in the voluntary log-book programme began in the

1999/00 and 2000/01 seasons respectively. The decision to make replies to these requests voluntary, rather than mandatory as some have suggested, was based upon the experience in this and other fisheries that fear and misunderstanding by fishers would simply yield worthless data. It is better to use a voluntary approach coupled with an education programme to remove the fear and develop the trust so that meaningful data result. In the long term it will ensure quality data for continued assessment of the issues. The subsample will be used to assist in the estimation of the overall fishery impact on the icon species. Validation of the data also occurs by use of telephone survey techniques and by the comparison of independent data sets, for example commercial length monitoring data.

# Fisheries Management Guide

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A guide for  
Management and Ministerial Advisory  
Committees (MACs)  
and the conduct of meetings issued by  
the Minister for Fisheries

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Fisheries Management Guide No. 3

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Department of Fisheries  
Western Australia

January 2003

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## **A GUIDE FOR MANAGEMENT AND MINISTERIAL ADVISORY COMMITTEES (MACs) AND THE CONDUCT OF MEETINGS**

### **1. PURPOSE**

This Guide has been provided by the Minister for Fisheries to assist Management and Ministerial Advisory Committee (MAC) members in undertaking their duties under the *Fish Resources Management Act 1994*, the *Fisheries Adjustment Scheme Act 1987* and the *Pearling Act 1990*. Its development has involved extensive consultation with stakeholders as well as consideration of other pertinent reviews, such as the independent review of Australian Fisheries Management Authority MACs.

This Guide provides information in addition to or complementary to that provided in the Act and the Instrument of Appointment for a MAC. This Guide applies to all fishery MACs including those that are formed by statute, unless otherwise stated.

This Guide supersedes the previous guidelines provided by the Minister for Fisheries in August 2000.

### **2. PREAMBLE**

MACs are the major source of advice for the Minister for Fisheries on the management of the State's fisheries and other issues affecting the Fisheries Portfolio. They also provide a forum where stakeholders are involved in discussion on problems identified and possible solutions developed.

MACs play a key role in the decision-making process for management of the State's fish resources and the management of issues associated with the Fisheries Portfolio.

### **3. INTRODUCTION**

Part 4 of the *Fish Resources Management Act 1994* ("the Act") provides for the establishment of fishery management and other advisory committees to provide information and advice to the Minister for Fisheries on:

1. matters related to the protection and management of the fishery; or
2. the administration of the Act.

A similar advisory process is outlined in the *Pearling Act 1990* for the pearling and pearl culture sectors, which is called the Pearling Industry Advisory Committee. This Committee also provides advice to the Executive Director of Fisheries.

Similar provisions in the *Fisheries Adjustment Scheme Act 1987* exist for the establishment of Voluntary Fishery/Fisheries Adjustment Scheme Committees of Management which provide advice to the Minister for Fisheries on the desirability of establishing schemes and the subsequent consideration of offers under those schemes.

This Guide refers to:

- MACs providing advice on matters relating to the protection and management of fisheries, which are referred to as Management Advisory Committees or 'fishery MACs' - see (1) above.

- MACs providing advice on the administration of the Act (see (2) above), which are referred to as Ministerial Advisory Committees. MACs covered by the Guide and the relevant Sections of the Act are outlined in Attachment 1.
- The Pearling Industry Advisory Committee.
- The Fisheries Adjustment Scheme Committees of Management.

#### **4. ROLE OF A MAC**

**MACs are expertise-based, advisory in nature and make recommendations to the Minister for Fisheries.**

The Minister for Fisheries has a statutory requirement to consult with designated stakeholders when changes are made to management plans. In most instances the designated consultative body is the MAC.

A MAC is the major source of advice to the Minister for Fisheries on issues relating to a fishery or Fishery Portfolio area. The MAC is a forum where issues relating to a particular fishery or Fisheries Portfolio area are discussed, problems identified and possible solutions developed for consideration by the Minister.

Each MAC gives the Minister a means to make his policies known to client groups and, in turn, a medium through which client groups' views may be made known to the Minister.

The outcomes of the MAC's deliberations determine the advice the MAC will provide to the Minister. The fisheries MACs also provide an opportunity for interaction between all those who have an interest in the resource, including users, researchers and managers.

The Minister may seek advice from sources other than the MAC. The advice of the Executive Director of Fisheries will be sought by the Minister as a matter of course in relation to the MAC advice vs wider government policy or as to the consistency of the MAC advice to the objectives for the fishery. Where additional information is made available to the Minister, in normal circumstances, the Minister will refer that information to the MAC so that it can review its initial recommendations in light of the new information and provide the Minister with the best advice possible.

It must be clearly understood that the MAC is an adviser to the Minister for Fisheries, who is responsible for the final management decisions under fisheries legislation.

Where the Minister takes a differing view to the MAC advice or defers a decision, the MAC will receive feedback from the Minister advising of the reasons for that decision.

##### **4.1 Scope of MAC Activities**

A fishery MAC has certain statutory functions outlined in s65 of the Act in relation to amending and revoking Management Plans and, at the Minister's request, in relation to Policy Guidelines (s248).

In general, fishery MACs will also have the function of advising the Minister on a range of activities in relation to fisheries such as:

1. the development of proposals in relation to Management Plans;
2. research and development priorities and review;
3. finance and budget planning and review;
4. fisheries management services;

5. extension and publicity, including community awareness programs;
6. compliance and monitoring;
7. performance indicators; and
8. strategic plans.

Ministerial Advisory Committees will have Terms of Reference outlining those functions that relate to their specific task, but will also include many of the above functions.

When developing advice on these activities, the MAC is expected to liaise closely with the Department of Fisheries and relevant client groups.

The MAC is not a body corporate. It has no power to expend or collect money in its own right, to own assets or employ contractors or staff. The MAC may advise the Minister on the collection or expenditure of money, but the Minister is responsible for approving expenditure against objectives of the FRMA or Pearling Act or other government policy and the Executive Director of Fisheries is accountable under the *Financial Administration and Audit Act 1985* for ensuring expenditure is in accordance with the approvals. A budget may be allocated for a MAC's operations, but this budget will be administered by the Department of Fisheries.

## **4.2 Functions of a MAC**

The specific functions of the Rock Lobster Industry Advisory Committee, the Aquaculture Development Council and the Recreational Fishing Advisory Committee are spelt out in the Act. Those of the Pearling Industry Advisory Committee are detailed in the *Pearling Act 1990* and those of the Fisheries Adjustment Scheme Committees of Management are detailed in the *Fisheries Adjustment Schemes Act 1987*.

The function of other fishery MACs as provided for in s41 of the Act “*is to provide information and advice to the Minister on matters related to the protection and management of the fishery*”.

For these MACs, the Act provides in Section 41(3) that:

"....

- (3) *The instrument establishing the Advisory Committee -*
  - (a) *must identify the fishery for which the committee is established and the members of the committee;*
  - (b) *may provide for any other matter that, in the Minister's opinion, is necessary for the operation of the committee."*

The functions of a MAC established under s41 may vary, depending on the nature of the fishery and its participants. This will be described in the Instrument that sets up the Advisory Committee.

However, the general functions of a fishery MAC may be itemised as follows:

1. to identify issues which affect fishing in that fishery;
2. to advise the Minister on matters relating to the management, protection and development of the fishery;
3. to advise the Minister on matters relating to the fishery on which the advice of the MAC is sought by the Minister;

4. to assist in the cost efficient, cost effective and accountable management of the fishery; and
5. to provide a conduit for consultation with stakeholders.

The function of other MACs as provided for in s42 of the Act is “*to provide information and advice to the Minister on matters related to the administration of the Act*”.

The functions of a Ministerial Advisory Committee established under s42 may vary depending on the nature of the issues concerned. This will be described in the Instrument that sets up the Advisory Committee.

All MACs are required to act in a manner that results in the Minister being satisfied that the advice received is well-founded.

In the normal course of its business a MAC will need to consider and inform itself on a range of issues. These considerations should be consistent with the Minister’s directions, as outlined in the Instrument or by letter, relevant Government policies, the Department of Fisheries strategic and business plans, and the MAC’s own operational plan. The MAC will:

1. prepare an operational plan for the business of the MAC including:
  - i. method of reporting to the Minister;
  - ii. objectives and performance criteria;
  - iii. arrangements for public reporting;
  - iv. consultative mechanisms with interest groups, including (but not be limited to) the relevant peak bodies as appropriate.
  - v. general method of operating with the Department of Fisheries; and**
  - vi. operation of Sub Committees;**
2. advise on preparation of a budget for the operations of the MAC;
3. advise on arrangements for executive servicing of the MAC; and
4. advise on the Department’s budget relevant to the MAC’s terms of reference and, if applicable, the cost recovery process.

The MAC will be expected to provide supporting rationale for its advice, linked to management and relevant Government policy objectives as appropriate. This MAC advice should, as appropriate, canvass the range of options before it and indicate its preferred option, giving the rationale for its preference. Where there are divergent views among members, this should be reflected in the advice sent to the Minister.

The MAC may also be expected to provide input into the relevant Department of Fisheries Program or Sub-Program Business Plan and ensure linkages to its own operational plan.

### **4.3 Terms of Reference**

Sections 41(3) & 42(1) of the Act allow the Minister to establish the functions - usually referred to as the “Terms of Reference” - of a MAC's activities. These are described in the Instrument that sets up the Advisory Committee. Sample Terms of Reference for two types of fishery MACs can be found in Attachment 2.

The Terms of Reference will reflect the specific needs and priorities relevant to the particular area for which the MAC is providing advice.

The Minister for Fisheries may also describe in the Constitution and Proceedings document accompanying the Instrument, or by a set of instructions delivered by him in writing, the following relationships between:

1. the MAC, and in particular the Chair, with the media;
2. the MAC, and in particular the Chair, with the Minister and his office in terms of advice and reporting;
3. the MAC and the Department of Fisheries; and
4. the MAC and the peak industry body (or other relevant body) for the particular fishery or Fishery Portfolio area.

## **5. FINANCIAL MANAGEMENT AND SERVICES**

A Department of Fisheries document called 'Building a Creative Relationship' has been developed to assist interested parties to understand the roles of the Minister, MACs and the Department of Fisheries in relation to Government financial management and service provision. A copy of this document is available from the Department of Fisheries.

The paper outlines a consultative and cooperative process for information sharing between the Department and the MACs relating to strategic and budget planning and, where relevant, cost recovery.

Each MAC will be involved in preparing a budget for its own operations and, where applicable, advice on a budget for a fishery or its sphere of activity. This advice will be provided to the Minister for Fisheries for consideration.

Advice on the MAC budget will contain operating costs of the MAC, including the Chair, Secretariat and Executive Officer, plus meeting costs.

Advice on the fishery budget, where applicable, will be as described in the scoping document 'Building a Creative Relationship'.

The final budget for the Department of Fisheries will have a component determining the licence fees payable by those operators in a fishery under the cost recovery arrangements in place at the time.

- The *Financial Administration and Audit Act 1985* places a responsibility on MAC members to ensure efficient and effective operations and to avoid extravagant and wasteful use of resources.

MAC members will:

- analyse financial statements and reports with due care;
- ensure he or she is properly informed prior to making decisions; and
- ensure adequate action is taken on audit reports.

## **6. MAC MEMBERSHIP**

All MAC members, except those appointed "*ex officio*", are appointed by the Minister for Fisheries following nominations sought through public advertisement, nomination by interest groups, direct approach due to their specific skills, or other methods as appropriate. On occasion, the Minister may seek comment from relevant interest groups on the selection of persons to a MAC.

The Minister for Fisheries has final responsibility for determining the actual membership of each MAC.

The categories of members for the Rock Lobster Industry Advisory Committee, the Recreational Fishing Advisory Committee and the Aquaculture Development Council (often referred to as the “statutory MACs”) are described in Divisions 1, 2 and 3 of the Act. For other MACs, including the Pearling Industry Advisory Committee, membership will reflect the expertise available to advise the Minister on the management of the fishery, and the type of advice that the Minister requires.

Each MAC will normally expect to have an appropriate number of members with expertise in the sector for which it is established, at least one member from the Department of Fisheries and members with other expertise as required. This may include expertise in economics, biology, conservation, tourism, recreation or marketing.

Currently for most fishery MACs, the number of members from the major client groups is more than half the total number of members of the MAC. This is in recognition that:

1. the prime purpose of the MAC is to provide advice on the management of the activity undertaken by the major client group;
2. the client group will be the most affected by the decisions made; and
3. the client group is paying totally or partially for the costs of management.

Over time, there are desires to increase the level of professional expertise-based representation within MACs and broaden membership to include community representation. The shift to increasing skills-based representation will evolve with time and requires legislative change for the statutory MACs (Sections 29, 33 & 37 of the Act). There is also a desire to move to smaller advisory committee structures.

Clearly, this will need to be considered on a MAC-by-MAC basis recognising the variances in MAC responsibilities and make-up of any specific fishery.

The Minister may appoint MAC members for terms of up to three years. If a member resigns, the Minister may appoint a replacement for the remainder of the term of appointment. The Executive Director’s appointment, or that of his/her nominee is ongoing, except for the Rock Lobster Industry Advisory Committee and the Pearling Industry Advisory Committee.

The Minister has also adopted a policy concerning appointment of persons with convictions for fisheries offences (Attachment 3).

## **6.1 MAC Chair**

The Act requires the Chair of the Rock Lobster Industry Advisory Committee, the Recreational Fishing Advisory Committee and the Aquaculture Development Council to be independent of the specific fishery. Other MACs may have either an independent Chair, a member of the Department of Fisheries as its Chair, or any other arrangement determined by the Minister.

It will be for the Minister for Fisheries to determine, after taking into account the recommendations of any selection committee that he may appoint for the purpose, and the requirements of the Act, whether an independent Chair should be appointed to a particular MAC.

The model to be applied with respect to independent Chairs for other MACs will be as follows:

1. be independent of the Department of Fisheries;
2. be independent of commercial or other interests associated with the particular fishery;
3. have demonstrated capacity in chairing meetings; and
4. preferably have some fisheries (or resource) management, or fishing industry management, experience.

The MAC Chair will play a key role in ensuring effective and thorough discussion of factors affecting the performance of a particular fishery or Fishery Portfolio area. Preferably, a MAC Chair needs to have the following attributes:

1. an understanding of, and ability to independently chair, management advisory committee meetings in accordance with accepted meeting procedures;
2. an ability to identify strategic goals, objectives and directions, and facilitate their achievement through the management advisory committee processes;
3. an understanding of sector and public policy issues; and
4. a demonstrated ability to communicate, particularly with respect to acting as the MAC spokesperson and representing MAC views, as required by the Minister, to the sector and Government in a balanced and rational manner.

Should a Chair not be present at a MAC meeting, or if the Chair position is temporarily vacant when a meeting is required, the MAC will appoint one of its members to chair the meeting, if necessary after a vote.

The Chair is encouraged to determine at the meeting a formal set of words for those resolutions and actions agreed at that meeting, in order to ensure clarity of understanding of the position reached by members so these can be reported to the Minister, and an accurate record of proceedings of the meeting compiled.

The Chair also needs to ensure that the work of the MAC between meetings is undertaken through consultation with the MAC Secretariat and Executive Officer.

## **6.2 The Role of the Executive Director (or nominee)**

Ordinarily, a MAC will have the Executive Director of Fisheries (or nominee) as a member. Where the Executive Director of Fisheries or nominee is a member of a MAC, that person will participate as a full member of the MAC in its deliberative outcomes.

This person will also provide guidance to the MAC that is consistent with legislative requirements, Ministerial Guidelines, the current policy position of the Department of Fisheries, the state of biological or economic knowledge, and any other expertise that is available to the Department. He/she will also act as the conduit of information between the MAC and the Department of Fisheries.

The Executive Director's nominee will usually be a senior member of the Department of Fisheries. Should this member be unable to support the majority

position reached within a MAC, his/her view should be presented to the Minister as a minority report within the MAC advice to the Minister.

The Minister may seek advice from sources other than the MAC. The advice of the Executive Director of Fisheries will be sought by the Minister as a matter of course in relation to the MAC advice vs wider government policy or as to the consistency of the MAC advice to the objectives for the fishery. Where additional information is made available to the Minister, in normal circumstances, the Minister will refer that information to the MAC so that it can review its initial recommendations in light of the new information and provide the Minister with the best advice possible.

### **6.3 Members**

The contribution of the individual members of each MAC is critical.

**All MAC members will be required to act corporately and provide considered advice that is in the best interests of the objectives of, for example, a relevant management plan rather than the sectoral interests of a particular fishery or a group within it.**

Specifically, MAC members must be prepared to meet the following requirements:

1. be able to put views clearly and concisely;
2. act in the best interests of the fishery as a whole, or the Fisheries Portfolio area concerned, rather than as an advocate for any particular organisation, interest group or regional interest, even if nominated by a particular organisation, interest group or regional interest;
3. observe confidentiality and exercise tact and discretion when dealing with sensitive issues;
4. avoid pursuing personal agendas or self-interest, but participate in discussion in an objective and impartial manner;
5. must not directly or indirectly use information gained in the course of their tasks as a MAC member to gain an advantage, financial or otherwise, for themselves or another party. This requirement may be enforced through confidentiality agreements.
6. make the necessary commitment of time to ensure that they are fully informed of matters which are the subject of consideration at a MAC; and
7. be committed to decisions taken by the MAC.

Where consensus cannot be reached on an issue, members should submit all views of the MAC to the Minister for Fisheries.

MAC members are in a position of trust. Government power is derived ultimately from the citizens who expect public officers to carry out their functions with professional integrity and due regard for the public interest. All MAC members need a clear understanding of their public duty and legal responsibilities.

MAC members are expected to act in an ethical manner, in particular by not demonstrating any behaviour that could be interpreted as racist, sexist or discriminatory against any class of people.

MAC members will therefore be expected to:

- Gain a clear understanding of the role and purpose of the MAC.

- Develop an understanding of the physical, political and social environment in which the MAC operates.
- Stay informed of all relevant activities affecting the MAC.
- Attend all meetings. Where attendance is not possible, members will submit an apology.
- Participate actively and work cooperatively with fellow members and stakeholders.
- Prepare for meetings by reading and considering all background papers and information supplied.
- Treat each other with professionalism, courtesy and respect.
- Not improperly influence other MAC members.
- Act loyally and in good faith.
- Consult stakeholders regarding issues under consideration while maintaining notice of confidentiality limitations.
- Act in a lawful, ethical and justifiable manner.
- Demonstrate personal integrity and reliability.

In general, MAC Members are appointed on the basis of their individual expertise, knowledge and experience and not as representatives/delegates of any particular group or sector. All MAC members must be committed to serving the best interests of a fishery or Fishery Portfolio area *as a whole*, rather than the interests of a group or sector who may have nominated them.

An accepted benchmark description of a MAC member's role is outlined by Sir Laurence Street in the Supreme Court of New South Wales in the case "Bennets vs Board of Fire Commissioners of New South Wales and Others (1967)" (Attachment 4). Although MACs have no independent statutory decision-making responsibility, the statement outlines the key issues for members.

## **6.4 Termination of Appointment**

The specific circumstances concerning vacation of office by a member (including the Chair) are outlined in the Constitution and Proceedings attached to the Instrument for the MAC. Some examples are given below.

A MAC member may resign by giving signed notification to the Minister.

The Minister may also terminate appointments after consultation with the Chair, for a variety of other reasons. For example the Minister may terminate the appointment of the Chair or any other MAC member for:

1. misbehaviour or physical or mental incapacity; or
2. inefficiency or incompetence.

Any action by a Chair or Member which demonstrates that he/she is either unwilling or unable to comply with his/her obligations and responsibilities as set out in this Guide may constitute misbehaviour and/or inefficiency and, as such, may be grounds for termination of appointment.

Appointment may also be terminated if:

1. the Chair or Member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his/her creditors or makes an assignment of his/her remuneration for their benefit; or

2. the Chair or Member, without reasonable excuse, does not disclose an interest; or
3. the Chair is absent, except with the leave of the Minister, from three consecutive meetings of the MAC; or
4. a Member is absent, except with the leave of the Chair, from three consecutive meetings of the MAC.

Members may also be removed following breaches of fisheries law as outlined in Attachment 3.

## **6.5 Alternate or Deputy Members**

The Minister will not appoint alternate or deputy members. The Minister appoints particular individuals to be members of the MACs on the basis of their skills and expertise, and because of their ability to complement the skills of other MAC members. It is important for a MAC to have consistency of membership to ensure continuity and consistency in discussion and decision-making.

For the Rock Lobster Industry Advisory Committee, the Recreational Fishing Advisory Committee and the Aquaculture Development Council in particular, appointments to MACs are statutory in nature. Therefore if a member is unable to fulfil his/her responsibilities, he/she should resign from the MAC and allow for the appointment of a member who can meet the responsibilities involved.

Guests or advisers may be invited to attend the meeting and this will be at the discretion of the Chair. Such guests and advisers will have no voting rights on any decision before the MAC and proxy members are not allowed.

## **7. SUPPORT FOR MACS**

The MAC is to advise the Executive Director of the Department of Fisheries of its administrative support (secretarial and executive officer) requirements. The Executive Director is responsible for arranging this support, which will normally be through officers of the Department, or contractors employed for the purpose as decided by the Minister on the advice of the MAC. New appointments for support personnel will normally be made in consultation with relevant MAC Chairs. Neither the secretariat nor the Executive Officer are members of the MAC.

### **7.1 Executive Officer**

The Department of Fisheries will generally arrange Executive Officer services as per the requirements of the MAC. An Executive Officer is responsible to the Chair for the purposes of MAC business and to assist the MAC members in undertaking their role.

He/she will help develop MAC advice, prepare background papers, reports, correspondence and conduct research and investigations into matters affecting the fishery on behalf of the MAC. In consultation with the MAC Chairman, this officer will either act as the Secretary for the MAC or arrange secretarial services.

### **7.2 Secretariat**

The Department of Fisheries will generally arrange secretarial services as per the requirements of the MAC. It will be the responsibility of the person providing this service, in consultation with the MAC Chair or the Executive Officer, to organise meetings of the MAC; prepare the meeting agenda; ensure

papers are prepared and sent to members of the MAC in a timely fashion; and provide draft minutes and draft Chair's Reports as required.

### **7.3 Sub-committees**

A MAC may establish sub-committees, with or without outside expertise (ie. coopted members), to advise it on particular matters. Ministerial approval to establish such sub- committees has been provided for in the Instrument of Appointment (Constitution and Proceedings) of non-statutory MACs.

To ensure communication and coordination of sub-committee advice through the MAC, each sub-committee should be convened and chaired by a MAC member nominated and appointed at a MAC meeting.

Sub-committees are solely responsible to the MAC.

## **8. REMUNERATION OF MAC MEMBERS**

The Minister will determine the remuneration for the Chair and members of a MAC. Such remuneration will normally follow Public Sector Guidelines for members of statutory bodies.

Accommodation, meals and out of pocket expenses incurred on official business will be reimbursed at public sector rates, including those costs associated with sub committee meetings. Members using their own vehicles will be entitled to claim the lesser of an allowance per kilometre (as per Public Service rates) or an equivalent airfare.

All travel claims are to be completed by the member on the approved form and forwarded for approval through the MAC Executive Officer. Claims should be submitted as soon as possible after a meeting, and any claims submitted more than twelve months after a meeting may not be considered for payment.

Where a member engaged on MAC business elects to use a class of air travel higher than economy class or to incur higher accommodation costs than that provided, that member will meet these additional costs.

Reimbursement and remuneration of sub-committee members will be detailed in the relevant Instrument of Appointment.

MAC Members are encouraged to arrange their air travel and accommodation requirements through the MAC Executive Officer.

MAC members will not accept any fee, reward, gratuity, gift or remuneration of any kind other than sitting fees or allowances officially applicable to the MAC. MAC members must not use their public position for personal profit or gain.

MAC members will not use travel points accumulated on government business under frequent flyer or other programs to acquire benefits such as upgrading of tickets above normal entitlements or for private travel, whether or not MAC members have personally met the costs of membership to a frequent flier scheme. Benefits accrued on MAC business can only be used for official purposes.

MAC members should keep adequate records of the frequent flyer points accumulated on MAC travel and private travel and these must be produced when required for audit purposes.

## **9. COMMUNICATION POLICY**

A MAC will be expected to develop effective communication with the Minister for Fisheries, Department of Fisheries, Industry Peak Bodies and the people engaged in, or with an interest in, the fishery or Fishery Portfolio area, as required.

### **9.1 Communication with the Minister**

The MAC will normally communicate with the Minister in writing through a report from, or on behalf of, the Chair following each meeting. Where possible, the Minister will respond prior to the next MAC meeting, particularly in relation to specific advice offered.

The Minister may seek advice from sources other than the MAC. The advice of the Executive Director of Fisheries will be sought by the Minister as a matter of course in relation to the MAC advice vs wider government policy or as to the consistency of the MAC advice to the objectives for the fishery. Where additional information is made available to the Minister, in normal circumstances, the Minister will refer that information to the MAC so that it can review its recommendations and provide the Minister with the best advice possible.

### **9.2 Communication with Interest Groups**

The MAC is encouraged to formally communicate with stakeholders, the Department of Fisheries and other interested parties on what it is doing, the problems being dealt with and the possible solutions being considered. The MAC, as part of its Operational Plan, is also required to develop a protocol and process by which peak industry bodies and other interested parties can advise the MAC of their views on any of the issues under consideration. Consistent with agreed confidentiality rules established by the MAC or any existing Ministerial Guideline, members of a MAC should communicate with interest groups on issues before it. However, Members are not expected to be the formal basis of reporting to the MAC the views of interest groups on these matters.

### **9.3 MACs and the Media**

MACs are advisory to the Minister and as a matter of course the Minister for Fisheries or the Executive Director of Fisheries deals with any media enquiries. Where agreed, the Minister may nominate the MAC Chair as the spokesperson on matters of process or agreed management planning proposals.

Should a MAC member wish to approach or respond to the media as a member of a specific interest group, he/she must do so clearly on the basis of being a member of that interest group, not as a member of the MAC.

Where a MAC member wishes to deal with the media as an individual, he/she must declare that they are speaking as an individual.

### **9.4 Confidentiality**

All documentation produced by the MAC forms part of the public record. A MAC discusses occasionally highly sensitive matters, and discussion in some cases may be limited to MAC members only.

- However, all decisions and recommendations affecting the policy, practice or welfare of a public body or public officers must be transparent and all decisions and processes must be documented. Documentation protects all parties involved in the decision, both collectively and individually.

MAC members will:

- Respect confidential information and observe any restrictions agreed by the MAC (subject to *Freedom of Information Act 1992* requirements).
- Maintain confidentiality and not divulge information deemed confidential or sensitive. If members are uncertain of the confidentiality of specific information, they should seek clarification from the Chair or the Executive Officer.
- Ensure recorded information under their control (in both paper and electronic form) is kept in a secure place.
- Be cautious about leaving MAC records on fax machines, photocopiers or computer screens.
- Avoid discussing MAC business in public places where there is a likelihood of being overheard.
- Dispose of duplicate copies of records no longer required in accordance with archive procedures.

While the Executive Officer may have primary responsibility for the handling and maintenance of records, all MAC members have individual responsibility for any document, tape, disk, or other record in their custody. Records of any type should not be left in places where non-MAC members may see them, such as at home, an office or a motor vehicle. Records should not be transmitted from a MAC member to a non-MAC member.

This does not however negate the need for adequate consultation and consideration of issues raised at a MAC meeting.

Under criminal law, MAC members are public officers (s.85 of the Criminal Code) and as such MAC members must not falsify, destroy, alter or damage any public record. They must also not remove folios from files nor backdate any information.

If MAC members are approached with a query under the *Freedom of Information Act (1992)*, the query must be referred to the *Department of Fisheries*.

## **10. INTERESTS OF MAC MEMBERS**

The specific circumstances concerning disclosure of interest by a member (including the Chair) are outlined in the Constitution and Proceedings attached to the Instrument for the MAC.

### **10.1 Disclosure of Interests**

1. If -
  - (a) a member of the Advisory Committee has a direct or indirect interest in a matter being considered, or about to be considered, by the Advisory Committee; and
  - (b) the interest could conflict with the proper performance of the member's duties in relation to the consideration of the matter,

the member must, as soon as practicable after the relevant facts have come to the knowledge of the member, disclose the nature of the interest at a meeting of the Advisory Committee ("a conflict of interest").

2. A member of the Advisory Committee must not vote in relation to a matter about which he/she has a direct pecuniary interest.

MAC members are expected to place public interest above personal interest and must not use their public position for personal gain.

A conflict of interest can occur when:

- a MAC member stands to benefit or make a financial gain from a MAC recommendation or decision;
- a MAC member's spouse, children or near relative stands to benefit or make a financial gain from a MAC recommendation or decision;
- a MAC member holds membership of another organisation that stands to benefit or make a financial gain from a MAC recommendation or decision; or
- a MAC member's spouse, children or near relative holds membership of another organisation that stands to benefit or make a financial gain from a MAC recommendation or decision.

See Attachment 6 for further discussion on conflict of interest and confidentiality.

#### **11. PROCEDURAL MATTERS**

The procedures to be followed for MAC meetings are set out in Attachment 5.

#### **12. ENTERING GOVERNMENT PREMISES**

The Executive Director of the Department of Fisheries is responsible for the day-to-day management of the agency. The MAC as a whole, or individual members, may need to visit the agency in a formal capacity or to use government facilities and equipment.

MAC Members will cooperate with the Executive Officer or other relevant staff when using the premises for meetings, other MAC business, or when using government equipment for MAC business.

#### **13. AMENDMENT TO GUIDE**

This Guide is for the assistance of MAC members. From time-to-time, as the need arises, this Guide may be amended or varied.

## ATTACHMENT 1: MANAGEMENT AND MINISTERIAL ADVISORY COMMITTEES

The *Fish Resources Management Act 1994* (“the Act”) provides for the establishment of Fishery Management Advisory Committees and other advisory committees, or MACs as they are more commonly known, to provide information and advice to the Minister for Fisheries on matters related to the protection and management of the fishery or the administration of the Act.

A similar advisory body is outlined in the *Pearling Act 1990* for the pearling and pearl culture sectors, which is called the Pearling Industry Advisory Committee.

In addition, provisions exist in the *Fisheries Adjustment Scheme Act 1987* for the establishment of Voluntary Fishery/Fisheries Scheme Committees of Management, which provide advice to the Minister on the desirability of establishing schemes and the subsequent consideration of offers under those schemes.

Specific advisory committees (often referred to as “statutory MACs”) are established under Divisions 1, 2 and 3 of Part 4 of the Act for particular sectors. The constitution and proceedings of those advisory committees are specifically provided for in the Act. These advisory committees are:

1. Rock Lobster Industry Advisory Committee (section 29)
2. Recreational Fishing Advisory Committee (section 33)
3. Aquaculture Development Council (section 37)

The Minister can also establish other advisory committees under Part 4 of the Act, Division 4 (section 41), for the protection and management of a fishery, or Division 5 (section 42) for the administration of the Act.

The constitution and proceedings of the MACs established under Division 4 and 5 of Part 4 of the Act are set out in attachments to the Instrument of Appointment for each one of those committees and generally have a similar format and content to those for the statutory MACs as set out in the Act.

The MACs established by the Act (Part 4, Divisions 1 & 2) and by the Minister for Fisheries (Part 4, Division 4, section 41) to provide advice on matters relating to the protection and management of fisheries (fishery MACs) include:

1. Rock Lobster Industry Advisory Committee
2. Recreational Fishing Advisory Committee
3. Abalone Management Advisory Committee
4. WA Demersal Net and Hook Fisheries Management Advisory Committee
5. Purse Seine Management Advisory Committee
6. Northern Demersal Scalefish Management Advisory Committee
7. Joint Trawl Management Advisory Committee
8. Twelve Regional Recreational Fisheries Advisory Committees

A MAC may be established whether or not a management plan is in force for a fishery (section 41(5)).

The advisory committees established under Part 4, Division 3, section 37 and Part 4, Division 5, section 42 to provide advice on the administration of the Act include:

1. Aquaculture Development Council
2. Abrolhos Islands Management Advisory Committee

## **ATTACHMENT 2: TERMS OF REFERENCE OF TYPICAL FISHERY MACS**



### **A. A Typical Commercial Fishery MAC**

1. To advise the Minister on matters relating to the fishery on which the advice of the Advisory Committee is sought by the Minister;
2. To seek advice from all parties with an interest in the fishery, including peak industry bodies, on matters relating to the fishery on which the advice of the Advisory Committee is sought by or being given to the Minister.

### **B. Regional Recreational Fishing Advisory Committee**

1. To advise the Minister in the management and enhancement of regional recreational fisheries, fish stocks and their habitat, by canvassing community views and providing advice to the Recreational Fishing Advisory Committee (RFAC) and Department of Fisheries.
2. To provide advice and comment to RFAC from a regional perspective on recreational and other fisheries management issues which are referred to it by the Minister.
3. To develop recommendations for the consideration of RFAC which have implications for the regional recreational fishing community.
4. Ensure the needs of regional recreational fishers are adequately catered for on issues of specific relevance to the region they represent.
5. Ensure that regional committee views are representative of the wider recreational fishing community within the region.
6. Cooperate with the Department of Fisheries in regional community education and extension of recreational management initiatives.

### **ATTACHMENT 3: POLICY GUIDELINE: CONVICTIONS FOR OFFENCES UNDER FISHERIES LAW - EFFECT ON MEMBERSHIP OF MANAGEMENT ADVISORY COMMITTEES**

In an ever-increasing number of fisheries, the primary method of consultation is through Management and Ministerial Advisory Committees established under Part 4 of the *Fish Resources Management Act 1994*.

In the case of commercial fisheries, these Committees typically consist of active professional fishers, Department of Fisheries officers, representatives from the processing sector, representatives of the public interest and recreational fishers.

Management and Ministerial Advisory Committees have the task of providing balanced and informed advice to the Executive Director of Fisheries and the Minister for Fisheries. It is critical that members have - and maintain - the confidence and respect of industry and the Western Australian community.

It is generally undesirable for persons convicted of offences under State, Territory or Commonwealth Fisheries Law (or companies of which a person is or was a director or shareholder at the relevant time) to be appointed or continue as members of these Committees.

To this end, the following policy will apply to the appointment and removal of members of all Management and Ministerial Advisory Committees set up to consider matters under the scope of the *Fish Resources Management Act 1994* the *Pearling Act 1990* and the *Fisheries Adjustment Scheme Act 1987*:

1. This policy is not an absolute policy, as within the bounds of natural justice, the Minister must consider the individual circumstances of each case. However it would only be in exceptional circumstances that the Minister would vary from the policies in this document.
2. Prior to appointment of a person to a Management or Ministerial Advisory Committee, the Minister may request the applicant to provide a statutory declaration to the effect that neither he/she nor any company with which that person has been a director, has been convicted of an offence under State, Territory or Commonwealth fisheries law in the past five years.
3. The nature of the offence will influence the decision as to whether the Minister will accept the nomination of that person.
4. If a member of a Management or Ministerial Advisory Committee is convicted of any offence whatsoever under State, Territory or Commonwealth Fisheries Law, depending upon the severity of the offence, the Minister, after consultation with the Executive Director and the Chair of the Management or Ministerial Advisory Committee, may write to the committee member seeking his/her voluntary resignation.
5. If a member refuses to resign voluntarily, then the Minister will proceed to remove that person from office.

## ATTACHMENT 4: DUTIES AND RESPONSIBILITIES OF MEMBERS OF MANAGEMENT ADVISORY COMMITTEES

An accepted benchmark description of a MAC member's role is outlined by Sir Laurence Street in the Supreme Court of New South Wales in the case "Bennets vs Board of Fire Commissioners of New South Wales and Others (1967)". Although MACs have no independent statutory decision making responsibility, the statement outlines the key issues for members.

*"By the terms of their statutes, boards such as this comprise a number of persons nominated or chosen by various groups, each of which nominating or choosing groups has a direct interest in the public undertaking controlled by the board. Each of the persons on such a board owes his membership to a particular interested group; but a member will be derelict in his duty if he uses his membership as a means to promote the particular interests of the group which chose him.*

*The object of providing for interested groups to nominate the members of such a board as this might be said to be threefold; first, one can be confident that an interested group will select a man whose personal qualities and competence equip him for membership; second, it promotes the confidence of that particular group in the board, and provides a means of liaison between that group and the board; and third, it ensures that the board, as a single entity, has available in its deliberations the views of all the interested groups. The presence of the second and third elements necessitates in a board member the highest standards of integrity, both in his thinking and in his actions. The consideration which must in board affairs govern each individual member is the advancement of the public purpose for which parliament has set out the board. A member must never lose sight of this governing consideration. His position as a board-member is not to be used as a mere opportunity to serve the group which elected him. In accepting election by a group to membership of the board he accepts the burdens and obligations of serving the community through the board. This demands constant vigilance on his part to ensure that he does not in the smallest degree compromise or surrender the integrity and independence that he must bring to bear in board affairs.*

*Undoubtedly there will be differences of opinion between board members. Indeed, it is well that this should be so; sound and wise decisions by the board can only be based upon a full and informed discussion of varying and conflicting views and considerations. Nomination of the individual members and their election to membership by interested groups ensures that the board as a whole has access to a wide range of views, and it is to be expected within this wide range of views that inevitably there will be differences in the opinions, approaches and philosophies of the board members. But the predominating element which each individual must constantly bear in mind is the promotion of the interests of the board itself. In particular, a board member must not allow himself to be compromised by looking to the interests of the group which appointed him rather than to the interests for which the board exists. He is most certainly not a mere channel of communication or listening post on behalf of the group which elected him. There is cast upon him the ordinary obligation of respecting the confidential nature of board affairs where the interests of the board itself so require."*

## **ATTACHMENT 5: MANAGEMENT ADVISORY COMMITTEES: PROCEDURAL MATTERS**

A Management Advisory Committee (MAC) will operate in accordance with the following procedures.

### **A. Notice of a Meeting**

The Secretary/Executive Officer should forward notice of a meeting to all members no less than 28 days prior to a meeting being held. The notice should stipulate:

- the date of the meeting (including the day of the week);
- the time the meeting will commence;
- the venue for the meeting; and
- the proposed business (agenda) to be dealt with.

The notice should be sent to every member of the MAC, whether or not they are able to attend.

It will be the responsibility of the MAC member to ensure that he/she can receive in a timely manner any material posted as standard mail.

Where significant business is proposed by a member, the agenda item and any background papers covering such business should be submitted to the Secretary/Executive Officer by the member no less than 21 days prior to the meeting, accompanied by a brief explanatory note setting out the main points of the proposal. Otherwise, special items should only be submitted with the concurrence of the Chair. As a general principle, agenda papers, reports, correspondence, statistical statements, etc should be sent out with the notice and agenda for a meeting.

### **B. Electronic meetings**

From time to time, a MAC may be required to consider a single issue, often at short notice, for which it may not be economic or feasible for the MAC to physically meet. In such circumstances, the convening of a meeting by electronic means may be appropriate. Such electronic means may include a telephone hook-up, or video conferencing.

A MAC is authorised to hold meetings by electronic communication without the members being present in one place, provided that:

- (a) when the MAC deliberates, members of the MAC constituting a quorum are able to speak to, and hear, each other at the same time; and
- (b) the Chair of such a meeting takes care to ensure that a quorum is maintained during the meeting.

### **C. Quorum**

A quorum is the minimum number of persons who need to be present to constitute a valid meeting. If a meeting is not properly constituted, it cannot validly transact business. Further, the prior issue of a notice of the meeting to all persons entitled to receive such notice is also needed for a meeting to be validly constituted. For resolutions of a meeting to be valid, the number of members necessary to form the quorum must be present throughout the meeting.

A sensible size for a quorum is a sufficient number of members to conduct business with an adequate spread of responsibility, experience and representation. In the case of statutory Management and Ministerial Advisory Committees, the number shall be two-thirds of the members of the MAC as prescribed by legislation.

For the remainder of MACs set up under s41 or s42 of the Act, the quorum is as described in the Constitution and Proceedings within the Instrument of Appointment. It is usually half of the total number of members (rounded up to the nearest whole number) plus one.

#### **D. Agenda**

An agenda is more than a list of items or a guide to matters to be dealt with at a meeting. It provides a program, scheduled in a suitable way to facilitate the consideration of each item and the transaction of business in an orderly manner, for completion within an appropriate time. An agenda enables the items to be arranged in a logical and flowing manner, promoting efficiency in the use of meeting time. It also provides a basis on which to write the minutes of the meeting.

The preparation of the agenda should be done by the Secretary/Executive officer in consultation with the Chair and subsequently approved by the Chair. The agenda, and any associated documentation, should be made available to members at least 14 days prior to the commencement of the meeting.

An agenda should be in the following order:

##### WELCOME

The Chair should welcome and introduce all those present, particularly invited observers/advisers.

##### APOLOGIES

##### MINUTES OF THE PREVIOUS MEETING ON (DATE)

This gives those present the opportunity to be satisfied about the correctness of those minutes as a record of the proceedings of that meeting. It also serves as a reminder of decisions made, and progress reported, at the last meeting, and thus of matters which remain pending, decisions still to be made and developments about which reports should be forthcoming.

Minutes may be detailed or simply a record of decisions. This is for the MAC to decide.

##### BUSINESS ARISING FROM THE MINUTES

While the immediate consideration of any business that arises from the minutes of the previous meeting seems a logical way to go about things, it is sometimes preferable for some or all such matters to appear as individual items later in the agenda, except where concise reports will deal with them. Such reports can be received under this item, as well as any other issue arising from the minutes that is not the subject of a separate agenda item. Also under this heading, the Chair should inquire whether a member wishes to refer to any further matter arising from the minutes.

An 'action sheet' is used by some Committees to assist in tracking business arising.

## ROUTINE ITEMS

Regular business that comes before the Committee (such as correspondence) should be dealt with at an early stage in the meeting to enable such items to be dealt with expeditiously but without undue haste.

## BUSINESS ITEMS TO BE DEALT WITH

The order in which business is dealt with at a meeting needs to take account of business items arising from the previous meeting and the possible effects on later agenda items. Business items should be structured logically and the sequence of their discussion should not be changed from that in the agenda, unless to achieve some worthwhile benefit and then only after adequate consideration.

Preferably there should be defined starting times for the discussion of major business items where the Department of Fisheries or other advisers have been requested to attend, so that efficient use can be made of their time.

## OTHER BUSINESS

This agenda item provides for the consideration, if only in a preliminary way, of any unexpected or fresh and important business. It also enables up-to-date information on matters of passing interest to be reported and noted at the time of the meeting, rather than waiting for the next one. As a general rule, items under this agenda heading should not go beyond the scope of the notice for the meeting.

## DATE AND PLACE OF NEXT MEETING

### **E. Attendance of Advisers/Observers**

The attendance of advisers and observers at MAC meetings will be at the discretion of the Chair within the rules decided by the MAC. Generally attendance should be deemed consistent with the efficient and effective operations of the MAC. This attendance should be limited to the extent necessary to provide for the effective management of the business before the MAC.

### **F. Rules of Debate**

Rules of debate have no legal authority and it is not necessary to apply such rules at a meeting. However, adherence to conventional rules of debate provides a Chair and others with confidence that a meeting will be conducted in an orderly fashion, with good manners and common decency.

In the case of MAC meetings, it is unlikely that the rules of debate will need to be enforced. Rather, issues should be discussed in a cooperative, informal and consultative manner, with resolutions being normally arrived at through consensus. At the same time, it is important for members to appreciate that the business of a meeting will be expedited by their personal observance of the general rules of debate and support for the maintenance of order.

### **G. Voting**

Voting procedures for MACs are set out in the Instrument of Appointment for each MAC. In brief these are normally as follows:

- a decision of the majority of the members present is a decision of the MAC;
- the Chair does not have a deliberative vote in relation to a motion, but does have a casting vote if the votes of the other members present at the meeting are equally divided; and

- if a member other than the Chair is presiding at a meeting, that member is to have a casting vote if the votes of the other members present at the meeting are equally divided in addition to his deliberative vote.

Regardless of the outcome of voting, members may request their position be put forward to the Minister for Fisheries.

## **H. Resolutions of Meetings**

Chairs are encouraged to develop an agreed form of words to summarise the resolution of each agenda item. This will also assist the clear notation of the meeting proceedings by the Secretary/Executive Officer. This should also be the standard practice for agreed actions developed by the MAC.

## **I. Out of session deliberations**

Occasionally, it may be necessary for a MAC to be asked to decide on an issue "out of session". A resolution in writing signed or assented to by letter or fax by each member shall be as valid as if it had been passed at a meeting of the MAC.

## **J Chair's Report**

A MAC is to provide information and advice where appropriate and make recommendations to the Minister for Fisheries. The Minister normally expects the Chair of each MAC to provide him with a written report within seven days of each MAC meeting.

Where appropriate, this report will also include:

- a situation report on current developments in the area of the MAC's responsibility;
- decisions that are within existing policy; and
- recommendations by the MAC that, to be implemented, will require a change to existing policy (such recommendations will need to be sufficiently developed and supported to allow the Minister to fully address the issue and make decisions).

## **K. The Minutes**

The MAC should determine whether it requires the keeping of formal minutes, or a summary record that records the major decisions and outcomes of the meeting.

Minutes may be defined as the official, permanent, written record of the business transacted at a meeting. The purpose of minutes is to provide an accurate, objective account of the proceedings of a meeting. They should be concise, lucid and free from ambiguity or uncertainty. Where detail is significant, minutes need to be explicit.

As a general rule, minutes should be expressed in clear and concise words. They should preferably be free of fisheries jargon.

The minutes usually include:

- day and date of meeting;
- place of meeting;
- names of those present;
- apologies from those unable to attend; and
- reference to the minutes of the previous meeting and the signing of them as a correct record of the proceedings of that meeting by the Chair
- record of agenda items discussed, including agreements reached and action required;
- date and time for the next meeting; and

- time the meeting closed.

A summary record is likely to include:

- day and date of meeting;
- place of meeting;
- names of those present;
- apologies from those unable; and
- record of items discussed and decisions reached.

The minutes or summary record should be written up and submitted to the Chair by the secretariat for comment and approval, within 14 days and distributed to members within 21 days of the conclusion of the meeting.

### **L. Chair's Summary**

The Chair's summary is likely to include:

- day and date of meeting;
- place of meeting;
- names of those present;
- apologies from those unable to attend;
- a record of items discussed and decisions reached; and
- any other relevant advice to the Minister to assist in decision making.

In normal circumstances, the Chair's summary arising from a MAC meeting or public version of it will be circulated to interest groups upon approval of the Minister for Fisheries. Unless otherwise directed by the Minister, the Chair's report and the minutes, if produced, should be confidential to the Committee.

The Chair's summary will differ little from the report sent to the Minister for Fisheries for consideration. However, it is recognised that there may be issues of a confidential nature under ongoing consideration by a MAC that are in the Chair's report. These may be held back from the Chair's summary, pending an outcome from the MAC and a decision by the Minister for Fisheries. This approach ensures that interested parties, in relation to issues or proposals that have not been fully developed, do not take decisions/actions.

The Chair needs to ensure that the work of the MAC between meetings is undertaken through consultation with the MAC Executive Officer and Secretariat.

## **ATTACHMENT 6: CONFLICTS OF INTEREST AND CONFIDENTIALITY**

**[The following document has been provided by the Office of the Public Sector Standards Commissioner on the issues of conflicts of interest and confidentiality.]**

The Minister appoints MAC members on the basis of their individual expertise, and not as representatives of any group.

### **LEGAL RESPONSIBILITIES**

Under common law, which applies to all government boards and committees, a member has an obligation to:

- act honestly and in good faith, always acting in the best interests of the body;
- exercise reasonable care and skill in carrying out their duties in the best interests of the body;
- not make improper use of information, by divulging confidential information or using it for personal gain; and
- avoid any conflicts of interest.

### **What is a Conflict of Interest?**

Many different definitions have been offered for conflict of interest. Whatever the precise expression, the general intent is usually very similar. Consider some definitions:

... any situation in which they might seem to be deriving inappropriate personal advantage from their position with a public body, or in which their individual interests may be in conflict with those of the body.

... when the member, the member's spouse or a dependent in relation to the member has significant private interests, other than permitted private interests, that afford the opportunity for the member to benefit, whether directly or indirectly, as a result of the execution of, or the failure to execute, any office of the member.

... any situation ... of a nature to compromise his impartiality in the performance of his duties or of a nature to influence adversely his judgment and his sense of fairness.

... a situation in which an official has a private financial interest sufficient to influence, or appear to influence, the exercise of his public duties and responsibilities.

...where a person has divided loyalties.

It will readily be seen that such definitions lack the detail and specificity necessary for their application to individual circumstances.

One Department has defined apparent conflict as "a situation where a member of the public would have reasonable cause to believe that a public official may be in conflict, even though he or she might not be."

For an *apparent conflict* to exist, it is not necessary for the public official to have actually taken an official action related to a private financial interest.

A potential or actual conflict of interest exists when commitments and obligations to the public interest are likely to be compromised by a person's other interests or commitments, especially financial, particularly if those interests or commitments are not disclosed.

There is an obligation not simply to obey the law but to act in a manner so scrupulous that it will bear the *closest public scrutiny*. In order that honesty and impartiality may be beyond doubt, public officials should not place themselves in a position where they are under obligation to any person who might benefit from special consideration or favour on their part or seek in any way to gain special treatment from them. Equally, a public official should not have a pecuniary interest that could conflict in any manner with the discharge of his official duties.

Upon appointment to office, public officials are expected to arrange their private affairs in a manner that will prevent conflicts of interest from arising.

Public officials should hold no outside office or employment that could place on them demands inconsistent with their official duties or call into question their capacity to perform those duties in an objective manner.

Public officials should not accord, in the performance of their official duties, preferential treatment to relatives or friends or organizations in which they or their relatives or friends have an interest.

#### *Declaring Conflicts of Interest*

All public officials are expected to disclose to their chairperson or other appropriate person in authority, usually in writing, all business, commercial or financial interests where such interest might conceivably be construed as being in actual or potential conflict with their official duties.

Where there is any conflict or potential conflict, this should be declared and the public official should abstain from voting on or discussing the issue.

It is vital that public officials are encouraged or required to state all areas of interest that could cause a conflict of interests. This helps avoid conflicts by identifying possible causes and taking appropriate action before these become conflicts.

Some bodies require members to declare any personal or family interests upfront (e.g. financial, property, business or affiliations). Others require members to declare an interest when and if a matter arises in which they may have a direct interest.

### *Confidentiality*

While all documentation produced by a public body is part of the public record, sometimes highly sensitive issues are discussed. It is the duty of public officials not to disclose confidential information.

Public officials should exercise care in the management of their private affairs so as not to benefit, or appear to benefit, from the use of information acquired during the course of their official duties, which information is not generally available to the public.

Any information kept by the public official or body should be held in a secure place.

While in an individual's custody all documents, recordings, faxes and even words and images on computer screens, are deemed to be in the control of that official and are his/her responsibility to not divulge or carelessly leave lying around.

It is rarely appropriate to divulge information gained in the course of the public official's duties to any other person or body except where legally required to do so or as required under the Freedom of Information Act.

A public official is liable to prosecution under the Criminal Code if they falsify, destroy, alter or damage any public record. This includes removing folios from official records and backdating information.

### *Procedural Considerations*

Have a pro-forma for declaring conflicts of interest when a person joins a MAC.

Have a documented procedure for declaring any conflict of interest that may arise from time to time.

Keep a separate, secure and confidential file for declarations of interest. Check with the Public Records Office on how long such records should be kept and how they should be disposed of.

Ensure that every member of the body has the opportunity to know about their obligations and responsibilities in relation to conflicts of interest, public duty and confidentiality.

Document who (chair?) has responsibility for managing declaration of conflicts procedures.

### **Public Duty**

Ideally, the work of all public sector agencies, departments and positions is to serve the public good.

Public officials are responsible for carrying out this public duty. For public officials to determine to what extent a decision is for the public good, a set of ethics, or standards is required. These are the standards of public duty.

It is important to realise that this set of ethical standards may differ from other sets of ethics - personal or professional.

As individuals, public officials may have their own set of personal ethics or standards. Some individuals base these personal ethics on religion or culture or adapt their own values to match those around them in order to fit in.

A public official's personal set of standards will often overlap with the standards of public duty. However, when these two sets of ethics can come into conflict in the course of official duties, public officials *must base their decision on public duty*.



## **APPENDIX 3 – RLIAC MANAGEMENT AND FINANCE SUBCOMMITTEE**

### **Terms of Reference**

The role of the RLIAC Management and Finance Sub-committee is to:

Develop management and discussion papers on key strategic rock lobster issues for RLIAC in a way that gives due consideration to:

- the three year planning process and recognises the coastal tour as being a vital communication and consultation tool with rock lobster stakeholders; and
- financial and cost recovery implications of new strategic management initiatives.

### **Composition**

Ron Edwards	Chairman
Kevin Donohue	Executive Officer
Peter Rogers	Executive Director, Dept Fisheries
Steven Gill	Executive Director, WRLC
Nic Dunlop	Sustainable Fisheries Liaison Officer, CCWA
Frank Prokop	Executive Director, Recfishwest
Tony Jurinovich	Zone C Fisher
Angus Callander	General Manager, M.G. Kailis
Nick Corbo	General Manager, Vinci Seafoods
Ms Leonie Noble	Zone A licensee, friends of the Abrolhos Is.

### **OPERATIONAL REQUIREMENTS**

The sub-committee reports directly to RLIAC and sub-committee reports are to be made available to the Minister for Fisheries as part of RLIAC advice.

The sub-committee is to operate in a manner that is consistent with *Fisheries Management Guide No. 3, A guide for Management and Ministerial Advisory Committees (MACs) and the conduct of meetings issued by the Minister for Fisheries.*

### **PROCESS FOR AMENDING TERMS OF REFERENCE OR COMPOSITION**

Responsibility for amending the sub-committee's terms of reference or composition rests with RLIAC. Should RLIAC decide to alter either the terms of reference or composition then it should document the justification in its advice to the Minister for Fisheries.

RLIAC should seek input from rock lobster stakeholders and the Department of Fisheries prior to amending the terms of reference or composition.

## **APPENDIX 4 - RLIAC RESEARCH & DEVELOPMENT SUBCOMMITTEE**

### **Terms Of Reference**

The role of the RLIAC Research and Development Subcommittee is to:

1. review the research strategic plan on an annual basis so as to identify knowledge gaps and research priorities.
2. Develop ideas for future research projects based on the priorities identified in the strategic plan review for RLIAC's consideration.
3. Review research project pre-proposals.
4. Review new project proposals in line with RLIAC's priorities.

### **Composition**

Nick Corbo .....Chair  
John Newby .....Licensee  
Eddy Toomey .....Licensee  
Darren McTaggart .....Licensee  
Chris Beissel.....Licensee  
Gill Waller .....Licensee  
Steven Gill.....Western Rock Lobster Council  
Richard Stevens.....WARD  
Stephen Hood .....MG Kailis  
Dr Nick Caputi .....DoF – Research  
Mark Pagano.....Recreational sector

### **OPERATIONAL REQUIREMENTS**

The sub-committee reports directly to RLIAC and sub-committee reports are to be made available to the Minister for Fisheries as part of RLIAC advice.

The sub-committee is to operate in a manner that is consistent with *Fisheries Management Guide No. 3, A guide for Management and Ministerial Advisory Committees (MACs) and the conduct of meetings issued by the Minister for Fisheries.*

### **PROCESS FOR AMENDING TERMS OF REFERENCE OR COMPOSITION**

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RLIAC should seek input from rock lobster stakeholders and the Department of Fisheries prior to amending the terms of reference or composition.

## **APPENDIX 6 - RLIAC COMPLIANCE AND EDUCATION SUBCOMMITTEE**

### **Terms of Reference**

The role of the RLIAC Compliance and Educations Subcommittee is, in conjunction with conducting bi-annual strategic risk assessment processes is to:

1. Consider and develop strategies to address specific compliance issues, including those referred to the Subcommittee by RLIAC.
2. Consider compliance implications of management proposals.
3. Develop and review the communication plan for the West Coast Rock Lobster Managed Fishery.

### **Composition**

Des Wood.....Chair  
Andrew Basile.....Zone A Licensee  
Craig Chitty.....Zone B Licensee  
Harold Wass.....Zone B Licensee  
Bruno Micalizzi.....Zone C Licensee  
Tony Jurinovich.....Zone C Licensee  
Steven Gill.....Western Rock Lobster Council  
Kevin Donohue.....DoF – Manager Rock Lobster  
Todd A’Vard.....DoF – Compliance, Metro  
John Mutter.....DoF – Compliance, Mid West  
Tony Cappelluti.....DoF – Regional Manager, Metro

### **OPERATIONAL REQUIREMENTS**

The sub-committee reports directly to RLIAC and sub-committee reports are to be made available to the Minister for Fisheries as part of RLIAC advice.

The sub-committee is to operate in a manner that is consistent with *Fisheries Management Guide No. 3, A guide for Management and Ministerial Advisory Committees (MACs) and the conduct of meetings issued by the Minister for Fisheries.*

### **PROCESS FOR AMENDING TERMS OF REFERENCE OR COMPOSITION**

Responsibility for amending the sub-committee’s terms of reference or composition rests with RLIAC. Should RLIAC decide to alter either the terms of reference or composition then it should document the justification in its advice to the Minister for Fisheries.

RLIAC should seek input from rock lobster stakeholders and the Department of Fisheries prior to amending the terms of reference or composition.



## APPENDIX 5 – ECOSYSTEM EFFECTS SRG

### **Western Rock Lobster Ecosystem Effects of Fishing Scientific Reference Group**

#### **Terms of Reference**

The role of the Eco SRG is to provide independent expert scientific advice to RLIAC, in particular -

1. The Eco SRG is to as needed, annually and in a strategic way every five years provide advice on:
  - What are the ecological effects of rock lobster fishing?
  - How do we improve our measure and better assess the risk to the environment from the removal lobster biomass in a manner that is typical of this fishery?
  - What experimental designs / techniques should be considered to gather data for analysis that can address these questions?
2. The Eco SRG is to as needed, annually and in a strategic way every five years:
  - conduct an assessment of known and recently identified risks recommend strategies and review established projects against milestones and objectives.
  - is to seek formal input from the ESD steering committee with regard to status of existing risk and identification of new risks.
  - is to provide the ESD steering Committee with its justification for risk ratings be for a new risk or an already identified risk
  - be a source of advice at other times when changed circumstances may influence risk ratings.

#### **Composition**

- Independent Chair      Ron Edwards (RLIAC Chairman)
- Executive Officer      Kevin Donohue (RLIAC Executive Officer)
- Alistar Robertson      Dean Faculty of Natural and Agricultural Sciences - UWA
- Simon Thrush          Principal Scientist Marine Benthic Ecology – NIWA
- Andrew Heyward      Australian Institute of Marine Science
- Russ Babcock          Strategic Research Fund for the Marine Environment
- Colin Buxton      Director – Tasmanian Aquaculture & Fisheries Institute, University of Tasmania
- Chris Simpson      Department of Conservation and Land Management
- Director Research, Department of Fisheries

#### **OPERATIONAL REQUIREMENTS**

- The Eco SRG reports directly to RLIAC with a copy of its report sent to the ESD Steering Committee.
- Eco SRG reports are to be made available to the Minister for Fisheries as part of RLIAC advice.
- In developing its advice the Eco SRG may seek information and input from sources it considers appropriate.
- Eco SRG members are to formally sign off on every report before it is forwarded and the Chairman is to ensure any dissenting views are explicitly recorded in the report.
- Advice from the Eco SRG needs to be provided in the context of third party (government or non-government) accreditation or certification requirements.

- To attest to the independence of the Eco SRG advice, there is capacity members of the Eco SRG that are not affiliated with a Department of the Western Australian Government to meet alone at some stage during each SRG process.
- In all other matters the Eco SRG is to operate in a manner that is consistent with *Fisheries Management Guide No. 3, A guide for Management and Ministerial Advisory Committees (MACs) and the conduct of meetings issued by the Minister for Fisheries.*

#### **PROCESS FOR AMENDING TERMS OF REFERENCE OR COMPOSITION**

Responsibility for amending the Eco SRG's terms of reference or composition rests with RLIAC. Should RLIAC decide to alter either the terms of reference or composition then it should document the justification in its advice to the Minister for Fisheries.

RLIAC should seek input from rock lobster stakeholders and the Department of Fisheries prior to amending the terms of reference or composition.

## APPENDIX 6 – SEA LION SRG

### Sea Lion Interaction Scientific Reference Group

#### Terms of Reference

The role of the Eco SRG is to provide independent expert scientific advice to RLIAC, in particular -

1. The SL SRG is to as needed, annually and in a strategic way every five years provide advice on:
  - What is the best mix of strategies to address interaction with sealions?
  - If the overall approach includes mitigation, then what is the best practical means of mitigating sea lion mortality?
  - What additional data collection and assessment activities should be undertaken to assist in mitigating sea lion mortality?
  - What additional data collection and assessment activities should be undertaken to assess the impact of mortality associated with rock lobster potting on sea lion population(s)?
2. The SL SRG is to as needed, annually and in a strategic way every five years:
  - to conduct an assessment of known and recently identified risks and review established projects against milestones and objectives.
  - is to seek formal input from the ESD steering committee with regard to status of existing risk and identification of new risks.
  - is to provide the ESD steering Committee with its justification for risk ratings be for a new risk or an already identified risk
  - be a source of advice at other times when changed circumstances may influence risk ratings.

#### Composition

- Independent Chair      Ron Edwards (RLIAC Chairman)
- Executive Officer      Kevin Donohue (RLIAC Executive Officer)
- Nick Gales              Australian Antarctic Division
- Peter Mawson          Department of Conservation and Land Management
- Richard Campbell      University of Western Australia
- Jim Penn                Director Research, Department of Fisheries

#### OPERATIONAL REQUIREMENTS

- The SL SRG reports directly to RLIAC with a copy of its report sent to the ESD Steering Committee.
- SLSRG reports are to be made available to the Minister for Fisheries as part of RLIAC advice.
- In developing its advice the SL SRG may seek information and input from sources it considers appropriate.
- SL SRG members are to formally sign off on every report before it is forwarded and the Chairman is to ensure any dissenting views are explicitly recorded in the report.
- Advice from the SL SRG needs to be provided in the context of third party (government or non-government) accreditation or certification requirements.
- To attest to the independence of the Eco SRG advice, there is capacity members of the Eco SRG that are not affiliated with a Department of the Western Australian Government to meet alone at some stage during each SRG process.

- In all other matters the SL SRG is to operate in a manner that is consistent with *Fisheries Management Guide No. 3, A guide for Management and Ministerial Advisory Committees (MACs) and the conduct of meetings issued by the Minister for Fisheries.*

#### **PROCESS FOR AMENDING TERMS OF REFERENCE OR COMPOSITION**

Responsibility for amending the SL SRG's terms of reference or composition rests with RLIAC. Should RLIAC decide to alter either the terms of reference or composition then it should document the justification in its advice to the Minister for Fisheries.

RLIAC should seek input from rock lobster stakeholders and the Department of Fisheries prior to amending the terms of reference or composition.

## **Appendix 2. West Coast Rock Lobster Fishery Decision Rules Framework 2006**

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- 1. INTRODUCTION**
- 2. MATTERS CONSIDERED BY THE MINISTER TO BE OF IMPORTANCE**
- 3. APPENDIX 1 – OBJECTS OF THE FISH RESOURCES MANAGEMENT ACT**
- 4. APPENDIX 2 – GUIDING PRINCIPLES FOR INTEGRATED FISHERIES MANAGEMENT**
- 5. APPENDIX 3 – COMPONENT TREES**
- 6. APPENDIX 4 – FISHERIES POLICY, STRATEGY AND INFORMATION DOCUMENTS**

### **1. INTRODUCTION**

***The Western Australian Government has embraced the notion of Ecologically Sustainable Development and its guiding principles and is actively working to ensure that the philosophy of sustainability underpins government policies, activities and decision-making.***

The fish resources of Western Australia are a community asset, which the Government of Western Australia manages on behalf of all Western Australians and the Australian nation. Sustainable management of fish resources is essential to ensure that they are conserved for the use and enjoyment of current and future generations. The users of the State's fish resources, whether it be for commercial, recreational or conservation purposes, need to participate responsibly in their sustainable management.

There is a need for Government to provide all stakeholders with a clear policy statement on the overall policy, objectives and performance indicators for the management of sustainable fisheries in Western Australia. This Policy Guideline sets out the management policy for the State's West Coast Rock Lobster Fishery and will form the basis for the process in which future management arrangements concerning the West Coast Rock Lobster Fishery will be developed, and implemented.

It is hoped that it will focus stakeholder attention on the direction and the process that needs to be followed to achieve the objectives and outcomes for a sustainable West Coast Rock Lobster Fishery.

The West Coast Rock Lobster Fishery is widely recognised as one of the best-managed fisheries in the world. This enviable reputation has emanated from the healthy stock status of western rock lobsters that supports one of Australia's most valuable single species commercial fisheries and a large recreational fishery.

Responsibility for managing the western rock lobster resource is vested in the West Australian Government in accordance with the objects and provisions of the *Fish Resources Management Act 1994* (FRMA). In particular I, the Minister for Fisheries, am responsible for making executive decisions that determine the strategic and structural manner in which the fishery is managed, while the Executive Director of the Department of Fisheries is

responsible for the functional management or administration of the fisheries management system.

The Rock Lobster Industry Advisory Committee (RLIAC) statutory Ministerial Advisory Committee is set the task of providing me with advice on all matters relevant to the western rock lobster management system. In order to perform this role effectively it is essential that RLIAC have access to a variety of relevant and related expertise, be highly consultative and conduct its business in a manner that is transparent and accountable.

RLIAC performs this role with the aide of a number of established and well-recognised processes designed to constantly identify issues that can and do affect the management system.

In particular the National Ecologically Sustainable Development Reporting framework is used to provide advice to RLIAC, and to the Department of Fisheries on the risks posed to the rock lobster stock and more broadly to the ecosystem by fishing and strategies that could be used to mitigate those risks.

In the western rock lobster management system the identification and management of risk occurs on three levels:

- Strategic (every five years);
- Annual; and
- On a needs basis.

Importantly the three levels of assessment ensure that there is a system to identify risks and rate them appropriately when they occur and that management measures can be adopted early to eliminate or mitigate them.

This guideline focuses on making fisheries management decisions with clear and targeted objectives, with input from all stakeholders and taking into account implications for the resource and effects on social and economic factors. The guideline addresses industry's needs, and also provides greater opportunities for all stakeholders to take more responsibility in determining what management decisions should be taken for the benefit of the fishery and the community. By laying out the management decision-making process clearly, it is expected that it will become more efficient and effective, providing greater opportunity for self-determination of management arrangements for all stakeholders involved in the fishery.

The benefits of this guideline are:

1. will encourage responsible management and reward all stakeholders by providing them with the ability to determine the fishery's own path.
2. it provides opportunity for flexibility to the management system so that smaller incremental management changes can occur to safeguard the resource and pursue other objectives and thus avoid radical change;
3. it documents (and advertises) the management process for stakeholders, government and the wider community and in doing so provides a greater degree of transparency and accountability;
4. because the management process is more transparent it provides greater opportunities for stakeholder input into the management process, encourages innovation and advances the concept of co-management;

5. provides certainty that management action will occur to ensure sustainability of the western rock lobster resource.

**This guideline has been developed in accordance with section 246 of the FRMA.**

## **2. MATTERS CONSIDERED BY THE MINISTER TO BE OF IMPORTANCE**

As Minister responsible for the administration of the FRMA I consider the following matters to be of importance:

- The objectives of the *Fish Resources Management Act 1994*.
- Department of Fisheries Strategic Plan 2004 - 2008;
- The Ecologically Sustainable Development and Ecosystem Based Management Framework for fisheries management in Western Australia;
- Integrated Fisheries Management;
- West Coast Rock Lobster Fishery specific management objectives;
- Decision Rules Framework for the West Coast Rock Lobster Fishery;
- Consultation process for developing/amending the western rock lobster policy guideline; and
- Other policy and strategy documents.

### **2.1. THE OBJECTIVES OF THE FISH RESOURCES MANAGEMENT ACT 1994**

The *Fish Resources Management Act 1994* (FRMA) provides the mechanism and power in which all other subordinate legislation is created. All fisheries and related activities (commercial, recreational, processing, eco-tourism, etc) and aquaculture in Western Australia operate under the FRMA. The decisions and actions of the Executive Director of Fisheries and myself must satisfy the objects and sections set out within the FRMA.

The objectives of the FRMA are set out under sections 3 of the FRMA, further details of the objectives of the FRMA are provided in Appendix 1.

The FRMA and all subordinate legislation related to fisheries management may be obtained from either the State Law Publisher or from the State Law Publisher web site at [www.slp.wa.gov.au](http://www.slp.wa.gov.au).

### **2.2. Department of Fisheries Strategic Plan 2004-2008**

The Department of Fisheries Strategic Plan 2004 - 2008 provides all stakeholders with the future direction for fisheries management in Western Australia for the next 5 years. It confirms the commitment of the Government to Ecological Sustainable Development and integrated fisheries management, highlighting the growing importance of stakeholders and partnerships in the future.

All future management decisions must endeavor to meet the objectives and strategies outlined in the Department of Fisheries strategic plan, while maintaining awareness and consideration of the Department's business, fisheries values, stakeholders, planning frameworks and future strategic directions. Relevant documents pertaining to the Department of Fisheries Strategic Plan 2004-2008 can be sourced from the Departmental web site at [www.fish.wa.gov.au](http://www.fish.wa.gov.au) or alternatively may be obtained from the Department of Fisheries Head Office.

### **2.3. The Ecologically Sustainable Development and Ecosystem Based Management Framework for Fisheries Management in Western Australia**

The objectives and performance indicators for fisheries management in Western Australia are part of a much broader state, national and international commitment to the concept of Ecologically Sustainable Development (ESD) and Ecosystem Based Management (EBM). ESD seeks to integrate short and long-term social, economic and environmental effects in all decision making. EBM deals with the aggregate management of all sectors (fishing, shipping, tourism, mining etc) operating within a single bioregion to achieve ESD outcomes.

The objectives of the FRMA underpin the ESD and EBM principles for fisheries in Western Australia. Relevant documents pertaining to the ESD and EMS framework for fisheries management in Western Australia can be sourced from the Departmental web site at [www.fish.wa.gov.au](http://www.fish.wa.gov.au) or alternatively may be obtained from the Department of Fisheries Head Office.

### **2.4. Integrated Fisheries Management**

Integrated fisheries management (IFM) is a Government initiative aimed at ensuring WA's fisheries continue to be managed sustainably into the future. In essence, this approach involves the setting of a total catch or harvest level in each fishery that allows for an ecologically sustainable level of fishing. A formal process is then used to allocate explicit catch shares for use by each of the principle user groups.

The catch harvested by each user group must be monitored and managed within their allocated catch level over periods of between five and ten years. Community requirements for the use of fish stocks will change over longer timeframes (across decades), therefore a politically acceptable means of reallocating catch shares between sectors is necessary in order for the IFM strategy to succeed. Allocation can be achieved by either administrative or market based mechanisms. Details of the IFM Guiding Principles are provided in Appendix 2. Relevant documents pertaining to IFM can be sourced from the Departmental web site at [www.fish.wa.gov.au](http://www.fish.wa.gov.au) or alternatively may be obtained from the Department of Fisheries Head Office.

### **2.5. WESTERN ROCK LOBSTER SPECIFIC MANAGEMENT OBJECTIVES**

The vision for future management of the West Coast Rock Lobster Fishery resource is to utilise the available fisheries management tools in such a way that maximises the long-term economic return to the State from use of the West Coast Rock Lobster Fishery resource in the context of an Ecological Sustainable Development framework and the pursuit of recognised commercial, recreational, conservation and social values. Relevant documents pertaining to the Western rock lobster specific management objectives can be sourced from the Departmental web site at [www.fish.wa.gov.au](http://www.fish.wa.gov.au) or alternatively may be obtained from the Department of Fisheries Head Office.

In order to achieve the long-term future vision of the West Coast Rock Lobster Fishery, the following objectives have been developed to best utilise current management tools, while continuing the forward momentum of the fishery.

### **Biological objective**

That management arrangements maintain or return to, as the case may be, the abundance of breeding lobsters at or above the levels in 1980 (Appendix 3 – Rock Lobster Decision Rules: Breeding Stock paper).

### **Ecological objectives**

That management arrangements are consistent with the principles of ecosystem based management and in particular:

- a) ensure that bycatch of marine mega-fauna is minimised to acceptable levels; and
- b) that the effects of fishing do not result in irreversible changes to the ecological processes upon which life depends.

### **Commercial objectives**

1. That management arrangements maximise the opportunity for optimum economic returns to the Western Australian community from the use of the western rock lobster resource, and
2. That management arrangements foster the maintenance and development of regional communities while not unnecessarily restricting normal business practices.

### **Recreational objective**

That management arrangements which impact upon the recreational fishery promote the fundamental ethos of recreational fishing, i.e. it is an enjoyment motivated activity.

To ensure that a management arrangement is not going to negatively impact on the West Coast Rock Lobster Fishery resource and socio-economics, it is expected that the management arrangements shall not proceed unless the management arrangements has successfully meet all western rock lobster specific management objectives utilising the three Decision Rules Component Trees (described below).

## **2.6. DECISION RULES FRAMEWORK FOR THE WEST COAST ROCK LOBSTER FISHERY**

This Guideline further intends to assist the Executive Director in the consideration of developing, investigating, and implementing management arrangements with clear and targeted objectives for the West Coast Rock Lobster Fishery by utilising the three decision rules in accordance with the objectives and performance measures related to the fishery. I note that the decision rules framework component trees for assessing; developing and implementing management decisions are outlined in Appendix 4.

Utilising the FRMA and the three decision rules, the Executive Director, before initiating implementation of any future management arrangement, will need to be satisfied that:

- Consistent with western rock lobster specific management objectives and matters of importance in this guideline;
- That all stakeholders have had the opportunity to provide input and initiative into the management process; and

- The management arrangement has been developed in accordance with all three-decision rules.

The three decision rules will be utilised by the Executive Director when considering management arrangements for either each individual zone of the fishery or for the entirety of the fishery. Relevant documents pertaining to the three decision rules can be sourced from the Departmental web site at [www.fish.wa.gov.au](http://www.fish.wa.gov.au) or alternatively may be obtained from the Department of Fisheries Head Office.

## 2.7. Consultation process for developing or amending the western rock lobster policy guideline

The consultation process with stakeholders is vital to progressing the West Coast Rock Lobster Fishery management systems into the future. Stakeholders can be involved through out the consultation process for the West Coast Rock Lobster Fishery via a number of ways at varies levels. Figure 1 illustrates the numerous avenues available to stakeholders to partake in the consultative processes; this includes direct communication to myself, Minister for Fisheries, RLJAC and/or the Department of Fisheries.

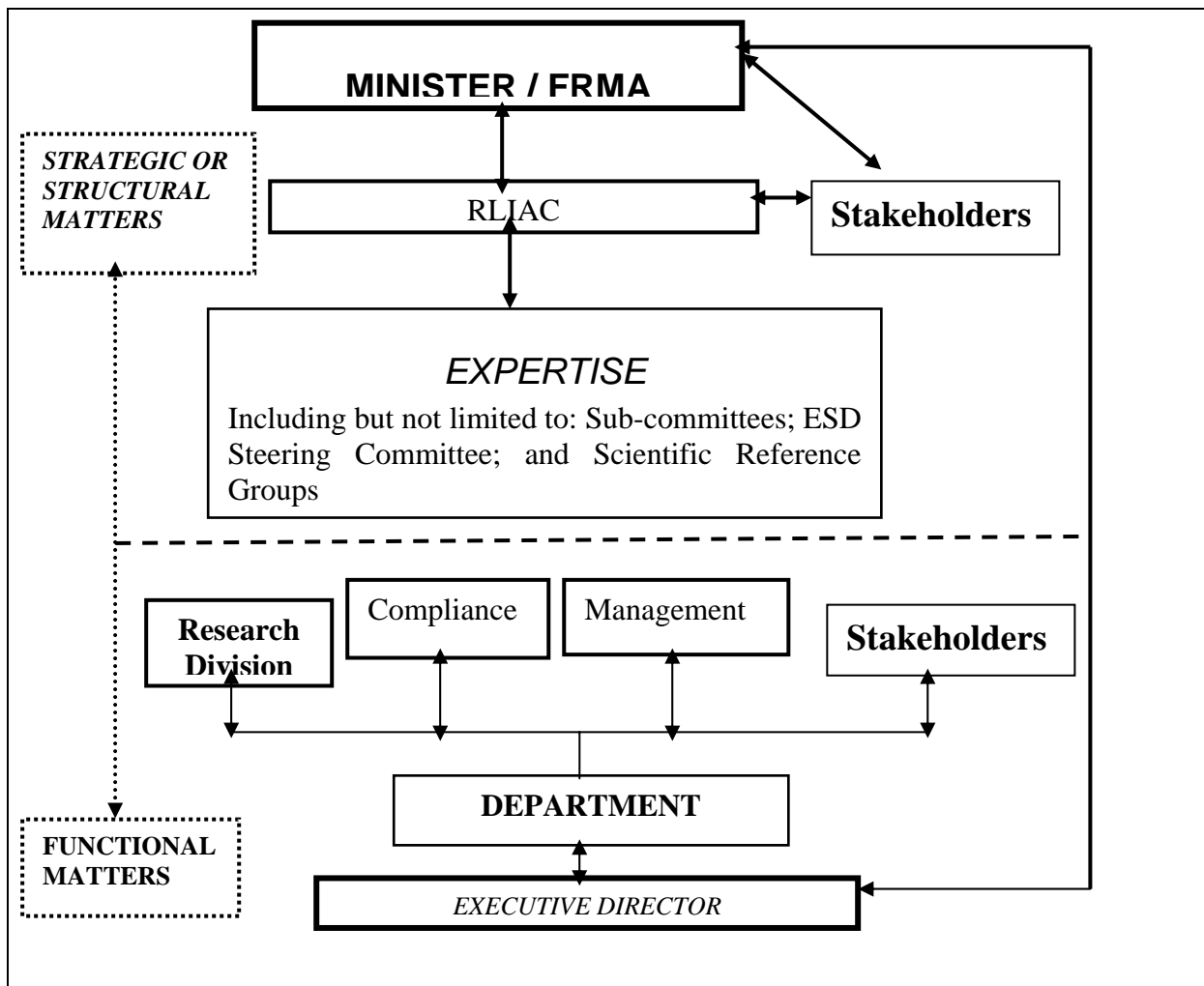


Figure 1: Illustration of West Coast Rock Lobster Fishery management consultative process.

The West Coast Rock Lobster Fishery operates under a rolling three-year management planning process, where management arrangements are implemented in year one, planning and consultation for future management arrangements are occurring for year two, while running parallel to year one and year two is the strategic direction, planning and consultative processes development for year three.

The three-year rolling plan enables RLIAC to ensure that management advice is available two seasons ahead of the current season, demonstrated in figure 2.

	2005/06	2006/07	2007/08	2008/09	2010/11	2011/12
Nov 2005						
Nov 2006						
Nov 2007						
Nov 2008						

■ = Additional season added at the end of the annual planning cycle.

**Figure 2: Rolling three-year planning process**

The consultative processes that are available to RLIAC are discussed in detail in the Western Rock Lobster Management System report. This report can be obtained from the Department of Fisheries Head Office.

**The consultation process for developing the western rock lobster policy guideline involves the following steps:**

- Identification of important West Coast Rock Lobster Fishery policy issues that could be addressed using this guideline;
- The major policy issues that would go into the guideline are then developed by the Department of Fisheries and RLIAC in partnership with the major stakeholders;
- Ministerial approval is then sought to develop a draft guideline to cover these issues;
- If the Minister’s approval is given, a draft guideline is developed in detail and with the approval of the Minister, it is released for public comment;
- The Minister then assesses the public comments on the draft and in light of them may:
  - approve the guideline as it stands,
  - make minor amendments to the guideline and then approve it,
  - make major amendments to the guideline and send it out for further public comment before making a final decision, or
  - not approve the guideline.

The same consultation process would also be used to amend or revoke this guideline. Relevant documents pertaining to the West Coast Rock Lobster Fishery consultation processes can be sourced from the Departmental web site at [www.fish.wa.gov.au](http://www.fish.wa.gov.au) or alternatively may be obtained from the Department of Fisheries Head Office.

## **2.8. OTHER POLICY AND STRATEGY DOCUMENTS**

The other policy and strategy documents that the Executive Director must take into account when performing his functions in relation to the management of the West Coast Rock Lobster Fishery, are listed in Appendix 5.

## APPENDIX 1 - OBJECTS OF THE FISH RESOURCES MANAGEMENT ACT 1994

### Section 3 of the Fish Resources Management Act 1994 - Objects

1. The objects of this Act are to conserve, develop and share the fish resources of the State for the benefit of present and future generations.
2. In particular, this Act has the following objects –
  - a) to conserve fish and protect their environment;
  - b) to ensure that the exploitation of fish resources is carried out in a sustainable manner;
  - c) to enable the management of fishing, aquaculture and associated industries and aquatic eco-tourism;
  - d) to foster the development of commercial and recreational fishing and aquaculture;
  - e) to achieve the optimum economic, social and other benefits from the use of fish resources;
  - f) to enable the allocation of fish resources between users of those resources;
  - g) to provide for the control of foreign interests in fishing aquaculture and associated industries;
  - h) to enable the management of fish habitat protection areas and the Abrolhos Islands reserve.

### 7. APPENDIX 2 - GUIDING PRINCIPLES FOR INTEGRATED FISHERIES MANAGEMENT

The following guiding principles are the basis for integrated fisheries management in Western Australia:

- i. Fish resources are a common property resource managed by the Government for the benefit of present and future generations.
- ii. Sustainability is paramount and ecological requirements must be considered in the determination of appropriate harvest levels.
- iii. Decisions must be made on best available information and where this information is uncertain, unreliable, inadequate or not available, a precautionary approach adopted to manage risk to fish stocks, marine communities and the environment. The absence of, or any uncertainty in, information should not be used as a reason for delaying or failing to make a decision.
- iv. A harvest level, that incorporates total mortality, should be set for each fishery<sup>2</sup> and the allocation designated for use by each group should be made explicit.
- v. Allocations to user groups should account for the total mortality on fish resources resulting from the activities of each group, including bycatch and mortality of released fish.
- vi. The total harvest across all user groups should not exceed the prescribed harvest level. If this occurs, steps consistent with the impacts of each user group should be taken to reduce the take to a level that does not compromise future sustainability.
- vii. Appropriate management structures and processes should be introduced to manage each user group within their prescribed allocation. These should incorporate pre-

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<sup>2</sup> Fishery is defined under the FRMA as one or more stocks or parts of stocks of fish that can be treated as a unit for the purposes of conservation or management; and a class of fishing activities in respect of those stocks or parts of stocks of fish.

- determined actions that are invoked if that group's catch increases above its allocation.
- viii. Allocation decisions should aim to achieve the optimal benefit to the Western Australian community from the use of fish stocks and take account of economic, social, cultural and environmental factors. Realistically, this will take time to achieve and the implementation of these objectives is likely to be incremental over time.
  - ix. Allocations to user groups should generally be made on a proportional basis to account for natural variations in fish populations. This general principle should not however preclude alternative arrangements in a fishery where priority access for a particular user group(s) may be determined. It should remain open to government policy to determine the priority use of fish resources where there is a clear case to do so.
  - x. Management arrangements must provide users with the opportunity to access their allocation. There should be a limited capacity for transferring allocations unutilised by a sector for that sector's use in future years, provided the outcome does not affect resource sustainability.

More specific principles to provide further guidance around allocation decisions may also be established for individual fisheries.

## 8. APPENDIX 3 – ROCK LOBSTER DECISION RULES: BREEDING STOCK REPORT 21 SEPTEMBER 2004

Two sets of breeding stock indices are used in the western rock lobster fishery. The longest time series, extending back to the early 1970s, is the index derived from the commercial monitoring programme where research staff go on board commercial vessels and measure all the catch. This program currently operates from six locations for each month that the fishery operates. The breeding stock data are combined as a northern coastal index (Dongara, Kalbarri and Jurien) and a southern coastal index (Lancelin and Fremantle).

The second type of breeding stock index comes from a series of independent breeding stock surveys (IBSS) have been conducted since 1991 during October/November producing an annual index of egg production independent of fisheries catch data and its biases.

These indices have been smoothed using a 3-year moving average to enable a clearer understanding of the underlying trends. For example, the line at 2002/03 represents the average index from the 2001/02, 2002/03 and 2003/04 seasons.

There are two decision rule lines shown on the graphs. The first represents the breeding stock target set in the early 1990's based on the level during the late 1970's and early 1980's. This is represented by the moving average centred on 1980/81. The second line is about 20% below the first decision rule line and about half way between the 1980's target level and the level reached in the early 1990's when the breeding stock is estimated to be at its lowest level.

Indices based on commercial catch monitoring show egg production reached a low point in the early 1990s, at which time there was concern about the state of the brood stock. Since the changes in management aimed at improving egg production in the fishery were implemented in 1993/94, there has been a dramatic turn around in the indices for both the northern and southern coastal sectors of the fishery (Fig. 1 and 2). According to these data, egg production for the south coastal index from the commercial monitoring programme is well above the agreed target level - which was to maintain the egg production indices for the fishery at levels above those in 1980 (Fig. 2). However the egg production for the north coastal region shows that the production from both indices has declined to the target level.

One downside of egg production indices derived from commercial catch monitoring data is that they do not provide indices for the breeding stock at the Abrolhos Islands, considered to contribute half the egg production in the fishery. The lack of any index for this region may not be as serious as it first seems, because the vast majority of this egg production at the Abrolhos Islands is from females that are below the legal minimum size limit. Egg production from this region of the fishery would therefore probably be less affected by management changes. The total catch from this area has been used as an indicator of the breeding stock and this has been very steady over the years varying about 10 % from its average catch of about 1700 tonnes.

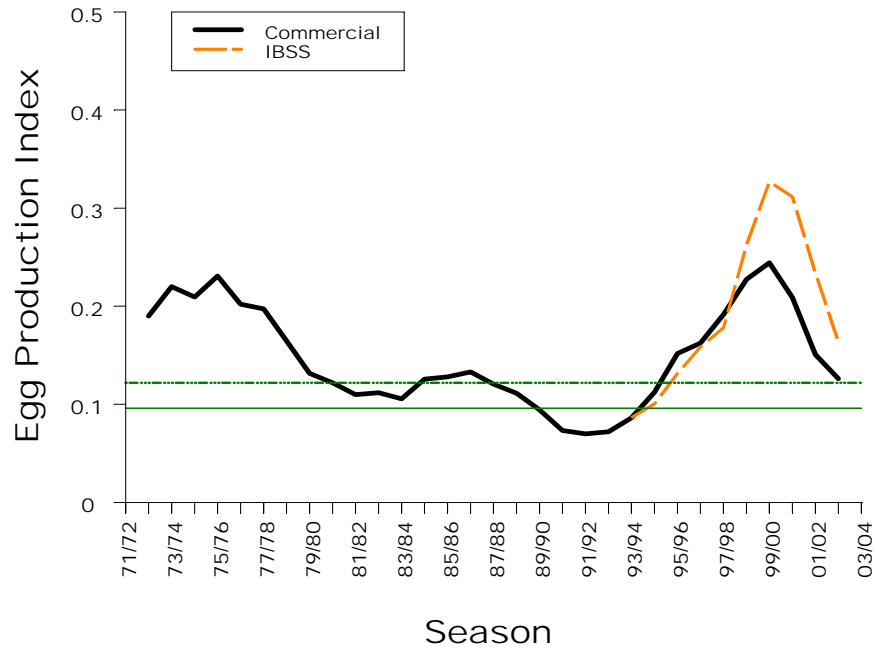
Of greater concern with the indices derived from commercial monitoring data, is that they are influenced by increases in commercial fishing efficiencies. Although an attempt has been made to take increases in efficiency into account, these may need to be reviewed on the basis of some recent assessments made using the depletion method.

Research surveys were introduced in the early 1990s, to develop egg production indices independent of the biases that may result from the use of commercial catch monitoring data. These surveys have been undertaken at the same time of the year using standardized fishing gear on specific GPS locations in three to six localities between Fremantle and Kalbarri, and including the Abrolhos Islands.

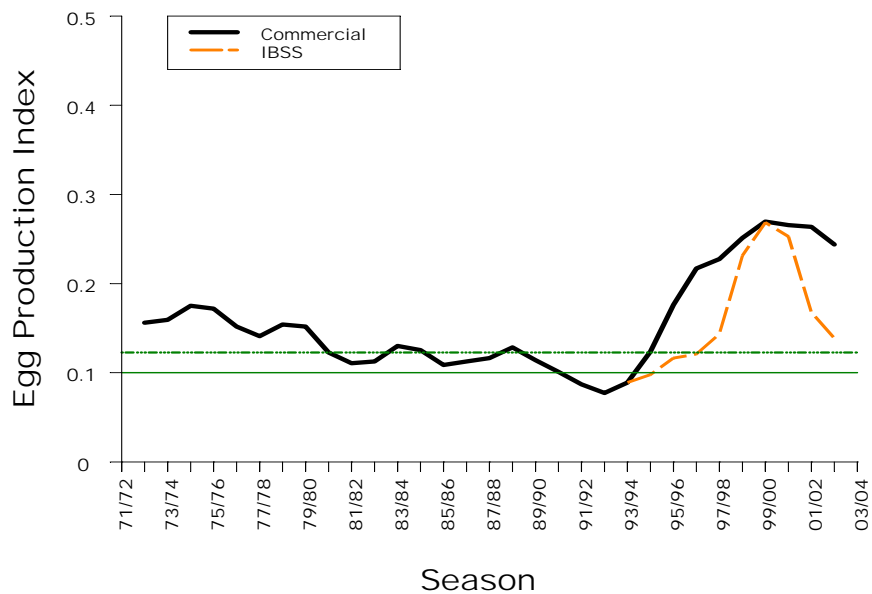
The fishery-independent egg production (breeding stock) indices have tended to be somewhat irregular when viewed on year-to-year basis, probably because it is impossible to take all environmental catchability effects into account. However, the overall trend in breeding stock index seems very credible.

The fishery independent egg production indices confirm the substantial increase in coastal egg production since the early 1990s, and evident in the indices derived from commercial monitoring data (Fig. 1 and 2). In contrast to the commercial monitoring data, the fishery-independent indices have shown a downturn in recent years in both the north and south coastal areas. To some extent this downturn has been distorted by two very high egg production values that were recorded in 1999 and 2000, which are likely to have been affected by increased catchability effects in those years. The impact of environmental factors on catchability are currently being assessed.

Despite the differences between the two methods of determining egg production, both indices indicate that these levels are well above those recorded in the early 1990s, with the north coastal area being close to the target level of 1980 (Fig.1 and 2).



**Figure 1.** Egg production indices for the North coastal region using Dongara, Kalbarri and Jurien for the independent breeding stock survey (IBSS) and Dongara and Jurien for the commercial monitoring index. Two decision rule lines are shown.

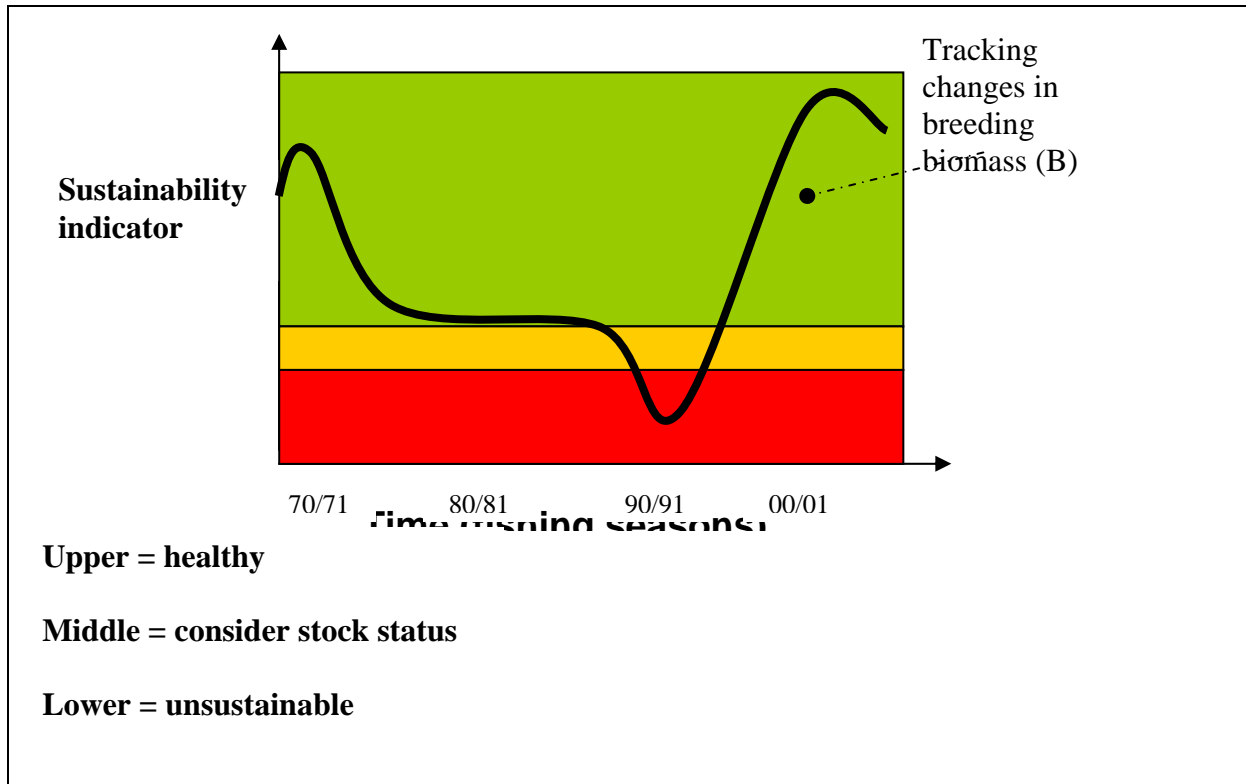


**Figure 2.** Egg production indices South coastal region using Lancelin and Fremantle for the independent breeding stock survey (IBSS) and Lancelin and Fremantle for the commercial monitoring index. Two decision rule lines are shown.

9. Appendix 4 – decision rules framework COMPONENT trees

To assist the Executive Director in ascertaining whether or not the western rock lobster stock is healthy, and how a management arrangement will impact on the fishery by utilising the three decision rules, a simple graph has been developed.

Figure 3 contains a hypothetical example of the variation in breeding stock abundance over time, which is shown by the solid curve. The figure is split into three zones – upper, middle and lower with each zone representing a different stock status category.

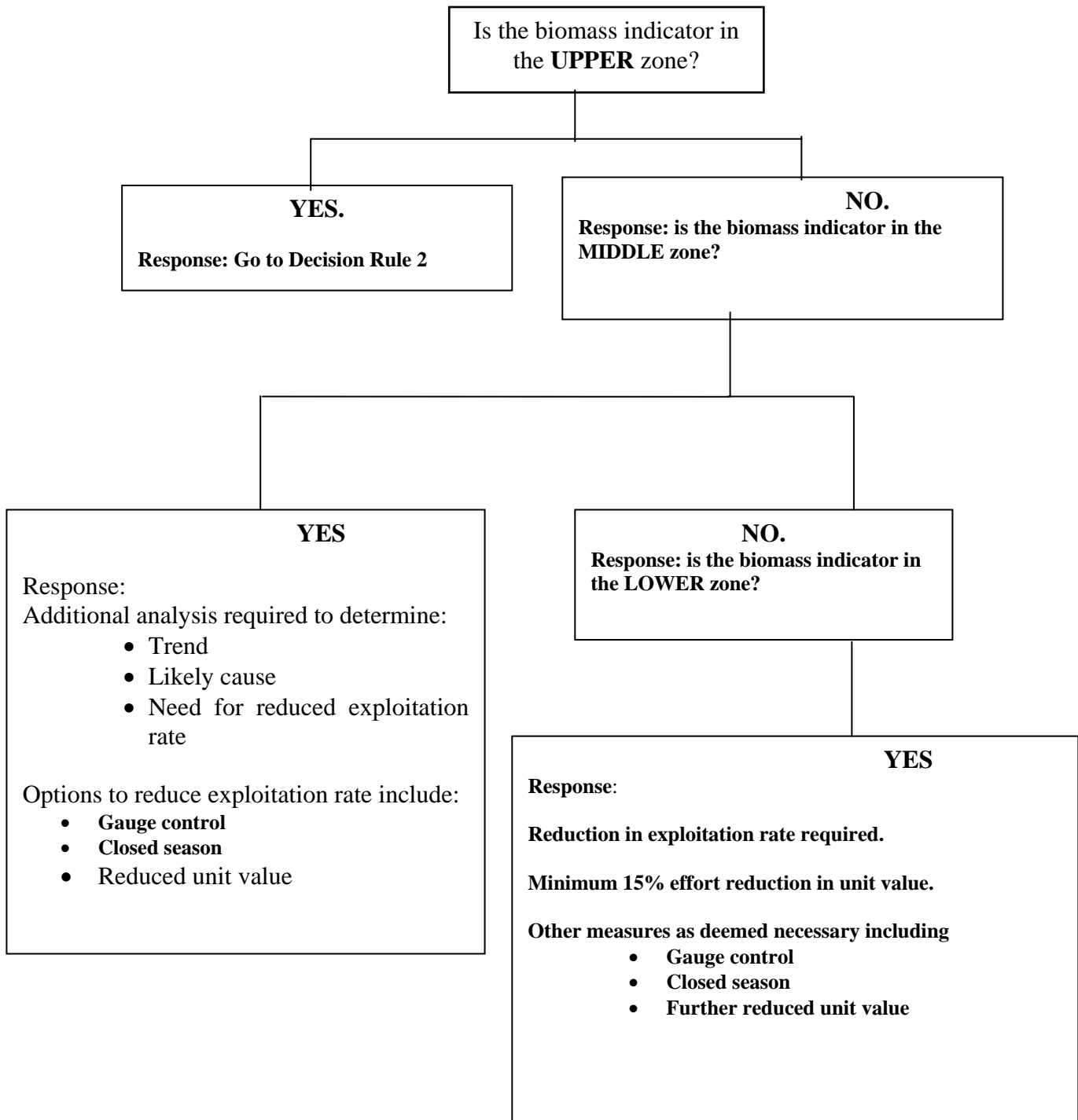


**Figure 3:** Hypothetical example of variation in rock lobster breeding stock abundance as a percentage of unfished biomass over time with reference to biological sustainability reference zones.

### Decision Rule No.1 (DR1)

The formal application of the first decision rule, designed to ensure biological sustainability of the rock lobster stock, needs to occur annually and be based on a formal stock status report provided by the Department of Fisheries Research Division. This is likely to be in February or March of each year.

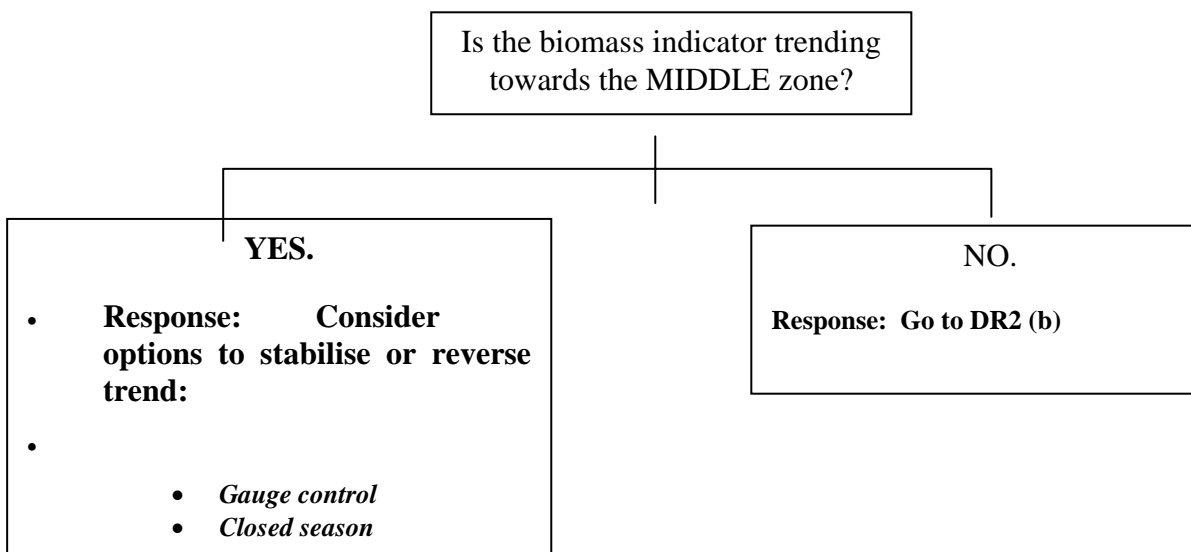
#### DR1 – biological sustainability



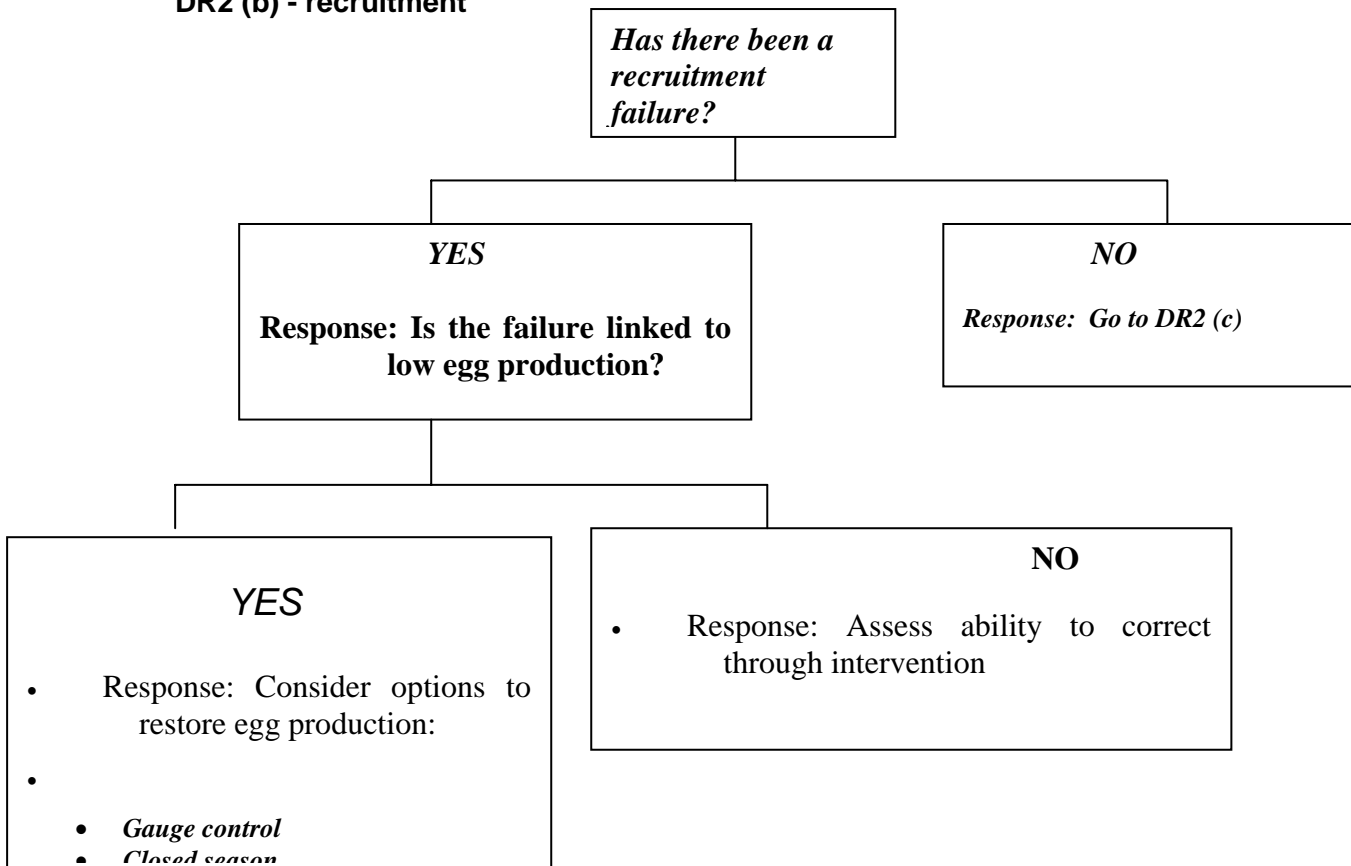
## Decision Rule No.2 (DR2)

The formal application of Decision Rule No.2 is designed to ensure other indicators of sustainability are not ignored; it follows confirmation through DR1 that the indicator is in the upper zone. Indicators include trends in breeding biomass, recruitment, exploitation rate, effort and possible catastrophic event. Application of this rule needs to occur annually and be based on a formal stock status report provided by the Department of Fisheries Research Division. This is likely to be in February or March of each year. For simplicity this rule is broken into five parts. Each part must be addressed.

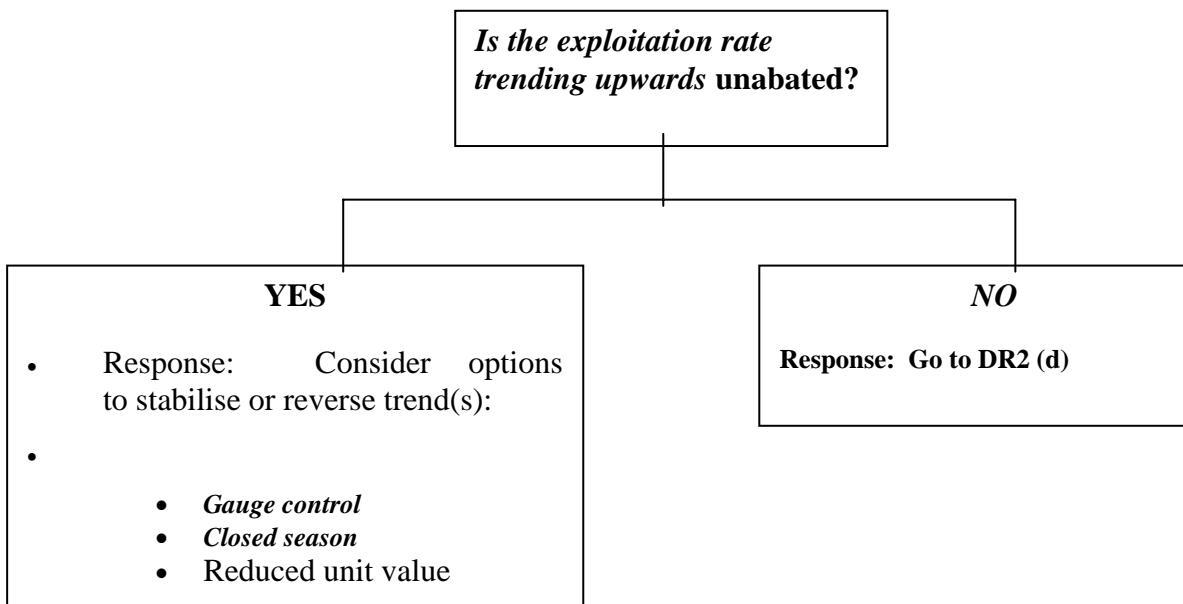
DR2 (a) – trends in breeding biomass



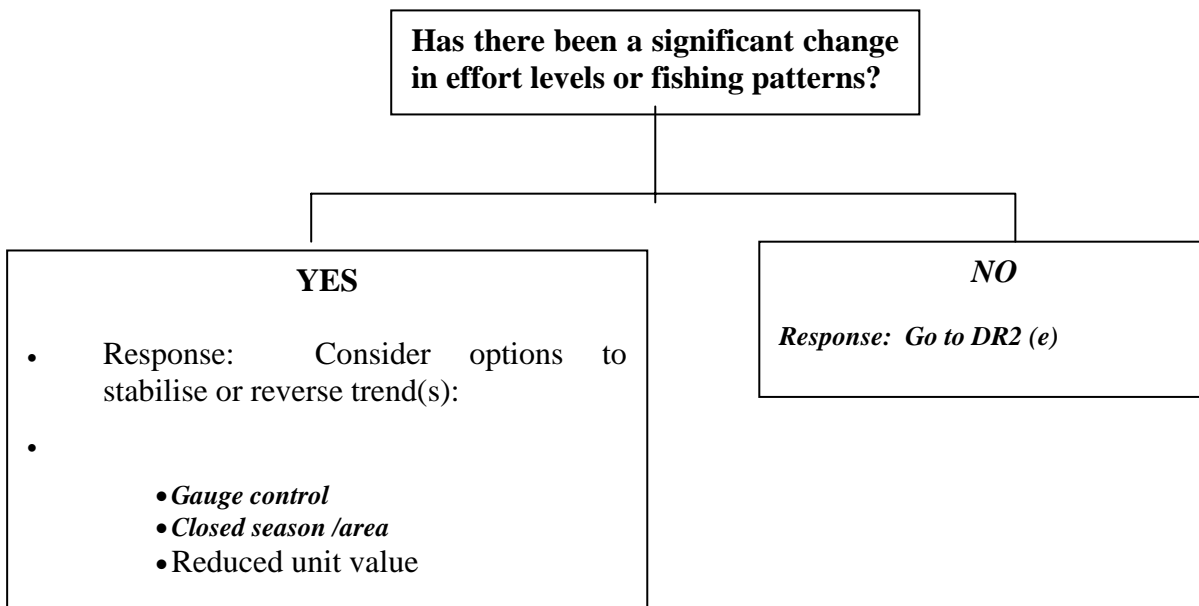
DR2 (b) - recruitment



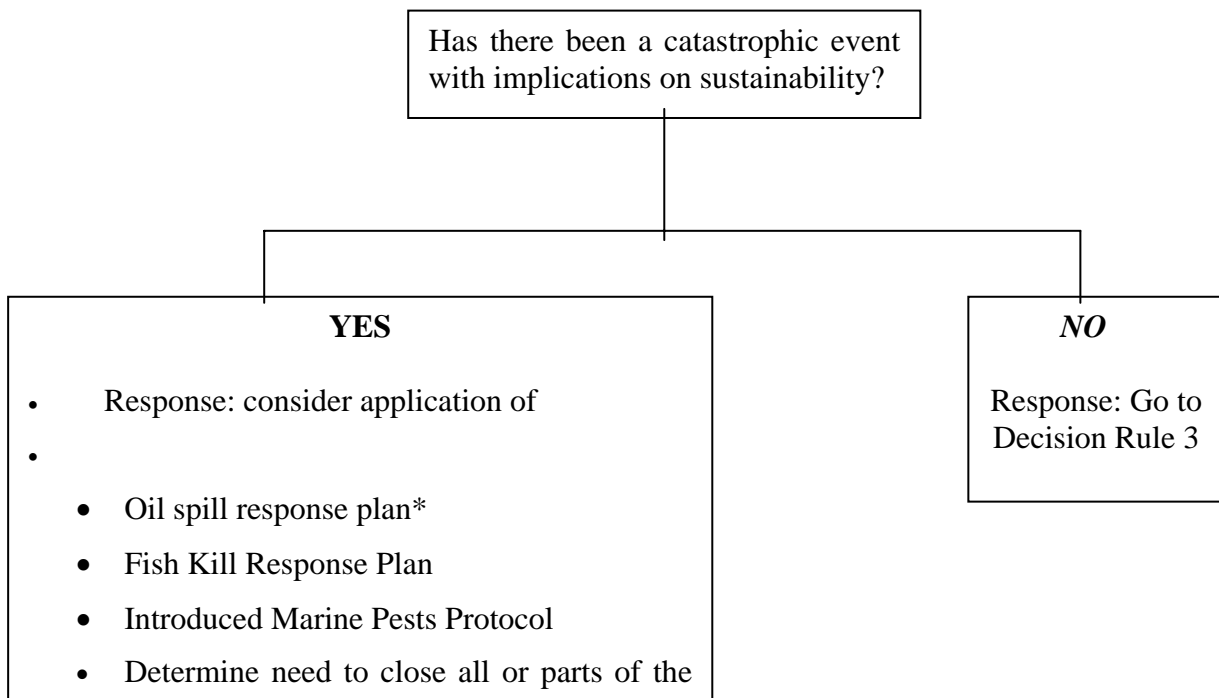
**DR2 (c) – exploitation rate**



**DR2 (d) - effort**



**DR2 (e) – catastrophic events**

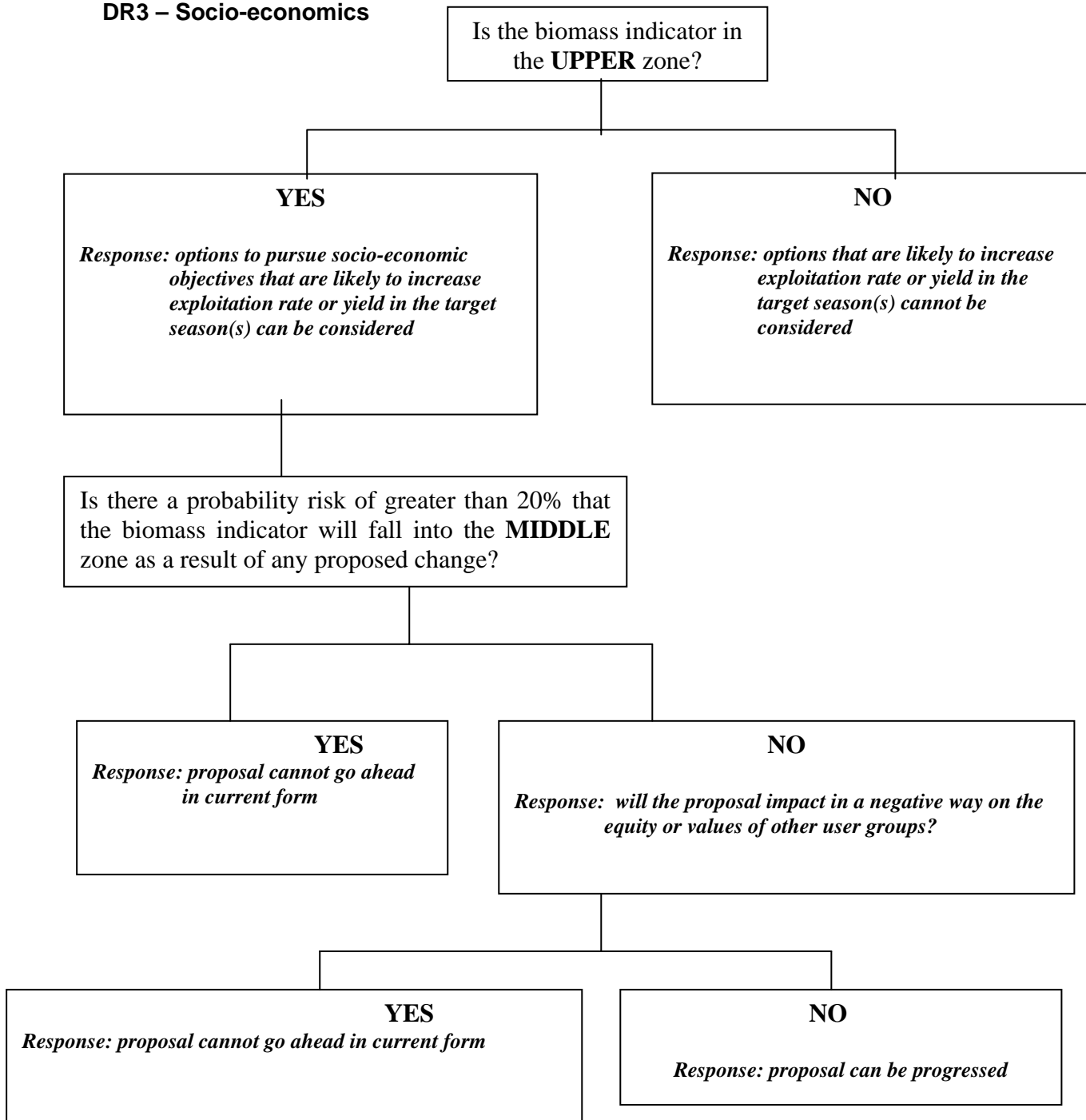


\* Western Australian Marine Oil Pollution Emergency Management Plan

**Decision Rule No.3 (DR3)**

The formal application of Decision Rule No.3 is designed to achieve and ensure the optimum economic, social and other benefits from the use of rock lobster resources. It follows confirmation through DR1 that the biomass indicator is in the upper zone. Application of this rule needs to occur annually and be based on a formal stock status report provided by the Department of Fisheries Research Division. This is likely to be in February or March of each year.

**DR3 – Socio-economics**



## Appendix 5 - FISHERIES POLICY, STRATEGY AND INFORMATION DOCUMENTS

Policy, strategy and information documents that provide important information that the Executive Director must take into consideration in the performance of his functions with regard to the management of the western rock lobster (*Panulirus cygnus*) fishery in Western Australia include but are not limited to:

- The ESD reports for individual fisheries that have been prepared by the Department of Fisheries. These reports should be referred to for further background regarding aims and objectives for fisheries in Western Australia. Copies of the reports can be obtained from the Department of Fisheries or from their website at [www.fish.wa.gov.au](http://www.fish.wa.gov.au)
- The State of the Fisheries Reports. These should be referred to for the annual measures of a fishery's performance indicators and an overall assessment of a fishery's performance against its operational objectives.
- Fisheries Department Annual Reports;
- Integrated Fisheries Management;
- Marine Stewardship Council report;
- The *Western rock lobster Management Plan 1993*;
- National Recreational Fishing Survey;
- Development of a Fisheries Management Decision Rules Framework for the West Coast Rock Lobster Fishery;

### ***Appendix 3. Terms of Reference for the review of the stock assessments for the Western Rock Lobster Fishery***

#### Preamble

As part to the ongoing MSC certification requirements for the western rock lobster fishery, Scientific Certification Systems require an internationally recognized independent expert to review the 2004 and 2005 stock assessment of the western rock lobster fishery.

The consultant is not required to undertake a new stock assessment for the fishery but will review the 2004 and 2005 assessments that were undertaken by the Department of Fisheries and the management recommendations that arose from those assessments.

The following terms of reference for the stock assessment review are proposed:

#### **Terms of Reference for a Review of the Western Rock Lobster Fishery Stock Assessment**

1. Review the data descriptions and data sets that were available to the Department of Fisheries (the Department) when it conducted its 2004 and 2005 western rock lobster stock assessments.
2. Review the different time series of data and model outputs and assess the implications of the weights given to alternative data sets during the 2004 and 2005 stock assessments.
3. Review the technical description of the modeling and statistical analyses that were undertaken to produce the 2004 and 2005 stock assessment results that were presented to the Rock Lobster Industry Advisory Committee (RLIAC) and other stakeholders.
4. Review the 2004 and 2005 stock assessments and the conclusions on stock status that were drawn from the results of the assessments.
5. Review the written advice provided to the RLIAC and to stakeholders in which the results, conclusions, and implications of the 2004 and 2005 stock assessments for the western rock lobster fishery were reported.
6. Discuss with Department of Fisheries' staff, the data, assessments and the various issues raised by Scientific Certifications Systems (SCS) in its 2005 Final Surveillance Report (December 2006).
7. Report on the general "robustness" of the advice that has been provided to stakeholders on the status of the resource and the need for the specified management responses.
8. Recommend any improvements to the stock assessment process for the western rock lobster fishery that could provide future stock assessment with additional reliability and robustness.

To perform the stock assessment review of the western rock lobster fishery, the consultant will have full access to both hard copy and electronic versions of the necessary data, documents and reports, to the computer procedures used and, if necessary, computing facilities required to run those procedures. Access will be provided and facilitated by staff of the Department of Fisheries and overseen by Dr Nick Caputi of the Department's Research Division.

The normal State Government and the Department of Fisheries confidentiality requirements of data relating to individual fishers are to be strictly preserved. The consultant's report on the review of the stock assessment is only to be used for the purpose of Marine Stewardship Council certification/re-certification and cannot be published or released in another public or

scientific forum, without the permission of the Executive Director of the Department of Fisheries.

In fulfilling the Terms of Reference for the review the consultant will consult with Dr. Tony Smith from CSIRO in Hobart on relevant aspects of the review.

Scientific Certification Systems (SCS) will review the consultant's report and if necessary in the opinion of SCS an independent review on the review's outcomes will be carried out.

The finalization of the contract and time frame for the review is dependent on:

- the availability of the consultant that SCS has agreed should be approached to undertake the review<sup>3</sup>; and
- the consultant providing an agreed cost estimate for the work.

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<sup>3</sup> Professor Dr Norman Hall of Murdoch University in Western Australia has been approached to undertake the review of the 2004 and 2005 western rock lobster stock assessment. Dr Hall acknowledges his employment with the Department of Fisheries prior to 2001 and his previous involvement in stock assessments and modeling of the western rock lobster fishery and will undertake the tasks listed above as objectively as possible.

***Appendix 4. Western Australian Fishing Industry Council Rock lobster Industry voluntary code of practice for using and handling bait, bait packaging and rubbish.<sup>4</sup>***

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<sup>4</sup> Note this publication is not available electronically.

**3. COPIES OF THE STATE OF THE FISHERIES REPORTS FOR THE WEST COAST ROCK LOBSTER FISHERY, FOR THE PAST FIVE YEARS**

#### **4. ANCILLARY INFORMATION**

A copy of the relevant Marine Stewardship Council (MSC) reports and the latest certification report, are available from the following MSC website address:

[http://www.msc.org/html/content\\_1277.htm](http://www.msc.org/html/content_1277.htm).