

2022 Draft Rock Lobster Management Plan Amendments

Commercial Fishery Response by the Tasmanian Rock Lobster Fishers Association.

The TRLFA is the peak body of the commercial rock lobster fishing sector in Tasmania representing both quota owners and fishing members.

This is the TRLFA's formal response to the issues raised in the proposed Amendments.

The Board of the TRLFA has relied on the personal advocacy connections made by Board Members and feedback received from the TRLFA Members, by the nine Directors and the Chief Executive Officer.

Further, the Board has had regard for the views expressed by Members and other industry participants in the five Port Meetings held by the Principal Fishery Manager, which either the CEO or the President attended.

A month or so later, the rigorous TRLFA schedule of nine Port Meetings, most of which had good representation of the fishing fleet in their local and regional areas, was a key process informing the Board.

Most meetings had multiple Board representatives present and the CEO and President attended all nine meetings.

At each of these 14 port meetings each proposed Rule change, and the East Coast Policy document was comprehensively explored.

This document will follow the path of the on-line submission format.

We have no reason to request that this submission should remain confidential.

Section 1. Aligning size limits with growth rates.

We absolutely agree with the general fishery management principle, as well as a general aspiration, that all size limits should align with local lobster growth rates and sexual maturity.

Section 2.

(a) We support the Northern Zone female size limit of 120mm.

Following the recent very successful transition to this size in the North West, there appears to be unanimous support for this new size limit across this new Northern Zone.

(b) We regret that we are not, at this stage, in a position to agree to an uplift in the male size at this point.

The Board received strong advice from the State processing sector that this size limit would affect the number of “B” size fish available to processors, a size that is currently required for markets such as the “wedding fish” market in Asia.

Our current market situation is quite vulnerable to post-COVID fluctuations in key markets. In spite of concerns that the future of this “wedding-fish” market, given the origin of it, is at best tenuous, we find it necessary to hold off our support for a male size limit uplift for at least one year.

As a result, we recommend that the size limit for males in the Northern Zone remains as it is, for now.

(c) Eastern Zone. The female size limit proposal is unacceptably modest, given the current local biomass challenges, as well as the comparison against the proposed uplift for all female fish in the Northern Zone.

As a result, we are bound, at a minimum, to accept the proposed uplift proposal. However, we feel strongly that the uplift should be extended a small notch higher, up to 120mm for females, creating a standard female size across some 75% of our total commercial fishery. It is therefore our position that we ask for the 120mm female size to be standardised at 120mm for the Eastern Zone.

(d) Eastern Zone male size.

Given our strong support for the general fishery management principle that all size limits should align with local growth rates and sexual maturity, we need to think clearly about the opportunity this proposed new male size limit presents for the long-term well-being of the stressed East Coast Fishery.

We must acknowledge that this new male size limit will be somewhat challenging to both the regular commercial and recreational East Coast fishers. This will be especially so following some consecutive seasons of apparently extraordinary abundance of available sized fish.

But the “sensible majority” of both sectors, we have strong reasons to believe, are prepared to accommodate a couple of years of tougher lobster abundance numbers, in order to provide for the long-term future of one of the finest recreational coastal zones in the world.

Accordingly, we strongly agree with the proposed new male size limit of 115mm for male fish.

(e) Southern Zone Females.

We had earlier taken the view that the Southern Zone, as there were no proposed changes, was not a part of this year’s formal consultation process.

Notwithstanding that, we encountered some very strong views on both sides of the “size limits’ status quo proposition.

We present them here, in the spirit that this is an unresolved tension within the TRLFA membership, that deserves some attention.

One clear group of fishers based in the South East and North West, expressed frustrations that the very small size limit of female fish in this zone, resulted in weak, poor-quality catches and many complaints of poor subsequent mortality rates in landed female fish from this zone.

Another group, apparently connected to processors, were very strong in their view that, notwithstanding quality issues, the low per-unit values these fish attracted were of strong aggregate value to the volume-based processor sector.

We choose to not take a position this year, but will seek to find some kind of consensus across our sector on this matter, before next year.

(f) We are currently relaxed at the 110 mm size for male fish in this zone.
No further comment at this time.

Section 3. Boundaries.

The TRLFA agrees that there is no such thing as a perfect boundary.
The only good boundary is a non-existent one.

However, with all the circumstances of the very long Tasmanian coastline, encompassing waters of vastly different depths and water temperatures, it is inevitable that boundaries need to exist.

(a) The new Red Rocks Beach line, as a boundary between the Eastern Zone and the Northern Zone seems sensible, in spite of local dissension on the location of this line.
The current line between the North East Catch Cap Zone and the East Coast Catch Cap Zone is at St Helens Point, providing excellent practicality for all home-ported St Helens fishers.

If there were to be no difference between the new limits for the new Northern Zone and the Eastern Zone, there would be no need to consider changing this line.

Given that, however, our recommendations for size limit outcomes for both zones are different, on balance, it is better that the Bay of Fires area becomes subject to the higher biomass-growth calculations of the East Coast Zone.

There will need to be a redistribution of available fish allocations between the two catch cap zones, from this new boundary positioning.
We understand this may be calculated to be a 7plus tonnes increase favourable to the ECCC.

In any event, given the generally good stock rebuilding outcomes of the North East Catch cap Zone, we recommend that serious consideration be given to increasing the East Catch Cap Zone TACC by 10 tonnes, due to this incremental spatial increase.
Further, we propose that the North East Catch Cap Zone be increased (re-balanced) by 10 tonnes, supplied from the same amount redistributed to the wider TACC, following the recent East Coast cut of 10 tonnes.

This will stabilise the current dangerous "race-to-fish" scenario and provide an extraordinary sense of confidence for the future for the North East and Eastern Catch Cap Zones, as well as an offset for both commercial and recreational fishers dealing with temporarily tougher size limit increases.

(b) New Cape Pillar Line.

We understand that this is intended to be a size- limit barrier only, neither the ECCC nor the ECSRZ line.

This will create some issues for the Tasman Peninsula home ported fleet, but we are reluctantly accepting of this new line, given that the new East Coast size limits are unlikely to be achieved in an acceptable period of time, due to the demonstrably colder waters, lower than Cape Pillar.
Further we understand that this new line will provide a more practical arrangement for recreational fishers, which we are pleased to support, in a spirit of co-operation.

(c) Near Henty River Line.

This is an existing line, and we have no issues with it remaining. It is on sand and, helpfully, dead on 42 degrees South.

Section 4.

Tail marking recreational rock lobster.

We will stand neutral on this, on the basis that, while we support any reasonable identification/labelling protocols, we do hold a concern that "Tail Clipping", particularly in inexperienced hands, may not stand much scrutiny against contemporary animal welfare standards.

Section 5.

(a) Transiting rules between size limit zones.

On this matter, and similar matters, we take the view that the propensity to cheat against the rules is likely to be more prevalent in a sector that has a fisher paying around \$60 annually for the right to catch rock lobster, as opposed to the sector that has fishers paying many thousands of dollars for the same rights.

The potential loss of rights is disproportionate between sectors, so it must obviously be our case that, following the voluntary implementation of compulsory VMS for commercial fishers, the recreational sector needs to lose its loose interpretation of all reasonable rock lobster rules, treating them as being somehow, only advisory.

Serious policing and compliance personnel attention to "casual" infringement of the relevant laws, sadly obvious to many commercial fishers, needs to become the new normal.

(b) Utilisation of the Recreational App to complete and submit a gear-transiting report for recreational fishers establishes the principle that self-reporting is a "honour-system", a breach of which attracts a serious penalty.

Section 6.

Sharing of fish within a group.

We acknowledge the need to tidy up a rule that is, in effect, is unable to be effectively policed.

Section 7.

Neutral/not sure.

Section 8.

Neutral/not sure

Section 9.

This has our strongest support.

No meaningful discussions, or decisions on resource-sharing can take place without the implementation of this new standard of fishery management.

The language around this proposal is a concern, however, as it seems to suggest that a reporting procedure and it's supporting technology, needs to be fully developed.

This stance represents a bureaucratic trap for us, with the risk being that it may take years to implement new technology.

Considering the Department's performance in fully developing a bespoke new commercial reporting digital logbook system, rather than simply acquiring a tried-and-true product from another jurisdiction, is a case in point.

We cannot take the risk that this strong and necessary proposal may be walked back over the number of years that could well pass before a "really smart" App is created.

It is our strong view that the current technology that was successfully trialled over the last year should simply become the standard reporting system, with its use being compulsory as of Nov 1st, 2022.

Over the following year, or years, further development of that App can continue in the background, or indeed, it could eventually be replaced with a new system.

In the interim, in order to move forward with resource-sharing considerations, we just need believable data on the level of recreational catching, as well as all the locations at which those fish were caught.

The current technology, while it may, in wide practice, reveal an issue or two, still represents a huge improvement over an ongoing total lack of any hard evidence of recreational catching.

Section 10.

Special recreational rock lobster licence.

We strongly support this measure.

Section 11.

Presumption of take and possession.

This is strongly supported.

Section 12.

Vessel Monitoring System.

We support the rollout of VMS technology, which will prove beyond doubt that all TRLFA fishers are honest and accountable participants in our commercial fishery.

The full commitment to this technology by the commercial sector sets the standard for all recreational fishers to be held to account for the fish they take, from the shared fishery.

Section 13.

We support this measure as a responsible interim measure.

The time frame for the development of the new analytical tools should be progressed with some urgency, using the experience or technology from other, mature, jurisdictions.

Section 14.

Supported.

Section 15.

Supported.

Section 16.

The TRLFA strongly supports this structural efficiency measure.

The proposed expansion of the 60-pot zone to the Northwest and Northeast delivers on a long-standing official Association Policy of the TRLFA.

This Policy process in the TRLFA is maintained with a view to allowing full debate on important matters, over a substantial period of time, to occur at two scheduled days every year, the May and November General Meetings.

When a formal policy vote is eventually conducted, plenty of notice is given to ensure that all interested can arrange to attend to cast their vote or arrange a vote by proxy.

The Policy in question was eventually formally established on the 25/10/2017, after a few prior discussions and proposals.

The final vote was recorded as being 82 in favour and 60 against.

Sixty members in opposition to the Policy is indeed substantial, but to have 82 members all vote for a modest increase in efficiency is worth noting.

Just as important was a motion proposed at the May 2018 General Meeting "We propose a motion to revisit the move towards 60 pots all year round, all areas."

This then acted as an "appeal mechanism" against the previous substantive outcome.

This motion obviously attracted another strong turnout of members as the result showed 100 voted "No" and 55 voted "yes".

The foregoing reveals that the numbers against the Policy remained static at 60 or less.

If there was another vote today, we believe that similar numbers would prevail.

It is therefore the position of the TRLFA that our formal Policy for 60 pots should prevail in considerations for extending the 60-pot zone to the whole Northern Zone.

We acknowledge the concerns of the members who make up the group of smaller vessel owners, who feel that this Rule change will change the competitive balance between them and larger vessels. At the base of all alarmist views, they seem to express in explaining their opposition is the concern that they do not actually know what and how this new benefit to their "competitors" will change their fishing activity.

What is also dismissed by them is any discussion over how many different ways they are provided with advantages over larger vessels.

Larger vessels must fund a second crew member, a very substantial advantage to the smaller fleet. These deckhands are our future skippers.

Larger vessels must be tied up and mothballed for 5 or 6 months of the year, after they have caught their maximum 20 tonnes.

The East Coast Catch Cap area will remain at 50 pots.

The removal of the length/tonnage rule some years ago gave the small boat fleet a huge bonus of 10-20 pots extra for each vessel. At the time, the wider fleet welcomed the very large uplift for the smaller vessels, in the expectation that the mutual agreement would apply to a future efficiency uplift for the larger fleet.

The inherent advantages, via many Rules designed to protect the small fleet, are very substantial. Opposition to a relatively modest, but very necessary, upgrade to efficiency for the balance of the fleet, cannot be considered as fair, if it is simply based on envy or on unsubstantiated claims of adverse effects.

We call on the Department to maintain best practice in the consultation process on this important matter. Petitions and similar group expressions do not have the inherent discipline that personal, verifiable submissions do.

We note with approval that the Principal Fishery Manager has attended some meetings of fishers opposed to this proposed Rule change and will no doubt have taken careful note of the concerns expressed, which she is entitled to take into consideration in forming recommendations to the Minister.

We trust that it was observed that many of the opponents to this proposed rule rarely leave the East Coast Catch Cap Zone, so will likely never encounter a vessel with 60 pots onboard.

Few vessels home-ported south of Bicheno would normally travel to the North-East, the South East is closer and, below Bruny Is, is not catch-capped.

60 pot vessels will not be able to fish the South East as the proposed 60 pot line will be at South Cape, a point beyond which many of the smaller fleet do not carry insurance cover to fish.

Given this reality, other than the St Helen's based fleet, which regularly fishes the North East Catch Cap, most small vessels will only rarely see a 60-pot vessel on the water.

On the subject of sheer numbers of submissions, we submit that we have concerns that some members who support these proposals may see no reason to have to submit a personal response, as the TRLFA will be doing it on their behalf, on the basis that it is formal Policy of the Association. We worry that they may believe that, as they attended the relevant meetings some years ago, successfully voted to make this a binding Policy, they don't need to do it all over again.

On the basis of feedback and attendance at various gatherings, the Board holds the view that the original 65/35 divide in the Membership is likely still the situation.

It is instructive that opponents to this Proposed Rule change chose not to chance their arm with a Motion to remove the 60 Pot policy from the books, by having it debated and revisited at the recent General Meeting. We understand that it was closely considered but acknowledged the likely outcome would be another loss.

The Board of the TRLFA wishes to see an end to this matter by the implementation of the majority will of the Membership of the Association.

There will no doubt be robust opportunities for opponents to the proposals, in the normal democratic processes following the tabling of the new Rules in both Houses of Parliament.

Section 17.

Loading Tank Reports

Support.

Section 18

Processors to separate loads in transport.

Support.

Section 19.

Direct Sale changes to weighing and tags

Support

Section 20.

Restrictions on setting pots at night

Support

Section 21.

Marking of fish cauf buoys

Support

Section 22.

Ports of Landing and possession of RL

Support

Section 23.

Personal Use fish reduction.

Support.

In all the circumstances of likely negotiations with the Recreational Sector, this is an expression of good will on our part.

Section 24.

Exclusion of supervisors from 200 quota unit threshold.

Neutral.

We support any change that seeks to address unintended consequences of particular rule.

However, due to lack of clarity over what this proposal seeks to address, we are only able to provide limited approval at this stage.

While we agree that the Rule could be amended to remove any such unintended consequences for some Supervisors in particular circumstances, we make the point strongly that such a correction must not deliver any circumstance where a supervisor is permitted to catch, or benefit from the catching of any rock lobster over the quantity of 20 tonne.

We would be pleased to be consulted in the drafting of the new Rule.

Section 25.

Capacity to authorise new pot design.

We support any facility that would tend to provide more efficiency into our fleet.

Section 26.

Capacity to carry over all commercial TACC in exceptional circumstances.

Support.

Section 27.

Increased flexibility to return lobsters to the sea, in certain circumstances.

Support

Section 28

Removal of Giant Crab Bycatch provisions

Support.

EAST COAST POLICY

(The TRLFA will, in due course, make a separate formal submission on these matters)

-Stock rebuilding and biomass targets

We would want to see a plan for rapid rebuilding to minimum 20% unfished biomass levels, with a slower-curve plan to work towards and maintain 40% levels in due course.

-Effective systems for monitoring catch and effort and spatial data.

No comment at this stage, we would seek to explore options with IMAS.

-RL management objectives.

No comment at this stage.

Future Management scenarios

(a) 50/50 sharing.

Under all the circumstances, given the likelihood that this may already be the case, this scenario can be the starting point for serious discussions, exploring all the ramifications.

The East Coast commercial TACC has a bottom-line commerciality factor, with the reality that anything under that creates a very damaging and destabilising race-to-fish scenario, something that is assiduously avoided in all fisheries around the world.

Support the principle.

(b) this is a nonsense scenario, which will no doubt be strongly backed by unthinking recreational fishers.

In reality this is a scenario of 100% recreational only, hiding behind a screen.

Strongly do not support.

(c) 79/21.

In reality, given that what we are likely to find out about the actual recreational catch, this scenario has probably passed us all by some time ago.

However, if the truth reveals that the actual recreational catch is in fact in the 25-tonne range then the 79/21 outcome looks more realistic.

It will all be revealed after recreational catch reporting is mandated, and the App is made immediately mandatory. In the absence of any hard data, we can only continue to support this scenario at this stage.

Support.

(d) Recreational First access preference.

Any genuine consideration of such a thing will drive us back to a hard 79/21 position.

This would ensure a wipe-out of our East Coast Commercial fleet.

Strongly do not support.

(e) Temporary closure of the Fishery to accelerate stock rebuilding.

Strongly do not support for the Commercial sector.

Our commercial East Coast rock lobster fleet generates around \$5 million annually into the East Coast regional economy, you cannot just switch that off.

Future Management Scenarios.

A new 10-year East Coast Plan

On top of the very necessary new size limit regime, a carefully crafted Translocation program, funded by both the recreational and commercial sectors and supported by Government, over a five-year period, at a sizeable quantum of small deep southwest fish, into locations determined by IMAS, aimed at the most heavily fished areas will likely set up the restoration of the East Coast Stock Rebuilding Zone.

This Translocation program could be intertwined with the sporadic continuation of the Statewide Translocation Program.

After 4 or 5 years we expect that IMAS will have advanced the trials of an East Coast Puerulus Enhancement program to a point where the first release of a very small rock lobster can be considered with a view to winding down, and possibly out of, the Translocation program.

The above scenarios will, in our view, have the potential to ensure that the next 10 years of commercial and recreational fishing on the East Coast, will be able to be maintained, at least at their current levels.

In our view, the TRLFA, as the operators of the Translocation program, is in a position to provide the leadership required to have a successful next 10 year Plan for the East Coast.