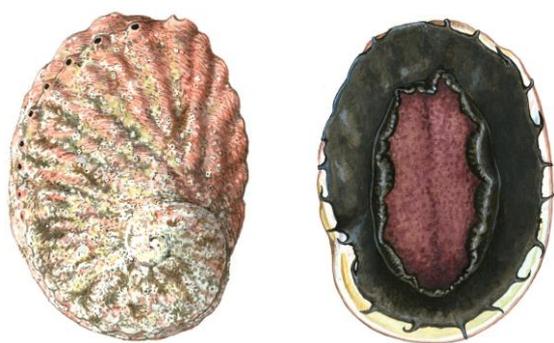


Tasmanian Abalone Fishery

Report to the Minister on Proposed
Alterations to the Abalone Fishery
Management Plan

September 2019



Report to the Minister

This report on the consultation process and representations made under sections 54 of the *Living Marine Resources Management Act 1995* (Act) for alterations to the Abalone Fishery Management Plan (the *Fisheries (Abalone) Rules 2011*) has been prepared by the Department of Primary Industries, Parks, Water and Environment in accordance with section 55 (1) of the Act.

The Act specifies a number of steps to be followed when altering a management plan. After the Minister approves an alteration to a management plan recommended by the Secretary, a public notice must notify that the management plan is to be altered and that written representations may be submitted in relation to any proposed alteration. The period during which representations may be made is for at least a month period from the date on which the notice is first published.

The Secretary must forward to the Minister a report containing a summary of the public consultation process and each representation received. Finally, the Secretary must make a recommendation as to whether the management plan should be altered.

Dr Ian Dutton

Director (Marine Resources)

(Delegated authority under section 20 (2) of the Act)

September 2019

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Introduction

The *Living Marine Resources Management Act 1995 (Act)* allows for management plans to be made for fisheries and requires that they are reviewed periodically. This review is for the current management plan for the Tasmanian abalone fishery, namely the [Fisheries \(Abalone\) Rules 2017](#).

The primary aim of the 2019 review is to address risks of localised depletion, improve fish handling practices and address compliance risks in the non-commercial fishery (recreational fishery and an Aboriginal person engaged in an Aboriginal activity).

Some issues such as compliance and handling also apply to the commercial fishery.

The key initial proposals and final recommendations are summarised below, and include:

- Changing the bag limit from 10 to 5, the possession limit from 20 to 10 and introducing a boat limit of 15 abalone.

Recommendation after consultation:

- *Change bag limit from 10 to 5 in the Eastern Region only.*
 - *Implement proposed Statewide possession limit change from 20 to 10.*
 - *Implement boat limit in the Eastern Region only using the formula 5 times the bag limit i.e Eastern Region boat limit of 25.*
- Changing the possession limit for non-fishers from 5 to 2.

Recommendation after consultation:

- *Implement proposal.*
- Allowing the holder of a fishing licence (recreational abalone) or an Aboriginal person engaged in an Aboriginal activity to shuck one abalone per day on a boat.

Recommendation after consultation:

- *Implement proposal.*
- Deeming any abalone in the possession of a child less than 10 years old to be possessed by the supervising adult.

Recommendation after consultation:

- *Implement proposal.*
- Defining a measuring device and tools for taking abalone.
- Recommendation after consultation:*
- *Implement proposal, however, allow a narrower abalone iron and knife. State that Aboriginal persons engaged in an Aboriginal activity are not required to use defined tools. i.e they may use traditional devices.*

- Prohibiting the take of abalone between sunset and sunrise (i.e. night time).

Recommendation after consultation:

- *Implement proposal.*
- Opportunistic administrative and minor amendments, including commercial fishery operational matters defining several area definitions and designated ports.

Recommendation after consultation:

- *Implement proposals.*

Consultation

These proposals have been developed with ongoing consultation with the Recreational Fishery Advisory Committee (RecFAC) meeting since August 2017. As part of a preliminary public engagement process, the Department discussed compliance and localised depletion risks and potential for recreational abalone catch limit reductions at Smithton and Burnie Recreational Fisheries Forums in March 2019; and with attendees at AgFest during 2-4 May 2019.

The proposals were then approved for release as draft amendments to the management plan. The amended rules together with a plain language information paper was formally released for consultation on 28 June 2019 for one month, closing on 28 July 2019.

Consultation processes relating to the public exhibition process included:

- The draft amendments to the Abalone Fishery Management Plan and an Information Paper were released for public comment on 28 June 2019. Public notices notifying the public of the review and the submission process were published in the Tasmanian Government Gazette and in major Tasmanian newspapers on 28 June 2019.
- An online submission form provided an easily accessible submission process seeking support/non-support and comment on the proposals. Respondents indicated whether they harvested abalone from the shore/boat; by snorkel/scuba/hookah; their view about the status of the resource; compliance; as well as providing alternative numbers to the proposed catch limits.

1. Bag, possession and boat limits.

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.

1(a) Change the bag limit from 10 to 5 per day.

Support Neutral/Not sure Do not support

If you do not support the proposed bag limit what limit do you suggest?
 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, other - detail in comment box")

Comments and /or alternative suggestions:

- The respective peak fishing bodies, the Tasmanian Association for Recreational Fishing (TARFish) and the Tasmanian Abalone Council Limited (TACL) were notified and sent the papers the day prior to the release.
- Information about the review was published on the Department's website. Announcements about the review were made via the Tasmanian Fisheries Facebook page (reach over 7,500) and the DPIPWE fishing news email subscription service (over 25,000 recipients).

- As abalone are important to the Tasmanian Aboriginal people, emails were sent to recognised Aboriginal Organisations who were encouraged to further distribute the information.
- The review was mentioned in various social media sites and on radio. A Department Officer outlined the main points of the review on the ABC Country Hour.
- Around 250 holders and supervisors of a fishing licence (abalone dive) (i.e. commercial abalone divers) were notified of the release of the rule amendments for public comment including where a copy of the Information Paper and draft amendment rules could be obtained. In addition, some 200 abalone quota holders were e-mailed the notification.
- Copies of the draft amendment rules and Information Paper were made available on the Department's website, and the licensing counter on the 1st floor of the Marine Board Building.
- The period for the receipt of written submissions to the DPIPWVE closed on 28 July 2019, complying with the statutory requirement that alteration to management plans be publicly exhibited for at least one month.

Submissions received

During the public comment period, 635 written submissions were received. The majority of respondents used the Department's online response form to indicate support or disagreement and to provide comment.

Submissions were received from the relevant peak fishing bodies, Tasmanian Association for Recreational Fishing (TARFish), and Tasmanian Abalone Council Limited (TACL).

Submissions were received from the Tasmanian Regional Aboriginal Communities Alliance (TRACA); Tasmanian Aboriginal Centre, and the Aboriginal Land Council of Tasmania.

Respondents were asked to categorise their interest in the fishery.

- 572 (90%) submissions indicated their interest was primarily related to the recreational fishery. Although not all respondents were licence holders, if such an assumption was made, it represents about 5% of the 11,378 recreational abalone licence holders.
- Four charter operators provided submissions.
- There were 12 submissions providing an indigenous interest.
- Nineteen respondents indicated they had a commercial interest. Two of these indicated commercial and recreational interest, and two indicated commercial and indigenous interests.

One submission requested that their name be treated as confidential due to business interests. This has been included in analysis, general comments included.

A copy of submissions from peak fishing bodies and key background information, such as research advice, is at the back of this document.

A summary of submissions has been considered by the Department, the Recreational Fisheries Advisory Committee (RecFAC) and the Abalone Fishery Advisory Committee (AbFAC). Both FACs were provided a copy of a spreadsheet file of each submission with personal information removed.

The consultation process is not considered a 'vote' or 'poll'. The merit and diversity of views are considered as are the submissions' rationales and representations. Information and data in this report provides the basic level of support or opposition together with written comments on the



content of the submissions received. The Department also sought alternative views including where any unidentified impact of the proposed changes.

The purpose of this document is to provide a summary of these views, an analysis of the responses and the major themes and FAC recommendations. The Department provides a discussion and outline of issues and its final recommendations.

A copy of all the submissions will be published on the Department's website at www.fishing.tas.gov.au/abalone-review at the same time this report is published. The publishing of these submissions is in accordance with Tasmanian Government policy as outlined in the Information Paper.

ACRONYMS

Tasmanian Association for Recreational Fishing (TARFish)

Recreational Fisheries Advisory Committee (RecFAC)

Abalone Fishery Advisory Committee (AbFAC)

Tasmanian Abalone Council Limited (TAACL).

Living Marine Resources Management Act 1995 (Act)

Total Allowable Commercial Catch (TACC)

Total Allowable Catch (TAC)

General themes of submissions

This section provides additional information on themes raised in the submissions during the consultation process. Most of these were from recreational fishing interests along the lines of:

- Recreational catch is relatively low compared to the commercial sector;
- Recreational restrictions will not lead to sustainability improvements;
- Commercial take should be reduced;
- Compliance - additional enforcement should be undertaken rather than restricting the recreational sector; and
- The social and community benefit of recreational fisheries needs to be more highly valued and considered.

Stock Status

The information paper provided an overview of abalone stock status, catch levels and issues including the reductions in the Total Allowable Commercial Catch, stock declines in parts of the East Coast with the multiple impacts¹ of 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.

Although a relatively high proportion (42%) of submissions indicated they think abalone have declined in the areas they fished, a high proportion of all submissions indicated that the recreational fishery was not part of the problem (risk) or the solution, and therefore they see the catch reductions as unwarranted.

The Institute for Marine and Antarctic Studies (IMAS) has provided additional written information relating to the abalone stock status and relevance of recreational catch (see appendix) as well as briefing recent RecFAC and AbFAC meetings outlining the seriousness of stock concerns on parts of the East Coast, particularly north of Cape Pillar to Bicheno.

Localised depletion risks in abalone fisheries are high compared to other fisheries due to their lifecycle and biology. There is effectively no adult emigration of abalone outside local areas, and as abalone have larval stages of only several days there is effectively no larval export. Larger abalone have significantly more eggs and viable offspring with density and aggregation/clumping ('a patch' of abalone) appearing to be important for spawning success. **Local populations rely on localised recruitment, and once stock levels are fished down in an area it takes many years to recover. Unlike other fisheries, rejuvenation does not come from other areas.**

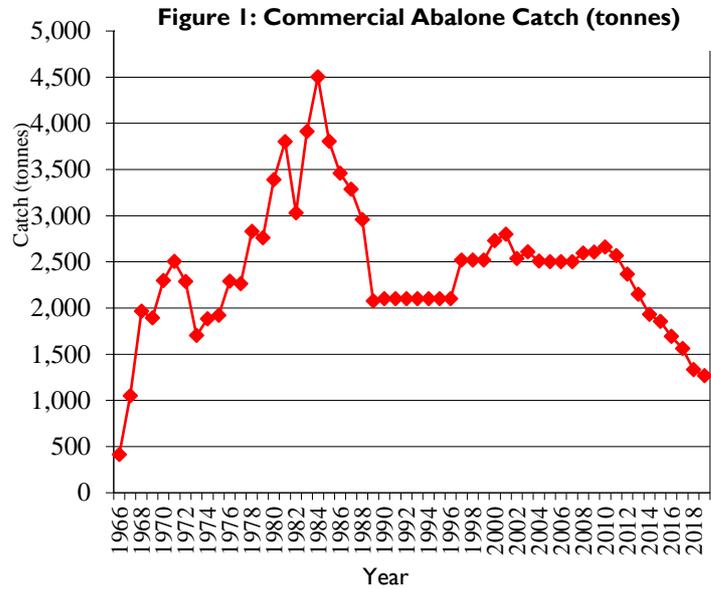
¹ Mundy, C and McAllister (2018), [Tasmanian Abalone Fishery Assessment 2017](#), tech report. Institute for Marine and Antarctic Studies (IMAS).



Commercial Fisheries Management

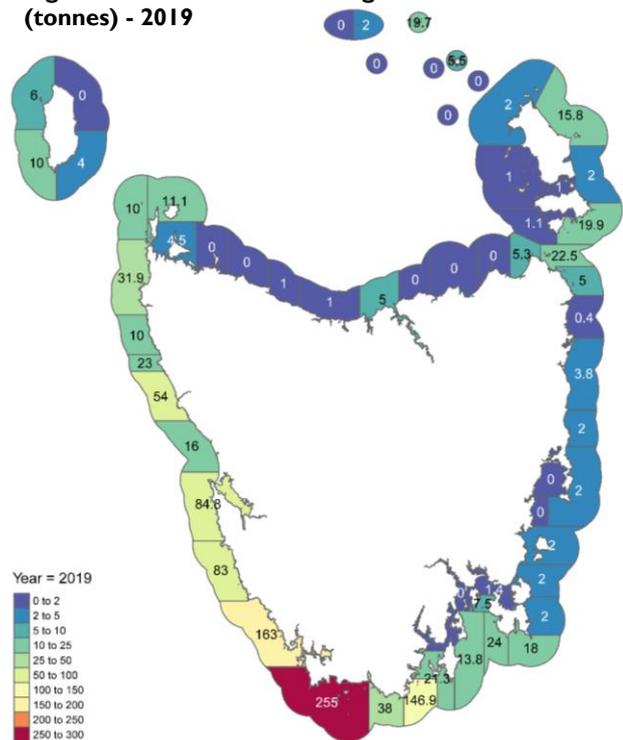
Many submissions from recreational interests conveyed views that additional management should be placed on the commercial sector rather than the recreational sector. In contrast, the submission from the TACL emphasised the stock declines and outlined the major management responses already applied to the commercial fishery.

The Information Paper outlined that the Total Allowable Commercial Catch (TACC) has been substantially reduced over time and a complex array of management operates for the commercial fishery to maintain sustainability on a statewide and local level. Adjustments can be made to the TACC and zone and block catch levels after a comprehensive assessment of the fishery each year to sustainably manage² 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 (see figure 1).



Management actions have been directed towards the commercial fishery to address an East Coast stock decline, with the commercial harvest being reduced by 95% on most of the East Coast. When determining the annual TAC, each fishing block is assigned a nominal contribution to that catch. The low fishing block allocations for 2019 for the East Coast are shown in figure 1. More recent advice from IMAS is to consider closing the East Coast north of Cape Pillar to commercial fishing. The Bay of Fires research area has been closed to commercial and recreational fishing with no significant signs of stock rebuilding.

Figure 2: Commercial Fishing Block Allocations (tonnes) - 2019



Commercial management such as catch caps, zones and size limit areas can be applied to relatively small areas. Adjustments have led to improvements in many areas and refined commercial management is ongoing.

² 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

The Information Paper also mentioned that size limits play an important role in abalone management. Many size limit zones apply in the commercial fishery aimed at reflecting the biological characteristics of abalone in relatively small regional areas. The recently published [Tasmanian Abalone Fishery – Sustainable Harvest Strategy](#) contains policy to improve and maintain adequate levels of recruitment by progressively setting commercial size limits to protect breeding stock for three years post maturity, rather than two years.

The Department and AbFAC are developing a strategy and timelines for implementing more conservative size limits, as well as considering additional management options for the East Coast.

RecFAC have indicated their keenness to be involved and suggest that the review of size limits for the East Coast is dealt with as a matter of urgency, and that appropriate size limits apply to the commercial and recreational sector to adequately protect breeding stock according to the “three year rule” in the Abalone Harvest Strategy. RecFAC also stated they do not discount the future consideration that a closure or other management may be needed for the recreational fishery in parts of the East Coast.

Recreational fishing, policy and social value

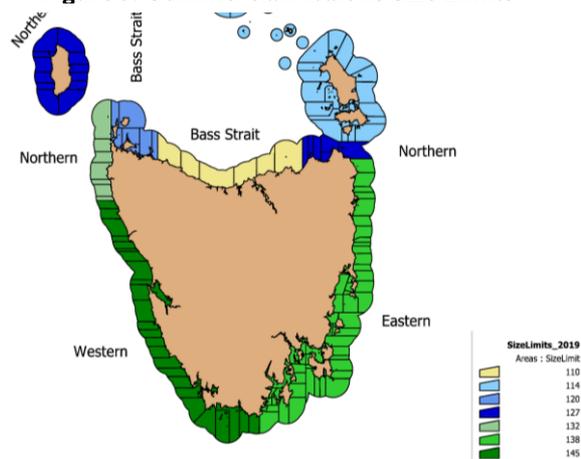
Several submissions, including from TARFish, mentioned better valuing the recreational sector, better community engagement and need for strategic focus on the abalone fishery and an overall for recreational fisheries. TARFish and several submissions requested that a formal resource sharing arrangement should be progressed for the abalone fishery. A Total Allowable Recreational Catch (TARC) arrangement of 10% of the annual Total Allowance Catch for Abalone or a minimum of 133 tonnes was suggested.

Many recreational fishers expressed their passion for abalone fishing and recreational fishing overall. Some indicated ongoing frustration with recreational rock lobster restrictions and East Coast rock lobster management. These and others made comments about erosion of recreational fishing rights and equity issues.

Many submissions conveyed the view that recreational fishing has little impact compared to commercial fishing in the context of the statewide catch. The additional research advice provides background information to explain the significance of the recreational catch in the context of the biological and recruitment characteristics of abalone. One attribute in terms of localised depletion risks is that recreational fishers often associate with local areas (such as near shacks, closeness to home and favourite spots) and may continue to fish in the same area. Commercial fishers, however, have an economic imperative to move away onto areas that have higher catch rates.

Recreational management and policy is currently incorporated in separate sea fisheries management processes including for the rock lobster, abalone and scalefish fisheries. These processes seek to ensure sustainability outcomes for each fishery.

Figure 3: Commercial Abalone Size Limits



Maps courtesy of Dr Craig Mundy - IMAS

The Department is progressing the development of an overarching recreational sea fisheries strategy, which sets out the vision and goals for the recreational fishery including guidelines for managing economic, social and sustainability outcomes.

Indigenous fisheries policy

The relatively high number of submissions with indigenous interests compared to other fishery reviews reflects the importance of abalone to the Tasmanian Aboriginal community. Several submissions indicated that a distinction is needed between recreational fishing where Aboriginal persons engage in an Aboriginal activity and Aboriginal cultural and ceremonial activities. Submissions mentioned the importance of abalone fishing, the connectedness of land to sea, the importance of local fishing areas, and transfer of culture to Aboriginal children.

The Department recognises the importance of developing Aboriginal fisheries policy.

Compliance

Many recreational fisher submissions suggested that the compliance risks of the existing catch limits should be addressed by increased enforcement or harsher penalties. 16% of respondents indicated they think compliance is poor in the fishery. Emerging issues relating to tourist or temporary residents were raised in many submissions. Suggestions included:

- targeted enforcement and communication;
- restriction of licences to Tasmanians only;
- restrictions on exporting abalone except for the commercial fishery; and
- household limits.

Tasmanian Police have provided input at the FACs that lower catch and possession limits play a significant role in reducing compliance risks.

Community engagement

Several submissions, notably the TARFish submission, suggested more information and a more strategic approach should have been undertaken leading up to the review. The TARFish submission suggested the Department had firmly stated outcomes of setting limits rather than identifying issues, collecting information and proposing solutions. Compliance issues, localised depletion risks and solutions to address these issues had, however, been discussed at various RecFAC meetings since 2017. The RecFAC supported moving to formal consultation of all proposals for the recreational fishery.

The Department has undertaken some activities to engage fishers about abalone issues at an early stage through Fishcare, Agfest and Fisheries Forums. To increase awareness, more comprehensive information about the stock status and commercial management will be extended to the recreational sector by DPIPWE. Importantly, the RecFAC has considered the proposals and submissions received and has made formal recommendations to the Minister which are outlined in this report.



Proposed alterations and consideration of submissions

I. Bag, possession and boat limits

Initial proposal prior to consultation

- 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]

Recommendation after review

- I(a) Not implement a change to the statewide bag limit. Confine the change of bag limit from 10 to 5 per day to the Eastern Region only. – [Rule 18(1)]. The Eastern Region to be defined as the same area as described in the *Fisheries Rules (Rock Lobster) 2011*.
- I(b) Implement the proposal to change the possession limit from 20 to 10 (without a receipt). – [Rule 18(3)]
- I(c) Not implement a statewide boat limit. Introduce a boat limit of 25 abalone for the Eastern Region Only. [Alter draft sub-rule in Rule 19]

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

Outcome of Public Consultation

Most submissions did not support the bag limit, possession limit reductions or the boat limit of 15. Many indicated they wanted the current limits to remain the same. There was limited recognition that changes are warranted.

Many of these commented that the recreational catch is insignificant when compared with the commercial sector, or indicated doubt that localised depletion risks could be associated with the recreational fishery. Some other submissions, although supportive, still query whether the reductions are disproportionate to the commercial sector. Many stated that commercial catch should be reduced.

Most respondents did not support the proposed bag limit of 5, suggesting it remain unchanged - at 10. Around 10% suggested bag limits between 5 and 10.

Similarly, most submissions suggested no change to the possession limit. Those not supporting the proposed reduced possession limit commonly suggested possession limits of 5, 15 and 20.

There were more suggestions for alternative boat limits than suggestions for alternative bag limits - suggesting some support for boat limits but not as restrictive as in the proposal. Around half the submissions not supporting boat limits suggested alternative limits, many suggested a boat limit using the rock lobster general formula of five times the bag limit or 20 to 30 abalone.

Reasons for higher catch limits than those proposed included:

- Holiday fishing and travel
 - Makes it worthwhile to travel (car or boat) to more remote areas.
 - Opportunistic fishing, storage of abalone for later use, special occasions.
 - Worthwhile to travel from mainland to Tasmania for holidays to take abalone.
- Group fishing, gifting and sharing:
 - Eg. “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.”
 - Bag limit/boat limit levers interacting – e.g. boat limit of 20 if bag limit was 7.

Other key comments, themes and suggestions included:

- Possession limit and Bag limit should be the same to make enforcement easier and to reduce fishing pressure on stocks.
- Household limits should be considered.
- Prohibit recreational abalone being taken outside the State.
- Introduce a limited visitor’s licence with reduced bag limits and specified duration.
- Consider individual seasonal limits.
- Area closures: Close areas or have seasonal or rolling closures. Reduce bag limits for overfished areas. Provide no-take zones, including the establishment of State marine protected areas.
- Recreational only zones. Comments include commercial closures within 100-200 metres of the coastline; 500 metres around Stanley, Cloudy Bay and White Beach areas, or a shallow water closure <10m.
- Review size limits – increase minimum size to protect spawning. Others suggested a maximum size limit recognising that older larger abalone are important. Several mentioned the North West Zone (above Arthur River) and central- West Zone size limits need to be reviewed.
- Target areas or regions most impacted or where need is greatest: – areas such as King and Flinders Island are not so impacted therefore keep the current limits for these areas.
- Several respondents, including private and dive charter operators said that they carry 8 passengers and the proposed boat limit would make the catch per passenger low. Several of these indicated they may support a boat limit the same as the rock lobster boat limits i.e 5 times the bag limit.
- Need to value the catch more. Discussion about meat return, e.g. five abalone is a sufficient amount to feed four people. Promote ways to value fish.
- Limit to snorkel fishery only or place restrictions on compressed air.
- Several submissions commented that the reductions should have been made sooner.
- Possession limit of 20 abalone is a commercial amount.

Comments from submissions with indigenous interests included:

- Aboriginal people should be able to practice their cultural fishing uninhibited by bag limits. Aboriginal people engaged in an Aboriginal activity for cultural and ceremonial purposes should be able to determine what a suitable bag limit is. This is important for the continuation of Aboriginal practices and allows for the inter-generational transfer of cultural knowledge whilst maintaining complex kinship relationships.
- Tasmanian Regional Aboriginal Communities Alliance (TRACA) stated -

“The change to limits will reflect the intent of recreational and Aboriginal fisheries to harvest and consume catch as a day’s activity, rather than take more than you need. These changes are about slowing down the amount of daily harvest to consider the impacts that abalone harvest has on the marine environment and stock limits.”

“...However, it must be clear that these limits do not apply for Aboriginal activities that are aimed at cultural and ceremonial harvesting of abalone. There should not be regulation ‘creep’ that captures Aboriginal activities under a broader framework to limit the taking of abalone beyond recreational and Aboriginal fisheries.”

The TARFish submission said that there is no doubt that localised depletion is an issue given the unique biological characteristics of abalone and suggested more targeted, alternative measures should be considered instead of statewide bag limit reductions.

The TACL supported the proposed statewide proposals. The TACL submission outlined support for bag and possession limit reductions for compliance reasons, and because the limits “provided enough for an average family to enjoy”. They cited there is on average of around 150 – 200 grams of abalone meat in one abalone, and a bag limit of 5 will provide around 10 entrée serves or 5 main courses.

RecFAC Recommendation

RecFAC did not support statewide changes to bag limits. However they did recognise the concerns for abalone stocks on the East Coast and the need for a corresponding management response. That is, they supported targeting management actions where they are most needed. RecFAC supported applying the bag limit reduction from 10 to 5 to the Eastern Region (only), and a reduction in the statewide possession limit from 20 to 10 primarily for compliance purposes saying a possession limit of 10 reflects a fair and reasonable amount for recreational fishers to possess. RecFAC supported a boat limit of five times the bag limit.

AbFAC Recommendation

Supported initial proposal. It was not involved in the final recommendation, which was developed at RecFAC.

Discussion

The initial proposals aimed to maintain reasonable access to abalone for recreational fishers and Aboriginal people at 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 (having limits less than an amount considered approaching commercial quantities).

Over 400 submissions indicated they did not support changes to recreational catch limits. Although this is a relatively high number in comparison to other fishery reviews, it is not high in the context of the extensive nature of the review, including that there are over 11,000 recreational abalone licence holders.

It is not uncommon to receive more negative responses in consultation processes than offers of support. The Department and RecFAC have considered the comments made in relation to the

submissions regarding catch limits and a more targeted approach has been taken. This regionalised approach targets the bag limit reductions and introduction of a boat limit in the Eastern Region only to address the sustainability issues, and statewide possession limits to address compliance risks.

The parlous state of abalone in parts of the East Coast, risks of localised depletion, and management actions for the commercial fishery are discussed in a previous section. The commercial catch allocation in many East Coast fishing blocks is low and there are now suggestions to close parts of the East Coast to commercial fishing. IMAS research advice states that although the recreational catch is relatively low on a statewide level, it is significant on parts of the East Coast and stock recovery could be impeded if recreational catch is not managed at an appropriate level.

There are a range of abalone stock issues in various parts of the State. To a large degree, applying management actions in the commercial fishery will address sustainability issues. For the East Coast, because the recreational catch is significant, targeted management actions of a reduced bag limit from 10 to 5 and introduction of a boat limit of 25 is warranted on sustainability grounds. At this point in time, this action may not be justified for the West Coast on sustainability grounds alone, or for limits which are considered appropriate for a reasonable feed. The application of a regional approach is in line with the suggestion in the TARFish submission of targeting key areas of coastline. In the future, consultation on social values and concepts of “what represents a reasonable day’s fishing or feed of fish” during the Tasmanian Recreational Sea Fishing Strategy process may lead to more informed outcomes.

In relation to boat limits, RecFAC supported this principle but recommended a boat limit formula of 5 times the bag limit (rather than 3 times), as is used for rock lobster. This was suggested as an acceptable limit by many of the submissions, including charter operators.

The Department does not support a boat limit using this formula for the Western Region, as a boat limit of 50 (10 times the Western Region bag limit of 10) is considered excessive and may send a mixed signal. Also, such an amount is approaching commercial quantities creating a compliance risk.

A boat limit of 25 for the Eastern Region however, does appear reasonable. At this stage a boat limit is recommended only for the Eastern Region, in line with a targeted management response towards the stock issue. The further application of boat limits is a topic that also can be considered in the Tasmanian Recreational Sea Fishing Strategy.

The bag and boat limit reductions are recommended for the Eastern Region. This is from Whale Head to Port Sorell, the same area as the rock lobster Eastern Region. Consistency over the two fisheries provides for simplicity and communication, it covers the most popular and accessible fishing areas and targets management in the desired area. Tasmania Police have stated that they prefer statewide limits rather than regional rules for ease of enforcement and to avoid confusions that arise from having different boundaries. The Police requested using the same Regions for rock lobster because those boundaries have been trialled, tested and established.

This is the first proposed change to abalone catch limits for thirty years. The recommended limits are more consistent with other jurisdictions (see Table 1). It is considered that five abalone per day in the Eastern Region will not adversely detract from the overall recreational fishery.

IMAS surveys³ indicate that 1 in 5 divers take the current bag limit of 10 with a state-wide average of 4.5 being taken per day. In parts of the East Coast, northward of Pirates Bay to Eddystone Point, the average is less than 3 per day.

State	Bag limit	Boat limit
Tasmania (current)	10	Nil
Tasmania (initial proposal)	5	15
Tasmania (recommended)	5 Eastern Region 10 Western Region	25 Eastern Region. No boat limit Western Region
Victoria	5	10
South Australia	5	10
Western Australia	5	10
NSW	2	n/a

Table 1: Comparison of recreational abalone catch limits in Australian jurisdictions⁴

Applying the statewide reduction in the possession limit from 20 to 10 is deemed appropriate to address the compliance risks.

Compliance risks associated with the high market price of abalone and the ability to take large amounts of valuable abalone under the guise of recreational fishing were highlighted in the information paper. Increased policing, reviewing penalties and raising awareness including targeted education campaigns for culturally and linguistically diverse (CaLD) fishers will also assist.

An Aboriginal person 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.

Given the recreational sector is a significant source of fishing on parts of the East Coast it is reasonable to reduce the bag limit to limit the recreational catch for sustainability reasons. Introducing a boat limit for the area and reducing the statewide possession limit will also help attain this goal and reduce compliance risks.

³ Lyle, J. (2019) Tasmanian recreational rock lobster and abalone fisheries: 2018-19 fishing season. UTAS, 34pp – in press

⁴ Additional management restrictions including season closures, area closures (close to metropolitan areas) and total intertidal shore/reef closures⁴ operating in other states reflect the pressure the resource is under in those states, and the extent of the mechanisms used to address localised depletion issues associated with abalone.

2. Maintaining restricted access to abalone for non-fishers

Initial proposal prior to consultation

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)]

Recommendation after review

Implement proposed possession limit change from 5 to 2. Note that this rule not apply to an Aboriginal person who is engaged in an Aboriginal activity, or a person with docket proving purchase).

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

Outcome of Public Consultation

Higher support for reducing non-fisher possession limit than for other restrictions. 52% of submissions supported the proposal, 34% of submissions did not support it.

Most submissions supported the proposed possession limit of two for non-fishers, 28% suggested that it remain at five. 5% suggested that non-licence holders should not be able to possess abalone without a proof of purchase.

Notable comments included: –

- If someone does not have a licence they should not be able to possess any abalone.
- Need enough to be able to share with extended family and friends.
- Some stated that two is not enough for a meal, others stated that two is enough.
- A household limit should also apply.

RecFAC Recommendation

Supported initial proposal.

AbFAC Recommendation

Supported initial proposal.

Discussion

No substantial issues were raised during consultation suggesting the proposal be amended.

The rule will allow the gifting of a small amount of abalone for those who are not able to recreationally fish or purchase abalone.

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 and compliance risks, including illegal sale.

Given the value of each abalone and the amount considered adequate for a meal, a possession limit for non-licence holders of two is recommended.

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.

This rule does not apply to an Aboriginal person who is engaged in an Aboriginal activity as they do not require a recreational licence.

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

Initial proposal prior to consultation

3(a) Allow each holder of a fishing licence (recreational abalone) or an Aboriginal person 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]

Recommendation after review

Implement proposal.

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

Outcome of Public Consultation

From submissions, 59% supported the proposal and 21% did not support it.

Many submissions not supporting the proposal indicated concerns about the enforceability of the rule. Some suggested that people would dispose of shells after consumption thereby manipulating the system and allowing the taking of undersize and excess abalone.

Several submissions supporting the proposal commented that fishers were already consuming at sea and supported being allowed to eat their catch at sea with friends. Some suggested that restricting this to one per licence holder is too restrictive. Not having a limit and just relying on the catch and boat limit, a number per boat, or 2-3 per licence holder were other suggestions.

RecFAC Recommendation

Supported initial proposal.

AbFAC Recommendation

Supported initial proposal.

Discussion

This change arose from requests from recreational fishers with larger vessels wanting to consume abalone at sea rather than having to wait and go ashore.

Allowing the shucking of abalone on a boat recognises the enjoyment of consuming recreational catch. Some submissions suggested that restricting it to one abalone per licence holder is too restrictive – especially if charter vessels are involved. 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. Limiting the amount to one per licence holder or Aboriginal person engaged in Aboriginal activities contains the risks.

4. Minimum age of licence holders and possession deeming provisions

Initial proposal prior to consultation	
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]
Recommendation after review	
Implement the proposal.	

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

Outcome of Public Consultation

There was a high level of support for this proposal (73%). 15% did not support the introduction of a minimum licence age. Similar support was received for the deeming provisions (77%) with 12% not supporting it.

Several submissions, including those with indigenous interests, emphasised that they wanted to maintain the ability to harvest abalone with children. Comments included:

- I taught my kids to snorkel at 7 - 8 years of age, but I think it is fair they wait until 10 to take abalone under a recreational licence.
- If they catch the fish they should be allowed to possess the fish.

The Tasmanian Regional Aboriginal Communities Alliance (TRACA) submission commented:

“On the whole, this submission supports the minimum age requirements and possession deeming for recreational fisheries, however there needs to be exemptions for Aboriginal fisheries, particularly in regard to permits for Aboriginal cultural and ceremonial activities, for which this provision will flow through automatically to the permit requirements, given linkages to the criminal code.”

Several submissions made comments supporting the benefits of supervision including safety, responsibility and the ability to process or shuck abalone. Some suggested alternative ages for example: “[The] minimum age should be 15 or 16 years, when the young person has a greater understanding of right and wrong”.

RecFAC Recommendation

Supported proposal.

AbFAC Recommendation

Supported proposal.

Discussion

The minimum age of ten for obtaining a Government issued recreational licence relates to the age of culpability in the *Tasmanian Criminal Code Section 18*.

Minimum age requirements also reduce the risk of adults taking out licences for minors to increase their own catch limits. Similar provisions deeming 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 to possess a commercial quantity.

These provisions have operated in the rock lobster fishery without any adverse impacts.

An Aboriginal child engaging in an Aboriginal activity will still be able to take abalone (as no licence is required), however the abalone possession deeming provisions will apply. Permit processes under section 12 of the Act are still available for Aboriginal Cultural and Ceremonial activities.

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

Initial proposal prior to consultation

- 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 that indicates the minimum size limits for abalone; and (c) Knife or abalone iron with prominent markings or extended prongs that indicates the minimum size limits for abalone. [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]

Recommendation after review

Implement proposals with the following alterations:

- Reduce the width of the abalone iron and knife to 18 mm
- The defined tools requirement does not apply to an Aboriginal person engaging in an Aboriginal activity; therefore they may use traditional tools or harvest by hand.
- Expand the definition of an approved knife as a commercially manufactured knife that has a blade width not less than 18 mm wide (excluding 50 mm from the tip)

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.

Outcome of Public Consultation

- Almost 75% support the definition of a measuring device and there was a low level of non-support (17%).
- The removal of measure-as-you-go requirements for the commercial fishery was a contentious issue. 70% of submissions did not support the proposal with many expressing concern with the proposal to remove the requirement for commercial fishers to immediately measure abalone when removed from the rock. Many respondents conveyed their concern that removing this requirement will result in commercial fishers bringing undersize abalone back to the boat.
- 70% of respondents supported the definition of tools. 16% indicated they did not support the proposal.
- Several submissions queried the need for rules relating to measuring devices or procedures, suggesting the onus is on the person to have sized abalone. One queried whether the rules make more issues for policing as it is more complicated and unnecessary.

Several submissions suggested there is a need for increased education on these matters. One commented that mandatory measuring and tool requirements are beneficial as it reduces the chance of divers getting away with pretending they didn't know the abalone was undersize.

Several submissions indicated that removing the measure-as-you-go requirements for commercial fishers and not recreational fishers is unfair. Others queried whether there may be impacts from removing the requirement, suggesting it is fine for experienced divers who know what they are doing, but not inexperienced divers.

Many voiced concerns that removing the requirement will lead to undersize fish being taken to the boat. In contrast, one commercial fisher supporting the change stated:

“It would be rare for a commercial diver to measure each abalone unless they were unsure of size. In any event it would be total stupidity for a commercial diver to catch undersize fish, so it's obvious they would use a measuring device when required but not when abalone were easily identifiable as oversize.”

Several submissions stated that although they supported the concept of a flat tool, a narrower width should be considered. One retailer indicated that they supply many forms of diving knives and the most popular one designed for abalone fishing is 22 mm in width. An ab iron of 18 mm was mentioned by one commercial diver. A broad blade above 15 mm with correct technique (butter knives) was mentioned in another submission.

Several respondents queried allowing knives, saying tools should be blunt to limit damage to undersize abalone. Others suggested banning outright the use of screwdrivers. Several mentioned that plastic knives such as those in New Zealand could be provided to licence holders.

Other submissions wanted more flexibility for devices used to measure or harvest abalone with comments including:

- It is not practical to measure abalone due to the sea conditions.
- “I know the length of my knife is approximately 5 mm longer than the limit for black lip abs. However it's not marked with legal sizes and there's no way I want to carry another device with me just to measure abs, or get a particular knife with prominent markings.”
- “I enjoy diving for abalone spontaneously - ie, after a surf or while kayaking. I have a foldable homemade measuring device for such times, so I can keep it in my wetsuit. I enjoy this freedom and would be sad to see it removed, however I understand and support its broader application.”
- Allowing homemade devices or marks on knives.
- Should have some procedure in place but also give divers the flexibility to use their best tools for the job.

Several submissions from indigenous interests requested that traditional implements and practices be allowed to maintain cultural practices. This included the use of wooden wedges and hands.

RecFAC Recommendation

Some discussion whether the initially proposed rule defining the measuring tool was enforceable.

AbFAC Recommendation

Supported proposal.

Discussion

Carrying and using a measuring device is currently mandated in the rules but the device is not defined. The definition provides a range of devices that can be used, covering most circumstances raised in the consultation process including markings and prongs on knives and abalone irons which are also defined tools. Although there is a range of measuring devices, more accurate certified metal gauges should be used by commercial fishers 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 still an offence to possess an undersized abalone once it is retained. Removing the requirement for commercial fishers to measure each abalone does not provide a defence for possessing undersize abalone. Fishers should retain abalone with caution and not necessarily fish down to the exact legal measure. There is no defence for ‘attempting’ to measure the abalone.

The current rules states that each and every abalone must be measured, even when they are obviously well above the legal size. The removal of this part of the rule will mean not all abalone are absolutely required to be measured in the commercial fishery. Commercial divers handle many abalone and are competent in judging the size after using an instrument to “get their eye in”. The reality is that commercial divers do not measure all abalone taken now when they are clearly legal size. The proposal essentially recognises the existing situation but provides no excuses for subsequently possessing undersized abalone.

The requirement to immediately return undersize abalone to the rock or substrate will still apply. Removing this procedural requirement does not offer any defence for commercial divers to have undersize abalone in catch bags or the boat.

The rule requiring abalone to be measured as 'as soon as practicable' after they are detached from the rock will remain for the recreational fishery. This sets out a mandatory responsible fishing procedure for fishers of diverse skill levels and is feasible given the amount of abalone that can be taken by recreational fishers.

Abalone do not have a coagulation agent in their blood so small injuries or cuts can prove fatal. Ideally, harvesting abalone should be restricted to blunt, chisel-like tools such as 'abalone irons' which are specifically designed to make harvesting easier and limit the risk of damage to abalone. The amendment will prohibit thick devices such as screwdrivers but at this stage it does not fully prohibit sharp blades because:

- Abalone harvesting is often opportunistic and most divers carry knives for safety reasons; and
- 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 them from the substrate. The promotion of appropriate tools is considered a good start to encouraging responsible fishing. In the future, consideration may be given to restricting knives as is the rule in other states.

In response to consultation, the width of abalone iron and knives has been reduced from a minimum 25 mm blade width to 18 mm. In response from a request from Tasmania Police about clarity in enforcing the permitted knife specifications, the rule specifies that it must be commercially manufactured and may be thinner than 18 mm for a distance of 50 mm from the tip of the knife.

The Department will increase awareness of abalone handling issues through its communication activities including the Fishcare Tasmania Program. This will include purchasing an initial batch of plastic blunt tipped abalone harvesting tools to demonstrate good harvest techniques.

In response to the submissions from indigenous interests, Aboriginal persons engaged in Aboriginal activities are not required to use defined tools and may use tools or harvest abalone by hand to reflect their cultural practices. As size limits are important for sustainability all persons are required to adhere to the measuring procedures.

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

Initial proposal prior to consultation

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.

Recommendation after review

Implement proposal, with a minor change, so possession and landing may occur after dark. A person must not, in State waters between sunset and sunrise, dive or swim for abalone, or otherwise remove abalone from the water.

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

Outcome of Public Consultation

This measure was also well supported with 77% of submissions in favour including the majority of commercial submissions.

A few submissions stated that fishers should be able to take abalone when they wanted.

A few not supporting the proposal suggested that more policing is needed.

One queried the times, suggesting that fixed hours of the day be used.

Those supporting the proposal commented:

- It has enforcement benefits.
- It will have negligible impact on recreational fishers.
- Query whether it should apply to an Aboriginal person engaged in Aboriginal activities.

Several respondents queried whether it applies to take only, and whether they will be able to land abalone if they come in late (for example, possess abalone taken later in the day, and travel back or unload after sunset).

RecFAC Recommendation

Supported proposal.

AbFAC Recommendation

Supported proposal.

Discussion

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.

No submissions indicated any adverse impact on the commercial fishery. Abalone diving and fishing is mainly a daytime activity so there does not appear to be any significant impact by restricting the fishery to daylight hours where fishing activities can be more easily observed.

Many trips may be completed at night and this measure does not impinge on that practice. As such, a minor alteration has been made to the proposal so the restriction only applies to the actual take of abalone through diving or harvesting at night, not possessing or landing abalone.

Aboriginal groups wanting to have dawn or sundown harvesting activities are able to apply for access through Permits for Aboriginal Cultural and Ceremonial activities.

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

Initial proposal prior to consultation

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)].

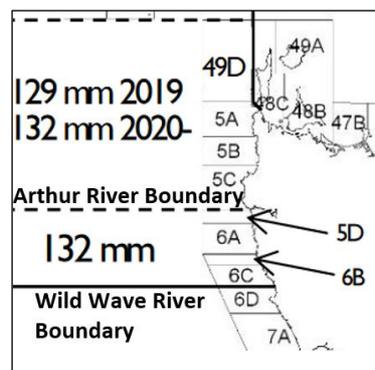
Recommendation after review

Implement proposal.

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 ten 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.

Outcome of Public Consultation

Several submissions not supporting the proposal indicate they did not read the paper or were confused with the explanation.

Several submissions expressed concern about the amount of commercial catch taken from this zone.

Support was received based on increasing the commercial size limit.

One recreational fisher submission – “As talked about before bring size up to 138 mm to protect the industry it is stuffed in this area and is falling on deaf ears.”

Three commercial submissions indicated they did not support the proposal. One of these queried that the industry is in decline and “why are you proposing increasing commercial limits?” Ten commercial interests supported the proposal. No comments were made.

RecFAC Recommendation

Supported proposal.

AbFAC Recommendation

Supported proposal.

Discussion

This is largely an administrative change to support decisions regarding changes to size limits and its progression is recommended.

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

Initial proposal prior to consultation

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.

Recommendation after review

Implement proposal.

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

The management plan restricts the landing and transit of abalone in certain zones, 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 metres. This change is to allow divers to meet processors' trucks at the junction of Little Musselroe Road.

Outcome of Public Consultation

Eleven of the commercial submissions supported the proposal. One submission cited safety advantages as less distance needs to be travelled over water.

Several respondents not supporting the proposal queried whether additional landing areas could be enforced or could increase complexities and cost of enforcement. Several queried whether more landing areas would increase the commercial catch from inshore areas affecting the recreational fishing.

RecFAC Recommendation

Supported proposal.

AbFAC Recommendation

Supported proposal.

Discussion

This is largely an administrative change to support decisions regarding changes to size limits and its progression is recommended.

9. Administrative matters and further comments

Recommendation after review

Implement proposed rule changes associated with administrative matters.

The review incorporated a number of administrative matters, including reflecting terminology used in the Act. For example the words *an Aboriginal person engaged in an Aboriginal activity* is used in the rules to reflect the Act and are now drafted in the rules. No comments were received about the rule changes associated with administrative matters.

Matters Raised

Respondents were invited to raise issues not covered as part of the current management plan process. The key matters raised include:

- Household limits
- Prohibition on exporting out of Tasmania (unconstitutional)
- Inshore closures or recreational only zones
- Seasons
- Individual season limits
- Increase size limits
- Reduce commercial catch
- Need more targeted enforcement and communication,
- Issue a tool to divers so that they can kill sea urchins.

These matters may be considered in compliance, communication and research planning, or future fisheries management processes; including in developing the following:

- Recreational fisheries policy – include resource sharing, recreational only areas, alternative recreational management tools such as individual season limits.
- Indigenous fishing policy
- Charter and seafood tourism policy – also include emerging inshore effort/tourism interests
- Commissioning surveys – consider increasing survey resolution and questions about abalone fishing and quality.
- Size limits for the commercial fishery in line with the “3 year post spawning rule”; review recreational size limits.

Attachment I- IMAS Research Advice



UNIVERSITY of
TASMANIA



IMAS
INSTITUTE FOR MARINE
& ANTARCTIC STUDIES



CRICOS 00586B

Department of Primary Industries, Parks, Water & Environment
Water and Marine Resources Division
Hobart GPO Box 44,
Hobart TAS, 7001

Re: Concerns on sustainability of the Tasmanian East Coast abalone resource: Contribution of managed recreational abalone fishing to sustainability.

Recreational abalone catch

In the context of the overall Tasmanian Wild-Harvest commercial abalone fishery of ~ 1300 t, the estimated 2017/2018 recreational abalone catch of ~22 t (Lyle 2018) could be considered inconsequential (< 2%). However, the recreational catch is not distributed uniformly across the Tasmanian coastline, and is also not distributed spatially in the same proportion as the wild-harvest fishery. In 2019, almost all major abalone fishing grounds are in decline, with a few exceptions in the south east and Bass Strait regions. Key areas of the recreational fishery (Area 1: South East, Area 2: Maria Island/Freycinet, Area 3: Bicheno/St Helens) yield around two thirds of the total Tasmanian abalone recreational catch. In the northern part of Area 1, Area 2 and Area 3, the commercial harvest has been reduced by 95% since 2001. Proportionally, the estimated recreational abalone catch in the East coast areas of concern represents around 5% of the current commercial fishery, much higher than the estimated recreational catch as a proportion of the total commercial wild harvest. In Area 2 and Area 3, the estimated recreational catch has also declined substantially (11.1 t in 2014, 3.4 t in 2017, and 1.42 t in 2018 see Lyle & Tracey 2016, 2017; Lyle 2018). Between Cape Pillar north to Bicheno, the Commercial catch is now set at 10 t, and there are calls to cease commercial fishing in this region for a period of time to enable stock recovery. If this large area of the East coast is closed to commercial fishing, recovery could still be impeded if recreational catch is not managed at an appropriate level. While there is little interest in closing the recreational fishery, there is merit in measures that might achieve a reduction in the overall recreational take, by reducing the total permitted individual harvest level.

Risk of Localised Depletion

Because of the nature of blacklip abalone in particular (slow growing, long lived, limited larval/adult dispersal) there is considerable risk of substantial localised depletion. In the commercial wild harvest fishery, divers move on when mean catch rates decline to levels around 50 Kg/hr due to the economic imperative pay rate based on weight caught rather than hours fished, and to deliver on commitments to processors to provide a pre-agreed amount of catch at the end of the day. Recreational fishers face no such 'move-on' triggers as the dive itself is part of the enjoyment, and there is no economic imperative. Consequently, recreational fishers will and do persist with fishing at densities well below the 'move-on' triggers for

commercial fishers. Thus, in areas where localised recreational fishing pressure is intense, the risk of localised depletion by recreational fishing escalates.

Interaction between Size Limits, intense local catch, and willingness to fish at low densities

The current size limits in the commercial abalone fishery are thought to protect no more than 8% of the spawning biomass. With this minimal level of protection (i.e. ~ 92% of spawning biomass is available to recreational and abalone fishers), catch restraint is the primary method for ensuring long-term sustainability of the Tasmanian abalone resource. This information combined with much lower abalone density move-on triggers in the recreational fishery, means there is a heightened risk of localised and long-term depletion from recreational fishers.

Summary

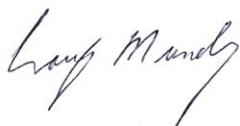
There are abalone populations in Recreational Fishery Area 2 and 3 that are considered able to recover without assistance, with many areas considered to require assistance if they are to recover sufficiently in our life time. The recreational sector could choose to play an important role in the recovery of these abalone populations in this regional important section of the Tasmanian coastline by supporting a modest catch reduction. Noting that Lyle (2018) reported that the average daily abalone catch was 2.7 abalone/day in Area 2 and 2.3 abalone/day in Area 3, and that this is effectively half of the daily catch in 2014 (Lyle & Tracey 2016). If the 7 fold reduction in overall recreational abalone catch in Area 2 and Area 3, and a 50% reduction in daily catch over the past 4 years is an accurate reflection of declining stock levels, this is further evidence of the need for a reduction in recreational possession limits.

References

- Haddon, M. & Mundy, C., 2016. Testing abalone empirical harvest strategies, for setting TACs and associated LMLs, that include the use of novel spatially explicit performance measures., CSIRO Oceans and Atmosphere, Hobart.
- Lyle, J. & Tracey, S. (2016) Tasmanian recreational rock lobster and abalone fisheries: 2016-17 fishing season. UTAS, 40pp
- Lyle, J. & Tracey, S. (2017) Tasmanian recreational rock lobster and abalone fisheries: 2016-17 fishing season. UTAS, 34pp
- Lyle, J. (2018) Tasmanian recreational rock lobster and abalone fisheries: 2017-18 fishing season. UTAS, 38pp

Sincerely

Dr Craig Mundy



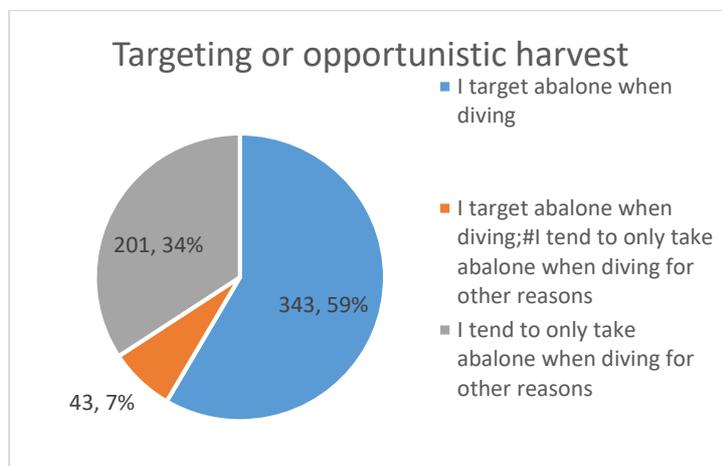
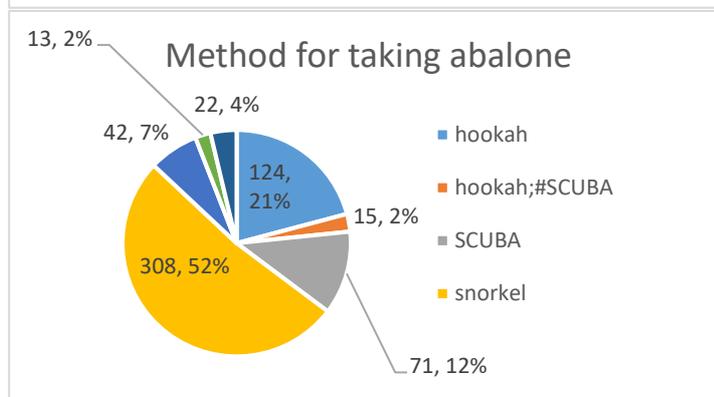
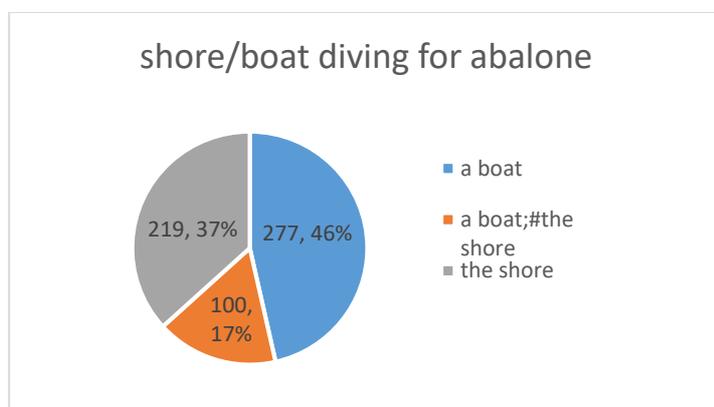
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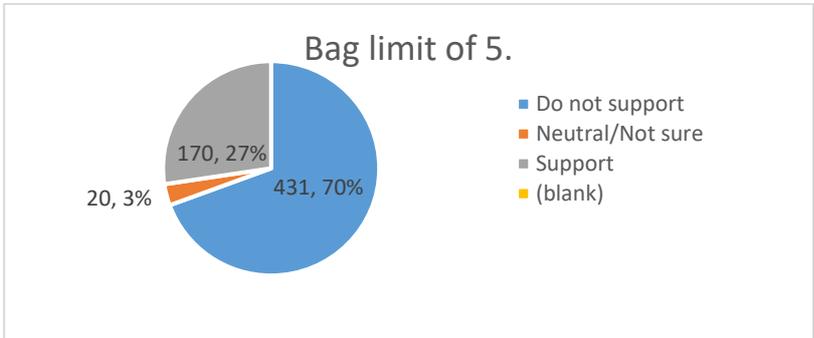
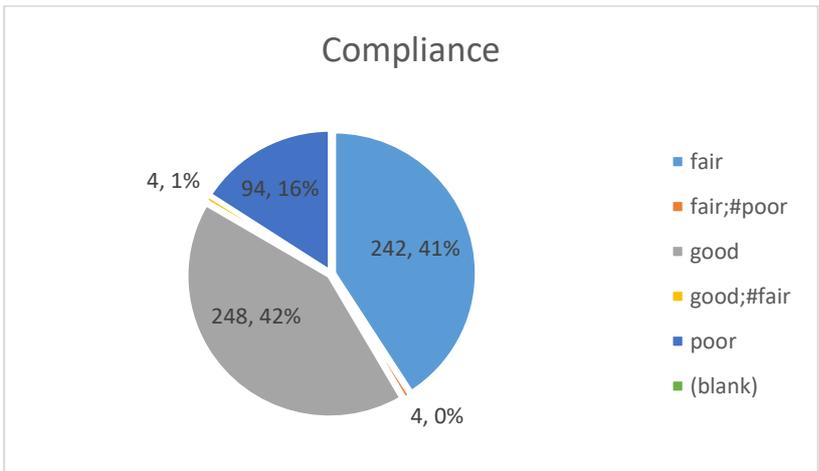
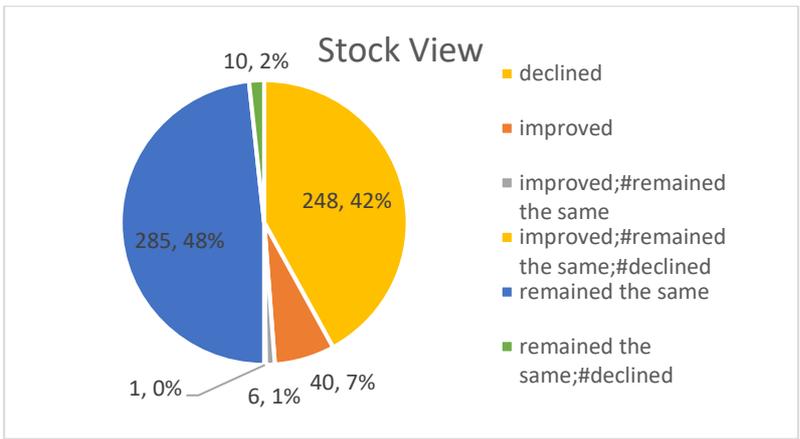
Attachment 2: Analysis of Submissions - charts

Category of submissions	Category count	%
Charter operator	4	1%
Commercial	14	2%
Commercial and recreational	3	0%
Community/Fish consumer/Enviro Science	5	1%
Environmental NGO	1	0%
indigenous	9	1%
Indigenous commercial/recreational	2	0%
Indigenous/recreational	1	0%
not indicated	20	3%
Political Party	2	0%
Recreational	572	90%
Grand Total	633	100%

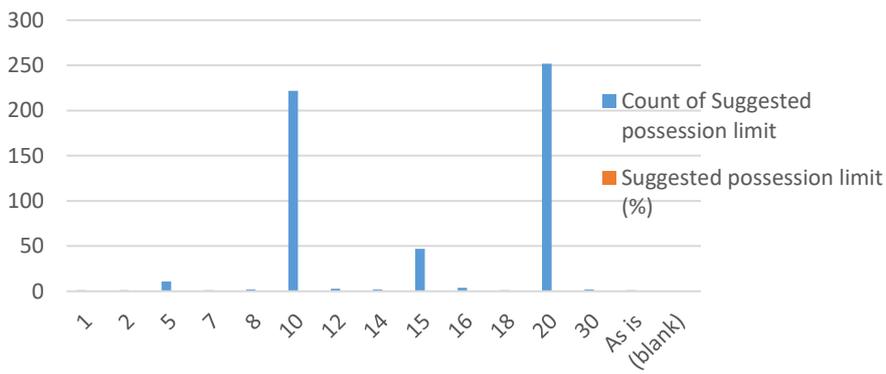
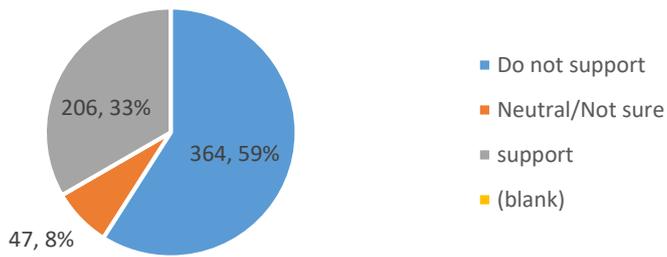
licence holders 11,378
5%

In addition Submissions were received from the peak bodies TARFish and TACL.

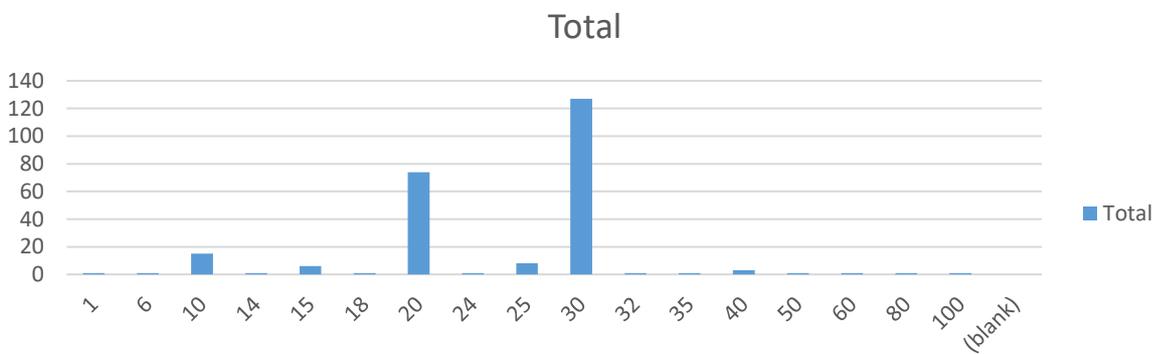
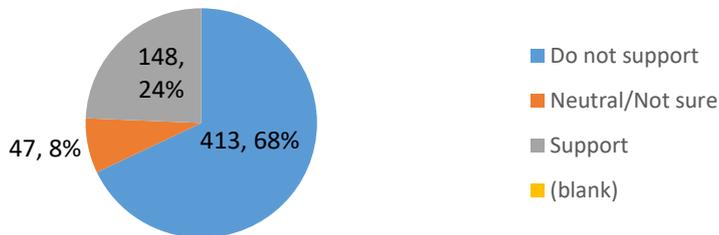




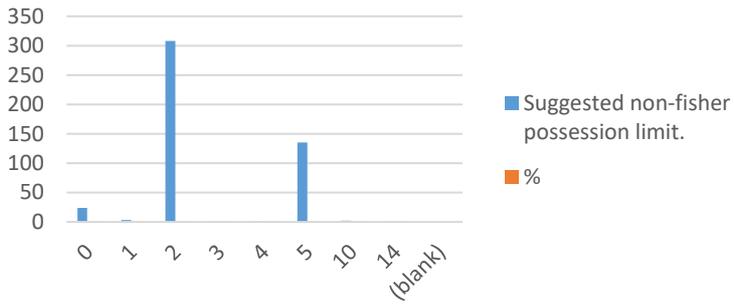
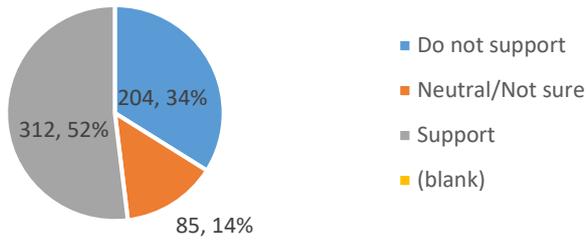
Count of Possession limit from 20 to 10.



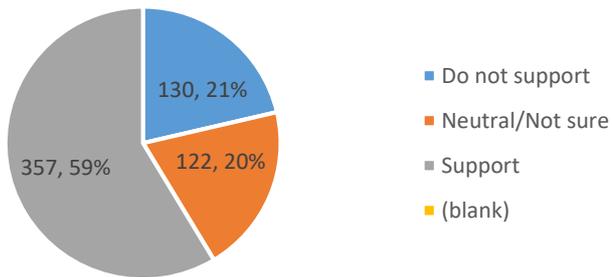
Boat limit of 15 .



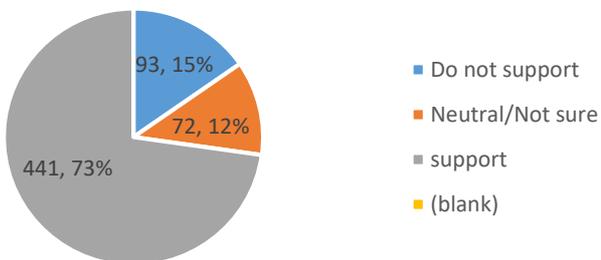
Non-fisher possession of 2.



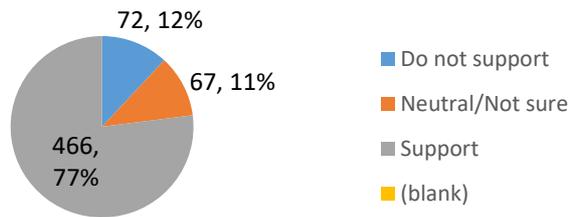
Consumption at sea..



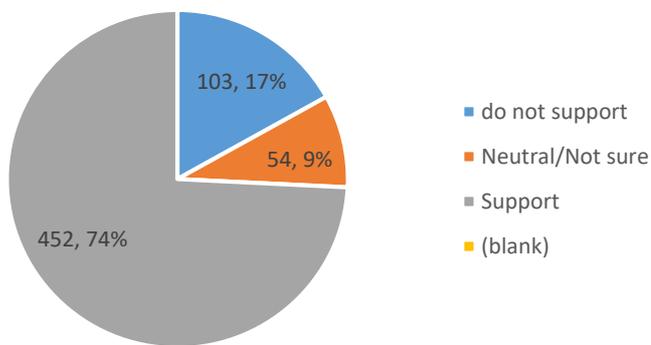
Minimum age of licence holders



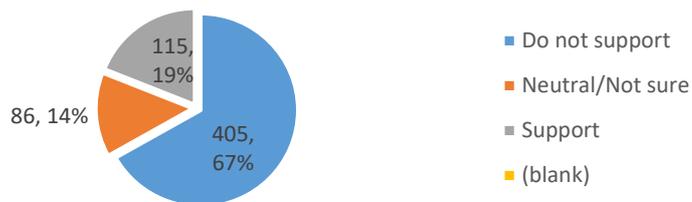
Possession deeming provisions (< 10 years)



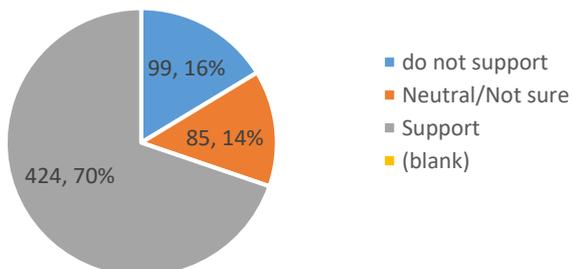
Measuring device definition.



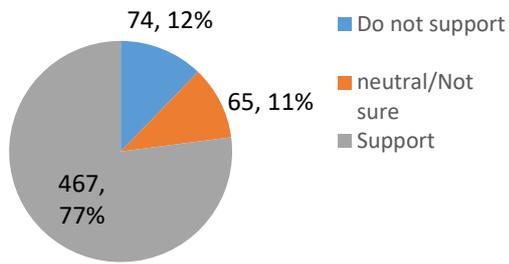
Remove requirement commercial fishers to measure immediately



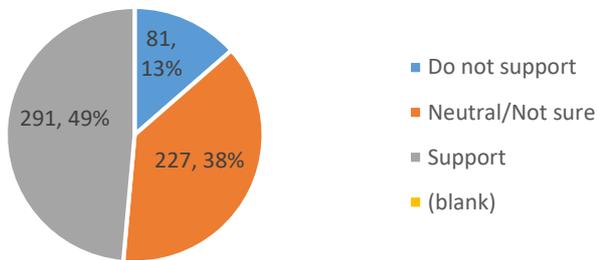
Abalone tool definition



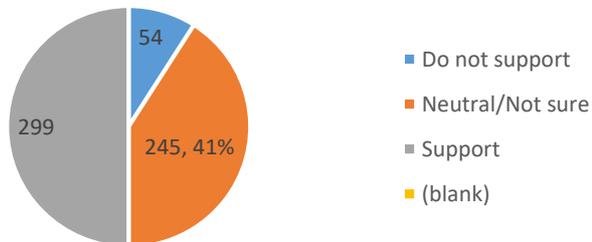
Night time closure - Sunset to sunrise



Designated ports and landing areas ()



Northern Area definition ()



Attachment 3: TARFISH Submission

From: [Mark Nikolai](#)
To: [DPIPWE - Fisheries Review](#)
Subject: Abalone Fishery Plan Proposed Amendments
Date: Saturday, 27 July 2019 6:33:29 PM

The TARFish Committee have reviewed the Proposed Amendments to the Abalone Fishery Management Plan paper and provide the following response.

TARFish rejects, on principle, the package of proposals that are contained within the paper due to, what it believes, is a fundamental breakdown in the process that has been used to arrive at the suite of proposals. TARFish believes there are valid components within the proposals worthy of consideration however without a strategic review process being undertaken believe the package of proposals, as released, is flawed.

TARFish became aware of the Abalone review proposal as far back as August 2017, through our involvement with the Recreational Fishing Advisory Committee (RecFAC). The context of the proposed review was a "formal review of catch limits and introduction of a boat limit ..." with the stated outcome of a halving of the bag/possession limits for the recreational sector. TARFish considers having a departmental objective of having the bag/possession limits halved before a review has commenced is a fundamental flaw in any process. A review process should identify the issues, collect relevant data/information and carefully consider proposed solutions to address key issues. In this case the DPIPWE appear to have arrived at the solution/desired outcome before the review commenced.

TARFish's response at the following RecFAC meeting was that the preferred approach is to gather as much information as possible to justify any proposed reductions.

Given we had concerns in relation to the review process we contacted the DPIPWE in October seeking IMAS/DPIPWE advise re impacts on Abalone sustainability of a halving of the recreational bag/possession limits given no formal advice had been forthcoming to TARFish. What TARFish was being told in Abalone meetings over the period did not align with what DPIPWE were indicating as justifications for such drastic action on bag/possession limit reductions, considering the recreational sector catches 20 tonne per annum out of a total of 1333 tonne state-wide total allowable catch for 2019. The IMAS advice we requested in October was received one week before public submissions closed on 28 July. To our knowledge the advice we received has not been put into the public domain by the DPIPWE thereby those members of the public who submit responses have not been provided with all relevant material in preparing and submitting their input into the review.

It should be noted that the DPIPWE have not formally requested our advice on any of the proposed amendments before they were released

into the public domain on the 28th June, even though we requested on numerous occasions details on the status of the review. This is disappointing given TARFish is the government recognised peak body for recreational marine fishers in Tasmania. Whilst we were aware of a potential review commencing sometime after August 2017 we were not kept informed over that period as to its progress and contents, hence why we have provided no formal advice outside the public submission process.

There is no question that the Abalone fishery has major challenges moving forward and TARFish remains committed to working with all stakeholders on achieving a sustainable fishery in the future. There is no doubt that localised depletion is an issue given the unique biological characteristics of Abalone however proposed implementation of state-wide measures, i.e. bag limit reductions, to address localised issues is a fundamental flaw when there are alternative measures that can effectively target degraded bays, reefs and areas of coastline.

Given the DPIPW appear to be on a strategy for the recreational Abalone fishery which excludes the fundamental acceptance of the value of recreational abalone fishing across the state it would appear that a process to determine a resource sharing arrangement between the recreational and commercial sectors is now warranted. It should be on the same principles as are in place for rock lobster, i.e. 10% of the annual Total Allowance Catch for Abalone or a minimum of 133 tonnes per annum, whichever is the greatest. This basis has been implemented in the Rock Lobster fishery for over a decade and the time has come to implement for the Abalone Fishery to ensure the recreational Abalone experience is not continually eroded over time.

TARFish requests that the DPIPW recommence the Abalone Review and instigate a formal, structured Abalone review process which provides stakeholders with:

- valid and justifiable reasons for all proposed amendments
- a review that does not have stated outcomes before the review commences
- provision of all relevant information to all stakeholders so that informed feedback can be provided as part of the decision making process
- implementation of a monitoring and evaluation process to measure the effectiveness of all implemented changes for at least 3 years post implementation
- formally engage with relevant peak bodies during the review process as part of a broader co-management arrangement for the fishery, and
- implementation of an equitable resource sharing model which is based on the same arrangements in the Rock Lobster fishery.

Regards

Mark Nikolai

Chief Executive Officer

TARFish

Tasmanian Association for Recreational Fishing Inc.

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Attachment 4: TACL Submission



DPIPWE – Abalone Review

GPO Box 44

HOBART TASMANIA 7001

28/07/2019

To whom it may concern,

Re; Proposed Amendments to the Abalone Fishery Management Plan

The Tasmanian Abalone Council (TACL) is lodging this formal submission in response to the proposed amendments to the Abalone Fishery Management Plan.

The TACL supports the following proposed changes and rule amendments as described in the June 2019 Information Paper released by DPIPWE for public comment:

1. New bag, possession and boat limits
2. Changing the possession limit for a person who is not the holder of a recreational fishing licence from 5 to 2.
3. Allowing limited consumption (shucking of one abalone) at sea. The TACL supports this rule change only on the proviso that rule changes set out in numbers 1 and 2 above are enacted in full
4. Setting the minimum age of recreational licence holders at 10 years of age and the associated deeming provisions
5. Protecting undersize abalone – i.e. the proposed rule changes around measuring devices, procedures and tools
6. Restricting the take of abalone to daylight hours only
7. Amending the Northern Area definition to reflect the implementation of an increased minimum size limit for the commercial fishery north of the Arthur River.
8. Adding Stanley, Smithton and Woolnorth Anchorage as new designated ports for commercial fishers

Insofar as the proposed bag, possession and boat limits applying to recreational and indigenous fishers are concerned, the TACL supports the amendments for two reasons – (1) they will assist in a recovery of abalone stocks – particularly on the east coast of Tasmania and (2) they will assist in reducing the opportunity for illegal fishing by persons possessing quantities with a high market value under the guise of recreational fishing.

The commercial catch of abalone has reduced from 2,660 tonnes in 2010 to 1267 tonnes in 2019. This reduction in catch (by over 50%) has been supported by industry, DPIPWE, IMAS and the Government resulting in key resource management actions designed to sustainably manage the fishery. These actions, arrived at following detailed analysis of fishery performance measures and extensive discussion between industry and Government, will continue to maintain and rebuild abalone stocks around the Tasmanian coastline.

The commercial abalone fishery is managed within several spatially discrete zones around the Tasmanian coastline. These zones have their own annual total allowable catch limits and local “minimum legal sizes” designed to underpin sustainable fishing.

On a proportional basis, the Eastern zone fishery has had its annual commercial catch reduced significantly more in recent years compared with any of the other zones.

In 2010, 896 tonne was commercially harvested in the Eastern zone compared with 252 tonne which will be harvested during the 2019 season. Industry has supported a 72% reduction in the commercial harvest in the Eastern zone since 2010 in direct response to productivity losses due to the impact of climate change. The Eastern zone of the commercial abalone fishery has been identified by local and international scientists as a climate change “hotspot”.

The massive decline in productivity of the Eastern zone during the last decade is most likely due to the following three climate-induced ecosystem events:

1. The widespread establishment of *C. rodgersii* barrens from the Bay of Fires in the north east to Cape Pillar in the south east,
2. Marine Heat Waves in the summers of 2010 and 2016 which impacted the entire Eastern Zone and
3. Massive storm events in 2010 and 2016 that extensively damaged inshore reef habitat within the Eastern Zone

There is little doubt that these events have contributed to general and localised declines in fishery productivity up and down the entire Eastern Zone fishery.

The question now is – “how should industry, the community and Government respond?”

To date, the following joint initiatives of industry and Government are collectively addressing reduced productivity within the Eastern zone:

1. A 72% reduction in the commercial harvest of abalone from 896 tonne in 2010 to 252 tonne in 2019
2. Prevention of further habitat loss by sponsoring the accelerated harvest of *C. rodgersii* by urchin divers as a means of preventing inshore incipient barrens developing into extensive barrens. Between 2016 and 2019, over 700 tonne of *C. rodgersii* (2 million urchins) has been removed as a direct result of the implementation of a joint Abalone industry/Government harvest subsidy.
3. Mitigating the further spread of *C. rodgersii* by increasing the abundance of rock lobster (large lobsters are predators of *C. rodgersii*) and actively supporting fishery management strategies that lead to recovery of lobster stocks on the east coast.

Future initiatives designed to improve the productivity of the Eastern zone are currently under review and consideration – these include:

1. Consideration of anthropogenic (“man-made”) augmentation of abalone fishery recruitment – i.e. stock enhancement strategies such as translocation of mature abalone, reseeding of wild abalone beds using hatchery reared juveniles and reseeding using hatchery or locally produced larvae and
2. Restoration of deeper reef habitat by removing urchins from extensive barrens via (i) culling of *C. rodgersii* by divers and/or (ii) using novel methods of killing urchins

Given all of the above (current and future) initiatives jointly actioned/under review by the commercial sector and the Government to address the productivity of the East coast abalone stocks, *it is entirely appropriate and indeed timely that recreational fishers also contribute to the recovery of abalone stocks – particularly along the east coast.*

According to the IMAS report “2012-13 Tasmanian Recreational Fishing Survey”, about 70% of abalone harvested by recreational fishers occurs along the East coast of Tasmania between Eddystone Point in the north and Whale Head in the south. The survey reports that the recreational take (not including indigenous take) equates to about 28,000 abalones or about 14 tonne of abalone harvested.

Given that the survey relies on information voluntarily provided by recreational fishers, it is likely to understate the total catch. It is not unreasonable to consider that the actual harvest by recreational fishers is significantly higher than indicated by the IMAS survey.

According to the survey, the recreational catch is about 6% of the commercial catch for the east coast region. In reality though, the recreational take may be as high as 10% or more of the commercial catch.

Another developing trend which further supports the need (and urgency) to review the recreational harvest is the increasing take by visitors, temporary residents and tourists. Recreational licenses may be easily obtained “on-line” and these fishers tend to focus on easily accessible areas in close proximity to population centres, making them particularly vulnerable to localised and serial depletion.

Taking meaningful action NOW to address the issues identified above will lead to a more sustainable fishery for all users – recreational, indigenous and commercial.

The Tasmanian abalone industry therefore strongly supports the following proposed changes to the abalone rules;

1. Reduction of the bag limit from 10 to 5 abalone per day
2. Reduction of the possession limit from 20 to 10 abalone and
3. Introduction of a boat limit of 15 abalone.

An average abalone yields around 105 to 200 grams of meat. Given the density and richness of abalone meat, this quantity constitutes two entrée servings or one main course serve of abalone. A daily recreational harvest of five abalone will provide 10 entrée serves or 5 main course serves – more than enough for an average family to enjoy.

Reducing the bag and possession limits to 5 and 10 abalone respectively will maintain reasonable access for non-commercial fishers while also assisting the wild abalone resource to rebuild. Reducing bag, possession and boat limits will also assist in reducing the opportunity for illegal fishing by persons possessing quantities with a high market value under the guise of recreational fishing.

In closing, the TACL strongly supports the proposed amendments discussed above.

Yours sincerely,



Chief Executive



Tasmanian
Government

Department of Primary Industries, Parks, Water and Environment
Wild Fisheries Management Branch

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