



TSIC Submission
Natural Resources and Environment Tasmania
RE: Rock Lobster Rules and Policy Changes
May 2022

Please find attached a Tasmanian Seafood Industry Council (TSIC) response to the *Tasmanian Rock Lobster Fishery - Managing Stocks for the Future – Proposed Rules and Policy Changes for Public Consultation*.

This submission has been endorsed by the TSIC Board.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'J. Harrington', is written over a light blue, wavy background.

Julian Harrington
Chief Executive



TSIC Overview

The Tasmanian Seafood Industry Council

The Tasmanian Seafood Industry Council (TSIC) is the peak body representing the interests of wild catch fishers, marine farming businesses and seafood processing businesses in Tasmania. With respect to the wild catch sector, TSIC represents the interests of active fishers; that is individuals who hold a Fishing Licence Personal (FLP). A FLP is only required by people who catch fish and land fish from Tasmanian waters.

TSIC Policy aims to support the interests and access rights of our fishers, marine farmers and seafood processors. Central to TSIC policy is to ensure the long-term sustainability of our marine resources; as well as three key overarching principles that Tasmanian seafood should deliver in the interests of the community who own the resource: 1) employment; 2) direct economic return to Tasmania, particularly in regional communities; and 3) provision of Tasmanian seafood to Tasmanian's either directly from fishers or through retail, wholesale and food service outlets.

With respect to the Tasmanian rock lobster fishery, TSIC stakeholders include people who are 'skippers' of the approximate 150 active rock lobster boats in the fleet. These skippers may be owner operators (people who own a rock lobster entitlement and some quota) or supervisors of a rock lobster entitlement.

The Tasmanian rock lobster fishery – a quick environmental scan

There are approximately 150 vessels in the rock lobster fishing fleet, all of which have their own unique business model.

COVID-19 then market disruption with China has brought with it a significant reduction in the beach price and value of the Tasmanian rock lobster fishery. This has impacted fishers, processors and quota owners in different ways. Reductions in the East Coast Catch Cap, implementation of the NE Catch Cap and resource sharing discussions have added further pressure on the rock lobster fishing fleet, especially in the Eastern fishery.

And there are ongoing changes and challenges related to a warming and changing marine environment, most notably the East Coast long spine urchin problem and fishers have increasingly reported difficulties in accessing quota at a reasonable lease price relative to the uncertainty and risks of fluctuating beach prices.

With all these issues combined, many in the rock lobster fishery are simply struggling for survival.

Rock lobster rule and policy changes

When changes to rules and policy could impact future operations of a commercially operating business, it is human nature to fight for survival and recommend / support outcomes that maximise personal benefit (either survival or out surviving others). Several of the proposed rule changes will impact vessel operations and most likely impact the number of vessels in the fishery, most notably the 60 pot and size limit proposals.

Central to TSIC's overarching policy, evaluating any proposed rule change should take into account the sustainability of the resource and the potential social impact the decision may

have on employment, economic return to Tasmania and provision of seafood to Tasmanians.

In noting that we need active fishers to be economically viable, if a proposed rule or policy change will have an adverse negative impact on fisher's ability to continue to operate in the fishery, then the proposed change should be carefully considered, and if implemented, then the government must offer compensation and / or develop a structural adjustment package for the impacted fishers.

The TSIC submission

TSIC present this response to the proposed rule and policy changes for the Tasmanian rock lobster fishery in the interests of its members, the active rock lobster fishing fleet. TSIC will provide a response to each of the rule changes that impact the commercial rock lobster sector. Responses will be in order as presented in the Consultation Report.

TSIC Member Consultation

The TSIC Board unanimously supported offering our members the opportunity to contribute their views on the proposed rule changes and East Coast Policy. This opportunity was promoted in a TSIC Update Newsletter, which is distributed to TSIC members we have an email address for.

Responses were only accepted from people who are active rock lobster fishers, that is people who:

- Hold a Fishing Licence Personal; AND
- Are an owner of a Fishing Licence (Rock Lobster) OR;
- Are a Supervisor of a Fishing Licence (Rock Lobster).

TSIC received 81 responses from fishers. Of the 81 responses from fishers, 36 can be categorised as owner operators (i.e., they own a Fishing Licence (Rock Lobster) and fish that licence) and 45 as rock lobster supervisors.

This response represents just over 50% of the active fleet.

Noting that TSIC also represents the processing sector, 3 rock lobster processors also provided their view on different rule changes. Furthermore, the Tasmanian Rock Lobster Processors Association (TRLPA) shared with TSIC their agreed response to the consultation process. These responses are also considered within this submission.

The 60 pots and the size limit and size limit boundary changes quickly became the key proposals of interest. Fishers opposed to 60 pots quickly mobilised, lobbying others to send a response to TSIC. A small number of people provided feedback in support of 60 pots.

TSIC does not know the view of the approximate 50% of the active rock lobster fishing fleet who did not respond to TSIC. These people may not have been aware of this opportunity (i.e., not on the TSIC email list or did not hear through a third party) or chose to not respond.

This TSIC response will provide a balanced commentary from all sides of industry views in order to ensure that all voices in the debate are heard.

Tasmanian Rock Lobster Fishery

Managing Stocks for the Future

Proposed Rule and Policy Changes for Public Consultation

May 2022

Part 1. Background

Statewide stock status

The IMAS Assessment shows that the estimated 'virgin biomass' in Area 7 is 17%, down from 19% in 2019; while egg production remains exceptionally good at 39%.

The consultation report identifies Area 7 as 'no significant concerns'.

Given the reduction in virgin biomass since 2019, many fishers voiced concerns about stocks in this very important part of the fishery.

TSIC does not suggest any management action is needed; but strongly recommends we keep a very close watch on this region of the fishery.

Part 2: Proposed rule changes

Changes for all fishers

Proposed regional size limits and boundaries

Size Limits

Fishers

There were a diverse range of views on the proposed size limit changes, as detailed in Table 1.

Several fishers also suggested raising the female size limit to 110 in the Southern Zone.

Processors

Some processors suggest females should be 120 mm in the Eastern Zone, while others support the 115 mm size limit in the Eastern Zone.

The Tasmanian Rock Lobster Processors Association did not support the increase in size limit for males, as proposed in the Northern and Eastern Zones, as this will remove access to B grade fish, which are vital for key export markets and keeping beach prices high.

The TRLPA provided the following position:

1. Delay any changes until external market forces support industry change, and or
2. Only raise the limit on females
3. Leave the size on males unchanged

Table 1: Summary of size limits options presented by TSIC members. Note: not all submissions referenced size limits.

Size Limit Options	Region to apply	No. supporting
As proposed	As proposed in Consultation Document	18
Males 110 Females 120	Statewide	1
Males 110 Females 115	As proposed in Consultation Document	9
Males 110 Females 120	Males Statewide Females in North and East Zones	1
Males 115 Females 120	In North and East Zones	1
Not support female support male	As proposed in Consultation Document	1
Do not change	Not defined	6
One size statewide	Not defined	1
110 both Male and Female	Statewide	3
	Total	36

TSIC – male size limit

TSIC understands the importance of B grade fish to support rock lobster processor access in international markets, and to maintain as high a beach price as possible. These outcomes have flow on benefits for rock lobster fishers.

At a recent TRLFA General Meeting, IMAS researchers confirmed there are no biological implications for retaining a 110mm size limit for males. Instead, the benefits of increasing the male size limit were defined as improved productivity.

When determining the male size limit, the Government must balance market access and meeting market demand with improved productivity.

TSIC – female size limit

TSIC supports increasing the female size limit in the NE (120 mm) and Eastern Zone (proposal is 115mm). During discussions with East Coast fishers, there was some support for the female limit to increase to 120 mm in the Eastern Zone, as only a small portion of the East Coast commercial fishery was females (i.e. most fish taken during the female closure).

Boundary Limits

There were a number of views on the proposed size limit boundary proposals as summarised in Table 2.

It is important to note that those who suggested that the Northern / Eastern boundary move to St Helens Point actively fished in that region. These local fishers cited safety issues and ease of decision making out of St Helens (left to the NE Zone or right to the Eastern Zone).

Table 2: Summary of size limits options presented by TSIC members. Note: not all submissions referenced size limits.

Boundary Options	No. supporting
As proposed in consultation document	10
Line out of Storm Bay (southern / eastern zone)	1
St Helens Point (northern / eastern zone)	7
Not support zones (in general)	15

Recreational fishery changes

TSIC commends the Government for proposing a new rule that will enable the future reporting of recreational catch, with the intention of activating the rule and implementing mandatory catch reporting once systems are developed.

TSIC strongly recommends mandatory data collection for rock lobster be implemented for the 2022/23 recreational season to ensure the future sustainable management of the rock lobster resource.

Commercial fishery changes

Rules supporting regional size limits

Vessel monitoring

A small number of fishers were strongly opposed to the compulsory implementation of VMS. Key concerns revolved around battery drainage and VMS failure during a fishing trip or at the wharf and the potential compliance ramifications and inconvenience this may pose, especially if a fisher is out of the state or away from the vessel.

TSIC understand that Departmental policy is to implement VMS. TSIC also understands the benefits of VMS for compliance and enforcement. With real time monitoring and data

transfer, many draconian compliance requirements must be reviewed and where possible, removed when VMS and real time data reporting are implemented.

Commercial transit report

A small number of responses said no to transit reporting. Majority of responses did not address transit reporting.

TSIC understands the compliance and enforcement need for transit reporting.

Once VMS is implemented within the fishery, it will be possible to automate when vessels approach a boundary through 'VMS curtains', meaning all other reporting will not be required.

Definition of commercial transiting

TSIC understands that from a compliance point of view there needs to be a clear and concise definition of commercial transiting.

With respect to the 3-knot speed limit, TSIC suggests that common sense must prevail, as there are many examples where vessels are required to travel less than 3-knots or to stop completely whilst in transit due to mechanical issues or other needs. These scenarios must be considered.

TSIC **does not support** the proposed requirement:

- No rock lobster pots are to contain bait on the vessel while it is in transit to the nominated fishing zone.

This requirement would pose a direct safety risk to the skipper and crew as it could stop the baiting of pots in calm or sheltered conditions while in transit to a nominated fishing zone and force the baiting of pots during dangerous sea conditions.

It is important to remember that a baited rock lobster pot on the deck of a vessel cannot catch a lobster.

Changing a previously nominated fishing area while at sea

TSIC supports increased flexibility to change a nominated fishing area whilst at sea.

Expanding the 60-pot area

The expansion of the 60-pot area proposed rule change generated the most interest, opposition and conflict.

TSIC Consultation responses

It is important to reiterate that the TSIC call for members to respond to the proposed rule changes was not a comprehensive ballot of all members, and some members may not have been aware of this opportunity as we did not have their email address.

Of the 81 responses received from active rock lobster fishers who were TSIC members:

- 73 respondents opposed 60 pots (90% of respondents / 49% of the active fleet).
- 8 respondents supported 60 pots (10% of respondents / 5% of the active fleet).

These results clearly show that those against 60 pots were passionate about their view, and communicated openly to TSIC, while there appeared to be less motivation amongst those supporting 60 pots to respond to TSIC.

A member also voiced concern that some had only voted against 60 pots out of fear of the implementation of a catch cap in the NW region. This theory was not tested by TSIC. Regardless, 73 active fishers representing 49% of the active fishing fleet is an unprecedented response to such requests for feedback.

Arguments against 60 pots

While many respondents simply said 'no' to 60 pots, others provided comments to support their position. The following dot points summarise these personal comments:

- We are trying to rebuild stocks, especially in the NW and NE, and we are going to increase the number of pots and effort by 20%. The NE cap will trigger faster, leading to more effort in the NW, which doesn't have a cap. Just doesn't make sense.
- Science does not show that the NW and NE can sustain more effort.
- Hard enough finding somewhere to set pots with 50 potters let alone 60 potters.
- We should be managing for good stocks not for personal financial interests.
- Will end up with catch cap in the NW then imagine the pressure on the west coast with 25 + boats from the NW hitting the west.
- Was a cottage fishery on the [east coast] – a lifestyle and occupation. Now just a job.
- We need to slow down the race to fish to support local fishers
- Was 40 pots, then 50 pots now proposing 60, where will it end... just a few large boats.
- 60 pots will push us small players out of the industry as they will need more quota to catch more fish.
- Need to think about and support the lease fisher. Already hard to find quota, 60 pots will make it harder and will affect families and communities.
- A number of East Coast fishers suggested 40 pots for the East Coast as a mechanism to slow the race to fish.

Arguments for 60 pots

Those who supported 60 pots provided the following personal comments:

- With increased size limits will be slower catches for a few years, so need increased efficiency (pots) to counter this.
- The 60 pot boundary should be the Red Rocks or St Helens Point size limit boundary.
- Need to maximise effort and catch when the beach price is good – so need 60 pots, especially if a fisher is 'share fishing'. Need to stop fishing when beach price is low.
- I own 60 pots so should be able to fish 60 pots.
- With high fuel prices and uncertain lease prices, we need to improved efficiency.
- It will get me home quicker, more time with families.
- 60 potters need crew, so good for succession planning, train crew to be skippers

TSIC Summary of 60 pots

The 60 pot discussion is very complex. Differing business models within the 150 vessel fleet, discussions around East Coast resource sharing arrangements, the cost of fuel, and increasing difficulty in accessing quota all complicating the discussion.

Small and medium sized boats are in large against 60 pots for a number of reasons, notably sustainability of the resource and fear of being pushed out of the industry. Those for 60 pots argue they need improved efficiency to survive.

Discussions with IMAS suggest that increasing the number of pots on boats, combined with improving stocks and potential restricted access on the East Coast, will result in a reduction in the number of vessels in the fleet. This will have considerable social impacts for those fishers who are displaced, their families and the communities they live in and support.

60 pots, ability to access quota, East Coast resource sharing and other related issues are Government policy decisions based around the objectives of why and who we are managing the fishery.

If we are managing for economic efficiency then 60 pots is reasonable; if we are managing to maximise employment and economic return in regional ports, then the decision is not so simple.

Regardless of the 60 pot decision, it is the view of TSIC that many future discussions and decisions made by the Government will impact fishers, their business models and their future long-term viability in the industry.

TSIC strongly recommends that if government policy has a significant impact on the future viability of any commercial seafood operator and their business operations, then the government must offer a robust structural adjustment package, with suitable compensation. This will allow fishers to make an educated decision about leaving the industry rather than 'death by a thousand cuts'.

Rule changes to improve quota monitoring

There was limited to no member feedback on proposals in this section.

Loading holding tank report

TSIC understands the compliance risk and phone reporting requirement in this scenario.

Processors to separate catches and mark with size limit region during transport

The transit of lobsters from a vessel to a processing storage facility is a vital part of the chain of custody. It is also where lobsters are out of water, sometimes for an extended period of time.

Processors have suggested that the proposed requirements do not meet the logistics of transporting lobsters.

TSIC recommends that NRET, Marine Police and industry develop a mutual solution to this identified compliance issue.

Direct sale lobster weight and coloured tags for size limit zones

TSIC supports this improved accountability of the quota system and traceability of rock lobster from different size zones.

Setting pots at night

TSIC supports the alignment of time restrictions in all zones of the fishery.

Fish cauf buoys to be marked

TSIC supports the need for the distinguishing mark of a fishing vessel to be displayed on a cauf.

Ports of landing and possession of rock lobster

TSIC supports this compliance and enforcement measure.

Other commercial management changes

Retaining rock lobster for personal use

A small number of fishers called for the retention of 30 lobsters for personal use. Most fishers did not respond to this proposed rule change.

Exclusion of supervisors from 200 quota unit threshold in certain circumstances

There was fear that his proposed rule change could create a significant loophole that would allow a vessel and skipper to catch more than 200 units by simply adding a new entitlement to a boat with a deckhand as supervisor. Fishers wanted certainty that this loophole could not eventuate.

TSIC believes that only a small number of supervisors would be impacted by the identified problem, and that the intent of this proposed rule change could be achieved through other instruments in the Act, such as exemptions.

Capacity to authorise an alternative pot design

TSIC supports ability to use alternative pot design and supports the proposal for relevant research to be conducted before any final approved pot designs are approved for commercial use.

Capacity to carry over if TACC is under caught in exceptional circumstances

The COVID outbreak in 2020 highlights the need for greater flexibility to carry over TACC in exceptional circumstances.

Increased flexibility to return lobsters to sea

The COVID outbreak in 2020 highlighted the need for greater flexibility to allowing the return of lobsters to sea in certain circumstances. It is important that all biosecurity implications are assessed prior to any approvals, including an inspection of the health and quality of lobsters to be returned.

Removal of giant crab bycatch provisions

TSIC did not receive any advice on this proposed rule removal.

Fish Cauf Unloading – another rule change proposal

A long-standing practice in many approved ports of landing is to remove a fish cauf from its mooring site, tow it to a boat ramp or beach and unload the cauf.

The requirement to specify the location of a fish cauf (latitude and longitude) has unintentionally made these long-standing practices to be against the rules.

TSIC strongly recommends the rules be amended to allow the owner of a fish cauf to be able to move this fish cauf to an approved port of landing for the purpose of unloading rock lobster.

Part 3: East Coast Policy

The development of a new East Coast Policy for rock lobster will be a long and complex process. As a recognised Fishing Body, TSIC will be engaged in this process into the future. As such, TSIC chooses to keep its comments in this submission minimal.

The East Coast commercial fishery

Rock lobster stocks on Tasmania's East Coast are in their best state for over 20 years, with the most recent CPUE data presented in May 2022 showing another significant jump in the kg catch of rock lobster per pot lift within all East Coast zones; while the statewide CPUE is at the best level since 1984. The commercial rock lobster fleet, NRE managers and IMAS must be commended for this rebuild.

Majority of this rebuilding success on the East Coast is due to the heavy lifting of the commercial rock lobster sector, which has suffered significant reductions in total take from the East Coast Stock Rebuilding Zone and ongoing cuts to accommodate overcatch by the recreational sector.

The commercial rock lobster fleet is an important contributor to East Coast communities. Fishers utilised many subsidiary businesses, including diesel mechanics, butchers, supermarkets amongst more; while their families provide other important functions, such as kids in schools, partners in jobs, and participation in local sports clubs.

Our commercial rock lobster fleet is an important part of the social fabric of our East Coast communities.

The further erosion of the commercial catch on Tasmania's East Coast will significantly impact this social fabric. Jobs will be lost, families will be forced to move away, and the attraction of active fishing ports will be lost. If this happens, a significant component of the people and place that make the TASMANIAN Brand will be lost.

Although the consultation report states that only 12% of the total commercial catch comes from the East Coast, these fish are strong, red fish with a high value and when mixed with other fish, greatly support the total value of the commercial rock lobster catch.

For these reasons, it is vital that we maintain a viable commercial fleet on Tasmania's East Coast.

This can only be achieved by maintaining a viable commercial tonnage of rock lobster from the East Coast Stock Rebuilding Zone.

Achieving agreed targets

It is important to note that the most recent CPUE data presented by IMAS in late May shows a significant increase in CPUE within the East Coast zones and the highest statewide CPUE since 1984.

It is important to understand how this translates to biomass estimates, as this will define the magnitude of the problem we are trying to resolve, and how hard any future management levers may or may not need to be pulled.

Perhaps we may just achieve the agreed targets before 2026 and the proposed 71 tonne drop is not required?

TSIC Policy

At this stage of the East Coast discussion, TSIC will not support a reduction in the tonnage allocation to the commercial sector.

As discussions progress, maintaining an East Coast fishery and East Coast fleet is important for TSIC. Future management outcomes will dictate what this will look like.

If management decisions negatively impact the future viability of rock lobster boats and their business structures, then a structural adjustment package with suitable compensation must be delivered.