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## The Cockburn Sound Fishery Management Plan. Summary of submission and final recommendations for management.

A. Millington

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# Fisheries management report

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## The Cockburn Sound Fishery Management Plan,

### Summary of submissions and final recommendations for management.



By

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Malcolm Anderson

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Fisheries Management Paper No. 47

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Fisheries Department of Western Australia



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HON GORDON HILL, JP, MLA  
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「 MEDIA STATEMENT

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COMMERCIAL CRAB FISHING IN WARNBRO SOUND

Commercial crab fishing in Warnbro Sound is to be regulated, Fisheries Minister Gordon Hill said today.

"Warnbro Sound is important to both commercial and recreational crab fishers," he said.

"The two have in the past shared the catch in relative harmony.

"But recent increases in commercial effort resulting from new fishermen entering the area are putting pressure both on the limited resource and on the relationship between commercial and recreational fishers."

Mr Hill said crab fishing in Warnbro Sound would be limited to licensed boats which had fished for at least two months each year and had taken at least 600 kilograms of crabs per year in five of the past six calendar years.

He advised commercial fishermen not to make any further financial commitment to fishing crabs in Warnbro Sound until the management of the fishery was finalised.

\* \* \* \* \*



## EXECUTIVE SUMMARY

There are five identifiable small scale "unit" fisheries in Cockburn Sound and adjacent waters from the Moore River mouth to Tims Thicket:-

- \* beach bait fish netting;
- \* fish set netting;
- \* crab netting;
- \* mussel diving; and
- \* line fishing and pot fishing.

This report recommends measures for the longer term management of these fisheries. In particular, it recommends that they be managed as limited entry fisheries under Section 32 of the Fisheries Act 1905.

Strict entry criteria are proposed for continued access to these fisheries and rules are proposed for boat replacement.

Licence transferability is considered in detail, but the report recommends that no decisions are made on the policy for licence transfers until the final number of participants in each fishery is determined.

Other measures such as owner operation, gear controls and seasons are also recommended.

The long term future of these fisheries, especially their relationship with the recreational fishing sector, must be the subject of ongoing review once the participants in each fishery is determined.

## SUMMARY OF MANAGEMENT MEASURES

### A. GENERAL

#### 1. BOUNDARIES

- 1.1 That the boundaries of the fish set net, crab net, mussel, and line and pot fisheries be Fisheries Department Statistical Block 9600 (Figure 1).
- 1.2 That the boundaries of the beach bait fish net fishery be between the Moore River mouth and Tims Thicket (Figure 2).

#### 2. STATUS OF FISHERIES

That the following unit fisheries should be declared limited entry in Cockburn Sound and adjacent waters within the boundaries recommended in 1 above:-

- \* beach bait fish netting;
- \* fish set netting;
- \* crab netting;
- \* mussel diving; and
- \* line and pot fishing.

#### 3. BOAT REPLACEMENT

- 3.1 The current Ministerial Guidelines pertaining to dinghy replacements (ie. boats less than 6.5 m) should continue to apply to the unit fisheries in 2 above.
- 3.2 Each boat in the proposed limited entry fisheries currently greater than 6.5 m should be permitted one more replacement by a boat no more than 0.5 m longer and no further replacements should then be permitted for boats greater than this size.

#### 4. FISHING BOAT LICENCE TRANSFERABILITY

Current general licensing rules should apply whereby Fishing Boat Licences for boats greater than 6.5 m in length are transferable while licences for dinghies less than 6.5 m in length may only be transferred as dinghy licences to boat greater than 6.5 m in length.

NB These Policy Guidelines do not apply to the limited entry licences which will be attached to the Fishing Boat/Dinghy Licences.

#### 5. OWNER OPERATION

- 5.1 That rules be incorporated in the Limited Entry Notices for Cockburn Sound Fisheries requiring the licensee to be directly involved in the operation of the licensed fishing boat unless specific exemption is given in writing by the Executive Director of Fisheries.

- 5.2 Owner/operator provisions should also apply to proprietary companies by requiring each company to nominate an operator whereby only that operator will then be permitted to work the boat in question.
- 5.3 Licences should not be renewed if the licensee or nominated person is no longer involved in the operation of the boat.
- 5.4 The Executive Director of Fisheries should issue Guidelines on the type of circumstances he will issue exemptions to the above Policy.

## 6. AREA CLOSURES

Current area closures within Cockburn Sound and adjacent waters should continue to apply.

## 7. CRITERIA FOR ACCESS AND FISHING RETURNS

The difficulties associated with accurately determining fishing returns and consequent eligibility be noted by responsible Fisheries Department Officers when determining access.

## 8. ACCESS FEES

Fees for the limited entry fishery licences be set according to appropriate fee regulations.

## 9. MINISTERIAL DISCRETION

It be noted that the Minister for Fisheries has the authority to consider applications of a special nature on a case by case basis and can impose special conditions on boats granted licences.

## 10. APPEALS

That an appeals body be established to consider and make recommendations to the Minister for Fisheries on appeals by fishermen who hold the view that their boat should have been granted a limited entry licence.



## B. COCKBURN SOUND CRAB FISHERY

### 1. DEFINITION OF THE FISHERY

That a limited entry fishery be declared under Section 32 of the Fisheries Act 1905 to control the taking of blue swimmer crabs *Portunus pelagicus* in Cockburn Sound.

### 2. ACCESS CRITERIA

#### 2.1 The proposed criteria for continued access to the fishery are:-

"That the licensed boat or its replacement operated in Cockburn Sound in 1984 and was still operating in the Sound during 1985 prior to 30 April 1985"; and

"The licensed boat or its replacement must have been used to take at least 1 000 kg of crabs and fished for at least two months during the period 1 January 1984 to 31 December 1984 and taken at least 1 000 kg of crabs from 1 January 1985 to 30 April 1985;" and

"The licensed boat or its replacement must have been used to take at least 1 000 kg of crabs each year in at least three of the four years from 1 May 1985 to 30 April 1989 inclusive".

#### 2.2 The criteria for the determination of "A" and "B" licences are:

"A" licences be allocated to those licences where the licensed boat or its replacement fulfilled the criteria for entry to the limited entry fishery and was used to take at least 3,000 kg of crabs in each year in the period 1 May 1982 to 30 April 1985.

"B" licences be allocated to those licences where the licensed boat or its replacement fulfilled criteria for the limited entry fishery but did not take 3,000kg of crabs in the period 1 May 1982 to 20 April 1985.

#### 2.3 The Cockburn Sound Professional Fishermen's Association will be consulted about proposed licences before they are issued to ensure the licences are issued to the correct boat.

#### 2.4 That provision be made for supplementary access if so decided under the appeals process, which may subject to a range of conditions (such as restrictions on net length), as determined by the Minister for Fisheries. The level of effort through such supplementary access should be monitored and withdrawn if the average effort level of the last five years from 1986 to 1990 inclusive, increases in future.

### 3. LICENCE TRANSFERABILITY

#### 3.1 That "A" licences be transferable, and "B" and Supplementary licences be non-transferable.

- 3.2 Dinghy licences which have an attached "A" licence may be transferred together with the "A" licence as a complete unit within the fishery. Dinghy replacement at any time would be subject to the Ministerial Guidelines on licensing.
- 3.3 Dinghy licences which have an attached "B" licence lapse when licence holders leave the fishery or may be sold to attach to a licensed boat larger than 6.5 metres to fish as a single unit outside the fishery.

#### 4. GEAR AND SEASONS

That the current gear and season restrictions for the Cockburn Sound Crab Fishery continue. The opening date for the season be renewed in conjunction with industry to accommodate annual variations in onset.

## C. WEST COAST BEACH BAIT FISH NET FISHERY

### 1. DEFINITION OF THE FISHERY

That a limited entry fishery be declared under Section 32 of the Fisheries Act 1905 to control the taking of the following species by beach seine:-

Whitebait (*Hyperlophus vittatus*)  
Blue sprat (*Spratelloides robustus*).

### 2. ACCESS CRITERIA

#### 2.1 The proposed criteria for continued access to the fishery are:-

"That the licensed boat, or its replacement, operated in Cockburn Sound in 1984 and was still operating in the Sound during 1985 prior to 30 April 1985"; and

[For beach seine net]

"The licensed boat or its replacement must have been used to take at least 1 000 kg in total of whitebait, blue sprat or anchovies in Cockburn Sound (Block 9600) and Statistical Blocks 3115 and 3215 inclusive, and fished in at least two months in the period January 1984 to 30 April 1985"; and

"The licensed boat or its replacement must also have been used to take at least 2 000 kg of whitebait, blue sprat or anchovy combined by beach seine, purse seine or lampara net in Cockburn Sound (Block 9600) and Statistical Blocks 3115 and 3215 in each year in at least three of the four years from 1 May 1985 to 30 April 1989 inclusive".

#### 2.2 It was recognised that there were potentially other boats which would meet the above criteria which did not have access to Cockburn Sound.

Therefore the proposed entry criteria for boats outside Cockburn Sound are:-

"The licensed boat or its replacement must have been used to take at least 2 000 kg of whitebait, blue sprat or anchovy combined by beach seine, purse seine or lampara net in Statistical Blocks 3115 and 3215 in each year in at least three of the four years from 1 July 1986 to 30 June 1990 inclusive".

#### 2.3 Any catch of target species, by lampara net and purse seine net, to be counted towards the total catch qualifying for access.

#### 2.4 The provision be made for supplementary access if so decided under the appeals process. The level of effort through such supplementary access should be monitored and withdrawn if the average effort level of the last five years from 1986 to 1990 inclusive increases in future.

### 3. LICENCE TRANSFERABILITY

There should be no transferability in the fishery at this stage.

### 4. GEAR

- 4.1 No further purse seine or lampara net fishing for whitebait be permitted between Tims Thicket and Moore River, this decision to be reviewed in 1994 after completion of research.
- 4.2 Those with permission to undertake fishing within the boat harbours, whether from the wharf or from small boats, should be permitted to continue that activity.
- 4.3 A beach seine net is described as a net with a minimum mesh size of 10 mm (3/8"), a maximum mesh size of 38 mm (1½") and a length of not more than 180 m and a depth of not more than 5 m. This net must be hauled by hand or used as a set net. No mechanical aids for net hauling should be permitted.

### 5. INCIDENTAL TAKE OF OTHER SPECIES

That beach seine operations be permitted to take the following species as incidental catches:-

Pilchards (mulies)	<i>Sardinops neopilchardus</i>
Scaly mackerel	<i>Sardinella lemuru</i>
Perth herring	<i>Etrumeus teres</i>
Yellow tail scad	<i>Trachurus novaezelandiae</i>
Anchovy	<i>Engraulis australis</i>
Yellow eye mullet	<i>Aldrichetta forsteri</i>
Sea mullet	<i>Mugil cephalus</i>
Garfish	<i>Hemiramphus spp</i>
Whiting	<i>Sillago spp</i>
Mulloway	<i>Argyrosomus hololepidotus</i>

### 6. DISPUTE RESOLUTION PROCEDURE

A dispute resolution procedure be put in place with the introduction of the limited entry fishery and upon the drafting by the Western Australian Fishing Industry Council (WAFIC) of a code of conduct, for the Cockburn Sound Beach Seine and Fish Net Fisheries for resolving issues concerning access to and use of beaches.

## D. COCKBURN SOUND FISH NET FISHERY

### 1. DEFINITION OF THE FISHERY

That a limited entry fishery be declared for finfish fishing by means of beach seine or set nets with mesh sizes between 48 mm and 114 mm in Cockburn Sound.

### 2. ACCESS CRITERIA

The proposed criteria for access are:-

"That the licensed boat or its replacement operated in Cockburn Sound in 1984, and was still operating in the Sound during 1984, prior to 30 April 1985";

"The licensed boat, or its replacement, must have been used to take at least 1 000 kg of fish by beach haul net or set net with a mesh greater than 50 mm but less than 114 mm in Cockburn Sound and fished at least two months in the period 1 January 1984 and 30 April 1985 inclusive"; and

"The licensed boat, or its replacement, must also have been used to take at least 1 000 kg of fish by beach haul net or set net with a mesh greater than 50 mm but less than 114 mm in Cockburn Sound in each year in at least three of the four years from 1 May 1985 to 30 April 1989 inclusive".

### 3. LICENCE TRANSFERABILITY

That no transferability be permitted within the fish net fishery at this stage. However, the issue of family transfers should be reviewed once final access to the fishery has been determined.

### 4. GEAR

The boats licensed to operate in this fishery will be able to use the following fishing gear:-

#### 4.1 Beach Haul Nets

Beach seine nets are defined as haul nets of a mesh size no smaller than 48 mm (1 7/8") and a mesh size no greater than 114 mm (4 1/2"). These nets cannot be of a length greater than 300 m or a depth not greater than 5 m and must not have a bunt or pocket.

#### 4.2 Set Net

A set net is defined as a set net of a mesh size no smaller than 48 mm (1 7/8") and a mesh size no greater than 114 mm (4 1/2"). This net cannot be of a length greater than 1 000 m, and must not have a bunt or a pocket. No licensed boat may have onboard, use or set more than 1 000 m of set net at any one time.

#### 4.3 Garfish Net

A garfish net is defined as a surface set net of a mesh size no smaller than 25 mm (1") and no more than 76 mm (3"). This net must not be greater than 16 m in depth. No licensed boat may have onboard, use or set more than 260 m of garfish net at any one time.

## E. MUSSEL FISHERY

### 1. DEFINITION OF THE FISHERY

The fishery is defined as the taking of the mussel *Mytilus edulis* in Cockburn Sound by any method.

### 2. ACCESS CRITERIA

2.1 The criteria proposed for continued access are:-

"That the licensed boat or its replacement operated in Cockburn Sound in 1984 and was still operating in the Sound during 1985, prior to 30 April 1985"; and

"The licensed boat, or its replacement, has been used to take in excess of 5 000 kg of mussels on any one year in the three years from 1 May 1982 to 30 April 1985".

2.2 In addition:-

"The licensed boat, or its replacement, must also have been used to take at least 5 000 kg of mussels in at least three of the four years from 1 May 1985 to 30 April 1989 inclusive".

### 3. LICENCE TRANSFERABILITY

That mussel licences be not transferable at this stage.

### 4. GEAR

#### 4.1 Method of Capture

As the historical method of collecting mussels in Cockburn Sound has been through diving, this should be the only permitted method of capture. Diving should only be permitted by a licensed diver operating from a licensed fishing boat.

#### 4.2 Operation of a Mussel Unit

The following rules should apply to the operation of a mussel fishing unit:-

- (i) The taking of mussels in the fishery will only be permitted by a diver holding an appropriate licence;
- (ii) Only one licensed diver from each licensed fishing boat may operate in the water at any one time;
- (iii) Only two licensed divers may be onboard a licensed fishing boat unless otherwise authorised by the Executive Director of Fisheries;
- (iv) The licensee must be onboard whilst the mussel boat is operating unless prior approval is given by the Executive Director of Fisheries;

- (v) A maximum of three licensed fishermen are allowed onboard the licensed boat;
- (vi) Only one boat can be used in the fishing operation (unit). No dinghies are allowed.



## **F. LINE AND POT FISHERY**

For those boats not eligible for entry to any of the proposed limited entry fisheries described above, the proposed entry criteria for the line and pot fishery are as follows:-

"That the licensed boat or its replacement operated in Cockburn Sound in 1984, and was still operating in the Sound during 1985, prior to 30 April 1985."

It is not proposed to stop these licensees for the other unit fisheries from handlining, squid jigging or octopus fishing. That is, the special Fishing Boat Licence endorsement will be revoked.

However, a Fishing Boat Licence endorsement with a licensee/operator provision will be introduced for all current licensees not qualifying for access in one of the unit fisheries described in previous pages.

These licensees will be permitted to continue their activities, fishing for fish by handline, octopus potting and jigging for squid.

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## **INTRODUCTION**

In December 1990 the Minister for Fisheries Hon Gordon Hill, JP MLA issued a Management Discussion Paper (Reference 1) on long term management measures for the Cockburn Sound restricted entry fishery. He invited public comment on the discussion paper before he made a final decision on future management of the fishery.

A number of submissions were received from individual fishermen and interest groups, either in writing or verbally. A list of these is at Attachment 1.

One of the principal routes for submissions was facilitated by the Cockburn Sound Professional Fishermen's Association. The Association convened two Working Groups, one on the crab fishery and one on the fish net fisheries, in order to co-ordinate responses by the majority of fishermen to the proposals in the Discussion Paper. This greatly assisted in focussing comment on the key issues.

The purpose of this paper is to summarise the submissions received on each component of the Discussion Paper and present final recommendations for consideration by the Minister for Fisheries. This paper should be read in conjunction with the Discussion Paper as necessary to avoid needless repetition. The final recommendations will be put forward in the order presented in the Discussion Paper.

While consideration of long term management measures was underway, the specific issue of interim controls on whitebait purse seine fishing became prominent. As a result, interim endorsements for the use of purse seines to take whitebait were issued for a period of three months. After this time only one licensee was issued an endorsement, subject to the final decision by the Minister for Fisheries on this issue. In December 1991 the Minister for Fisheries decided that purse seine fishing for whitebait would not be permitted until the results of a two year research programme were known. Special arrangements were made for one fisherman to continue purse seine fishing between Mandurah and Tims Thicket. The section dealing with the whitebait fishery below makes specific recommendations for long term management, integrating the issues raised in the short term.

Another issue requiring particular mention is that of licence transferability. Most of the submissions by or on behalf of professional fishermen acknowledged the need for restructuring of the fisheries of Cockburn Sound and a reduction either in actual or

latent effort. However, all these submissions voiced the opinion that some provision should be made for a long term viable professional fishery through the introduction of rules which lead to licence transferability.

This approach is in almost direct contrast with the major dissenting submission - that of the Western Australian Recreational and Sportfishing Council (WARSC) which in particular centres on the resource sharing issue for Cockburn Sound.

Although this resource sharing issue has been dealt with at some depth in the recent reports of the Recreational Fishing Advisory Committee (References 2-4), some of the general points in this particular submission are worth highlighting.

The submission highlights the intense fishing pressure, both recreational and professional, on the Sound and propounds the opinion that reduction in the commercial fishing effort will lead to an increase in fishing quality for the recreational fisher. It rejects the notion that the fresh fish from the Sound are an important commodity, highlighting the availability of alternative sources from along the coast and interstate. Some possibility of co-existence with the crab fishery is acknowledged.

The argument that a professional fishing presence will help reduce illegal fish sales is totally rejected by the WARSC submission.

The reasoning behind any decision to continue whitebait fishing is also questioned, given the availability of alternate sources of supply. The submission also questions the continuation of the large scale limited entry purse seine fishery, a topic which was not the subject of the Discussion Paper. The submission expresses concern about the state of whitebait stocks and recommends that whitebait fishing cease in Cockburn Sound. Finally, the submission feels mussel diving should gradually be phased out in favour of aquaculture.

In summary, the WARSC submission argues for the immediate cessation in Cockburn Sound of professional fishing in all sectors except the crab fishery, where a marked reduction should be made.

In the context of managing all the State's fisheries resources the Recreational Fishing Advisory Committee (References 2-4) gave considerable thought to this issue of resource sharing, commenting that "Fisheries management policies are as much

about controlling the relative catch share between recreational and commercial fishers ... as they are about management for sustaining fish stocks".

The Committee believed that recreational fishing in Western Australia would be enhanced by a shift in resource share and management emphasis in specific fisheries.

They identified species such as Australian salmon, Australian herring, Westralian jewfish, snapper, crabs, barramundi, whiting and mullet as of particular interest.

However, the Committee was of the view that unless commercial fishers are adequately compensated for reductions in access, the necessary adjustments in resource share will not easily occur.

The Committee decided that a licence buy-back scheme is a desirable strategy for effecting changes in resource usage in some fisheries and ensuring good quality fishing in the future. Such a scheme should be assessed. However, the Committee also endorsed the continuation of other approaches such as limiting licence transfers for commercial fishing in estuarine and beach fisheries as a long term method of reducing commercial fishing pressure.

As a result the Committee made the following recommendation.

#### "RECOMMENDATION 1 - COMPENSATION FOR CHANGES IN RESOURCE SHARE

*Any imposed change in resource share between commercial and recreational fishers should not occur before a full evaluation involving consultation between the two user groups.*

*Where an adjustment of commercial fishing effort is necessary and appropriate, the preferred option for changing the resource share is the buy-back of commercial fishing licences as a means of compensation".*

This is the approach which it is assumed will apply to Cockburn Sound. The long term management recommendations for the commercial fishery will therefore focus on that commercial fishery and not address the resource sharing issues.

The Discussion Paper (Reference 1) recommended strategies which would serve a short to medium term requirement to reduce the number of commercial operators in Cockburn Sound. The proposals for the transferability in most fisheries identified were aimed at the long term removal of professional fishing effort ie. a shift in the catch share, without jeopardising the access entitlements of current commercial fishers.

As has been outlined above, if the rate of removal is desired to be increased in order to shift the resource share towards the recreational fishing section then the compensation buy-back option outlined above should be addressed.

By way of contrast, it may be that the initial rate of removal can be enhanced by the introduction of transferable licences. However, the buy-back cost to then remove these licences, if desired, would be higher.

## **GENERAL MANAGEMENT RULES**

### **1. BOUNDARIES OF THE FISHERY**

#### **PROPOSAL**

The boundaries of the fish set net, crab net, mussel, line and pot fisheries are that of Fisheries Department Statistical Block 9600 (see Figure 1) as described in the Discussion Paper.

The boundaries of the beach bait fish net fishery are between the Moore River mouth at Guilderton and Tims Thicket, just south of Mandurah, ie. Fisheries Department Statistical Block 9600, the northern part of Block 3215 and the southern part of 3115 (see Figure 2).

#### **COMMENTS**

No comments were made on the proposed boundaries.

#### **ACTION**

The boundaries as proposed should be adopted.

### **2. STATUS OF THE FISHERY**

#### **PROPOSAL**

The following unit fisheries should be declared limited entry fisheries in Cockburn Sound and adjacent waters within the boundaries recommended:-

- \* beach bait fish netting;
- \* fish set netting;
- \* crab netting;
- \* mussel diving.



The following unit fishery should have either limited or restricted entry status:-

- \* line fishing and pot fishing

#### COMMENTS

No comments were made on the proposed status for the above fisheries.

As the provisions under Section 32 of the Fisheries Act 1905 are probably more applicable for long term management it would be appropriate for all unit fisheries to be managed under that section.

#### ACTION

All the following fisheries should be declared limited entry fisheries under Section 32 of the Fisheries Act 1905:-

- \* beach bait fish netting;
- \* fish set netting;
- \* crab netting;
- \* mussel diving; and
- \* line fishing and pot fishing.

### 3. BOAT REPLACEMENT

#### PROPOSAL

The current Ministerial Guidelines pertaining to dinghy replacements (ie. boats less than 6.5 m) should continue to apply to these unit fisheries (Reference 6). Any fishing boat greater than 6.5 m will only be permitted to be replaced with a boat no greater than 0.5 m longer than the one it replaces.

#### COMMENT

For boat replacement within an existing licence, both industry Working Group submissions explicitly supported these proposals in order to retain the small boat character of the fishery. However, for the crab fishery other comments

were made by the Working Group which covered both the policy on boat replacement and that on transferability as they were seen as inter-related. These have been dealt with in more detail in the crab fishery section below.

One other submission sought flexibility in the Ministerial guidelines to allow replacement with boats of greater size. No limits were specified.

It would not be appropriate to allow a blow-out of effective fishing effort though relaxation of controls on boat replacement. This concept is accepted by the Working Group submissions.

It would not be appropriate for a boat larger than 6.5 m to be replaced serially with boats each 0.5 m longer. Each boat in the fishery currently greater than 6.5 m should be permitted one more replacement by a boat no more than 0.5 m longer and no further replacements should then be permitted for boats greater than this size.

#### ACTION

Each boat in the proposed limited entry fisheries currently greater than 6.5 m should be permitted one more replacement by a boat no more than 0.5 m longer and no further replacements should then be permitted for boats greater than this size.

#### 4. LICENCE TRANSFERABILITY

##### PROPOSAL

Under the general licensing policy fishing boat licences for boats greater than 6.5 m in length are transferable. Licences for dinghies less than 6.5 m in length may only be transferred as dinghy licences to boats greater than 6.5 m in length (See Reference 6).

##### COMMENT

No submissions were received on this issue.

## ACTION

Current general license transfer rules for fishing boats and dinghies should continue to apply.

## 5. OWNER OPERATION

### PROPOSAL

Given the general constraints of licence transferability and the specific rules for each fishery outlined below the Discussion Paper proposed that if the licensee is a natural person he must be involved in the operation of the licensed fishing boat at all times unless specifically exempted in writing by the Executive Director of Fisheries.

In the case of a Proprietary Company the Board of that Company would have to nominate a natural person to be the licensee or operator of the boat. Licences would not be renewed if the licensee or nominated person was no longer involved in the operation of the boat.

### COMMENT

Both the Working Groups generally supported the concept of owner operation for non-transferable licences. However, the Crab Working Group commented that such measures would not be necessary for fully transferable "A" licences.

Other submissions highlighted concern about continued operation if the licensee was sick, on family or other business or even on holiday. They pressed for some leeway in the system to take this into account. Others were concerned about family relationships, as their boats were historically fished by a variety of relatives rather than by themselves. Yet others, some with more than one fishing boat, pointed to their historical fishing patterns whereby they have commonly made lease agreements to operate their boat(s).

As an interim measure, in November 1991 the Minister for Fisheries authorised a licence condition on fishing boat licences endorsed for the

Cockburn Sound Crab Fishery that the boats be operated by the licensee in unless otherwise authorised.

#### **ACTION**

That rules be incorporated in the limited entry fishery notices for Cockburn Sound Fisheries requiring the licensee to be directly involved in the operation of the licensed fishing boat unless specific exemption is given in writing by the Executive Director of Fisheries. Such owner/operator provisions should also apply to Proprietary Companies by requiring each Company to nominate an operator whereby only that operator will then be permitted to work the boat in question. Licences should not be renewed if the licensee or nominated person is no longer involved in the operation of the boat.

The Executive Director of Fisheries should issue guidelines on the type of circumstances under which he will grant exemptions.

#### **6. AREA CLOSURES**

Various area closures were outlined in the Discussion Paper. No comments were received on this aspect.

#### **ACTION**

The current closures will continue to apply.

#### **7. CRITERIA FOR ACCESS AND FISHING RETURNS**

##### **PROPOSAL**

The Discussion Paper identified three problems with the fishing returns upon which the criteria for access will be applied to determine whether any particular fisherman is granted access to various limited entry fisheries:-

- incorrect designation of statistical blocks 3115 or 3215 instead of block 9600;

- separation of catches for dinghies from each other and from the fishing boat to which they may be attached ;
- under-reporting of catches.

#### COMMENT

The problems identified on this section raised the most concern on an individual basis amongst fishermen. Several have already taken action to meet with Departmental Officers to clarify their positions and the information submitted in their returns. Others were concerned that their particular circumstances had precluded them meeting the access criteria proposed. However, in general this issue was seen as an individual one, which if not resolved at the Departmental level would be dealt with through the appeals procedure.

#### ACTION

The difficulties associated with accurately determining fishing returns and consequent eligibility be noted by responsible Fisheries Department licensing officers when determining access.

### 8. ACCESS FEES, MINISTERIAL DISCRETION AND APPEALS

No specific comments were received on these essentially procedural items.

#### ACTION

Action should be taken as outlined in the Discussion Paper.

## **COCKBURN SOUND CRAB FISHERY**

### **1. DEFINITION OF THE FISHERY**

#### **PROPOSAL**

The proposed fishery was for all fishing methods used by professional fishermen to take blue swimmer crabs *Portunus pelagicus* in Cockburn Sound.

#### **COMMENT**

There were no comments on this recommendation.

#### **ACTION**

That a limited entry fishery be declared under Section 32 of the Fisheries Act 1905 to control the taking of blue swimmer crabs *Portunus pelagicus* in Cockburn Sound.

### **2. ACCESS CRITERIA**

#### **PROPOSAL**

The proposed criteria for continued access to the fishery were:-

"that the licensed boat or its replacement operated in Cockburn Sound in 1984 and was still operating in the Sound during 1985 prior to 30 April 1985"; and

"the licensed boat or its replacement must have been used to take at least 1 000 kg of crabs and fished for at least two months during the period 1 January 1984 to 31 December 1984 and taken at least 1 000 kg of crabs from 1 January 1985 to 30 April 1985; and

"the licensed boat or its replacement must have been used to take at least 1 000 kg of crabs each year in at least three of the four years from 1 May 1985 to 30 April 1989 inclusive".

The proposed criteria for the determination of "A" and "B" licences were:

"A" licences be allocated to those licences where the licensed boat or its replacement fulfilled the criteria for entry to the limited entry fishery and was used to take at least 3,000kg of crabs in each year in the period 1 May 1982 to 30 April 1985.

"B" licences be allocated to those licences where the licensed boat or its replacement fulfilled the criteria for the limited entry fishery but did not take 3,000kg of crabs in the period 1 May to 30 April 1985.

The statistics indicated about five fishermen would qualify as "A" licences and by inference nine or ten as "B" licences.

It was proposed that the actual licensed boat or dinghy which took crabs should be the one identified and licensed. The Cockburn Sound Professional Fishermen's Association will be consulted about proposed licenses before they are issued to ensure the licences are issued to the correct boat.

#### COMMENT

The Discussion Paper indicated that seven or so licenses would be issued on the above criteria with seven or so successful appeals likely. There are currently thirty four interim endorsements to take crabs.

The Crab Working Group felt there were currently far too many fishermen for the available crab resource and wished for those fishermen who gained access to the fishery to be viable. They therefore endorsed the proposed criteria and recommended they be strictly applied.

However, the Working Group recognised that there were a small number of older fishermen who have historically taken consistent low levels of catch. They felt that supplementary non-transferable access should be granted to this group, provided that their level of fishing effort was not increased. This perhaps could be accomplished by further restricting the amount of net they can use.

Other submissions also addressed this group of older fishermen and recommended their special circumstances be taken into account.

Some other submissions criticised the entry criteria because they took little notice of fishermen who had a diversified fishing pattern. That is, they have not met the entry criteria for many of the proposed limited entry fisheries, even though they have participated in all to varying degrees.

Other submissions essentially highlighted individual circumstances which precluded meeting the criteria rather than criticising the access criteria themselves.

In response it should be re-iterated that the access criteria were set at reasonably low levels of activity and tonnage, recognising that fishermen did not fish exclusively for crabs within any one year and may, through various circumstances not fish every year. They were specifically tailored to identify the consistent fishermen.

## ACTION

That the access criteria and the criteria to allocate "A" and "B" licences recommended in the Discussion Paper as outlined above be adopted.

That provision be made for supplementary access if so decided under the appeals process, which may be subject to a range of conditions (such as restrictions on net length), as determined by the Minister for Fisheries. The level of effort through such supplementary access should be monitored and withdrawn if the average effort level of the last five years from 1986 to 1990 inclusive, increases in future.

### 3. LICENCE TRANSFERABILITY

A transfer mechanism was proposed in the Discussion Paper whereby an outside entrant would have to acquire both an "A" and "B" licence to enter the fishery and surrender his "B" licence, while a "B" licence would have to surrender his "B" licence upon acquisition of an "A" licence.



## COMMENT

The Crab Working Group had extensive comments on the transfer mechanism involved in this fishery.

The Working Group considered that the possible 14-16 fishing boats resulting from even strict application of the access criteria was too great for a long term sustainable fishery. The Working Group therefore recommended that there should be an effective mechanism to reduce the number of crab licences.

The Working Group did not favour the transfer mechanism proposed in the Discussion Paper. Instead they recommended:-

1. That each unit that meets the entry criteria for access be allocated a licence, to be termed "B" Class;
2. That the "B" licences be transferable only on a two for one basis. That is, two "B" licences would be converted into a new licence to be termed "A" Class; and
3. That "A" class licences be fully transferable without restrictions.

Other submissions addressed the individual concerns of potential licensees.

The big question, if the concept of transferability is accepted for this fishery, is the rate at which the numbers are reduced and the ultimate number.

Under the system proposed in the Discussion Paper and if there are to be about five "A" licences and nine "B" licences, then the ultimate number of "A" licences would be five.

Under the system proposed by the Working Group, if the same total number of licences is 14, then the ultimate number of "A" licences will be seven. This difference is not really significant in either management or economic terms.

The system proposed in the Discussion Paper recognises as privileged a group of crab fishermen with a higher historical level of catch and commitment. The Working Party's proposal does not make this distinction.

It also makes the judgement that it is more equitable and will result in a more rapid reduction in numbers.

However, this will not necessarily be matched by a parallel reduction in fishing effort because as licences are transferred and acquire a value there is a tendency for the new licensee to work harder to offset the financial commitments made in purchasing it.

A third alternative is to make only "A" licences immediately transferable, and allow natural attrition of "B" licences. This will probably result in a slightly slower reduction in overall effective effort.

For the continued economic viability of this fishery it is important that the number of transferable licences remains small.

Historically in fishing access rights in Western Australia those licence holders who have the greatest catch history have first opportunity to gain transferability, where appropriate. In Cockburn Sound, as a small number of transferable licences are justified, the Minister for Fisheries has decided that "A" licences be transferable and that "B" and Supplementary licences be non-transferable.

If a licensee, not currently in the fishery, purchases a licence under the transferability rule he will only be permitted to fish in Cockburn Sound for the purpose of taking crabs.

## **ACTION**

That "A" licences be transferable and "B" and Supplementary licences be non-transferable.

## **COMMENT**

### **Boat Replacement and Ministerial Dinghy Licensing Guidelines**

As a corollary to its proposal on transferability the Crab Working Group made specific proposals for boat replacement upon transfer.

It was proposed that the Ministerial Guidelines for replacement of dinghies remain the same with respect to this fishery. This means the dinghy licence from which the "B" limited entry crab licence is attached should become a transferable dinghy licence, to be attached to a fishing boat within existing Ministerial Guidelines, even though the Limited Entry Cockburn Sound licence to which it is attached is not transferable.

The Working Group had a different view on their recommendation for fully transferable "A" licences. It felt that the existing boat replacement guidelines would severely impede its proposed reduction mechanism upon transfer. This is because the incentive to transfer would be lessened by the requirement to transfer any limited entry licence acquired, which was currently attached to a licensed dinghy, either to another licensed dinghy already licensed in the name of the buyer, or as a licensed dinghy now attached to a licensed fishing boat. However, most crab dinghies have traditionally operated as independent units.

The Working Group therefore proposed that a transferable limited entry crab licence and the dinghy licences to which it is attached should be transferable outside the existing Ministerial Guidelines on licensing.

The precedent set by an exemption to the current Ministerial Guidelines on dinghy replacements could have implications for other fisheries programmes around Western Australia. However on balance the proposal is acceptable within the framework of a transfer situation involving unit reduction. That is, the transferee should be able to continue to utilise the larger licensed dinghy.

However, where there are fisheries in the State where transfer is permitted of units less than 6.5 m in length the boats in question are confined to a particular estuary or adjacent waters. Such a policy would also have to apply for a combined dinghy licence/crab limited entry licence transfer ie. it should only be permitted to operate within Cockburn Sound.

In conclusion the decision by the Minister for Fisheries to make "A" licences transferable, means that the dinghy licence and the attached "A" licence is transferable as a unit within the fishery. Boat replacement would be subject to the Ministerial Guidelines.

## **ACTION**

Dinghy licences which have an attached "A" licence may be transferred together with the "A" licence as a complete unit within the fishery. Dinghy replacement at any time would be subject to the Ministerial Guidelines on licensing.

Dinghy licences which have an attached "B" licence lapse when licence holders leave the fishery or may be sold to attach to a licensed boat larger than 6.5 metres to fish as a single unit outside the fishery.

## **4. GEAR AND SEASONS**

The gear and seasons for the Cockburn Sound Crab Fishery are already well defined by a specific Fisheries Notice, to which there is wide industry acceptance.

There were no comments on this aspect, although industry has subsequently expressed the desire for more flexibility in the opening date, depending on the actual onset of the breeding season.

## **ACTION**

That the current gear and season restrictions for the Cockburn Sound Crab Fishery continue. The opening date for the season be renewed in conjunction with industry to accommodate annual variations in onset.

## **WEST COAST BEACH BAIT FISH NET FISHERY**

### **STATUS OF WHITEBAIT STOCKS**

Whitebait live between one and two years as a pelagic fish distributed within a few kilometres of the coast. Their breeding behaviour is unknown. However, their juvenile habitat appears to centre on estuaries and sheltered beach areas (eg. at Port Kennedy).

Like many pelagic fish stocks, the apparent abundance of whitebait varies with environmental changes ie. the distribution of the fish between on-shore and off-shore habitats, or alongshore can change markedly both within and between years. This complicates management as it is difficult to attribute lack of abundance in any one year solely to changes in distribution or low abundance. These changes in turn can be caused either by natural variables or those associated with the fishery.

The fishery itself also shows a trend of increasing catch with time although catches from year to year are highly variable. Throughout the recent history of the "Metropolitan" fishery, about 15% of the catch has been from purse seine fishing. That is, catches from beach operations have contributed mostly to the increased catch. The Fisheries Department will continue to monitor overall catch trends.

However, while the beach seine fishery operates on the shoreward periphery of the whitebait distribution, taking fish when available from the stock, the problems presented by even a small scale purse seine fishery are considerable. Purse seine fishery involves searching for whitebait schools throughout their entire distribution; real (and latent) fishing capacity is large and actual effort expended (ie. searching versus fishing time) is notoriously difficult to measure: such fisheries have a history of over fishing.

### **RESEARCH**

One of the Fisheries Department's pelagic fisheries scientist, Dr Ric Fletcher's team has initiated a research program on the whitebait fishery itself in early 1992 under Dr Fletcher's supervision.

One or more post-graduate students are also undertaking research on the general biology of whitebait eg. its reproductive biology, "estuarine" recruitment phase, etc.

These programs should provide enough information in about two years to be used as a basis for management advice.

The programs, to be successful, would require the active assistance of beach seine fishermen, and some participation by fishermen licensed in the West Coast Purse Seine Limited Entry Fishery.

Research will also involve ornithologists from Murdoch University, determining interactions between penguins and small pelagic fish stocks, including whiting and anchovy.

#### A LEGAL MINIMUM SIZE FOR WHITEBAIT

Whitebait appear to reach about 60-70 mm in their first year. They are likely to spawn once at the end of their first year, and if they survive that long, may spawn again at the end of their second year. It is assumed virtually none survive much beyond that.

Many fishermen, for both resource conservation reasons and marketing considerations, are seeking the introduction of a legal minimum size for whitebait, slightly above their mean size at first spawning. Most experienced beach seine fishermen can visually tell not only the size of a whitebait school, but the average size of individuals in it. The beach seine style of fishing also allows fishermen to release undersize fish.

The situation is much more difficult for purse seine boats if they are fishing with sonar on deeper fish in poor visibility. Also, the opportunity to release unwanted fish is alleged to be not as great.

Although it is not possible to precisely identify the optimum legal minimum size at present, this will become clearer from the research data.

In the interim, it may be desirable to institute an interim legal minimum on the understanding it may change when further research results are available.

This approach was supported by the Working Group who recommended a minimum size on whitebait of 60 mm total length. They suggested this be raised with south western fishermen for discussion.

## ACCESS TO THE BEACHES

Access to metropolitan beaches by beach seine fishermen is becoming increasingly constrained as Councils attempt to more tightly management activities.

Rockingham City Council has agreed to provide beach access to three of the purse seine fishermen granted interim endorsements earlier in 1991 (one already has access). However, Mandurah City Council refused to give access to the other three purse seine fishermen as a reciprocal measure.

The permission from Rockingham City Council is on the basis of research being undertaken over the next few years, and management measures then being reviewed.

Even given the Mandurah City Council decision, the Rockingham City Council permission for access to two of the three fishermen involved has given them access to most of the worthwhile fishing beaches south to Madora, which lies just south of the Rockingham/Mandurah City Council boundary. Therefore, if any of these fishermen are prohibited from purse seining, they will have reasonable beach access.

### 1. DEFINITION OF THE FISHERY

#### PROPOSAL

The proposed fishery is for a wide variety of species taken by beach seine and for whitebait and blue sprat taken by lampara net in the area from Tims Thicket to the Moore River.

#### COMMENT

Since the publication of the Discussion Paper there has been widespread discussion of the appropriate methods by which whitebait and blue sprat in particular may be taken.

As a result of this discussion, it would appear that there is concern about the level of effort which both purse seine and lampara nets can exert on the whitebait stock (see more details below). The proposal is therefore that the only permitted method in this sector of the fishery be beach seine.

There has been little discussion about the area in which the fishery should operate.

## ACTION

That a limited entry fishery be declared under Section 32 of the Fisheries Act to control the taking of the following species by beach seine:-

Whitebait	<i>Hyperlophus vittatus</i>
Blue sprat	<i>Spratelloides robustus</i>

## ACCESS CRITERIA

## PROPOSAL

The proposed criteria for continued access to the fishery were: -

"That the licensed boat, or it's replacement, operated in Cockburn Sound in 1984 and was still operating in the sound during 1985 prior to 30 April 1985;" and

[For beach seine net]

"the licensed boat or its replacement must have been used to take at least 1 000 kg in total of whitebait, blue sprat or anchovies in Cockburn Sound (block 9600) and statistical blocks 3115 and 3215 inclusive and fished in at least two months in the period January 1984 to 30 April 1985; and

The licensed boat or its replacement must also have been used to take at least 2 000 kg of whitebait, blue sprat or anchovy combined by beach seine, purse seine or lampara net in Cockburn Sound (block 9600) and statistical blocks 3115 and 3215 in each year in at least three of the four years from 1 May 1985 to 30 April 1989 inclusive".



It was recognised that there were potentially other boats which would meet the above criteria which did not have access to Cockburn Sound.

Therefore the proposed entry criteria for boats were:-

"The licensed boat or its replacement must have been used to take at least 2 000 kg of whitebait, blue sprat or anchovy combined by beach seine, purse seine or lampara net in statistical blocks 3115 and 3215 in each year in at least three of the four years from 1 July 1986 to 30 June 1990 inclusive".

#### COMMENT

As it is not proposed to permit general lampara or purse seine fishing over the next two years at least (see below) it would be appropriate for the initial access criteria for beach seine fishing between Tims Thicket and Bums Beach to include catches from both lampara and purse seine fishing also.

The Cockburn Sound Net Fishery's Working Group supported the proposed criteria for continued access.

However, the Working Group was also of the opinion that a small number of units which did not meet the criteria may deserve to gain access. These primarily include older fishermen who have historically taken a low level of catch. The Group proposed a measure of supplementary access provided their activity continued at historical low levels.

#### ACTION

That the access criteria proposed for the beach bait net fishery be adopted, with the addition of any catch of target species, by lampara net and purse seine net, to be counted towards the total catch qualifying for access.

The provision be made for supplementary access if so decided under the appeals process. The level of effort through such supplementary access should be monitored and withdrawn if the average effort level of the last five years from 1986 to 1990 inclusive increases in future.

### 3. LICENCE TRANSFERABILITY

#### PROPOSAL

The Discussion Paper did not propose any licence transferability at this stage.

#### COMMENT

The Working Group were of the opinion that licences should be fully transferable. However it was recognised that fishing effort reductions may be needed if planned research indicates the fish stock cannot sustain current effort levels.

The Working Group therefore recommended that licence transferability not be permitted until research results were available, at which time the issue should be reviewed.

#### ACTION

There should be no transferability in the fishery at this stage.

### 4. GEAR

#### PROPOSAL

The Discussion Paper proposed that purse seine fishing not be a permitted fishing method due to concerns about exploiting whitebait over its entire range (see above).

It was therefore proposed that only lampara and beach seine netting be permitted fishing methods.

#### COMMENT

This was one area which the Working Group could not reach consensus.

The majority of the Working Group, mostly traditional beach seine fishermen, supported a ban on both purse seine and lampara nets, supporting approaches to local Government for beach access by those fishermen without such permission.

This group have had a history of purse seine fishing but are concerned that a shift to purse seine fishing would substantially increase exploitation level and over exploit the resource. They supported a ban on lampara and purse seine fishing until research results indicated a proper level of exploitation.

The remainder of the Working Group, who have a recent history of lampara or purse seine fishing wished to see this continue as a permitted method. This would apply to those who meet the access criteria and have a recent history of lampara or purse seine fishing. This activity would be reviewed after research.

If purse seine fishing was a permitted method the majority of the Working Group felt it should be available to all, while the remainder felt it should only be available to those with a recent history of usage.

However, the Working Group as a whole did recognise that there was a long history of fishermen using hand held purse seine and lampara nets in Fremantle Harbour and the Fishing Boat Harbour. These are specialised nets not suitable for use outside the harbour and their use should be permitted to continue.

As has been indicated in the commentary about the status of the whitebait stocks, the Department is extremely concerned about any extension of the range over which whitebait is exploited. It was for this reason that interim controls over purse seine fishing were introduced and no further use of such a method was proposed.

From the resource viewpoint, it would be unwise to permit continued purse seine fishing for whitebait, at least until the proposed research program gives us a clearer understanding of the stock parameters. This will take between two and three years.

The four fishermen given interim short term licence endorsements in early 1991 could argue in equity that they should be granted continued right to use a purse seine. They would base their arguments on several grounds:-

- \* previous history;
- \* expenditure on equipment;
- \* lack of beach access;
- \* lack of alternative opportunities;
- \* ease of operations and flexibility;
- \* market opportunities.

Each of these matters are of differing importance to the individuals concerned. In brief, the history of purse seine fishing by most operators is either recent, patchy or both. The matter of lack of beach access has been salved in part by negotiation with local government. The lack of alternative opportunities is unfortunate, but is one reason for the existence of the Fisheries Adjustment Scheme.

It could be suggested that instead of a purse seine, fishermen be permitted to use the less efficient lampara net. This is similar in design but does not have a drawstring. It can therefore not be used very successfully in deeper water, rough conditions or if the fish school has a tendency to sound. However, this method in the hand of a skilful fisherman is almost as effective as purse seine fishing. Its use should therefore also not be permitted.

## ACTION

No further purse seine or lampara net fishing for whitebait be permitted between Tims Thicket and Moore River, this decision to be reviewed in 1994 after completion of research.

The specification of beach seine fishing gear should be as described in the Discussion Paper.

Those with permission to undertake fishing within the boat harbours, whether from the wharf or from small boats should be permitted to continue that activity.

## 5. INCIDENTAL TAKE OF OTHER SPECIES

The Working Group noted that whitebait beach seine fishermen occasionally take other species on their fishing operations. These are not targeted but are an incidental part of the whitebait fishing operation.

The Working Group therefore recommended that yellow-eye mullet, sea mullet and garfish be permitted as by-catch in addition to the target species identified in the Discussion Paper.

Historically, white bait beach seine fishermen have also taken whiting and mullet. These have been included in the list of permitted by-catch to this fishery.

### ACTION

That beach seine operations be permitted to take the following species as incidental catches:-

Pilchards (mulies)	<i>Sardinops neopilchardus</i>
Scaly mackerel	<i>Sardinella lemuru</i>
Perth herring	<i>Etrumeus teres</i>
Yellow tail scad	<i>Trachurus novaezelandiae</i>
Anchovy	<i>Engraulis australis</i>
Yellow eye mullet	<i>Aldrichetta forsteri</i>
Sea mullet	<i>Mugil cephalus</i>
Garfish	<i>Hemiramphus spp.</i>
Whiting	<i>Sillagao spp.</i>
Mullet	<i>Argyrosomus hololepidotus</i>

## 6. DISPUTE RESOLUTION PROCEDURE

The Working Group noted that Local Government Authorities control access to the beaches under their control through a permit system. Besides effectively enforcing an owner/operator provision in fishery, the Working Group also noted the importance of maintaining good relations with the local Government sector.

The Working Group therefore proposed that beach fishermen draft a code of conduct for their activities and that a disputes resolution body be put in place to address any problems that may occur through driving on the beaches and fishermen's operations on the beaches.

The Working Group recommended that the disputes resolution body consist of representatives of the relevant local government, Fisheries Department and WAFIC.

#### **ACTION**

A dispute resolution procedure be put in place with the introduction of the limited entry fishery and upon the drafting by WAFIC of a code of conduct, for the Cockburn Sound Beach Seine and Fish Net Fisheries for resolving issues concerning access to and use of beaches.

## **COCKBURN SOUND FISH NET FISHERY**

The rules for this proposed fishery were also considered by the WAFIC Working Group on Fish Net Fisheries.

### **1. DEFINITION OF THE FISHERY**

#### **PROPOSAL**

The Discussion Paper proposed the definition of the fishery as being the use of beach seine nets or set nets of a mesh size between 48 mm and 114 mm.

#### **COMMENT**

The Working Group had no comments to make on this proposed definition of the fishery.

#### **ACTION**

That a limited entry fishery be declared for finfish fishing by means of beach seine or set nets with mesh sizes between 48 mm and 114 mm in Cockburn Sound.

### **2. ACCESS CRITERIA**

#### **PROPOSAL**

The proposed criteria for access are:-

"That the licensed boat or its replacement operated in Cockburn Sound in 1984, and was still operating in the Sound during 1984, prior to 30 April 1985";

"The licensed boat, or its replacement, must have been used to take at least 1 000 kg of fish by beach haul net or set net with a mesh greater than 50 mm but less than 114 mm in Cockburn Sound and fished at least two months in the period 1 January 1984 and 30 April 1985 inclusive"; and

"The licensed boat, or its replacement, must also have been used to take at least 1 000 kg of fish by beach haul net or set net with a mesh greater than 50 mm but less than 114 mm in Cockburn Sound in each year in at least three of the four years from 1 May 1985 to 30 April 1989 inclusive".

#### COMMENT

The Working Group supported these proposed Criteria.

However, in addition the Group considered that recognition should be given to fishermen that had a consistent history of fishing the Sound and are dependent on the fishery for their livelihood.

Accordingly the Working Group recommended that there should be "A" and "B" classes of licences.

"B" licences should be issued to those fishing boat licences meeting the proposed criteria mentioned above.

"A" licences should be issued to those fishing boat licences meeting the following criteria:-

"The licensed boat or its replacement must have been used to take at least 8 000 kgs of fish by beach haul net or set net or gear fish net in Cockburn Sound in each year from 1 May 1984 to 30 April 1989".

This splitting of licences into two categories is the basis for a proposal for transferability in this fishery. As indicated the overall thrust of this paper is for the maintenance of the transferability policy canvassed on the Discussion Paper.

#### ACTION

That the entry criteria proposed in the Discussion Paper be adopted (see below).



### **3. LICENCE TRANSFERABILITY**

#### **PROPOSAL**

The Discussion Paper proposes that no licence transferability be permitted.

#### **COMMENT**

The Working Group recommended that " A" class licences should be fully transferable.

The Working Group cited the need for a continuing requirement of fresh fish to seafood consumers.

Provision of "A" class licences permits this supply while at the same time responding to and resolving the conflicting demands of recreational fishers for similar species.

The Working Group recommended that transferable licences be subject to the same boat replacement/transferability guidelines as recommended for the crab fishery, as well as the proposed exemption from Ministerial Guidelines for boats less than 6.5 m in length.

The Working Group also recommended "A" class licences be strictly owner operated.

There may be special cases of family dependence where transferability could be considered on a case by case basis. However, until the number of participants in the fishery is determined it would not be appropriate to finalise a licence transferability policy.

#### **ACTION**

That no transferability be permitted within the fish net fishery at this stage. However, the issue of family transfers should be reviewed once final access to the fishery has been determined.

#### 4. GEAR

##### PROPOSAL

The Discussion Paper proposed three different types of fishing nets; beach haul nets, set nets and garfish nets. Dimensions were specified for all three.

##### COMMENT

The Working Group supported the proposed gear in principle. Some fishermen made comments supporting the gear definition also in principle.

However, it was proposed that the most appropriate garfish net should be 16 m rather than 15 m in depth, while net length should be 250 m rather than 230 m.

As this suggestion reflects existing practice it causes no difficulties.

##### ACTION

That the gear dimensions for beach haul nets and set nets as proposed on the Discussion Paper be adopted.

That a garfish net be defined as follows:-

"A garfish net is defined as a surface set net of a mesh size no smaller than 25 mm (1") and no more than 76 mm (3"). This net must not be greater than 16 m in depth. No licensed boat may have on board, use or set, more than 260 m of garfish net at any one time".

## MUSSEL FISHERY

There was no formal Working Group convened to discuss the future management arrangements for the mussel. Comprehensive submissions were received by three mussel divers, with passing reference from one another.

The mussel fishery is somewhat more complicated in management terms because of the presence in the Sound of several increasingly successful mussel aquaculture farms, including three sections owned by mussel divers.

The fishery was reviewed in a Fisheries Management Discussion Paper in 1985 (Reference 5), but these recommendations were not progressed at that time due to the setting up of the mussel farms. This original paper proposed that mussel licences become transferable and it is upon this point that all the major submissions centred.

### 1. DEFINITION OF THE FISHERY

#### PROPOSAL

The fishery is defined as the taking of the mussel *Mytilus edulis* by diving in Cockburn Sound.

#### COMMENT

Although this definition drew no comment, it is apparent that mussels could conceivably be taken by direct collection from piles etc not involving diving.

#### ACTION

The fishery is defined as the taking of the mussel *Mytilus edulis* in Cockburn Sound by any method.

### 2. ACCESS CRITERIA

#### PROPOSAL

The criteria proposed for continued access are:-

"That the licensed boat or its replacement operated in Cockburn Sound in 1984 and was still operating in the Sound during 1985, prior to 30 April 1985"; and

"The licensed boat, or its replacement, has been used to take in excess of 5 000 kg of mussels on any one year in the three years from 1 May 1982 to 30 April 1985."

There was no continuing commitment criteria proposed in the Discussion Paper on the presumption there would be no transferability. However, in most fisheries it is desirable to separate out those who have a long term commitment to the fishery. This can in turn be used to differentiate between the licences designated for transferability and those not, in order to compensate for the inevitable increase in fishing effort which appears to arise when licences are transferable.

Therefore it would be preferable if a commitment criteria similar to the other three main proposed Cockburn Sound Limited Entry Fisheries could be adopted.

#### ACTION

That the access criteria proposed in the Discussion paper be adopted, but in addition:-

"The licensed boat, or its replacement, must also have been used to take at least 5 000 kg of mussels in at least three of the four years from 1 May 1985 to 30 April 1989 inclusive."

### 3. LICENCE TRANSFERABILITY

#### PROPOSAL

The Discussion Paper proposed that licences for mussel fishing be non-transferable.

## COMMENT

As mentioned above, the matter of transferability was the topic causing the most discussion amongst the submissions received. As with most of the Cockburn Sound fisheries, there is a considerable recreational fishery for mussels. There is also a developing supply from the mussel farms. The areas in which professional dives may operate are also becoming increasingly constrained by other users. For this reason it was proposed that licences not be transferable.

However, the submissions attacked this proposal on several grounds:-

- the wild caught mussels would have their own segment of the retail market and so would not be affected by aquaculture product;
- the future of associated businesses (ie. vertically integrated pickling plants, retail shops etc) are entirely dependent on transferable licences as part of the sale package of the business;
- for one diver in particular with no interest in a mussel farm, the mussel licence represents the sole potential capitalisation available to that fishery;
- most submissions disagreed with the presumption in the Discussion Paper that transferability not be allowed because of the need to contain fishing effort and declining nutrient levels (and thus recruitment to the fishery).
- There was an expectation created as a result of the 1986 Discussion Papers that licences would be transferable and investment was made on that basis.

The submissions proposed that all these matters can be resolved with the introduction of transferability.

The question of transferability essentially revolves around the more general matter of the future of professional fishing on Cockburn Sound discussed in the introduction. Until this is resolved, it is not proposed to alter the approach outlined in the Discussion Paper.

#### **ACTION**

That mussel licences be not transferable at this stage.

#### **4. GEAR**

##### **PROPOSAL**

The methods of operation and permitted gear for the Cockburn Sound mussel fishery are already tightly controlled. The Discussion Paper did not propose any additional measures and this item drew no comment.

##### **ACTION**

That the gear proposals currently in place be adopted for the Limited Entry Fishery.

#### **LINE AND POT FISHERY**

This small sector is designed as a catch-all for those fishermen not gaining access to the other sectors of the fishery but who have as an ancillary fishing activity within the boundary of the fishery. Fishers who gain access to other sectors of the fishery will gain access to line and pot fishing.

## **CRITERIA**

**That the licensed boat or its replacement operated in Cockburn Sound in 1984, and was still operating in the Sound during 1985, prior to 30 April 1985.**

## **COMMENT**

**There was no comment on this proposal.**

## **ACTION**

**That a line and pot fishery be introduced under the criteria proposed.**

## REFERENCES

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2. **Recreational Fishing Advisory Committee (1990).** The future for recreational fishing-issues for community discussion. Fisheries Management paper 34. Fisheries Department of Western Australia.
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**SUBMISSIONS**

**General**

West Coast Beach Bait and Cockburn Sound Fish Net Fishery Working Group

Cockburn Sound Crab Working Group

Western Australian Recreational and Sportfishing Council

**Mussels**

R M and J M Hillon

Mussel Factory (H George)

F Ando

K Styles (Bayana Pty Ltd)

**Fish and Crab Netting**

R Ianni

S Macdonald

J Mendolia

C Miragliotta

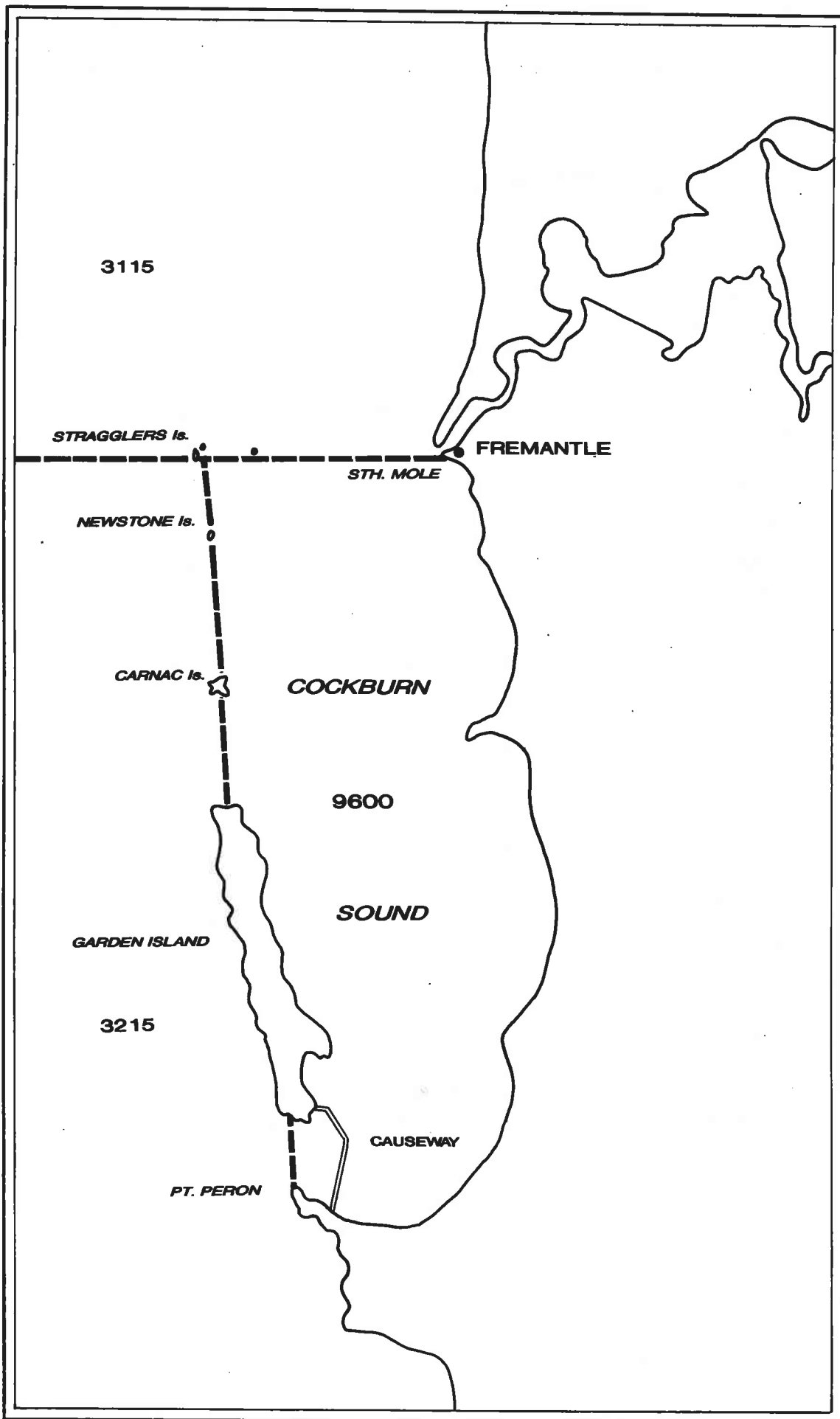
H Morgan and S Schumacher

R Sewell

A Spinella

D Squadrito

K Styles (Bayana Pty Ltd)



## MOORE RIVER TO TIMS THICKET

