

# ROCK LOBSTER MANAGEMENT PLAN REVIEW STEERING COMMITTEE

## RECORD OF MEETING (v2)

**Meeting No 7:** 20 July 2022, Queenscliff

**CHAIR:** Jill Briggs

**MEETING COMMENCED:** 9:30 AM

### 1. PRELIMINARIES

<b>Present</b>	
Jill Briggs	Chair (Affectus Pty Ltd)
Toby Jeavons	Victorian Fisheries Authority (Executive Officer)
David Reilly	Victorian Fisheries Authority
Klaas Hartmann	Institute of Marine and Antarctic Studies (IMAS)
Ian Knuckey	Fishwell Consulting
Rob Timmers	Recreational fishing representative/ VRFish
Lawrence Moore	Recreational fishing representative/ VRFish
Wayne Dredge	Industry Member (Eastern Zone)
Ross Bromley	Industry Member (EastRock)
Matthew Harry	Industry Member (Eastern Zone)
Alex Haberfield	Industry Member (Western Zone)
Gary Ryan	Industry Member (Western Zone)
Zeb Johnston	Industry Member (Western Zone)
Lachlan Smith	Victorian Fisheries Authority
<b>Guests</b>	
Peter Price	Industry Member (Western Zone)
Callum McCarthy	Industry Member (Western Zone)
John Hawkins	Scuba Divers Federation Victoria (SDVF)
Craig Starrit	SDFV
<b>Apologies</b>	
Joanne Butterworth-Gray	Seafood Industry Victoria
Chris Padovani	Seafood Industry Victoria
Ben Scullin	VRFish
Rohan Henry	Independent coastal Indigenous representative
Adrian Meder	Australian Marine Conservation Society
Peter Galvin	VRFish
Leslie Feast	Industry Member (Western Zone)
Steven Rust	Institute of Marine and Antarctic Studies (IMAS)

#### 1.1 Welcome and apologies

Jill Briggs, as Chair, stated an Acknowledgement of Country and paid her respect to elder's past, present and emerging. Jill welcomed members and observers to the meeting of the Victorian Rock Lobster Management Plan Review Steering Committee (RLMPSC) and noted the apologies.

Jill advised the Committee that Rohan Henry (independent coastal Indigenous representative) recently tendered his resignation from both the RAG and MPSC due to his lack of attendance at meetings and other work commitments. It was acknowledged that some of the conversations in today's meeting, particularly around resource allocation, will be limited by the lack of an Indigenous representative.

## 1.2 Overview of meeting Adoption of agenda

An overview of the meeting and agenda was detailed. The agenda was adopted with no changes made.

One observer questioned whether an error they identified in the minutes from a previous meeting had been rectified and if the minutes have been finalized and endorsed by the Committee. Toby confirmed this has occurred on both fronts.

## 1.3 Review timelines and outstanding actions

Toby provided an outline of timelines highlighting what the group has already achieved.

### Timelines

Six meetings have taken place to date.

**Meeting 1** involved setting the context, establishing the vision and recognising risks.

**Meeting 2** involved developing a direction towards the vision through commencing the ESD risk assessment and undertaking an economic analysis of the fishery.

**Meeting 3** involved consolidating the vision and completing the risk assessment process to then inform development of objectives, strategies and actions.

**Meeting 4** involved reviewing existing objectives and strategies to ensure they are covering the risks and working towards achieving the vision.

**Meeting 5** involved working through each objective and associated strategy to identify actions to manage risks and achieve vision.

**Meeting 6** focused on reviewing existing reference points and target reference point advised by the RLRAG, reviewing management controls to achieve the target within rebuild timeframe and review of harvest strategy decision rules

**Meeting 7** (this meeting) will focus on inter-sectoral allocation, as well as other management considerations including management of eastern rock lobsters and considering amendments to the current over/under -catch rules.

Following that, the intention is for the subsequent meeting to bring it all together into a draft document for presentation and review. Toby advised this will not take place until after October as this is when the RAG is expected to next meet. He advised the intent is to try and settle a draft by the end of the year to then seek relevant approvals to commence the 60-day public consultation period.

Toby ran through the outstanding actions from last meeting to provide an update.

- Toby to make agreed changes to the objectives, strategies and actions table as detailed in minutes for meeting #6 **COMPLETE (updated version on shared on Trello)**
- Toby to investigate the existing upper and lower LRP of 0.25kg/potlift and 0.40kg/potlift **UNDERWAY (progressing through RAG)**
- Klaas to provide wording for Toby to include in the management plan that details how productivity loss is calculated **NOT YET COMPLETE**
- Klaas to provide wording for Toby to ensure justification as to determining target reference point is included in the management plan **NOT YET COMPLETE**
- Klaas to consider increasing the constant exploitation rate threshold from 0.4 kg/potlift to 0.5 or 0.6 kg/potlift for the EZ only **UNDERWAY (progressing through RAG)**
- Klaas to review the current threshold level of PRI based on the adjusted recruitment average to reflect likely recruitment scenarios **UNDERWAY (progressing through RAG)**
- Klaas to discuss size of sexual maturity for RL with Dave Reilly when he gets back from leave **NOT YET COMPLETE**
- Toby to add Vessel efficiency factor to next meeting's agenda **UNDERWAY (on agenda for next RAG meeting)**
- Klaas to consider at next meeting including a rule in the harvest strategy that when the PRI is decreasing, the TAC is decreased **UNDERWAY (progressing through RAG)**
- Klaas to review the CPUE band increments in the TACC table **UNDERWAY (progressing through RAG)**
- Toby to add management of eastern rock lobsters and consideration

#### 1.4 Project discussion platform – Trello

The Committee was reminded that Trello is a useful place for members to express their concerns or comments which Toby can raise at future meetings. Minutes are also uploaded there.

## 2. Catch-up: Refining the harvest strategy

Klaas provided an overview of progress made at the RLMPSC meeting held in May in reviewing the harvest strategy and further progress made at the RLRAG meeting held in July 2022. Toby also relayed ancillary decisions from the last RLMPSC. This information is fully captured in the respective minutes for each of those meetings.

Based on the advice received from the RLRAG and RLMPSC, Klaas will now reconfigure the harvest strategy including the graph and catch rate tables ahead of the next meeting.

Toby noted an error has been picked up in the draft RLMPSC minutes for meeting #6 regarding the proposed TACC cap for the Western Zone supporting the planned rebuild and that this should be 240t. The minutes will be adjusted accordingly.

**Action** – Lachlan to update minutes of RLMPSC Meeting #6 to reflect 240t cap for WZ.

The Chair thanked Klaas for updating the Committee.

### Morning tea – 10:30 – 10:45

## 3. Intersectoral allocation

### 3.1 Overview: Existing framework

Toby advised that total and sector-specific levels of harvest (and where/how it occurs) is a fundamental, but complex, part of fisheries management in Australia. He noted that there is no formal VFA allocation policy, however there are guiding principles in established legislation and formal documents such as the Fisheries Act 1995, VFA strategic plan, and the existing Rock Lobster Fishery Management Plan. He guided the Committee through the foundations for inter-sectoral allocation, guiding legislation, current framework under the management plan (allocation and access) and recent monitoring of recreational catch and how this compares against the notional allocation utilized for the sole purpose of informing stock assessments.

There has been a notional recreational catch of 5 and 10 per cent of the commercial TACCs, in the western and eastern zones respectively, and that the recreational tagging program was brought in to test this estimate. Toby advised that to date the highest level of rec catch recorded under the tagging program is 2.8% in the west and 15.5% in the east in a season.

Toby advised the recreational tagging program is still relatively new and data limited. What is confounding this is that in the last few years there have been disruptions to fishing activity from Covid-19 restrictions and challenges in the most recent transition from plastic tags to digital platform in GoFishVic. He noted that it is difficult to utilize available tagging data as a reliable measure of usual total recreational catch at this stage. He also advised that data from the 2021-22 recreational fishing season will be compromised due to reduced reporting levels arising from complexities and challenges in transitioning to the digital reporting framework. Toby advised that actual tagging numbers are currently incorporated into the stock assessment (rather than the notional allocation of 5 and 10% used in the past).

It was acknowledged there is currently no formal allocation to the indigenous sector or the recreational fishing sector. Toby noted the vision, objectives strategies and actions (that have been developed to date by the RLMPSC for proposed inclusion in the new plan) and that a formal allocation would align with these and strengthen the fishery's management arrangements, as well as stakeholder confidence.

The Chair noted that it was unfortunate there was no Indigenous representative in the room to inform discussion on allocation aspirations for this meeting. Toby advised he would catch up with Rohan Henry outside of management plan process to discuss this matter further and noted that further consultation will occur with relevant Aboriginal parties and the wider public on release of the draft Plan.

**Action** – Toby to discuss TO allocation with Rohan Henry out of session and bring back summary to steering committee

### 3.2 Determining resource users, defining value and finding the balance

The Chair organized for the Committee to break into groups during the meeting to workshop the differing values that various key sectors have in relation to the resource. A high-level summary of those identified on the day are detailed below.

Commercial fishing	Recreational Fishing (includes dive fishing)	Charter operator	Indigenous
Lifestyle	Recreation	Financial value (limited)	Cultural
Family	Food	Access for recreational fishers	Traditional / social
Regional community	Well-being	Tourism income	Food / bartering
Food security	Enjoyment		Sea country
Income	Citizen science		
Employment	Lifestyle		
Livelihood			
Enjoyment			
Capital			
Value chain - commercial	Value chain - rec	Tourism	Consumers
Income	Employment	Attracting visitors	Food security
Processors	Equipment sales	Local regional	Premium, local
Exporters	Trips to regional	Economy (\$)	seafood
Markets	communities	Commercial adds	Retailers, wholesales,
Employment	Boat sales	Tourism value too	restaurants
Export \$\$			Experience (food origin)

The Committee acknowledged that there are other values that do not necessarily fall under each of the groups, such as intrinsic and ecosystem value.

### 3.3 Discussion: Recreational lobster pots

Toby advised that a proposal from Futurefish Foundation had been sent to SIV seeking its consideration and support for recreational lobster pots to be permitted for use in Victoria, for the intended benefit of enhancing accessibility to the rock lobster resource. Toby noted that this is not a VFA proposal and has been passed on from SIV to RLMPSC members for information and discussion at this meeting and SIV seeks a recommendation from the group.

Toby noted that this proposal has come up in previous years and advised that the VFA's current position is that it has no plans to allow use of recreational lobster pots. Toby noted this most recent proposal has caused serious concerns amongst a number of members of the commercial rock lobster industry as well as the commercial abalone industry. Some correspondence to this effect were tabled for members for information (with permission and on request). This included correspondence from Abalone Council Victoria and two members of the commercial lobster industry. Another member of industry also noted that they uploaded a submission on Trello for the group to access.

Toby advised of some of the risks that would need to be considered for such a proposal, including:

- **Sustainability of the resource** - Victorian Rock Lobster stocks have been in steady decline since 2006, particularly in the states large Eastern Zone where key indicators have recently reached historical low levels. The commercial sector has undergone significant TACC reductions (50% over past 4 years) and industry is actively pursuing measures to decrease fishing pressure.
- **Low productivity of the Victorian fishery and large recreational sector** – The Victorian rock lobster fishery has limited fishing ground (inshore coastal area) and is the least productive of all States (278t) compared to South Australia (1275t) and Tasmania (1054t). Further Victoria has the largest population base of over 6 million people compared to South Australia and Tasmania with less than 2.5 million people combined.
- **Whale entanglements** – There is growing pressure on the social licence of global pot fisheries from animal activist groups. The Victorian fishery reports annual whale interactions and is considered high risk due to operating within the migratory path of the EPBC listed endangered Southern Right Whale. Permitting recreational lobster pots would significant increase the number of annual whale entanglements
- **Navigational hazard/marine pollution** – Due to the limited inshore reef areas suitable for lobster fishing, and the proximity to large population base of Melbourne, permitting the use of recreational lobster pots would introduce significant maritime safety issues. Lost/snagged lobster pots and excessive lengths of rope attached to gear would significant increase the risk to loss of life on Victorian marine waters.
- **Spatial conflict** – Inshore reef areas are targeted for a range of species by both the commercial and recreational sector. Permitting the use of recreational pots would result in significant conflict and displacement of commercial fisheries such as the abalone, wrasse, rock lobster, banded morwong. Further, recreational divers, hook and line fishers and tuna/kingfish fishers would not be able to share these reef systems.

Other important risks raised in the tabled correspondence and/or through discussion with members at this meeting included: biosecurity, spread of Abalone Viral Ganglioneuritis (AVG), on-water safety, soak times, bycatch, theft, jeopardizing export approval, ghost

fishing (lost pots), marine debris and enforcement costs.

A commercial industry member questioned the benefits of this proposal in increasing recreational access as they believe hoop nets are an efficient gear type which is already permitted for recreational users only. They also noted that many commercial fishers were already keen to see a reduction in commercial pots, rather than an increase by allowing recreational pots. Another commercial member advised that using recreational lobster pots is a passive form of fishing which is not permitted in Victoria across recreational fishing gear and would set a new precedent.

Toby noted if this proposal were to progress there are various options that would need to be considered alongside it, such as:

- Restructure and formal allocation policy.
- Additional regulations to prevent overfishing and environmental risks i.e. reduced bag limit, Total Allowable Recreational Catch (TARC), complete fishery closure when reaching a cap/during peak whale migratory season, recreational only fishing areas.
- Increased compliance measures.
- Further investment in recreational reporting system.
- Limited entry and registration of pots would be required (in line with South Australia).
- Introduction of rock lobster endorsement on licences to contribute to increase in required management and compliance.
- Approaches to prevent lobster pots becoming navigational hazards, marine pollution, or a hazard for wildlife including migrating whales.

A member advised that a cost-benefit risk assessment (stock, byproduct, gear interactions etc.) is fundamental to this type of proposal and a logical first step before this is considered further.

An observer noted that the dive community possibly won't support this because divers would lose out, but also noted they personally would not object to it at present as there are a lot of boundaries that they believe can be put in place to take away a lot of the fears. They agreed that a risk assessment should be conducted.

A VRFish representative also agreed that a risk assessment should be drawn up before we draw conclusions on this topic. They noted that VRFish wants fair and reasonable access to the rock lobster resource.

There was broad consensus amongst the Committee that no management change should occur based on this proposal until a risk assessment is completed. A commercial industry member advised that this group should be involved in any such risk assessment.

Note: after this discussion took place and toward the end of the day's meeting, a VRFish representative confirmed to the Committee that the VRFish Board has discussed the rock lobster pot proposal and is supportive.

### **3.4 Discussion (intersectoral allocation)**

The committee acknowledged that the current 'notional allocation' is not a formal allocation and that the only formal allocation of catch to date has been to the commercial sector. Toby noted that investigating allocation to the Indigenous sector has been an action in the current management plan and it may be difficult to make good progress on this under the expected timelines for finalizing this management plan review. The Chair encouraged the Committee to try avoid putting this as a future action again and seek to make some progress throughout the current review process.



The Committee acknowledged there is no allocation for cultural Indigenous take and Victoria is behind in this space in comparison to some other jurisdictions. There was support from some members in investigating what Traditional Owner aspirations are in considering pursuing a potential allocation.

A member questioned what the likely uptake would be if there were to be an allocation to the indigenous sector. Toby advised he could follow this up out of session with Rohan Henry (acknowledging that this may not be straight forward as Rohan is no longer on the Committee and cannot speak on behalf of everyone).

**Action** - Toby to discuss with Rohan whether indigenous allocation for lobster is something the sector/TOs are seeking and to gain a better understanding of cultural take.

A member noted the Future Fisheries Strategy: Proposals for Reform developed by the former Department of Primary Industries (DPI) in 2011 had good proposals on this matter and that this should be circulated to members.

**Action** – Toby to circulate the DPI Future Fisheries Strategy proposals document (2011) to members.

The discussion then focused on allocation regarding the recreational sector. An observer advised that if there is a formal allocation, then in their view it needs to be effective and that means shutting down the sector once its caught in that year. An industry member advised that if there is a TARC (Total Allowable Recreational Catch) implemented as a hard cap, then there would likely need to be stronger reporting, restrictions and increased costs recovered for compliance and enforcement operations. It was noted that FutureFish has referred to a recreational cap in the context of its recreational rock lobster pots proposal. Another member advised that while ITQs work well for the commercial sector, they do not necessarily work well for other sectors whereby catch limits are often more appropriate. Dave (VFA) also noted that a hard catch cap would be difficult to enforce based on the current recreational reporting system.

A member noted the lack of Victorian government policy for fisheries access and allocation is a reason why this allocation discussion is so difficult and advised that the Victorian Government should pursue a formal fisheries access and allocation policy. Toby noted despite there being no formal allocation policy in Victoria, he believes the group can work together to form a recommendation on what that may look like given the recreational tagging program is in place. This recommendation could be provided to the CEO for consideration. There was lengthy discussion and debate on this topic. While not everyone was in agreement, there appeared to be a general consensus amongst the Committee to recommend:

- ❖ **There needs to be formal allocation to each of the three sectors (commercial, recreational, Indigenous)**
- ❖ **Any formal allocation decision should at least factor in current and recent catches (noting COVID and tagging program transition).**
- ❖ **Indigenous allocation should cover that required for cultural take.**

Toby progressed the discussion further noting that there appeared to be two options for allocation to the recreational sector:

- 1) A retrospective approach – which would mean looking at the data from the previous season and managing total take by adjusting input controls for the next season (e.g. changes to bag limits or closed seasons to manage catch in line with the percentage-based allocation).
- 2) A hard cap approach - whereby the fishery is closed once the determined allocation is reached during a season.

Consensus could not be formed on a recommendation for option 1 or 2 and this discussion

was to be continued after lunch.

**Lunch – 13:30 – 14:00**

### **Discussion on intersectoral allocation (continued)**

Toby sought whether the group could agree to a formal allocation to the rec sector based on option 1 above (allocation managed retrospectively) and on the basis that a recommendation on an appropriate percentage not be determined today but at a later date. It was noted the management advisory committee to be established could be used to review the notional allocations and recent data and provide management recommendations in the future. There appeared to be a moderate level support from members for this approach in the interests of progressing this complex issue. One commercial industry member noted they would be more comfortable with this if there wasn't currently a proposal for lobster pots.

A member suggested that the sector catches and cumulative catches could be presented together at the next meeting to better inform this discussion.

**Action** – Klaas present catch graphs broken down by sector and cumulative catch by zone to inform discussion

One observer advised they don't support option 1 above at this stage based on the current information and questioned whether uncaught recreational catch would rollover to the next season. Toby advised that total uncaught fish (if any) would not rollover to next season and be seen as a benefit to the stock.

While a clear recommendation was not reached on pursuing option 1 or 2, there was consensus in recommending:

- ❖ **if there is an allocation implemented for the recreational sector then it should be specific to each zone (eastern and western).**

The next meeting will re-focus on this discussion to determine a recommendation for the following:

- **Percentage allocation for the recreational sector.**
- **Approach to manage the relevant sector within their annual allocation (retrospective with review of input controls each year or hard cap closure during season).**

Toby noted that if the group is unable to form consensus on a recommendation, then this will be noted and the CEO will make a decision.

Jill thanked the group for their contributions in this complex discussion and noted this could be picked up next meeting.

## **4. Management considerations**

### **4.1 Management of eastern rock lobsters**

Toby noted that currently the TACC for the commercial fishery includes take of both eastern and southern rock lobsters. There is a trigger reference point in the current management plan of 1 tonne of catch of eastern rock lobsters whereby a management review will commence and controls to manage the fishery would be reviewed. This has not occurred to date as the majority of eastern rock lobsters are returned to the water in preference for the more valuable southern rock lobster. However there is considerable interest from fishers operating in the far east of the state in retaining this species and have suggested that eastern rock lobsters can account for 50% of catch in pots. Toby advised there is

some evidence which may suggest the Victorian ERL population is genetically identical to that of the NSW fishery.

An industry member noted the recent Landline story on eastern rock lobsters in NSW and that the abundance is the best it has ever been. There was agreement amongst all industry members on the RLMPSC that eastern rock lobsters and southern rock lobsters should not be in the same quota management system and suggested that eastern rock lobsters can be taken sustainably in another way (e.g. catch limit). It is understood that Tasmania may be considering this too. Toby noted he will need to discuss this with NSW before any changes are further considered.

The steering committee agreed to separate ERL from SRL quota, however no the level of by-product is yet to be determined.

**Action** - Toby to chat with ERL manager in NSW in potentially removing eastern rock lobsters from SRL quota and managing separately.

#### 4.2 Considering over / under-catch

Current there is a provision to allow 'over-catch' and this is set out in the Initial Quota Order for the fishery. It means that if the holder of a Rock Lobster Fishery Access Licence has caught or landed in excess of his or her quota allocation by 20kilograms or less at the end of a quota period, the amount by which the licence holder is in excess will be deducted from his or her quota allocation for the next quota period. At no time can a licence holder be more than 20 kilograms in excess of his or her quota allocation. Conversely, there is currently no provision for 'under-catch' in that if quota units are not taken during a quota period these cannot be carried over to the next quota period. Toby noted there has been various feedback by licence holders at port meetings on the current arrangements, with a strong interest in increasing the overcatch allowance.

There was endorsement from the RLMPSC to propose a change from 20kg to 50kg for over-catch for inclusion in the draft Plan and subject to further consultation. This would help fishers to maximise opportunity and reduce pressure/stress on industry. It was clarified that all over-catch is deducted from the licence holders quota the following season. There was also consensus for no change to the under-catch rule and that any fish left in the water is seen as a benefit to the stock.

## 5. Reflection: Vision, new workplan and tools to achieve vision

Toby noted the time constraints and that Committee could skip over this item. This will be covered in a re-cap at the next meeting.

## 6. Other business

### 6.1 Trade discussion

Wayne gave an update on recent insights regarding global agricultural trade. He believes the rock lobster industry is going to experience possible trade barriers into Europe in future years unless discussions on pathways to net zero climate emissions commence within the industry. He noted Southern Rock Lobster are also currently looking closely at MSC certification and while this may well be achievable in the short-medium term, a pathway to net zero climate emissions may also be needed to maintain such certification into the future. While these concerns may not be realized for a number of years, the Committee noted this is an important matter and something to be aware of moving forward. Klaas noted that shipments by air impact the assessment. He also noted that catch rates are important in this space as it relates to how much emissions are needed to be offset, so rebuilding the stock is beneficial in this regard.

### 6.2 Committee homework

Committee to review the DRAFT Management Plan as this is circulated and provide comments to be discussed at the next meeting. Toby noted the next meeting will focus on harvest strategy refinement (following the RAG meeting in October) and review of the draft Plan. Additional carry-over items that were not discussed at today's meeting will also be included for Meeting 8.

### 6.3 Closing Comments and next steps

Jill closed by thanking members for their efforts in joining for this complex but important discussion. Jill then concluded the 7th Rock Lobster management plan review steering committee meeting.

**Next meeting date – TBC (late 2022).**

**Action –** Toby to send out invites for next meeting date.

### Outstanding actions:

- Klaas to provide wording for Toby to include in the management plan that details how productivity loss is calculated
- Klaas to provide wording for Toby to ensure justification as to determining target reference point is included in the management plan.
- Klaas to discuss size of sexual maturity with David Reilly
- Lachlan to update minutes of RLMPSC Meeting #6 to reflect proposed 240t cap for WZ.
- Toby to discuss with Rohan whether indigenous allocation for lobster is

something the sector/TOs are seeking and to gain a better understanding of cultural take.

- Toby to circulate the DPI Future Fisheries Strategy proposals document (2011) to members.
- Klaas present catch graphs broken down by sector and cumulative catch by zone to inform discussion
- Toby to chat with ERL manager in NSW in potentially removing eastern rock lobsters from SRL quota and managing separately.
- Lachlan to send out invites for next meeting date.

