Fish for the Future?

Fisheries Management in Western Australia

performance examination
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Fish for the Future?
Fisheries Management in Western Australia

Report No 6 – October 1999
PERFORMANCE EXAMINATION – Fish for the Future – Fisheries Management in Western Australia

This Report has been prepared consequent to an examination conducted under section 80 of the Financial Administration and Audit Act 1985 for submission to Parliament under the provisions of section 95 of the Act.

Performance examinations are an integral part of my overall Performance Auditing Program and seek to provide Parliament with assessments of the effectiveness and efficiency of public sector programs and activities thereby identifying opportunities for improved performance.

The information provided through this approach will, I am sure assist Parliament in better evaluating agency performance and enhance Parliamentary decision-making to the benefit of all Western Australians.

D D R PEARSON
AUDITOR GENERAL

October 13, 1999
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Executive summary

Background

Fishing is one of WA’s major industries and pastimes.

- **Commercial fishing** involves about 1,400 boats and 6,000 fishers, produces a quayside catch value of more than $500 million and makes a total annual contribution to the economy of around $1 billion.

- **Recreational fishing** is enjoyed by more than 600,000 people each year and the total contribution to the economy is in the order of $500 million per year.

The responsibility for conserving, developing and sharing all the State’s living aquatic resources, including fish habitat protection and the management of aquaculture and some aspects of marine eco-tourism, is vested in Fisheries WA. The two main pieces of legislation administered are the *Fish Resources Management Act 1994* and the *Pearling Act 1990*.

Fisheries need to be managed because of their common property nature. A resource that is owned by everybody tends to be looked after by nobody. The risks of allowing unrestricted fishing are depleted stocks, low catches, an unprofitable industry, damage to the aquatic environment and the loss of long-term economic, social and other benefits to the community.

The main restrictions imposed on fishing and other uses of aquatic resources are:

- **property rights** – such as exclusive rights to ‘farm’ an aquaculture site;

- **limited entry** – the number of entitlements issued in a commercial fishery;

- **closures** – the prohibition of fishing at specified times and places, usually with the purpose of protecting breeding stocks;

- **output controls** – commercial catch quotas and recreational bag and size limits; and

- **input controls** – such as restrictions on boat sizes, fishing gear and the amount of fishing effort allowed.
Overall findings and conclusions

**Fishing needs to be managed**
- Unrestricted fishing leads to depleted stocks, poor catches and an unprofitable fishing industry.
- Fish are a self-renewing resource. With prudent management, much of the adult stock can be harvested at a sustainable level for the benefit of all.
- The demands of various interest groups need to be reconciled. Stakeholders include commercial, recreational and indigenous fishers, aquaculturalists, tourists and conservationists.
- Fisheries management has two main tasks – determining and enforcing controls on fishing and sharing resources between the various interest groups.

**WA fisheries management has been forward-looking**
- Management of WA's major commercial fisheries for sustainability began in the 1960s. By the end of the 1980s controls had been imposed on most commercially significant fisheries.
- Major changes were made in the mid 1990s. Fisheries WA divisional and program structures were reorganised and the agency grew rapidly. Cost recovery was introduced for the major commercial fisheries.
- Fisheries WA is again looking to the future. New holistic management approaches are being designed for the first decade of the next millennium.

**WA's major commercial fisheries have been successfully managed**
- The west coast rock lobster fishery has been sustained for more than 30 years. In the 1990s risks to breeding stocks were identified and successfully addressed.
- Pearling is in a good condition. Catch quotas have been raised and the breeding stock is increasing.
- Smaller commercial fisheries have been developed and controls put in place to protect against over-exploitation.

**Information about WA's fisheries remains incomplete**
- Much remains unknown about many individual species and their sensitivity to environmental factors. Marine ecological dependencies are complex and are unlikely ever to be fully understood.
Executive summary

- As pressures on fish stocks increase, research knowledge will have to expand so that controls can be fine-tuned to maximise commercial, recreational and other benefits while sustaining stocks.

**Major new challenges for fisheries management are emerging**

- Most commercial fisheries are considered to be fully exploited. Some species may already be at risk. Further reductions in allowed fishing effort are inevitable.
- Recreational fishing has grown rapidly. Its impact is poorly understood but can no longer be regarded as insignificant. At some stage controls other than bag limits and minimum size may have to be introduced.
- Aquaculture is a developing industry aimed at improving the productivity of the sea. This will require the withdrawal of some rights from other fishers.
- Many existing fisheries management practices are anti-competitive. It is probable that new approaches will be needed to accommodate national competition policy.
- Recreational fishing, eco-tourism and conservation have valid and growing claims on marine resources. These demands will have to be balanced against commercial fishing.

**The role of Fisheries WA is expanding**

- The 'easy' era of fisheries management - primarily regulating a few major fisheries and encouraging the development of new ones - is long past. Imposing additional controls and sharing resources between competing interest groups are much more difficult and demanding tasks.
- An important role of fisheries management, over and above sustaining stocks, is the maximisation of economic and other social benefits of fishing.

**Some difficult issues and potentially unpopular decisions must be faced**

- The increasing efficiency of commercial fishing and growing popularity of recreational fishing will have to be countered by additional controls on catches and effort in both sectors.
- Radical changes to management plans may be necessary to deal with resource sharing and competition policy.
- Effective fisheries management in the future will be more expensive. Funds will have to come either from Government or aquatic resource user groups.
Executive summary

Some current Fisheries WA practices need to be improved
- Many stakeholders are critical about some aspects of management plans and the quality of existing services delivered by Fisheries WA.
- Key areas for improvement include communications, planning and the consistent application of regulations.

Fisheries must be managed for the future
- To date WA, largely because of forward-looking management practices, has avoided the collapses of major fisheries that have occurred in many parts of the world.
- Securing ‘fish for the future’ will depend on four main factors.
  - Maintaining and extending a strong research base, without which management is little more than guesswork.
  - Raising the efficiency and quality of services provided by Fisheries WA to retain, and in some cases restore, the confidence of some interest groups.
  - Constantly reviewing fishing controls and resolving resource-sharing conflicts in all fisheries.
  - Resisting pressures to take short-sighted decisions, for political or other motives, that will jeopardise long-term sustainability.

Recommendations

Research
- Fisheries WA should:
  - extend the reporting of the progress, impact and peer review ratings of research projects; and
  - enhance the catch and efforts statistics system and further develop voluntary logbook reporting by the commercial sector.

Consultation
- Fisheries WA should:
  - make clear agreements about formal consultative arrangements with each managed fishery; and
  - ensure that the executive support to Management Advisory Committees meets the specified quality of service guidelines.

Management plans
- Fisheries WA should:
  - augment management plans with statements of aims and objectives, performance indicators and consultative arrangements;
ensure that up-to-date management plans are readily accessible and that all licence holders are notified of any changes; and

explain the management approach adopted and reconcile management plans with the resources that will be allocated to each fishery.

**Compliance**

Fisheries WA should seek further improvements in the effectiveness and efficiency of its compliance activities for managed fisheries by:

- basing compliance plans on comprehensive risk assessments;
- developing more detailed performance indicators; and
- adapting to significant changes in fishing controls and opportunities afforded by new technology.

**Recreational fishing**

For the future management of recreational fishing, Fisheries WA should:

- extend the current surveys of recreational activity, catches and participant satisfaction;
- review the case for further controls on recreational fishing effort; and
- continue to develop waterside and outreach forms of community education using Volunteer Fisheries Liaison Officers and other approaches.

**Funding**

Fisheries WA should:

- review the merits of alternative funding arrangements;
- continue to develop systems so that the agency is fully accountable to the commercial fishing industry for services provided; and
- seek to simplify and reduce the administrative burdens presently associated with cost recovery arrangements.

**Objections**

Fisheries WA should report the numbers of objections, the time to resolve them and their outcomes.

**Services**

Fisheries WA should seek to improve the real and perceived quality of its administrative services in matters such as:

- communication and ease of access to knowledgeable and trusted staff; and
- declaration and observance of plans for the development of fisheries.
Introduction

Background

▲ The fish resources of WA

Western Australia has jurisdiction over nearly all fishing along more than 12,000 kilometres of coastline to the 200 nautical mile limit of the Australian Fishing Zone. Some activity is managed on behalf of or jointly with the Commonwealth’s Australian Fisheries Management Authority. The State’s rivers and lakes, although far less productive than coastal and offshore waters, are also fished commercially and for recreation.

WA waters are relatively poor in nutrients and do not support the same populations of finfish as many of the world’s seas and oceans. Instead, the most valuable species are invertebrates – rock lobsters (crayfish), pearl oysters, prawns, abalone and scallops.

▲ Commercial fishing

The commercial fishing fleet comprises about 1,400 boats and directly employs some 6,000 fishers. Commercial fishing is a key industry in many coastal country towns. Catches and their value vary from year to year because of fluctuations in the abundance of fish and market prices. The total landed value of the commercial catch is about $500 to $600 million, dominated by rock lobsters (about $300 million) and pearling (about $150 million). Processing, retailing, boat building, fishing gear and other services raise the total annual contribution of commercial fishing to the State’s economy to about $1 billion.

▲ Recreational fishing

Recreational fishing is one of WA’s most popular and rapidly growing pastimes. Recent estimates suggest that more than 600,000 people fish for sport or the table. According to surveys, the number of recreational fishing days has increased at least threefold since 1987. The annual economic value of recreational fishing is in the order of $500 million.

1 Throughout this report ‘fish’, ‘fishing’ and ‘fisheries’ refer to all aquatic species except marine mammals and reptiles.
Charter fishing occupies an intermediate position between commercial and recreational fishing, generating business for the operators and sport for the customers. About 150 charter boats, concentrated in the popular tourist areas, provide offshore fishing opportunities to WA residents and visitors.

▲ **Other marine resources users**

Aquaculture, in addition to the long-established northern pearling industry, is being actively developed. Eco-tourism involving marine habitats is also growing. There are pressures to establish marine parks and reserves with restricted or prohibited access to all kinds of fishing.

▲ **Fisheries management legislation**

The principal objective of Fisheries WA is "to conserve, develop and share the fish resources of the State for the benefit of present and future generations". Two principal Acts, the *Fish Resources Management Act 1994* (FRMA) and the *Pearling Act 1990* are administered by the agency, supplemented by subsidiary legislation in the form of management plans and other regulations.

The main controls on commercial fishing are limited licence numbers, catch quotas, seasonal and area closures, and restrictions on fishing gear and effort. Recreational fishing is open to all, although for some species a licence is required. There is no overall limit on catch or effort, but bag and size limits and fishing seasons apply.

**Examination objectives, scope and method**

The objectives of this examination are:

- to report on the approaches that have been adopted for managing fisheries and their success in ensuring 'fish for the future'; and
- to identify opportunities for improving current management and administrative practices.

The report is divided into three chapters:

- an introduction to the main issues of fisheries management, the organisation of Fisheries WA and the principles it has adopted;

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2 Earlier names of the agency with responsibility for managing fisheries have not been used in this report.
Introduction

- a selective account of major successes and some of the problems that have occurred concerning the sustainability of wild fish stocks; and
- a review of selected issues in fisheries management.

The management of fisheries is a complex task. Even the central concept of sustainability is not precisely defined, hence performance cannot be rigorously or easily assessed. Most of the main issues (such as how to share marine resources, the optimum levels of research and enforcement, the types of controls, funding arrangements, and how much power should be vested in the Minister, Fisheries WA or stakeholders) involve options with no clear-cut answers.

The examination concentrates on the main business of Fisheries WA, the management of commercial and recreational fishing. Limited attention is given to administrative matters such as licensing and ‘catch and effort’ data collection. A number of issues, such as aquaculture and fish habitat protection, are mentioned only briefly although they are likely to become increasingly important in the years to come.

The principal methods of the examination were:

- a review of fisheries management principles and the approaches taken by Fisheries WA;
- a review of statistical evidence relating to Fisheries WA and the fishing industry; and
- interviews and visits with Fisheries WA staff, the fishing industry and other interest groups.
Overview of fisheries management

History

**Early times** – Commercial fishing in WA has been licensed for more than a hundred years. For much of the time, in the words of a former Executive Director, “none of the fisheries around Western Australia were heavily exploited at all . . . You didn’t need many rules to run a fishery under those circumstances”.

**Managing for sustainability from the 1960s** – The modern era of fisheries management began in 1963 when licence number and other controls were applied to the western rock lobster fishery. Several other fisheries followed suit in the 1960s, mainly at the request of fishers who recognised the likely impacts of unrestricted fishing on stocks and livelihoods. The first pearling management plan was introduced in 1978.

**Looking forward in the 1980s** – The 1980s saw steps to establish principles and practices for the management of all WA’s fish resources. It was recognised that fishing effort must be limited overall and within individual fisheries. The aim was to anticipate and avoid the risks of over-fishing that have decimated many fisheries in other parts of the world. Key steps included:

- a freeze on the issue of new fishing boat licences;
- identification and assessment of all potentially significant fisheries; and
- establishment of about 25 new managed fisheries.

**Further change in the 1990s** – By the mid 1990s the fisheries management environment had changed completely. Most fish stocks were considered to be fully or over exploited. There were growing claims from recreational fishers, aquaculture, tourism and the conservation movement to share the same marine resources. Two major developments at this time were:

- the Fisheries Portfolio Review leading to a reorganisation of Fisheries WA’s divisional and program structures and the introduction of cost recovery for the major commercial fisheries; and
- the FRMA establishing new arrangements for consultation, providing advice to the Minister and objections to administrative decisions.
The new millennium – Until the mid 1990s fisheries management was largely concerned with commercial fishing. Fisheries WA is now working towards a new era of holistic management. The competing demands of all interests (principally commercial and recreational fishing, aquaculture, tourism and conservation) will be integrated. Changes to the agency’s structure and significantly revised management plans and consultative arrangements are likely as Fisheries WA pursues its vision of being recognised as a world leader in the best practices of fisheries management.

Programs, organisation, costs and funding

▲ Programs

Fisheries WA runs four programs: commercial fisheries, recreational fisheries, pearling and aquaculture, and fish and fish habitat protection. The primary objective is sustainability, as expressed in the slogan ‘fish for the future’.

Additional aims include preserving the aquatic environment, promoting aquaculture as a means of boosting the productivity of WA’s marine and inland waters and maximising the economic, social, leisure and other benefits from living aquatic resources.

▲ Organisation

The organisation of Fisheries WA is:

- Research – collecting data on fishing activity, undertaking studies of fish biology and the effects of environmental factors, leading to assessments of the states of fisheries and advice on fishing controls.

- Fisheries Management Services – program development, managing fisheries, developing policy, promoting compliance and education, providing local services through regional and district offices and servicing ministerial advisory committees.

- Strategic Policy and Planning – strategic policy and strategic planning, market promotion and seafood quality promotion.

- Registry – administering all licensing arrangements and providing legal services.

- Corporate services – providing financial, human resources, information technology and other support services.
Costs and funding

Fisheries WA grew rapidly between 1992-93 and 1997-98 in response to its widening role and the increasing complexity of fisheries management. Costs increased from under $15 million (cash) to nearly $40 million (accrual) and staffing rose from 210 to 336. The major changes were in research, strategic planning and policy and the opening of new regional offices.

The total cost of services in 1997-98 was $39.5 million, mainly funded by government appropriations of $20 million and user fees and charges of $17.5 million. Table 1 shows how the expenditure directly attributable was apportioned to the agency’s sub-programs.

### Table 1: Expenditure in 1997-98 by sub-program

<table>
<thead>
<tr>
<th>Sub-program</th>
<th>Spending</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial fisheries</td>
<td>$18.5m</td>
</tr>
<tr>
<td>Pearling &amp; aquaculture</td>
<td>$5.0m</td>
</tr>
<tr>
<td>Recreational fisheries</td>
<td>$7.0m</td>
</tr>
<tr>
<td>Fish &amp; habitat protection</td>
<td>$2.0m</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$32.5m</strong></td>
</tr>
</tbody>
</table>

Commercial fishing, including pearling, and recreational fishing account for the majority of total costs.

Table Source: Fisheries WA

Key elements of fisheries management

Fisheries need to be managed. If left to unfettered competition, the likely outcomes are depleted stocks, reduced catches, environmental damage, an unprofitable commercial fishing industry and disappointing recreational fishing. Many of the world’s major fisheries have suffered severely because of ineffective controls.

Fisheries management addresses a number of inter-related matters. The table on the next page summarises the approaches adopted by Fisheries WA and highlights some current issues. This summary is expanded in the ‘Review of fisheries management’ chapter.

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The $7 million difference between total cost of services and sub-program is due to $3.1 million non-cash items, $2.8 million for the Fisheries Adjustment Scheme and $1.1 million capital works.
### Overview of Fisheries Management

<table>
<thead>
<tr>
<th><strong>What is a fishery?</strong></th>
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<tbody>
<tr>
<td>Fisheries are defined by species (single or multiple), areas and fishing methods.</td>
</tr>
<tr>
<td>Different fisheries often exist in the same waters and may overlap in the species they catch.</td>
</tr>
<tr>
<td>Some fisheries are divided into zones with differences in how zones are managed.</td>
</tr>
<tr>
<td>WA has more than 50 managed commercial fisheries, progressively established over more than 35 years.</td>
</tr>
<tr>
<td>A small number of new fisheries are currently being developed.</td>
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<tr>
<td>Some formerly distinct fisheries have recently been merged, such as those targeting finfish in northern waters.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>How are fisheries developed and who is granted access?</strong></th>
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<tbody>
<tr>
<td>Managed fisheries are generally preceded by an open-access developmental phase.</td>
</tr>
<tr>
<td>Licence numbers are limited in all managed fisheries, with access rights normally being granted on the basis of catch history.</td>
</tr>
<tr>
<td>There has been a general policy of granting licences only to full-time professional fishers.</td>
</tr>
<tr>
<td>Buy back schemes and restrictions on transfers of entitlements are used to contain and reduce fishing effort.</td>
</tr>
<tr>
<td>Ministerial guidelines exist on foreign ownership in some fisheries.</td>
</tr>
<tr>
<td>Most fishing entitlements can be traded.</td>
</tr>
<tr>
<td>Recreational fishing is equally open to all, including species where licences are required.</td>
</tr>
<tr>
<td>The free market approach of granting access by competitive auctioning of entitlements has never been applied in WA.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>What research and information underpins fisheries management?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>All commercial fishers are required to submit monthly ‘catch and effort’ returns.</td>
</tr>
<tr>
<td>Relatively little is known about the impact of recreational fishing.</td>
</tr>
<tr>
<td>Fisheries WA publishes an annual ‘State of the Fisheries Report’, required by the FRMA to be tabled in Parliament.</td>
</tr>
<tr>
<td>Considerable research is undertaken concerning stocks and fish biology to advise on the nature and extent of fishing controls.</td>
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</table>

<table>
<thead>
<tr>
<th><strong>What types of controls are applied?</strong></th>
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</thead>
<tbody>
<tr>
<td>Most commercial fisheries are subject to input controls such as boat sizes, gear restrictions and allowed fishing effort.</td>
</tr>
<tr>
<td>Seasonal and area closures are used to protect breeding stocks.</td>
</tr>
<tr>
<td>A few fisheries are subject to output controls, limiting catches rather than fishing effort.</td>
</tr>
<tr>
<td>Controls are specified within gazetted management plans or other forms of subsidiary legislation.</td>
</tr>
</tbody>
</table>
### Overview of Fisheries Management

| What types of controls are applied? (continued) | Recreational fishers are restricted by seasons, bag and size limits.  
Competition policy will require that anti-competitive legislative controls are only retained where they can be shown to benefit the community and their purposes cannot be achieved by other means. |
| --- | --- |
| How are fishing controls enforced? | Compliance activities are mainly undertaken by regionally based officers. They include air and sea patrols and inspections of landed catches.  
Penalties for violations can be severe, and include heavy fines and the withdrawal of licences.  
Routine compliance work is supplemented by the activities of a central special investigations service.  
Enforcement strategies are augmented by community education schemes, particularly the prize-winning Volunteer Fisheries Liaison Officer initiative.  
A research project is in progress to improve the effectiveness and efficiency of compliance operations. |
| What consultations take place and how are decisions taken on fisheries management issues? | A number of statutory and non-statutory committees have been set up to advise on commercial and recreational fishing, the administration of legislation, funding and other matters.  
Consultation is obligatory when introducing management plans or making significant amendments.  
WAFIC and Recfishwest are peak bodies representing the interests of commercial and recreational fishers.  
The Minister has final responsibility for management decisions, after considering advice from advisory bodies, Fisheries WA and whatever other sources he sees fit.  
A ministerially appointed tribunal makes final and binding decisions on objections to proposed decisions concerning the fishing entitlements of individuals. |
| How is fisheries management funded? | An increasing proportion of total revenue is raised from commercial fishers via licence fees and charges.  
Major commercial fisheries are funded on cost recovery principles. These and most other commercial fisheries also contribute to a general fund.  
Recreational fisheries management is mainly funded by Government with only a modest income from licence fees.  
Significant royalties or rents are not levied from commercial fishers in return for their protected access to a common property resource. |
The state of fisheries in Western Australia

- Each species presents unique management problems. There are inevitably gaps and uncertainties in assessments of the condition of many fisheries.
- WA’s most valuable fisheries, western rock lobster and pearling, have been successfully managed for sustainability for many years.
- Some fisheries have run into difficulty, but in general the problems have been recognised and stocks have recovered.
- Fisheries WA annually reviews the condition of all commercial fisheries and publishes a State of the Fisheries Report identifying those where information is incomplete or intervention is necessary.

Overall condition of fisheries

Research is fundamental to the management of fisheries.

Each species presents different management problems.

An annual State of the Fisheries Report is published.

Regular assessments of fisheries, based on high quality information and research, are fundamental to their effective management. It is naive to suppose that all that is required to sustain a fishery is to undertake easily-conducted annual fish censuses and specify total allowable catches for each species.

Each species presents different management problems depending on factors such as breeding cycles, mobility, sensitivities to environmental conditions and ecological pressures. For example, theoretically the sea may be safely swept clean of some short-lived species after they have spawned. Next year’s catch depends almost entirely on the survival rate of juveniles, not the number of adults left behind. For others, such as rock lobsters, the finely-tuned protection of adults, particularly mature females, is essential to sustaining stocks.

Fisheries WA publishes an annual State of the Fisheries Report summarising the assessments of stocks and exploitation status for each managed fishery. The position reported in 1997-98 for 35 commercial fisheries is shown in Table 2.
The state of fisheries in Western Australia

<table>
<thead>
<tr>
<th>Stock assessment</th>
<th>Exploitation status</th>
<th>Breeding stock</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete 19</td>
<td>Over 5</td>
<td>Adequate 16</td>
</tr>
<tr>
<td>Incomplete 12</td>
<td>Fully 19</td>
<td>Increasing 2</td>
</tr>
<tr>
<td>No assessment 4</td>
<td>Under 1</td>
<td>Decreasing 4</td>
</tr>
<tr>
<td></td>
<td>Limited data 1</td>
<td>Limited data 9</td>
</tr>
<tr>
<td></td>
<td>No assessment 9</td>
<td>No assessment 4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>35</strong></td>
<td><strong>Total 35</strong></td>
</tr>
</tbody>
</table>

Table 2: Assessments of stock and exploitation status

Information about stocks and exploitation status is incomplete in many fisheries.

Source: Fisheries WA

The most notable features of the overall status of commercial fisheries are:

- the numbers of smaller fisheries for which stock assessments are not complete, exploitation status is uncertain or breeding stock level data is limited;
- for fisheries where the exploitation status has been assessed, 24 out of 25 are considered to be fully or over-exploited; and
- only two fisheries are judged to have increasing breeding stocks.

State of individual fisheries

Western rock lobster fishery

The western rock lobster fishery is a major success story in terms of sustainability. It has remained productive with annual catches generally in the range 8 000 to 12 000 tonnes (Figure 1) since the first management plan was introduced in 1963. A record catch of 13 000 tonnes was landed 1998-99.

![Figure 1: Catch of western rock lobster 1963-64 to 1998-99](image)

The annual catch has been sustained for more than 30 years.

Source: Fisheries WA
The state of fisheries in Western Australia

The recent management of the rock lobster fishery illustrates the value of Fisheries WA’s internationally recognised research expertise and data. In the early 1990s, although catches were good research indicated that breeding stocks had fallen below safe levels, putting future stocks at risk. Additional controls (an 18 per cent pot reduction, a ban on taking ‘setose’ large females and an increase in the minimum size) were imposed for five years. A research report in 1998 concluded that breeding stocks were back to satisfactory levels.

▲ Pearling

Pearling, WA’s second most valuable fishery, has been successfully managed for sustainability since 1978. The allowed catch of pearl culture shells in the Broome area, where most of the fishing occurs, has risen (Figure 2). Breeding stocks are assessed to be steady or increasing.

![Figure 2: Catch of pearl oyster culture shells in the Broome area](image)

The catch has increased and then stabilised.

Source: Fisheries WA

WA waters are considered to have the capacity for a significantly higher yield of pearls. The main constraint on pearling is the desire not to depress market prices by over-production.

▲ Fisheries in difficulty

All fisheries need fine-tuning of the controls from time to time. However, some fisheries have experienced more serious difficulties. Three examples are briefly described below. Contributory factors have included limited information, the disallowance of proposed subsidiary legislation and the loss of stocks to disease.
Albany/King George Sound pilchards

Catches and stocks have steadily declined over the last ten years (Figure 3). Fishers have been allowed to catch a higher fraction of the stock in the Albany zone than in the Esperance or Bremer Bay zones where similar problems have not occurred. The depleted state of the fishery was aggravated by the deaths of millions of diseased pilchards in 1995 and 1999. There are disagreements at present about how the south coast purse seine fishery (mainly pilchards) should be operated, particularly whether the zoning arrangements should be changed and, if so, how fishing rights should be reallocated.

![Figure 3: Pilchard catch in the Albany/King George Sound zone](image)

Catches in the over-exploited Albany zones have declined to critical levels.

Source: Fisheries WA

According to Fisheries WA, the management situation for the south and west coast pilchard fisheries was made more difficult when revised management plans were disallowed by Parliament.

Exmouth Gulf prawns

Tiger prawns were over-fished in Exmouth Gulf in the early 1980s. Tighter controls allowed the stock to recover. In recent years there have been further concerns about stocks. Stock monitoring has been improved with the aim of identifying problems more rapidly so that corrective action can be taken.
Shark Bay recreational snapper

Mainly anecdotal evidence about dwindling snapper catches was passed on by the local recreational fishing advisory committee in the mid 1990s. No immediate action was taken. Stocks continued to decrease until the problem was addressed by closing the eastern gulf of the fishery in 1998. Improved information and earlier action might have averted the need for the more drastic measures taken later.
Review of fisheries management

Research and information

- *The research division of Fisheries WA concentrates on sustainability issues and costs about one per cent of the commercial catch value.*

- *Improved project management methods have been introduced but the rationale for the overall research portfolio and the impacts of individual projects could be more fully reported.*

- *The ‘catch and effort statistics’ system should be reviewed against the requirements of modern fisheries management.*

Controls on fishing need to be justified by information and research, otherwise management is by guesswork or whim. However, a complete understanding of fishing activity and all that happens under the sea is impossible for several reasons:

- the marine eco-system is exceptionally complex;
- unpredictable environmental effects can have profound impacts; and
- the cost of extensive research would be disproportionate to the value of most minor commercial fisheries.

The research division is large and still expanding. In 1997-98 the direct costs of research were $6.1 million, about one per cent of the quayside value of commercial catches. There are three main aspects of information and research:

- *Catch and effort statistics* – All commercial fishers are required to submit monthly returns. These are the simplest means of assessing whether a fishery is in good shape. More detailed voluntary logbooks are submitted by some fishers.

- *Stock and exploitation status assessments* – In all fisheries it is desirable to have an understanding of the stocks (particularly the breeding populations) and assess the exploitation status. The methods used vary according to the size and characteristics of the fishery and include sampling and mathematical modelling.
Review of fisheries management

- **Fish biology** – Improved understanding of life cycles and breeding habits, including the impacts of environmental changes, assists in advising on seasonal or area closures and size limits.

A State of the Fisheries Report is published each year. This summarises the condition of each fishery, as far as it is known, and outlines issues of significance and any plans for developing the fishery.

### Issues concerning research and information

**Completeness of knowledge** – The research division concentrates on projects related to sustainability. Biological research (such as investigating breeding habits and developing techniques of analysing the otolith or ‘ear bone’ to determine the age of a fish) is undertaken not for purely scientific interest, but to support stock assessments and lead to advice on fishing controls.

Most research is directed at the major commercial fisheries. Little is known about the stocks and biology of large numbers of species. The key questions to be considered before undertaking a research project are:

- whether the results are likely to lead to changes in management plans;
- and
- whether the benefits to the fishery adequately compensate the project costs.

**Quality of information and research** – The catch and effort statistics system presently in use was designed by the Australian Bureau of Statistics to serve its economic reporting needs rather than to meet the more sophisticated requirements of modern fisheries management. Most of the returns are taken on trust so the reliability of the data is uncertain. However, where cross-checking is possible (for example, the reported catches and factory throughputs of rock lobsters) the statutory returns from fishers have proved to be reliable.

Research is normally exposed to peer review as part of the formal process of publication in scientific journals. Surveys of management advisory committee members show a high level of satisfaction with the way research findings are presented. However, some fishers commented that ‘fast-track’ research into urgent matters would at times be preferable to some of the more rigorous, longer-term projects.

**Project selection, management and outcomes** – An improved system of planning and documenting research projects was introduced in 1997. More recently, a six-monthly milestone reporting approach has been applied to all
projects. In the future, Fisheries WA might usefully report in more detail the impacts of research on management plans, the ratings by peer reviewers and the performance in observing budgets and deadlines.

For more than 25 years, research and project priorities were driven by a Western Fisheries Research Committee process. A new strategic and operational annual planning and budgeting cycle has been adopted. This includes a tighter approval process relating financial costs to possible outcomes.

**Recommendations**

Fisheries WA should:

- extend the reporting of the progress, impact and peer review ratings of research projects; and
- enhance the catch and efforts statistics system and further develop voluntary logbook reporting by the commercial sector.
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Consultation

- Consultation with stakeholders takes several forms, from formal advisory committees to periodic meetings with licensees.
- Members of advisory committees face potential conflicts of interest. There have been strong criticisms within the western rock lobster fishery.
- Some advisory committees have not been functioning as intended because of delays in appointing independent chairs, inadequate executive support and poor attendance.

Fisheries management involves a high degree of consultation with significant stakeholders. All changes to the plans regulating managed fisheries must be discussed with specified persons or bodies. However, the responsibility for all decisions concerning management plans (but not individual licensing matters) rests with the Minister. Ultimately, subsidiary legislation relating to fisheries management can be (and occasionally has been) disallowed by the Parliament.

The western rock lobster fishery, pearling and recreational fishing have statutory management advisory committees (MACs). Eight non-statutory MACs have been set up to advise on the protection and management of other commercial fisheries. There are also eleven regional recreational fishing advisory committees.

MAC members and chairs are appointed by the Minister. The composition of statutory MACs is specified in the relevant legislation while the memberships of non-statutory MACs are more flexible. For commercial fisheries, these bodies are normally dominated by commercial fishers, with additional members being appointed for their expertise in recreational, environmental, community and other matters. Conversely, regional recreational advisory committees are dominated by recreational fishers with additional members from the commercial sector. Each MAC is advisory only, with no powers to make management decisions, raise money, own assets or employ staff.

In addition to the Minister’s consultative arrangements through the MACs, Fisheries WA has its own formal and informal meetings with licensees and fishers’ associations. The agency is represented on MACs and provides administrative support but does not control the MAC process.
Issues concerning consultative arrangements

Type of consultation – The majority of minor commercial fisheries are too small to justify a MAC. Other arrangements are in place, such as annual meetings with licensees or other direct contact with participants. The Western Australian Fishing Industry Council (WAFIC) advocates that a formal consultative process should be agreed for each managed fishery and included as part of the management plan.

Potential conflict of interest – MAC members are appointed for their expertise. They are charged with considering the welfare of the fishery as a whole. Their specified role is not to promote personal interests or to lobby on behalf of stakeholder groups. There are frequent potential conflicts of interest, especially for fishing industry members of MACs, a hazard that has been accepted by Ministers so as to ensure a wide base of expert fisher advice. The independent chair is ultimately responsible for ensuring that guidelines on conflict of interest are observed.

The Rock Lobster Industry Advisory Committee (RLIAC) is regarded with mistrust by many rock lobster fishers. Complaints have included that RLIAC’s advice discriminated against smaller operators and that ‘insider trading’ took place in pot licences before reductions were announced over five years ago. The trading allegations were thoroughly investigated and found to be without substance.

A new industry body, the Western Rock Lobster Fishers Federation, has recently been set up, attracting members across the three zones of the fishery, to present an additional voice on management issues. RLIAC remains the statutory channel of advice to the Minister and WAFIC remains the peak organisation for the commercial fishing industry.

Function – Guidelines on the role of MACs and how they should conduct their business were published after consultation with the independent chairpersons, WAFIC and the main recreational fishing body, Recfishwest. In practice there have been problems with the operations of some MACs:

- the Exmouth Gulf Prawn, Shark Bay Prawn and Shark Bay Scallop MACs failed to meet for more than a year in 1998 and 1999 because of delays by the Minister in appointing a chairperson;

- attendance has been poor in some MACs, especially by members from outside the commercial fishing industry; and
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- administrative support from Fisheries WA has not always met the published standards in matters such as circulating meeting papers in good time and preparing minutes and the chairperson’s summary.

Fisheries WA conducts annual satisfaction surveys of MAC members as a means of identifying areas where services could be improved. The agency commented that some MAC members have difficulty in distinguishing the role of the Executive Officer from that of the Policy Officer representing the Executive Director on the MAC.

Recommendations

Fisheries WA should:

- make clear agreements about formal consultative arrangements with each managed fishery; and
- ensure that the executive support to MACs meets the specified quality of service guidelines.
### Management plans

- Management plans for fisheries presently consist only of sets of regulations. They could be supported by statements of objectives, performance indicators and management processes.
- Access to complete, up-to-date versions of management plans is difficult for fishers and the communication of changes is poor.
- The nature of fishing controls should be better justified, particularly in the light of national competition policy and the management resources that will be allocated to a fishery.

The regulations governing commercial fisheries are normally set down in management plans having the status of subsidiary legislation. In the second reading speech for the FRMA it was stated that "all commercial fisheries, other than the general access wetline fishery, will be either managed or interim-managed fisheries . . . regulated by specific management plans".

An alternative method of restricting access to a fishery without a management plan is for the Minister to issue a general prohibition and then grant exemptions.

### Issues concerning management plans

**Content** — Management plans are limited to minimalist and legalistic prescriptions. They do not include statements of aims and objectives, research priorities, performance measures to assess if the plan is succeeding, or descriptions of the consultative arrangements with stakeholders.

General aims and objectives of fisheries management are listed in the FRMA and MACs provide advice on strategic directions for individual fisheries. The State of the Fisheries Report and other publications present policy and management issues.

The formal regulations could be usefully augmented by operational plans and supporting explanations, communicated to participants, setting out the current management issues and arrangements for each fishery.

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4 An interim-managed fishery can be introduced without consultation if the Minister urgently wishes to impose controls. In contrast, a plan for a managed fishery must be preceded by consultation with industry, publication of a draft plan and invitations for public comment.
**Review of fisheries management**

*Communication* – A common complaint from commercial fishers is that copies of current management plans are hard to obtain and that notification of any changes (and the implications of those changes) is poor. Copies of plans requested during the examination were, in general, out of date and included numerous hand-written additions referring to later gazetted amendments. The previous practice of announcing changes in ‘Western Fisheries’ has been discontinued. All fishers should have ready access to the complete and latest versions of any management plan that affects them and be made aware of changes as they occur.

*Competition* – A review of the FRMA and its subsidiary legislation (which includes all management plans) has been undertaken, as required by national competition policy. Anti-competitive restrictions (such as limitations on licence numbers and the transferability of fishing entitlements) will in future only be justifiable if they can be shown to benefit the community and cannot be replaced by non-legislative alternatives.

In the review (which was at the stage of inviting submissions from the public at the time of the examination), Fisheries WA argued that all management plans are compatible with national competition policy with the possible exception of western rock lobster. For this fishery, an earlier study\(^5\) suggested that a change from controls on pot numbers to transferable catch quotas may lead to greater economic efficiency. The present majority preference of rock lobster fishers for input controls rather than quotas is not, in itself, an adequate justification for preserving the current arrangements.

*The need for controls* – In many minor fisheries the highly detailed management plans are at odds with the lack of research and minimal compliance measures. An extreme example is the Warnbro Sound Crab Fishery which has its own management plan although access is limited to just one fisher with a non-transferable licence.

In the larger South Coast Estuarine Fishery, Fisheries WA is currently advocating management by prohibition and exemption rather than by a management plan. This is contrary to the original intentions behind the FRMA and the expressed wishes of the participants.

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\(^5\) Economic efficiency of alternative input and output based management systems in the western rock lobster fishery, RK Lindner, 1994.
Review of fisheries management

For some fisheries less formal controls might be appropriate.

The experience of Fisheries WA over the last four years is that management plans are time-consuming instruments to develop and maintain. Small and simple fisheries may be more easily and economically managed by less formal methods.

For all fisheries, the justification for the management approach adopted should be clearly explained and reconciled with the Fisheries WA resources available to provide the services required.

Recommendations

Fisheries WA should:

- augment management plans with statements of aims and objectives, performance indicators and consultative arrangements;
- ensure that up-to-date management plans are readily accessible and that all licence holders are notified of any changes; and
- explain the management approach adopted and reconcile management plans with the resources that will be allocated to each fishery.
Review of fisheries management

Compliance

- A research project on compliance is presently in progress. The aims include the development of better compliance strategies.

- Systems are now in place for identifying the costs of monitoring compliance. However, there are few performance indicators for compliance effectiveness and efficiency.

- Compliance approaches need to be continually re-assessed against the levels of violation, changes to fishing controls and technological developments.

Several activities – such as air, sea and land patrols and factory inspections – are undertaken to promote, check and enforce compliance with management plans. These duties are devolved to the regional offices. There is also a central special investigations service which has had some notable successes, particularly in combating illegal abalone fishing.

Priority is given to the bigger commercial fisheries where the expenditure on compliance work falls within cost recovery arrangements. In the western rock lobster fishery, boats can expect to be checked at sea about three or four times a year on average. Most minor fisheries are subject to minimal monitoring.

Statistics are available on a number of compliance matters, such as vessel inspections, offences, infringements and warnings. However, apparent trends may be misleading because of bias introduced by changes in the level and targeting of compliance activity.

The adherence to management plans by fishers is affected by their perception of the level of policing. A recent experiment in seeming to reduce inspections at some rock lobster processing factories had to be abandoned because of the sharp increase in landings of undersized animals when fishers gained the perception that the inspection rate had dropped.

### Issues concerning compliance

**Risk assessment and planning** – There is no clear rationale for the total expenditure on compliance activities and the choice of tactics in each fishery. For example, in the western rock lobster fishery how many boat inspections should be made and what proportion of catches should be checked at processing factories?
Review of fisheries management

Fisheries WA assumes that some fishers will always observe regulations, others will always violate them and the remainder may be tempted to take liberties if the risks of detection and penalty are sufficiently low. The research division is currently undertaking a federally funded project, the first of its type in Australia, to obtain a better understanding of the effectiveness and efficiency of compliance strategies and tactics.

Each managed fishery would benefit from a listing of the possible violations, assessments of the attendant risks to sustainability and the good order of the fishery, and evaluation of the tactics that could be used to deter and detect non-compliant behaviour. At present, most compliance plans are expressed simply in terms of cost and staff hours to be allocated to different compliance activities.

Measuring effectiveness and efficiency – Systems are in place for measuring compliance activity and costs, and for reporting the numbers of offences, infringements and warnings. However, Fisheries WA has not yet developed many effectiveness or efficiency indicators for its compliance work.

The data that is available shows some striking differences and trends. Figure 4 shows the illegally landed rock lobsters found during processing factory inspections. Figure 5 breaks down the largest group, undersized lobsters, by location. The variations indicate where more compliance effort might be directed and demonstrate the value of measuring compliance at a finer level.

Impact of changes in fishing controls and new technology – Compliance monitoring and enforcement methods may be affected by changes in fishing controls. For instance, a shift from pot licences to catch quotas in the western rock lobster fishery would remove the need for pot counts but require precautions against the landing of unreported ‘black market’ catches.

Developments in technology can also have impacts on compliance. Vessel monitoring systems (VMS), if fitted and used, allow the positions of fishing boats to be tracked at all times. This could increase the effectiveness of air or sea patrols or reduce the need for them.
Review of fisheries management

Illegal landings of breeding female rock lobsters have fallen . . .

Figure 4: Illegal rock lobsters per 100 containers inspected
Setose (in a breeding condition) and undersized lobsters account for most of the illegal catch. Setose landings have decreased significantly over the last three years.

Source: Fisheries WA

. . . more inspections have reduced landings of undersized rock lobsters.

Figure 5: Undersized lobsters per 100 containers inspected
There are some large variations between locations in undersized landings. In 1996-97 the appointment of a new factory monitor at Jurien led to a greatly reduced undersized catch.

Source: Fisheries WA

Recommendations

Fisheries WA should seek further improvements in the effectiveness and efficiency of its compliance activities for managed fisheries by:

- basing compliance plans on comprehensive risk assessments;
- developing more detailed performance indicators; and
- adapting to significant changes in fishing controls and opportunities afforded by new technology.
Recreational fishing

- **Recreational fishing has grown rapidly over the last ten years. In some cases it is significantly competing with commercial fishing or putting fish stocks at risk.**

- **Obtaining full information about recreational fishing and enforcing compliance would be prohibitively expensive. Catch and effort data is limited and compliance is mainly through community education.**

- **Increased regulation may become necessary in the future. Possible measures include more licensing and the rationing of fishing effort.**

Recreational fishing, for sport or the table, is one of WA’s most popular and growing pastimes. Surveys indicate that more than 600,000 people fish at least once a year and that the number of fishing days has trebled over the last decade. Recreational fishing is now putting excessive pressure on some stocks and is significantly competing with the commercial sector in some places.

Licences are required for some recreational fishing but they are not restricted in number. In 1997-98 recreational licences raised $1.4 million compared with the $7.0 million cost of the recreational fishing program. The main controls are bag and size limits and declared fishing seasons. There are none of the limited entry or total allowable catch constraints that apply to commercial fishing.

Fisheries WA recognises that different circumstances exist throughout the State. Five bio-geographic regions have been defined. Each will be separately surveyed (the Gascoyne region study has already been reported) so that appropriate recreational fishing strategies can be introduced. Closer management of recreational fishing will require extra resources, either from public funds or licence revenue.

### Issues concerning recreational fishing

**Resource sharing** — There are significant competing demands on aquatic resources between commercial and recreational fishing, aquaculture, eco-tourism and the conservation movement. Where these conflicts arise, commercial fishing has usually been reduced to accommodate other users. A separate licence buy back fund has been established to compensate commercial fishers who are prepared to relinquish their rights where resource sharing is an issue.
Review of fisheries management

**Lack of information** – Information about the numbers and activities of recreational fishers is limited. There is no compulsory reporting of catch and effort, unlike the monthly statutory returns made by commercial operators. Surveys of fishing activity and satisfaction are carried out but they are often limited in scope and separated by long intervals. Restrictions, such as setting bag and size limits, tend to be based on what is socially acceptable rather than on a full understanding of the impact on stocks.

**Compliance** – It is impossible and undesirable to apply strict enforcement measures on recreational fishers. The preferred approach is to promote responsible fishing habits by community awareness and education. The Volunteer Fisheries Liaison Officer (VFLO) scheme uses volunteers to educate and advise fishers, assist research and improve fishing facilities. This scheme won the Premier’s Award for Excellence in 1998.

Community education includes visits to schools by VFLOs and fisheries officers and the preparation of educational packs. These initiatives have been well-received and are aimed at producing a new generation of environmentally aware recreational fishers.

**Further regulation** – As pressure on fish stocks increases, further regulation may become necessary. The Shark Bay recreational snapper fishery, where a complete closure of the eastern gulf was ordered in 1998 to allow stocks to recover, is the most conspicuous example to date of over-fishing in the recreational sector.

In some parts of the world, for example Victoria and Canada, general saltwater licences are required for all recreational sea fishing. This approach raises extra revenue but does not, in itself, contain fishing effort. A more direct approach used elsewhere is to ration or sell recreational fishing days to restrict pressure on stocks. Proposals to extend the scope of recreational licensing in WA have so far been resisted.

**Recommendations**

For the future management of recreational fishing, Fisheries WA should:

- extend the current surveys of recreational activity, catches and participant satisfaction;
- review the case for further controls on recreational fishing effort; and
- continue to develop waterside and outreach forms of community education using VFLOs and other approaches.
Review of fisheries management

Commercial fishery funding

- The increased costs of managing commercial fisheries are largely being met by increased fees and charges.

- Cost recovery principles are leading to improved accountability. However, they have imposed extra administrative loads and reduced the freedom to react flexibly to pressing issues.

- Limited entry fisheries have created licences with a total market value of more than $1.5 billion. Their holders have protected access to a common property resource but are not required to pay royalties for this privilege.

The FRMA allows fees and charges to be levied but does not define how they are to be deployed. Cost recovery principles have been adopted for the major commercial fisheries whereby charges are set to balance the estimated costs of managing individual fisheries and also contribute to a general Development and Better Interest Fund.

These arrangements are being progressively introduced over several years. They relate to designated costs, not the total expenditure, apportioned to the commercial fisheries program. In 1997-98, the combined fees paid by commercial fishers were $10.3 million, compared to cash costs of $18.5 million for the commercial fisheries sub-program.

Cost recovery does not apply to the minor commercial fisheries, and probably cannot in the longer term without imposing crippling charges on the participants. For these fisheries, about $0.6 million is raised against the management costs of $6 million, in itself a sum considered by Fisheries WA to be inadequate.

**Issues concerning funding arrangements**

**Accountability** – Cost recovery principles were introduced following the Fisheries Portfolio Review of 1994 and the coming into effect of the FRMA. As with all significant changes, it is appropriate that their benefits and any adverse side effects are subsequently reviewed.

Cost recovery has resulted in improved accountability. The costs of research, compliance and other management activities are discussed in advance via the consultative processes before adoption by the Minister. Reports are made
Review of fisheries management

to commercial fisheries with explanations of variations from plans in activities and spending. There are well-founded criticisms from the fishing industry that cost recovery was introduced too rapidly, before activity and financial reporting systems were fully developed.

Management focus and administrative implications – Fisheries WA considers that cost recovery has, in some instances, led to excessive attention being directed towards minimising short-term costs rather than addressing the longer-term management needs of fisheries. Too much time and effort is being spent on discussing relatively trivial matters and explaining minor variances. Regional managers state that staff resources are being diverted to planning and reporting at an unduly detailed level at the expense of front-line fisheries management tasks.

The requirement to prepare detailed plans on a monthly basis for up to two years ahead, and to account for small departures from these schedules, is leading to a loss of flexibility. The parcelling of funds discourages shifting attention to more urgent matters as they arise. Greater flexibility in deploying an overall budget might lead to the more effective and responsive use of resources.

Alternative funding arrangements – Commercial fishers in limited entry fisheries with transferable fishing rights enjoy two valuable benefits. They have protected access to a common property resource, affording a year by year income, and can expect the value of their fishing rights to increase, as long as fish stocks and markets for their catches remain healthy.

Fishing boat licences (excluding any other fishing entitlements) are now worth about $50 000. A single rock lobster pot licence sells for around $20 000. Within a few months of the interim management plan coming into effect in the Northern Demersal Scalefish Fishery, a number of permits that were granted (essentially free of charge to fishers receiving these rights) were traded for approximately $200 000. Over the years, limited entry to the State’s fisheries has had the effect of creating licences with a total market value of more than $1.5 billion, an average of over $1 million per fishing boat.

In many primary industries throughout the world, some form of royalty or rent is levied as a return to the public for their loss of access to common property resources. For example, a levy equivalent to four per cent of the landed catch value would raise about $20 million, about double the charges presently raised from the commercial fishing industry.
A possible effect of an alternative funding regime for fisheries management might be that commercial fishers compete for the allocation of funds rather than seek to minimise the ring-fenced charges presently raised from them. Accountability need not suffer. Activity and spending could still be reported for individual fisheries, but Fisheries WA would be less restricted in deciding how resources could be most effectively deployed for the good of fisheries as a whole.

Recommendations

Fisheries WA should:
- review the merits of alternative funding arrangements;
- continue to develop systems so that the agency is fully accountable to the commercial fishing industry for services provided; and
- seek to simplify and reduce the administrative burdens presently associated with cost recovery arrangements.
Review of fisheries management

Fisheries objections tribunal

- An independent Fisheries Objections Tribunal hears objections by fishers against proposed decisions concerning their licences and entitlements.

- Questions of law about the powers of the tribunal to make decisions that may countermand the intentions of a management plan are being tested in the Supreme Court.

- The hearings of some objections have been subject to long delays.

The FRMA provides for an independent tribunal to hear objections against proposed decisions by the Executive Director concerning individual licences and fishing authorisations. The tribunal is appointed by the Minister on a case by case basis, conducts its business as it sees fit and makes final decisions in the cases it hears. Questions of law arising are referable to the Supreme Court.

In the first three and a half years, 98 objections were lodged of which 66 were withdrawn or resolved without going to the tribunal. Fisheries WA estimated the average cost of a tribunal hearing in 1997-98, inclusive of travel and accommodation, to be about $5,500. Slightly less than half of the cases heard by the tribunal were decided in favour of the objector.

Fisheries WA makes a provisional assessment of the merits of each case put by an objector. Objectors who choose to withdraw are refunded the $300 lodgement fee. All objectors, irrespective of any advice given by Fisheries WA, have the right under the FRMA that "the Executive Director is to refer any objection to the Minister" for the purposes of establishing a tribunal.

Issues concerning objections and the tribunal

Delays to hear objections – Some objections are subject to long delays. For example, the cases of two fishers who were denied Northern Demersal Scalefish Fishery offshore zone permits had not been heard more than a year and a half after the fishery started up. Delays are now largely beyond the control of Fisheries WA following the appointment of extra legal and administrative staff. They are caused mainly by delays in arranging the tribunal or at the request of the objector. There are no target times for hearing objections or reports on the time taken to resolve them.
Powers of the tribunal – The FRMA states that “a decision of the tribunal is final and must be given effect to by the Executive Director” and “the tribunal is to act according to equity and good conscience and the substantial merits of the case without regard to technicalities and legal forms . . .”

There are concerns within Fisheries WA that some tribunals have reached final and binding decisions that have, in their effect, undermined management plans or other regulations. The progress of some objections has been suspended pending the outcome of a Supreme Court case that is expected to clarify the limits of the powers of the tribunal.

**Recommendation**

Fisheries WA should report the numbers of objections, the time to resolve them and their outcomes.
Views on quality of services

- **Commercial fishers generally welcome the improvements in regional services but are more critical of the services provided from the Perth office.**

- **Rapid turnover in staff, lack of ‘hands on’ experience and poor communications with Perth staff are common complaints.**

- **Work on management plans often involves long, unexplained delays alternating with periods of excessively rapid activity.**

Fisheries WA provides a wide range of services including the administration of licences, the creation and fine-tuning of management plans, research, compliance enforcement, community education, economic development and the promotion of new ventures such as aquaculture. Commercial fishing is still mainly dominated by small and widely dispersed family businesses. Recreational fishing involves potentially the whole WA population.

Stakeholders have significant competing interests. The problems of satisfying all the people all of the time are considerable against a background of higher charges, increasing pressure on aquatic resources and a consequent need to introduce further controls to sustain fish stocks.

**Issues in service quality**

*Regionalisation* – There is strong approval for the increased presence in the regions, from where many minor fisheries are now managed. Commercial fishers expressed strong support for trusted, familiar and accessible local fisheries officers. A frequent criticism was that the range of services available directly at regional offices, such as the power to vary licences, is still too limited. Because of the risks of errors or fraudulent dealing with valuable fishing authorisations, Fisheries WA has no intention of regionalising this aspect of licensing work. However, the agency is moving to ensure that straight renewals of all commercial licences can occur at a relevant regional or district office.

*Communication* – The quality of communications with the Perth office was widely perceived to be unsatisfactory. Criticisms include that Perth officers are remote, lacking in direct experience of the fisheries matters they handle, hard to contact by telephone, and poor in responding to written communications. Frequent staff turnover is cited as another problem. For example, the western rock lobster fishery has had five managers in the last seven years.
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Management plans are often developed in fits and starts.

WAFIC recognises that commercial fishing is generally well-managed . . .

. . . but criticises the quality of some services.

Development of management plans – Clear intentions and timetables for the development of management plans are often not published or observed. Progress is seen to proceed in fits and starts. Long periods of unexplained inactivity are followed by sudden rushes with changes being effected with too little time for full consultation. In the absence of a clearly stated and agreed development program, fishers commonly voiced a concern that Fisheries WA responds more to short term political direction than follows an agenda of its own making.

Comments by WAFIC – WAFIC, the peak body for the commercial fishing industry, while recognising that “the commercial fishing industry in Western Australia is held in high regard around the world as one of the most sophisticated, technologically advanced and well-managed industries” submitted a number of criticisms, including:

- “Planning . . . receives constant criticism. Many fisheries have waited for up to ten years for development of management plans after an initial flurry of activity by the agency.”
- “Despite clear guidelines . . . there is a constant battle within some . . . MACs for reasonable timeliness of presentation of meeting papers.”
- “WAFIC receives regular complaints from all sections of industry about the inordinate amount of time it takes for responses . . . to individual correspondence.”

Fisheries WA comments in response to the views of WAFIC on service quality included:

- “Every major fishery has management arrangements in place . . . there are no commercial fisheries without governing legislation . . . some industry expectations about the timing of the preparation of new management plans may be unrealistic.”
- “The agency surveys MAC members . . . the results demonstrate better than average performance in the servicing of MACs . . . there is always room for improvement.”
- “The agency acknowledges that it needs to develop systems to better manage its correspondence flow with client groups.”

Recommendations

Fisheries WA should seek to improve the real and perceived quality of its administrative services in matters such as:

- communication and ease of access to knowledgeable and trusted staff; and
- declaration and observance of plans for the development of fisheries.
Conclusion

The overall conclusions concerning the principles, practices and future directions of fisheries management are:

- Fisheries need to be managed. Unfettered competition without controls on total catch and fishing effort will lead to depleted stocks, poor catches and low profits.

- Fisheries WA has been consistently forward-looking since the 1980s. The integrated approach being developed for the next decade should ensure that the agency maintains its reputation as a leader in fisheries management.

- The State’s major fisheries have been sustained during a period when many world fisheries have been allowed to decline. There is a strong research base that needs to be further developed if growing pressure on all fish stocks is to be successfully managed.

- Some existing services need to be improved. There are well-founded complaints about communications and the quality of some administrative and management practices.

- After four years of operation of the *Fish Resources Management Act 1994* it is timely to review some policies and practices, such as cost recovery, the composition and purposes of MACs, the operations of the fisheries objections tribunal and an expansion of controls on recreational fishing.

Most importantly, resource-sharing conflicts and pressures on stocks are bound to increase. Ensuring ‘fish for the future’ requires a carefully designed and clearly communicated long-term vision that must not be undermined by a loss of confidence in matters of practice or by short-term expedience in matters of policy.