

Hon Colin de Grussa MLC

Member of the Legislative Council, Parliament of Western Australia

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Hon. Peter Foster MLC
Chair, Standing Committee on Environment and Public Affairs
C/o Legislative Council Committee Office
Parliament House, 4 Harvest Terrace,
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By email: env@parliament.wa.gov.au

Dear Chair,

Submission regarding Petition No. 066 - Proposed 8 or 9 month demersal ban

Thank you for your letter inviting me to provide a submission in support of the above-mentioned petition which I tabled in the Legislative Council on 11th October 2022.

The principal grievance articulated in the petition concerns the decision by the Minister for Fisheries to only present those management options which involve a blanket ban for specified periods on the recreational fishing sector during the public consultation process to determine future management options to reduce catch within the West Coast Demersal Scalefish Resource (WCDSR).

Background

The WCDSR contains 100 demersal scalefish species in marine waters from north of Kalbarri to east of Augusta, including species such as West Australian dhufish, pink snapper and baldchin groper.

The 2021 WCDSR stock assessment found further management action is required to allow the WCDSR to recover to sustainable stock levels by 2030. Based on this assessment, the Minister for Fisheries approved a reduction in the WCDSR recovery benchmark (total catch) from 750 tonnes to 375 tonnes, with 135 tonnes be allocated to the recreational (including charter) sector and 240 tonnes to be allocated to the commercial sector. A 50% reduction in recovery benchmarks for key inshore demersal species such as pink snapper and dhufish was also approved.

The findings of the WCDSR stock assessment and consequent decisions by the Minister to reduce total catch to 375 tonnes and the 50% reduction for pink snapper and dhufish were agreed by all sectors of the fishing industry. In essence, all sectors accepted the scientific basis of the assessment on stock levels and the quantum of reductions approved by the Minister required to achieve stock recovery by 2030.

On this basis, the State Government committed to a two-stage consultation process, with the first phase involving the development of recommendations on the preferred primary and supporting measures that would be necessary to achieve the reduced total catch limit. Phase 1 was led by Recfishwest, the WA Fishing Industry Council and Marine Tourism WA, on the premise that information from this process would inform the development of proposed management packages that would be taken into the second phase public consultation process.

Specific to the engagement with the recreational sector, Recfishwest formed an expert working group (EWG) which was tasked with developing recommended management options. A cornerstone to the analysis and deliberations by the EWG were the 6,000 survey responses from recreational fishers and affected businesses which had been received by Recfishwest through their sector engagement process. In line with the process agreed with the State Government, the recommended management options were submitted in July 2022.

In August 2022, the State Government released the management options that would be taken through for consideration during the phase two public consultation process. The management options specific to the recreational and charter sectors were as follows:

A limited recreational fishing season for demersal scalefish in the West Coast Bioregion be implemented over:

- 1. A 94 day recreational fishing season for demersal scalefish, opening from 15 December to 15 January and from 20 March to 20 May. OR*
- 2. A 123 day recreational fishing season for demersal scalefish, opening from 1 April to 31 May and from 15 August to 15 October.*

Charter primary measure proposals:

- 1. Implement a tag system for the Charter Fishery in the West Coast Zone defined by numbers of demersal scalefish each year. AND*
- 2. Any investment in the Charter Fishery after 18 February 2022 may not be taken into account in determining access and allocation of demersal scalefish tags in the West Coast Zone. AND*
- 3. The Department of Primary Industries and Regional Development (DPIRD) engage independent expert(s) to consider matters of access and allocation related to the implementation of a demersal scalefish tag system for the Charter Fishery in the West Coast Zone, including consultation with Fishing Tour Operator Licence holders.*

Supporting measures for both recreational and charter fishers to reduce the need to release demersal scalefish, provide targeted spawning protection and support the recovery:

- 1. Maintain a mixed species daily bag limit of two demersal scalefish in the West Coast Bioregion.*
- 2. Remove individual demersal scalefish species daily bag limits in the West Coast Bioregion (including dhufish).*
- 3. Remove the dhufish boat limit for boat-based recreational fishers and charter boats.*
- 4. Introduce a demersal scalefish boat limit in the West Coast Bioregion of three times the mixed species daily bag limit (i.e. maximum of six demersal scalefish) for boat-based recreational fishers.*
- 5. Remove size limits for demersal scalefish species with post-release mortality rates equal to, or above 50%.*
- 6. Allow a maximum of one bait or lure per line when fishing for demersal scalefish in the West Coast Bioregion.*
- 7. Extend the timing of the pink snapper spawning closure in Cockburn and Warnbro Sounds, applicable to all fishing sectors, to 1 August to 31 January.*

8. *Shift the timing of the baldchin groper annual spawning closure at the Abrolhos Islands, applicable to all fishing sectors, to 1 October to 31 December.*
9. *Implement a recreational fishery monitoring program to provide timely estimates of catch and effort for recreational fishing in the WCDSR to support an annual review process.*
10. *Prioritise transition of Charter Fishery reporting from paper-based logbooks to electronic reporting to support an annual review process.*
11. *Develop a research program to prioritise, fund and resource projects to support the recovery of the WCDSR.*
12. *Implement a multi-year education program to support fisher behavioural change towards responsible fishing practices.*

Of particular note is that the options selected by the State Government to be considered through the phase two public consultation process *did not include any of the recommendations submitted by Recfishwest or the recreational fishing sector.*

It is my understanding that there was no communication initiated by the State Government with Recfishwest in respect of the recommended options which had been submitted by Recfishwest in July 2022 as a result of its sector engagement process, nor any discussions regarding the options the State Government had determined would be under consideration through the phase two public consultation process.

Conclusion

For the sake of clarity, *what is not at question* is the scientific veracity of the stock assessment undertaken by DPIRD, the quantum of the catch reductions determined by the Minister or the sectoral allocations divided between the commercial and recreational sectors.

What is at question is the process through which the State Government has determined which management options should be under consideration during the public consultation phase. There has been a very obvious lack of transparency by the State Government on:

- Its analysis of the recommended options submitted by Recfishwest and the basis for its decisions to summarily exclude these options from the public consultation process;
- The reasons why it failed to engage further with the recreational sector – especially in light of its decision to specifically exclude any of their recommended management options;
- The fundamental merits of the management options it has chosen specific to the recreational sector, and whether they are predicated on:
 - minimising the Departmental resources required to regulate any adopted management approach
 - any consideration of the social, economic and environmental consequences.

On this basis, I believe that it is imperative that the current process is held in obedience to allow further dialogue between the State Government and the recreational fishing sector, such that a more collaborative and transparent process can be undertaken to determine the management approach that will apply to the WCDSR and clearly articulate the merits or otherwise of all options presented to government by the recreational sector. Further, that consideration be given to delaying the proposed implementation timeframe for any management options to allow sufficient time for this process to be undertaken, any statutory requirements to be completed and relevant practical working arrangements be set in place by the various government agencies and fishing sectors involved.

This approach is more reflective of the process under which all industry sectors initially engaged with the State Government, and through which they subsequently undertook consultation with members of their respective sectors to develop, in good faith, recommended management options to be taken into the public consultation process.

Should you require any further information in respect of this submission please do not hesitate to contact my office.

Yours faithfully,

A handwritten signature in blue ink that reads "Colin de Grussa". The signature is written in a cursive, flowing style.

Hon Colin de Grussa MLC

Member for the Agricultural Region

3 November 2022