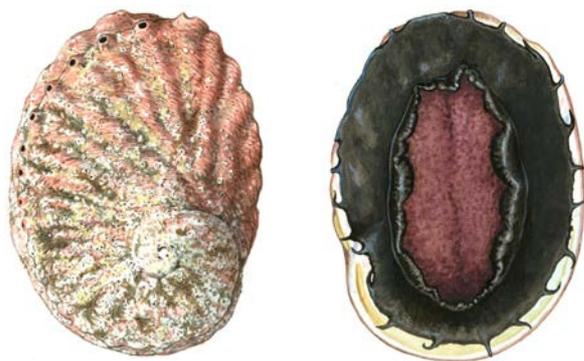


# Tasmanian Abalone Fishery

Proposed Amendments to the  
Abalone Fishery Management Plan

**Information Paper**

June 2019

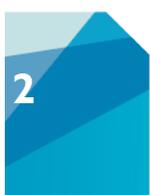


Author: Wild Fisheries Management Branch

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# Summary

This document is part of the one month statutory consultation process for proposed amendments to the Abalone Fishery Management Plan (the [Fisheries \(Abalone\) Rules 2017](#)). The document provides information about the consultation process, an overview of the fishery, identified issues and proposals to address those issues.

The primary aim of the 2019 review is to address risks of localised depletion and improve fish handling practices in the non-commercial fishery (recreational fishery and an Aborigine engaged in an Aboriginal activity). Some issues such as compliance and handling also apply to the commercial fishery.

The key amendments include:

- Changing the bag limit from 10 to 5, the possession limit from 20 to 10 and introducing a boat limit of 15 abalone.
- Changing the possession limit for non-fishers from 5 to 2.
- Allowing the holder of a fishing licence (recreational abalone) or an Aborigine engaged in an Aboriginal activity to shuck one abalone per day on a boat.
- Deeming any abalone in the possession of a child less than 10 years old to be possessed by the supervising adult.
- Defining a measuring device and tools for taking abalone.
- Prohibiting the take of abalone between sunset and sunrise.
- Opportunistic administrative and minor amendments, including commercial fishery operational matters defining several area definitions and designated ports.

Amendments to the Abalone Management Plan are prepared following the statutory process prescribed in the *Living Marine Resources Management Act 1995* (the Act) which includes a public consultation period of one month for the proposed amendments.

The information paper and response form offer a non-legal explanation of the key changes proposed. This document should be read in conjunction with the proposed statute.

The draft rule amendments can be viewed at [www.fishing.tas.gov.au/abalone-review](http://www.fishing.tas.gov.au/abalone-review).

# Have your say

The Tasmanian Government is committed to providing opportunities for community involvement in the development of Government policy and we are seeking your input on the draft rule amendments detailed in this Information Paper.

## How to make a submission

You are invited to provide written responses until 28 July 2019.

An online response form is available at [www.fishing.tas.gov.au/abalone-review](http://www.fishing.tas.gov.au/abalone-review)

Responses should be submitted directly online or by using the printed form. Short email responses and those submitted by mail will also be accepted.

To request a copy of the Information Paper or a printed copy of the response form please email [fisheries.review@dpipwe.tas.gov.au](mailto:fisheries.review@dpipwe.tas.gov.au) or phone (03) 6165 3047.

Submissions (not submitted directly online) can be forwarded to:

Email	<a href="mailto:fisheries.review@dpipwe.tas.gov.au">fisheries.review@dpipwe.tas.gov.au</a>
Mail	DPIPWE – Abalone Review GPO Box 44 HOBART TAS 7001
Hand Deliver	DPIPWE, Wild Fisheries Management Branch Level 1, 1 Franklin Wharf HOBART TAS 7000

Responses will not be accepted if received after midnight on **28 July 2019**. Responses that deal with matters outside the scope of the proposed amendments are not considered part of the current management plan amendment process. These may, however be used to identify issues for other planning processes or future reviews.

### ACCESSIBILITY OF SUBMISSIONS

The Government recognises that not all individuals or groups are equally placed to access and understand information. We are therefore committed to ensuring Government information is accessible and easily understood by people with diverse communication needs.

Where possible, if not using the online response form or printed form, please consider typing your submission in plain English and providing it in a format such as Microsoft Word or equivalent.

The Government cannot however take responsibility for the accessibility of documents provided by third parties.

### ACKNOWLEDGEMENT OF SUBMISSIONS

Respondents using the online response form will receive an automatic acknowledgement of receipt. Respondents using mail, or email submissions may make enquiries to check if the response has been

received, however, the Department of Primary Industries, Parks, Water and Environment (DPIPWE) will not automatically send an acknowledgement.

#### HOW RESPONSES TO THE AMENDMENTS WILL BE USED

Written submissions will be considered by DPIPWE, the Abalone Fisheries Advisory Committee (AbFAC) and the Recreational Fisheries Advisory Committee (RECFAC) after the public consultation period has closed.

DPIPWE will then prepare a report for the Minister on the submissions, including the Fishery Advisory Committees recommendations/comments and DPIPWE's final recommendations for amendments to the management plan.

This report will be publicly available following the Minister's consideration. Responses to this paper will be summarised for inclusion in the report to the Minister.

Other than indicated below, submissions will be treated as public information and will be published on our website at [www.fishing.tas.gov.au/abalone-review](http://www.fishing.tas.gov.au/abalone-review) at the same time as the report to the Minister is published.

No personal information other than an individual's name or the organisation making a submission will be published.

#### IMPORTANT INFORMATION TO NOTE

Your name (or the name of the organisation) will be published unless you request otherwise.

In the absence of a clear indication that a submission (or parts of the submission) is intended to be treated as confidential, the Department will treat the submission as public.

If you would like your submission treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission clearly identifying the parts of your submission you want to remain confidential and the reasons why. In this case, your submission will not be published to the extent of that request.

Copyright in submissions remains with the author(s), not with the Tasmanian Government.

The Department will not publish, in whole or in part, submissions containing defamatory or offensive material. If your submission includes information that could enable the identification of other individuals then either all or parts of the submission will not be published.

#### THE RIGHT TO INFORMATION ACT 2009 AND CONFIDENTIALITY

Information provided to the Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated that you wish all or part of your submission to be treated as confidential, your statement detailing the reasons may be taken into account in determining whether or not to release the information in the event of an RTI application for assessed disclosure. You may also be contacted to provide any further comment.

For further information in relation to the Have Your Say section of this paper please email [fisheries.review@dPIPWE.tas.gov.au](mailto:fisheries.review@dPIPWE.tas.gov.au) or phone (03) 6165 3047.

# Background

## Fishery overview

The abalone fishery relates to fishing for abalone (*Haliotis sp.*) including blacklip and greenlip abalone.

The Tasmanian abalone fishery consists of three sectors: the commercial sector, the recreational sector and the Aboriginal cultural sector. Unless specifically stated, the proposals in this document for the recreational fishery also apply to Aborigine engaged an Aboriginal activity.

The commercial fishery consists of 121 abalone dive entitlements and 3,500 quota units. There are around 11,000 recreational licence holders each year. Abalone are culturally important to the Aboriginal community due to being harvested well before European settlement.

The *Living Marine Resources Management Act 1995* states that Aboriginal people, when engaged in an Aboriginal activity are not required to hold any fishing licences. All persons however, including Aboriginal people, must abide by take and possession limits, size limits, any closed seasons or areas and other legislation. Permits may also be issued for Aboriginal cultural and ceremonial activities, which do not fit with in management plan.

## Stock status, catch levels and issues

The Institute for Marine and Antarctic Studies (IMAS) undertake a comprehensive assessment of the fishery each year. After considering the assessment information, and advice from the Abalone Fishery Advisory Committee (AbFAC) adjustments to the Total Allowable Commercial Catch (TACC), zonal and block catch controls are considered to sustainably manage<sup>1</sup> the fishery. The TACC has reduced from a medium term high of 2,660 tonnes in 2010 to 1,333 tonnes in 2019 in response to declining stock levels. These adjustments have led to improvements in many areas, and refined commercial management continues.

Size limits play an important role in sustainable fisheries management. Many size limit zones apply in the commercial fishery aimed at reflecting the biological characteristics of abalone in relatively small regional areas. In the recreational fishery, size limits are not as refined with only two zones applying for each of blacklip and greenlip abalone. Recreational fishery management is applied on a broader scale, which aims to be simple to communicate and easy to understand and cost effective to administer.

Setting appropriate size limits<sup>2</sup> in conjunction with area management is important for the fishery, however they are not currently under review for the recreational fishery. The commercial fishery are considering refining size limits to address some issues relating to the commercial fishery.

Due to the popularity of the East Coast for recreational fishing, it is worthwhile noting abalone stock declines have been significant in parts of the East Coast with the multiple impacts<sup>3</sup> of

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<sup>1</sup> Details of the fishery and the management framework are documented in the *Tasmanian Abalone Harvest Strategy 2018-2020* published on the Department's Sea Fishing web pages

<sup>2</sup> Unlike other fisheries, size limits for abalone are set in the [Fisheries \(General and Fees\) Regulations 2016](#).

<sup>3</sup> Mundy, C and McAllister (2018), [Tasmanian Abalone Fishery Assessment 2017](#), tech report. Institute for Marine and Antarctic Studies (IMAS).

commercial overfishing in the late 1990's, habitat loss through destructive grazing by the long spined sea urchin and the collective impacts of marine heat waves.

The annual Tasmanian recreational<sup>4</sup> catch of around 40,000 abalone or 20 tonnes, is low compared to the commercial catch, less than 2% of the TACC.

While the overall total recreational catch is not significant, the relatively high level of recreational fishing pressure which can apply serially to areas, especially those close to metropolitan areas or holiday locations, needs to be considered. Additionally, the biological trait of having a brief free-swimming larval stage with only a few days limits larval dispersal and makes abalone susceptible to localised overfishing.

An emerging consideration for the recreational fishery is the increase in abalone fishing caused by new demographics in Tasmania including more visitors, temporary residents and tourists. Some interest can be attributed to the Tasmanian green clean seafood image and promotion via tourism operators and social media. Indications are that fishing activities from these sources focus on easily accessible inshore areas in close proximity to population centres, making them vulnerable to localised and serial depletion.

The current catch limits allow individuals to take 10 abalone and possess 20. In group situations, these limits provide the opportunity for illegal fishing by possessing quantities with a high market value under the guise of recreational fishing. These risks need to be balanced with allowing a reasonable feed for recreational fishers and minimising compliance risks.

The setting of size limits and both legislated and educative harvesting practices aims to protect undersize fish so they grow and breed is a fundamental fisheries management principle. Poor survival rates are associated with the inappropriate removal of abalone or not placing abalone back on the substrate.

Abalone are slow moving sedentary animals that hold onto the rock substrate with their foot. When disturbed, they clamp onto the rock making them harder to remove and are potentially more vulnerable to damage by squashing vital organs or breaking the shell. The likelihood of damage increases with the use of inappropriate harvest tools such as thick levers and screwdrivers. Knives can cut the foot often leading to the abalone bleeding to death as their blood does not coagulate. Once removed from the rock, if the foot is exposed, released abalone are at risk from predation.

Addressing the issues identified in the review will lead to a more sustainable fishery with the aim of maintaining the quality of fishing for all users. As well as legislative responses, the Department will continue to tailor fisheries awareness activities and products to improve stewardship and compliance amongst fishers.

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<sup>4</sup> The catch estimate is for 2017/18 and does not include aboriginal cultural fishing, as recreational licence holders are surveyed, and an Aborigine engaged in aboriginal activities do not require a licence.

# Proposed Amendments

## I. Bag, possession and boat limits

### Proposed changes and Rule Amendments

- I (a) Change the bag limit from 10 to 5 per day – [Rule 18(1)].
- I (b) Change the possession limit from 20 to 10 (without a receipt). – [Rule 18(3)]
- I (c) Introduce a boat limit of 15 abalone. [new sub-rule in Rule 19]

**Intent** – Set bag, possession and boat limits for recreational fishers and an Aborigine engaged in an Aboriginal activity through balancing a fair day's abalone catch with sustainability and compliance risks.

### Why is this change needed?

The proposals aim to confine fishing activities to within the spirit of recreational fishing by preventing the taking of significantly more fish than can be reasonably consumed or an amount approaching commercial quantities of fish.

The Department seeks to provide access to abalone to recreational fishers and Aboriginal people to a level that:

- is sustainable and addresses risks of localised depletion;
- represents a reasonable day's fishing or feed of fish;
- shares the resource in a fair and equitable manner for today's fishers and for future fishers; and,
- does not provide potential cover for illegal fishing.

Reducing the daily bag limit from 10 to 5 and the possession limit from 20 to 10 aims to maintain reasonable access and address the above considerations.

Substantial compliance risks exist with the current bag and possession limits due to the high market price of abalone. Individuals working either alone or in small groups can readily take and retain amounts of abalone, potentially reaping high monetary gain, especially if transported out of the state under the guise of a recreational fishing catch.

Reducing catch limits and introducing a boat limit will impact a relatively small amount of fishers and not adversely detract from the overall recreational fishery. IMAS surveys indicate that 1 in 5 dives take the current bag limit of 10, with an average of 4.5 being taken per day.

Recreational boat limits operate in several Tasmanian fisheries and are used in other parts of Australia. They prevent fishers circumventing personal daily bag limits by carrying non-fishers in a boat. Boat limits also help disperse fishing pressure particularly from larger fishing parties including charter boats. The person in charge of the vessel is responsible for ensuring the total amount on the boat does not exceed the boat limit. This means that individuals on that boat may not be able to retain their entire individual bag limit.

An Aborigine engaged in an Aboriginal activity will need to abide by the proposed limits. This will not affect the issuing of permits for Aboriginal cultural and ceremonial activities.

## 2. Maintaining restricted access to abalone for non-fishers

### Proposed changes and rule amendments

2(a) Change the possession limit for a person who is not the holder of a recreational abalone fishing licence from 5 to 2. [Rule 18(2)]

**Intent** – *Maintaining access to abalone for non-fishers while balancing compliance risks by setting a possession limit.*

Part of the spirit of recreational abalone fishing relates to the social consumption and sharing of the catch with family and close friends who may otherwise not have access to the resource. The extent of gifting needs to be balanced against sustainability, compliance risks including illegal sale.

The current possession limit for non-licence holders is 5. Given the value of each abalone and the amount considered adequate for a meal, a possession limit for non-licence holders of 2 is proposed.

The prohibition on non-licence holders possessing abalone on state waters will continue as it prevents fishers catching above their bag limit and transferring their catch to non-fishers.

## 3. Enhancing recreational enjoyment – allowing limited consumption of abalone at sea

### Proposed changes and rule amendments

3(a) Allow each holder of a fishing licence (recreational abalone) or an Aborigine who is engaged in an Aboriginal activity to shuck one abalone per day on a vessel in State waters, provided the shell is retained until the vessel returns to port or any abalone are landed.

[Amend Rules 19 and 16]

**Intent** – *Enhance recreational utility and cultural enjoyment of abalone by allowing the consumption of abalone on State waters balanced with identified compliance risks.*

### Why is this change proposed?

Currently recreational fishers on private vessels are not allowed to consume abalone on a vessel, as it is illegal to possess an abalone that has been detached from its shell or processed in any form.

Recreational fishers, particularly those with larger vessels have requested that they be allowed to consume abalone at sea rather than having to go ashore to consume their catch.

This activity, whilst increasing the enjoyment of recreational fishing, can allow unscrupulous fishers to exploit the rules by exceeding catch limits and not abiding by size limits. After considering these risks and taking into account that similar provisions operate for the scallops and rock lobster

fisheries without significant compliance issues, allowing the shucking (detachment) of one abalone per fisher is proposed.

The requirement to keep the shell will allow compliance checks with size and bag limits. The risk is reduced by the lower catch limits and restricting the number that can be shucked to one per licence holder or an Aborigine engaged in an Aboriginal activity.

## 4. Minimum age of licence holders and possession deeming provisions

### Proposed changes and rule amendments

- |   |                            |
|---|----------------------------|
| 4(a) Restrict the age for issuing a recreational fishing licence to 10 years and older.                           | [New sub rule in Rule 12A] |
| 4(b) Deem any abalone in the possession of a child (less than 10 years) to be possessed by the supervising adult. | [Amend Rules 18 & 19]      |

**Intent** – Ensure licence holders, fishers and persons possessing abalone are culpable in relation to the rules.

The current management plan does not have a minimum age for taking abalone. Currently, a minimum age of 10 years applies to:

- the recreational rock lobster fishery (licence and deemed possession);
- using gillnets and set lines (scalefish).

The appropriate age for obtaining a Government issued recreational abalone licence is under review.

Fishing rules are relatively complex, bringing into question the age at which a child is culpable in relation to the rules. The *Tasmanian Criminal Code Section 18* states that a child needs to be above the age of 10 to be culpable for their actions indicating that the minimum age for holding licences should be at least 10 years.

Minimum age requirements reduce the risk of adults taking out licences for minors to increase the catch limits for themselves. Similarly, provisions which deem abalone possessed by a child to be in the possession of a supervising adult removes the ability to shift responsibility to children. Currently this provides an avenue to possess more abalone than is considered a reasonable feed or possess a commercial quantity.

This proposal will not adversely affect participation. These provisions have operated in the rock lobster fishery without any known adverse impacts. Currently there is only one person (aged 7) who is under 10 with an abalone licence.



## 5. Protecting undersize abalone – measuring devices, procedures and tools

### Proposed changes and rule amendments

5(a) Define a measuring device. The current rules specify a measuring device must be carried. This new rule defines a measuring device as: (a) Vernier calliper; (b) Gauge designed to measure abalone; and (c) Knife or abalone iron with prominent markings or extended prongs reflecting the legal size. [New definition in Rule 3]

5(b) Remove the requirement for all commercial fishers to measure each abalone immediately after they are detached from the rock. [Rules 15 (7) b.]

5(c) Prohibit the take of abalone with a tool other than a:  
(1) A knife which has a blade (excluding the tip) not less than 25 mm in width; or  
(2) An abalone iron, which is a broadly flat-bladed, chisel like lever not less than 25 mm in width. [New Sub-rule in Rule 17]

These amendments apply to an aboriginal engaged in an aboriginal activity, recreational and commercial fishing.

**Intent** – Define what constitutes a measuring device. Define tools which may be used for fishing and prohibit the use of tools which are likely to result in reducing survival of undersize abalone. Remove the requirement for commercial fishers to measure every abalone.

Promoting good fishing practices using a combination of legislative and fisher education aims to minimise damage to and mortality of abalone.

#### **Definition of a measuring device**

The carrying and use of a measuring device is currently mandated in the rules, however the device is not defined.

The Department provides free gauges for fishers to measure abalone, however, many divers are known to rely on marks on their knives which may not meet current requirements. The proposed changes aim to provide more explicit guidance regarding what may be used.

The definition includes allowing the use of markings on knives, which may be more convenient. More accurate certified metal gauges should be used for the commercial fishery or by those fishers wanting to fish down to the last few millimetres of accuracy.

Irrespective of how an abalone is measured, or with what device, it is an offence to possess an undersized abalone once it is retained. Fishers are urged to retain abalone with caution and not necessarily fish down to the exact legal measure. There is no defence for ‘attempting’ to measure the abalone.

### **Measure as you go requirements**

The current rule that specifies abalone must be measured as soon as they are detached from the rock. The requirement to immediately return an undersize abalone to the rock will remain unchanged for the non-commercial fishery.

The intent of the measure as you go rule and carrying a measuring device is to encourage fishers to:

- assess the relative size of an abalone by eye (or holding the gauge near the abalone) before removing it from the rock, then
- immediately check the legal size upon removal.
- If it is undersize it can be immediately put back on the rock surface close to where it was taken. Replacement 'on the rock scar' is recommended.
- If it is legal size it can be retained as part of the bag limit.

The proposed amendment for the commercial fishery is not to require all abalone to be measured. Commercial divers handle many abalone and are competent in judging the size after using an instrument to get their eye in. The requirement to immediately return undersize abalone to the rock or substrate will still apply.

### **Abalone tools**

Ideally blunt chisel like tools – 'abalone irons' - should be used to remove abalone from the substrate, as these are specifically designed to make harvesting easier and limit the risk of damage to abalone required to be put back on the rock.

Victoria and New Zealand have mandated that abalone can only be harvested using blunt instruments and prohibited the use of screwdrivers.

The proposed amendment will prohibit thick devices such as screwdrivers, however at this stage it does not fully prohibit sharp blades as:

- Abalone harvesting is often opportunistic and most divers have sharp knives for safety reasons;
- The emphasis should be on not removing any undersize abalone from the substrate.

The Department will educate fishers about the issue and encourage the sizing up of abalone prior to removing from the substrate. The promotion of appropriate tools is considered a good start to encouraging responsible fishing.

This does not adversely affect participation in the recreational fishery. In some cases, fishers' knives may not meet the minimum 25 mm blade width of the knife and they may need to purchase a new knife or abalone iron. Commercial abalone divers and keen avid fishers use abalone irons which would meet the proposed requirement.

## 6. Enhancing compliance - restricting the take of abalone to daylight hours only

### Proposed changes and rule amendments

6 (a) Prohibit the take of abalone between sunset and sunrise. [Rule 17]  
This amendment applies to an aboriginal engaged in an aboriginal activity, recreational and commercial fishing.

**Intent:** Restricting the take of abalone to daylight hours only to enhance compliance.

Several other States have prohibited taking abalone at night to limit illegal fishing taking place under the cover of darkness and under the guise of recreational or commercial fishing.

The reference to sunrise and sunset are used in other fisheries rules. It is proposed that this apply to the commercial and non-commercial take of abalone.

Given the daytime nature of abalone diving, there does not appear to be any significant impact of restricting the fishery to daylight hours where fishing activities can be more easily observed.

## 7. Commercial fishery operational matters - amending the Northern Area definition

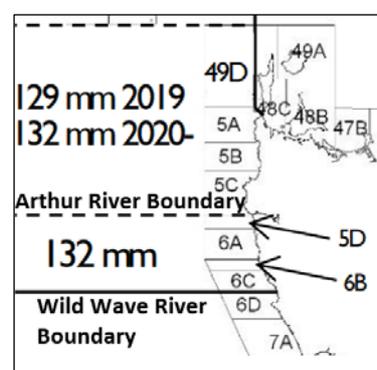
### Proposed changes and rule amendments

7(a) Make an administrative change to reflect the implementation the increased size limit for the commercial fishery, north of the Arthur River by amending the definition of *northern area*. [rule 3, Rule 24(6)(c)].

**Intent** - Make several amendments to reflect the operation of the commercial fishery.

The commercial abalone fishery is managed using total allowable catches (TACs), fishing block catch caps and size limits in different areas of Tasmania, the spatial framework of which can be considered complicated. For example, there are five TAC parts to the fishery and some 10 blacklip abalone size limit areas.

One boundary is scheduled to be removed in 2020, reflecting the increase in size limit from 129 mm to 132 mm for blacklip abalone north of Arthur River in the part of the fishery defined as the "Northern Area". Thus, off the north-west coast, the entire area from Wild Wave River in the south to Albatross Island in the north will become a single size limit area for blacklip abalone at 132 mm in 2020. To reflect this, the



definition of the Northern Area will be amended, by removing “Arthur River” and replacing it with “Wild Wave River”. The rule change will apply from 2020, when the new size limit applies, for the start of the commercial abalone fishing year.

For those who wish to understand the proposed commercial fishery changes contained in this section in greater detail, please read further background information in the [operational information paper](#) for the commercial abalone fishery for the 2019 fishing year.

## 8. Commercial fishery operational matters – designated ports and landing areas

### Proposed changes and rule amendments

Add Stanley, Smithton and Woolnorth Anchorage as new designated ports where commercial fishers are allowed to land abalone. [Rule 31]  
Amend rules 25(4)(d) and Rule 43(1) for administrative purposes.

**Intent** - Make several amendments to reflect the operation of the commercial fishery.

The management plan restricts the landing and transit of abalone specifying designated ports and landing areas and prescriptive procedures. The amendments include:

1. Smithton, Stanley and Woolnorth Anchorage are added as designed ports in the Bass Strait area.
2. A landing area definition for Little Musselroe Bay is added to the list of landing areas, meaning that the area has a radius of 400 metres rather than 50 metre. This change is to allow divers to meet processors’ trucks at the junction of Little Musselroe Road.

## 9. Administrative matters and further comments

The current management plan incorporates a number of administrative matters, including reflecting terminology used in the Act. Eg. The words *an Aborigine engaged in an Aboriginal activity* is used in the rules to reflect the Act, and are now drafted in the rules.

Respondents are welcome to raise issues not covered in this review. Responses that deal with matters outside the scope of the proposed amendments are not considered as part of the current management plan process. These matters may be considered in compliance, communication and research planning, or future fisheries management processes.



Tasmanian  
Government

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