

Tasmanian Scallop Fishermen's Association

23 October 2012

Mr David Borthwick AO, PSM
Commonwealth Fisheries Management Review
Department of Agriculture, Fisheries and Forestry
GPO Box 858
Canberra ACT 2601

Dear Mr Borthwick

Commonwealth Fisheries Management Review

The Tasmanian Scallop Fishermen's Association (TSFA) represents the best interests of commercial scallop fishermen members from both Victoria and Tasmania who hold entitlements to take scallops in the Bass Strait Central Zone Scallop Fishery (BSCZSF) which is managed by the Australian Fisheries Management Authority.

The TSFA is an approved certified industry body under the Tasmanian Living Marine Resources Management Act 1995 and is funded by compulsory annual levies from all scallop entitlement holders.

We support the general thrust of the Fisheries Management Act 1991 and the Fisheries Administration Act 1991 and acknowledge that the system is not broken but is in need of upgrading to reduce costs and further improve timeliness of the decision making process and increase opportunities for co-management.

The Management Advisory Committee process is an essential part of the industry / Government interface but we are disturbed by recent developments where some non-industry members of MAC's are using them as a tool to undermine good fisheries management through allegations of conflict of interest and are pursuing these claims through social media. The MAC's have always been advisory in nature and should continue to be just that.

We have very serious concerns about how the small and unique Bass Strait Scallop Fishery is managed, the considerable time delays to gain approvals, the massively excessive management costs being incurred and charged to scallop fishermen as well as the different interpretations and applications of the precautionary principle as it is applied to fisheries.

We note that the Terms of Reference for this review include identifying what improvements are needed to ensure industry expectations are met into the future, looking at efficient

management, modernising management, co-management and consideration of cost recovery arrangements that may impact on the fishery.

All these Review objectives are very relevant to the BSCZSF and serious changes are needed quickly if the fishermen involved in this fishery are to survive beyond this season.

It is obvious to everyone in this industry that the Bass Strait scallop fishery is excessively over managed and over regulated with a heavy management structure resulting in massively expensive management costs which are way in excess of a reasonable cost for this relatively small fishery. There is also an excessive long fishery approval process to start a season and to change management or harvesting area arrangements.

We contend that the current management does not properly take into account the size and seasonality of the fishery and the investments and livelihood of the many fishermen, processors, transport operators, distributors and others who depend on this resource.

The Bass Strait scallop fishery like most scallop fisheries worldwide is characterised by high natural variability in abundance, growth, mortality, meat yield and condition. Additionally a poor understanding of the stock recruitment process means that standard concepts of fisheries management must be adapted to meet the specific needs of a unique fishery.

A season usually commences with research surveys being undertaken by industry to determine if there are suitable scallop beds for harvest. This information is then assessed by IMAS over at least two weeks or more and then AFMA give it some thought before organising a ScallopRAG meeting (8 permanent members) and then a separate ScallopMAC meeting (12 permanent members) to consider options for the season.

Sometimes there can be joint ScRAG and ScMAC meetings or teleconferences but there is always a time delay to decision making and significant costs involved.

Even after RAG and MAC considerations AFMA Management give more thought to the options and put a detailed proposition to the AFMA Commission for approval.

When a season is eventually approved AFMA are then required to give 28 days notice to entitlement holders before a harvesting season can commence.

This excessive time delay after the survey of a minimum 6 to 8 weeks and the very considerable costs involved is totally inappropriate for such a small fishery. The collection and analysis of data, the consultation involved and the approval process, coupled with an inappropriate harvest strategy for the fishery, in many cases means that the fishery opens 12 months later than necessary which reduces the available harvesting period.

The current season is a good example where bureaucratic and scientific wrangling has meant that a healthy bed that should have been harvested in 2011 was not opened until August 2012 by which time the majority of the fish had died.

The present minimum shell size of 90mm and detailed assessments of surveys has resulted in thousands of tonnes of lost opportunities due to scallops dying of old age before being scientifically declared available for harvest.

The size limit needs to be reduced to a minimum of 85mm so that scallops can be targeted at a more appropriate younger age (as is being trialled this season) and the guesswork associated with doubtful scientific assessments, estimated biomass levels, dredge efficiencies etc should be acknowledged historically as being of little or no value.

The catch and financial circumstances of the last four scallop seasons are -

| Year | 2009 | 2010 | 2011 | 2012 YTD |
|--|----------------|----------------|----------------|-----------------|
| Total Allowable Catch | 2500 tonnes | 3000 tonnes | 2000 tonnes | 2000 tonnes |
| Actual catch | 2404 tonnes | 2189 tonnes | 362 tonnes | 84 tonnes |
| Beach Price Value | \$4.03M | \$3.67M | \$0.608M | \$0.141M |
| (Note: Fisherman prices based on 12% recovery and an average \$14 per kg meat beach price) | | | | |
| Year | 2009-10 | 2010-11 | 2011-12 | 2012-13 |
| Budget (industry component) | \$344,000 | \$370,627 | \$451,246 | \$362,414 |
| Actual Cost | \$265,996 | \$388,361 | \$362,504 | \$ n/a |
| Industry levies paid | \$297,886 | \$298,925 | \$476,737 | \$279,992 |

As you will note from the above detail over the last four years the budgeted management costs have varied from 8.5% and 10.1% of the beach price value to a staggering 74.2% last year and 257% this year to date.

The actual catch this season is unlikely to be more than 200 tonnes which means that the budgeted management costs this year will incredibly be more than the whole of industry beach price value !

This management cost burden for the last four years is clearly unsustainable and is totally unacceptable for a small fishery. We acknowledge that an effort was made to reduce the budgeted cost for this financial year but from a record high in the previous year.

We question the need for the current number of AFMA Commissioners and recommend that this number be reduced to lower costs and that the criteria for selection be expanded to include at least one person with some current knowledge of operational issues in the fishing industry. This is clearly a matter that is missing in the current Commission. We also question the wisdom of five year terms for Commissioners as it is possible to become complacent in the role and become totally risk averse rather than judge operational issues on their merits.

The industry needs a simple, cost effective, adaptable, modern management regime that recognises the variable nature and economics of the fishery. Excessive management structures, rules, regulations and costs that may suit other fisheries are not appropriate.

We agree that preseason surveys are important to identify if suitable beds of scallops are available at the minimum size and once this matter has been established the fishery should be immediately opened without costly assessments, meetings and approval processes.

Adaptive management can be used to determine harvest levels and harvesting areas that will protect juvenile beds and spawning stock. Fishermen need the opportunity to explore large areas and to maximise the effort and return they may get from the fishery.

To open or vary a season the AFMA Scallop Manager and/or General Manager should be given the delegated authority bearing in mind that this is a seasonal fishery of low value but very important to those who participate in it.

To make this fishery viable again will necessitate a complete review of the Harvest Strategy, rules and regulations in order to agree a simple user friendly, time effective process that recognises the unique features and variable nature of the fishery.

The industry is too small to justify a costly observer program, particularly as the data already collected by observers show little or no interaction with protected species and minimal bycatch. The expensive stock assessment of surveys prior to and during seasons is unnecessary and there is no need for the AFMA Commission to be continually involved in a hands on manner in such a small seasonal fishery.

The industry is more than capable of managing the day to day aspects of the fishery on a co-management basis, and has proven this to be the case, but must be given a chance to optimise the return from the fishery.

Industry also struggles with the AFMA definition of the Precautionary Principle which appears to broadly mean “no fishing until a complete annual survey has been conducted and analysed to ensure no impact on the marine environment or the rebuilding of scallop stocks” whereas for the seismic survey / oil and gas industry the precautionary principle appears to mean “seismic surveying can continue until it is proven to be detrimental to the marine environment and fish stocks”. As both industries operate under the EPBC Act it is difficult to ascertain why the interpretations can be so different. Clearly the impact of seismic surveys on the scallop industry can be substantial.

The current management process, time delays and unsustainable management costs are destroying this fishery and we encourage immediate changes for the better as part of this Review process.

Thank you for the opportunity to contribute to this review of Commonwealth Fisheries Management.

Yours faithfully

R.K.LISTER
Executive Officer