

MANAGEMENT OF CHARTER BOAT FISHING IN SOUTH AUSTRALIA

POLICY DIRECTIONS PAPER FOR PUBLIC CONSULTATION

NOVEMBER 2003



**PRIMARY INDUSTRIES
AND RESOURCES SA**



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FORWARD

Call for public comments

Primary Industries and Resources SA has prepared this Policy Directions Paper for the management of charter boat fishing in South Australia. The public are invited to make comments on this paper to assist in the development of management arrangements.

The purpose of proposed management is to ensure that fishing continues to be managed on a sustainable basis while allowing for the development of the charter boat fishery. Controlled development and regulation of the charter boat fishery will provide:

- Capacity for the management of catch and effort of the sector under sustainable use principles;
- Reliable information for fisheries management planning;
- Capacity to identify professional charter fishing operators as stakeholders in fisheries matters and provide for their representation in fisheries management forums;
- Capacity for the provision of a contribution by the charter boat fishing sector towards the costs of managing fish stocks; and
- Capacity to manage and develop fishing-based tourism in South Australia.

Additional copies of the Policy Directions Paper are available on the PIRSA website www.pir.sa.gov.au or from PIRSA Fisheries, GPO Box 1625 Adelaide 5001 (Tel: 08 8226 2961).

You are invited to submit your comments to the above address. Closing date for comments is 5.00pm, Friday 2 January 2004.

Submissions may also be sent by fax to 08 8226 0434 or email mavrakis.vicki@saugov.sa.gov.au

EXECUTIVE SUMMARY

Charter boat fishing offers recreational fishers an increased probability of success through the guidance of an experienced operator, often using sophisticated fish location technology and a fishing platform that can access offshore fishing grounds. The potential exists for this fishery sector to have a greater impact on the fish resources than a similar effort level by unguided recreational fishers.

Left unmanaged, the continued expansion and development of the charter boat fishing industry is likely to have biological and economic consequences for the commercial and recreational sectors and our marine scalefish stocks.

However, controlled development and regulation of the charter boat fishing industry will provide:

- Capacity for the management of catch and effort of the sector under sustainable use principles;
- Reliable information for fisheries management planning;
- Capacity to identify and legitimise professional charter fishing operators as stakeholders in fisheries matters and provide for their representation in fisheries management forums;
- Capacity for the provision of a contribution by the charter boat fishing sector towards the costs of managing fish stocks; and
- Capacity to manage and develop fishing-based tourism in South Australia.

There are 27 recommendations relating to definitions, licensing, endorsements, regulations, industry representation and the development and review of a Management Plan for the fishery. The policy paper recommends that a Charter Boat Fishery Working Group be established to initially draft a Management Plan by February 2004 and advise on a scheme of management in March 2004. It is expected that appropriate legislation will be implemented, so a specific licence in the fishery can be issued from 1 July 2004.

The main management proposals include:

- That the charter boat fishing industry be managed pursuant to a scheme of management prescribed under the *Fisheries Act 1982*;
- That licences in the charter boat fishing industry be offered to current operators in the industry who can demonstrate operation and/or investment in charter fishing in South Australia prior to **28 November 2003**, through the submission of appropriate receipts, invoices, advertising material and other records relating to the business;
- That licences in the charter boat fishing industry are provided on an annual basis, commencing 1 July 2004;
- That the number of licences are limited to the number approved at 1 July 2004 for a period of three years;

- That licences are not transferable for the period 1 July 2004 to 30 June 2007, with the provisions for transferability after this period subject to a review of the charter boat fishery;
- That the South Australian coast be divided into zones of management for the charter boat fishery that coincide with the boundaries determined for marine planning (5 zones); and
- That a Charter Boat Fishery Working Group be established in January 2004 to develop the draft 3-year Management Plan for the Charter Boat Fishery for public release in February 2004, and to submit to the Minister recommendations for a Scheme of Management by March 2004, and to provide on-going advice to the Minister and Director of Fisheries on the management of the charter boat fishery.

1. INTRODUCTION

The oceans, bays, gulf waters, off-shore islands and extensive coast of South Australia offers natural attractions such as recreational fishing and diving, observation of marine animals, and other aquatic leisure activities.

In many cases, boat tour and charter operators provide access to and enjoyment of these activities under professional and specialised guidance. In providing this access, they are able to optimise the recreational experience with their knowledge of the local environments, their skills in the activity and resources invested in the operation.

The charter boat industry is an expanding sector within South Australia. With the exception of non-fishing charter activities within marine parks and other restricted areas, and charter activities involving marine wildlife, the aquatic charter boat industry is essentially an open access industry. This is particularly the case with charter boat fishing, with increasing numbers of privately owned charter operators and commercially licensed fishers providing charter fishing services over the past 10 years. Many of these operators offer a part-time and seasonally based service during times of high tourism activity and holiday making.

Charter boat operations can occur in both the marine and freshwaters of South Australia, including the River Murray, the lower Murray lakes and the Coorong.

There are two broad categories of aquatic charter boat operations:

- (i) Charter boat fishing - defined as a commercial fee-for-service operation that provides services relating to the take, capture or catching of fish.
- (ii) Charter boat eco-tourism – defined as a commercial fee-for-service operation that provides services relating to the viewing and enjoyment of aquatic animals and the coastal environment, including the viewing or feeding of fish but not the capture and/or taking of fish.

Charter boat fishing offers recreational fishers an increased probability of success through the guidance of an experienced operator, often using sophisticated fish location technology and a fishing platform that can access good fishing grounds. The potential exists for this fishery to have a greater impact on the fish resources than a similar effort level of unguided recreational fishers.

Left unmanaged, the continued expansion and development of the charter boat fishing industry is likely to have biological and economic consequences for the commercial and recreational sectors and fish stocks.

On the other hand, a controlled development and regulation of the charter boat fishing industry will provide:

- Capacity for the management of catch and effort of the sector under sustainable use principles.
- Reliable information for fisheries management planning.
- Capacity to identify and legitimise professional charter fishing operators as stakeholders in fisheries matters and provide for their representation in fisheries management forums.
- Capacity for the provision of a contribution by the charter boat fishing sector towards the costs of managing fish stocks.
- Capacity to manage and develop fishing-based tourism in South Australia.

Charter boat eco-tourism focuses more on the viewing of aquatic animals and the environment rather than the capture of fish, and in South Australia includes such ventures as underwater diving, snorkelling, whale watching and other marine mammal observations from a boat platform, viewing of white sharks from underwater cages, and transportation to off-shore islands and coastal regions.

Management of the charter boat eco-tourism derives principally from the provision of controlled access to restricted areas, such as marine parks and permits to undertake specific activities that are otherwise restricted or prohibited, such as berleying for white sharks.

The management arrangements proposed in this Policy Directions Paper relate to the charter boat fishing activities in marine waters only. They do not extend to shore-based marine or freshwater charter (or guide) fishing or to charter boat fishing in inland waters.

2. THE CONTEXT AND HISTORY OF MANAGEMENT

The *Fisheries Act 1982* provides the framework for sustainable harvesting of fish in South Australian waters. While charter boat fishing is increasing in popularity and is likely to have an impact on fish resources, the *Fisheries Act 1982* makes no specific provision for the management of this sector. However, this matter is being addressed under the review of the Act with likely amendments to expand the provisions of the Act that will provide for specific management regulations for activities such as charter fishing.

The Regulations that apply to recreational fishing under the *Fisheries Act 1982* currently apply to persons who are engaged in fishing in a charter boat fishing situation.

Restrictions on recreational fishing effort are necessary to avoid localised depletion of fish stocks and over exploitation of resources. For this reason, South Australia has introduced a number of recreational bag and boat limits to manage the level of recreational catch. These limits are based on the availability of various fish stocks and the value to the community of targeting a particular species. Bag and boat limits also provide for the sharing of the resource between community members.

The management of both commercial and recreational fishing in the marine scalefish fishery was reviewed in the early 1990s, which culminated, among other things, in the introduction of daily boat limits for recreational fishing in September 1994. This effectively capped the total daily catch on a recreational boat to the aggregated bag limit of three people. An expanded list of popular recreational fish species, along with the introduction of boat limits on these species, affected the operations and viability of the existing charter fishing activities that involved more than three paying passengers.

The review included an assessment of the charter fishing industry and provided three recommendations relevant to the charter industry:

- (i) That charter boat operator licences be introduced under the *Fisheries Act 1982*. A requirement of this licence would be the payment of a licensing fee and the provision of statistical information on their fishing operations.
- (ii) That it be an offence to sell fish taken during licensed charter fishing operations.
- (iii) That licence holders in the marine scalefish fishery be permitted to engage in charter boat operations using their registered vessels provided they comply with the gear and species endorsements applicable to their licences.

These recommendations were not implemented as they required further development.

In order to progress the management of the charter fishing industry, a working group was created in July 1995. This group comprised of recreational fishers, commercial marine scalefish fishery representatives, PISA Fisheries (now PIRSA Fisheries) and the charter fishing industry. This group considered a number of management options and produced a discussion paper. This discussion paper was circulated for comment in 1996 and the resulting recommendations were considered and compiled into a 1997 report "*Draft Proposal for the Management of the Charter Fishing Industry in South Australia*". This management proposal was released for public comment in 1998. Management proposals were formulated in 1999.

Key proposals were as follows:

- That charter fishing be defined as a commercial fee-for-service operation that provides services relating to the taking, capture or catching of fish as part of recreational fishing activities.
- That the Charter Fishery of South Australia will be managed under a separate Scheme of Management.
- That licences be non-transferable.
- That a separate charter fishery licence be required for all charter operations.

- That the Scheme of Management (Charter Fisheries) include the following elements:
 - That licensees be required to submit catch and effort returns and additional research information required on a monthly basis with information recorded on a per charter basis.
 - That a current Department of Transport Certificate of Survey (Trading) be a pre-requisite for issue and renewal of a licence.
 - That licensed vessels be required to show an identifying number when on charter.

There were other elements of the proposed management arrangements relating to the obligations of the charter operator, use of fishing gear, catch limits consultation and review of management.

In May 2000, the Minister conditionally approved the management proposals and referred the matter to all Fishery Management Committees for consideration and advice. At this time, the Minister also approved the immediate publication of a public notice advising of the review of management arrangements in the charter fishing sector and further advising current and potential operators to exercise caution when investing in the industry with the development of formal management arrangements.

The arrangements documented in the 1999 report were not formally adopted and the public notice was not advertised due to uncertainty surrounding several issues. These included:

- The limitations of the *Fisheries Act 1982* in licensing non-commercial fishing activity;
- The restrictions in licence ownership due to the one-licence policy;
- The omission of jurisdictional arrangements for recreational fishing for species included in Offshore Constitutional Settlement (OCS) arrangements with the Commonwealth Government relating to commercial fishing;
- Issues relating to the use of recreational rock lobster pots on charter fishing vessels; and
- Potential difficulties in implementing and enforcing management of charter fishing while commercial licences were able to engage multiple agents as crew.

Most of these issues have since been addressed or can now be resolved. Although they have not been implemented or formalised, they have progressed to an extent that advances can be made for the adoption of formal management arrangements for charter boat fishing.

In 2001, the outcomes of the National Competition Policy review of the *Fisheries Act 1982* recommended the removal of the restrictive one-licence policy thus paving the way for the holder of a commercial fishing licence to also hold a charter boat fishing licence. Appropriate amendments to the Regulations are anticipated late in 2003.

Additional interim management arrangements were introduced in July 2001 pursuant to Section 43 of the *Fisheries Act 1982* limiting to no more than two, the number of persons a licence holder in the marine scalefish fishery and rock lobster fishery (when marine scale fishing) can use as crew. Authorisation to use more than two members when targeting marine scalefish species has only been provided to a small proportion of licence holders, who have been able to demonstrate that they have historically used more than two other persons in their fishing operations. These changes were instituted to prevent commercial operators from taking paying passengers aboard their boats in the guise of crew members and enabling recreational fishers to avoid the daily recreational bag and boat limits.

Rock lobster access and catch has been another issue requiring further industry consultation. The Minister approved a proposal concerning charter-caught rock lobster in September 2001 that proposed:

- Rock lobster pots used by charter boat operators be allocated using a market mechanism from the commercial sector, and
- That a recreational registration holder may continue to use their pots from a charter boat whilst on the boat.

Underpinning these proposals are jurisdictional arrangements between the State and the Commonwealth in relation to a range of species. These arrangements are based on an established legislative position that the State has jurisdiction out to 3 nautical miles, and the Commonwealth has jurisdiction from 3 to 200 nautical miles. This established position can however be modified in relation to a species of fishery by making what is known as an Offshore Constitutional Settlement (OCS) arrangement. OCS arrangements are signed by the Governor-General and the Governor of the relevant State, in accordance with a framework that is set out in the fisheries legislation of the Commonwealth, States and Northern Territory, including South Australia's *Fisheries Act 1982*.

Under OCS arrangements, a species or fishery is placed under the sole jurisdiction of either the State or the Commonwealth or a Joint Authority.

In South Australian coastal waters (out to 3 nautical miles), the Commonwealth has jurisdiction over tuna, deep-sea prawns, school and gummy shark and some finfish species while, in the case of rock lobster, prawns, crabs, abalone, and most finfish species, South Australia has jurisdiction in all coastal waters from the low water mark out to the 200 nautical mile limit. In some cases, the jurisdiction that does not have primary management responsibility for a species does maintain responsibility for regulating by-catch.

At a conference in Coolangatta in October 2002, the States and Territories and the Commonwealth fisheries agencies agreed to a communiqué that commits to the development of appropriate OCS agreements relating to the management of recreational and charter fishing, and for the State and Territory agencies to continue to develop and impose management

arrangements for the recreational and charter fishing for all species in adjacent waters.

3. RELEVANT LEGISLATION

A number of regulations under the *Harbors & Navigation Act 1993* (administered by the Department of Transport, Marine Group) and the *Fisheries Act 1982* (administered by PIRSA Fisheries) apply to charter boat fishing.

3.1. Harbors & Navigation Act 1993

The *Harbors & Navigation Act 1993* regulates the construction, operation and manning of commercial vessels in South Australian waters. The purpose of the Act is to ensure that commercial vessels and their crews meet minimum safety standards. It contains sections dealing with permits and their issue, surveys and inspections, safety manning requirements, qualifications of crews and vessels, appeals, equipment and offences. The Act provides for safe navigation and boating safety while administering, developing and managing harbours in South Australian waters.

Section 47 of the Act states that a person must not operate or accept employment in a key position in the crew of a commercial vessel unless that person holds a Certificate of Competency of the appropriate class in force under the Act.

Section 52 of the Act states that a person must not carry on a business of hiring out vessels unless licensed to do so.

Section 59 of the Act states that a commercial vessel must be issued with a Certificate of Survey that certifies that it is structurally sound, has the required safety equipment in working order and conforms to all other requirements of the regulations.

The minimum standards for commercial vessels are contained in regulations under the Act, the Uniform Shipping Laws Code (USLC) and certain Australian standards. The USLC was written in the 1970s with the intention of providing uniform standards for commercial vessel safety throughout Australia. The definition of a commercial vessel is contained in the USLC.

A vessel used for commercial purposes is defined as:

Class 1 Passenger vessel:

A vessel which carries or is certified to carry more than twelve (12) passengers.

Class 2 Commercial (Trading) vessel:

A vessel which is not used solely for pleasure or recreation and the use of which is made, allowed or authorised in the course of any business or in connection with any commercial transaction and subject to any State Legislation.

Class 3 Fishing vessel

A vessel used or intended to be used for catching fish, whales, seals, walrus or other living resources of the sea, but excluding any vessel:

- (a) Engaged in the harvesting or transportation of algae or aquatic plants; or
- (b) That is primarily a carrier or mother vessel.

Vessels are also classified according to their area of operation:

- “A” area – an unlimited area of operation
- “B” area – offshore operations to 200 nautical miles off the coast
- “C” area – restricted offshore operations within a range of 30 nm from partially smooth waters or mainland coast
- “D” area – operations within declared partially smooth waters
- “E” area – operations within declared smooth waters.

The limits of smooth waters and partially smooth waters are defined in Schedule 1 of the *Harbors & Navigation Regulations 1994*.

With the exception of fishing vessels and hire houseboats, all vessels must have a “Crewing Determination” in accordance with the Regulations under the *Harbors & Navigation Act 1993*. The State Crewing Committee determines the minimum qualifications and safe number of crew that shall operate the vessel.

3.2. Fisheries Act 1982

The *Fisheries Act 1982* provides for the conservation, enhancement and management of fisheries and the regulation of fishing activity.

Section 34(2)(a) of the Act states that a person must not engage in a commercial fishing activity unless they hold a licence in respect of the fishery and that the licence holder must fish from a boat registered by endorsement on that licence.

Section 44(1) of the Act states that if a person sells or purchases fish taken in waters to which the Act applies, but not pursuant to a licence, the person is guilty of an offence.

Section 28 of the Act relates to the powers of fisheries officers for the purposes of the administration and enforcement of the Act. Section 28(1)(e) states that where an officer suspects that a boat is being, is intended to be, or has been, used for the purpose of taking fish, that the person in charge of the boat may be required to give information concerning the boat, the boat’s crew and any person on board the boat.

Schedule 1 of the *Fisheries (General) Regulations 2000*, prescribes the permitted devices for the taking of fish in the waters of the State by any person for the purpose other than trade or business.

Clauses 66, 70, 73, 77A, 77B and 77C of Schedule 1 of the *Fisheries (General) Regulations 2000*, prescribes daily recreational boat and bag limits in relation to infish, abalone, rock lobster, cuttlefish, calamary, blue crabs, sand crabs and school and gummy shark. Part 7 these regulations prescribes all regulations relating to undersize fish.

Section 59(1) of the Act states that the Minister may exempt any person from any specified provisions of the Act.

4. THE CURRENT STATUS OF MANAGEMENT

Entry into the charter boat fishing industry in South Australia is effectively unrestricted and unlimited. There are no registrations or certification requirements applicable under the *Fisheries Act 1982*, other than complying with all rules and regulations applying to recreational fishing in general.

Under the *Harbors & Navigation Act 1993*, a charter boat must carry a Certificate of Survey issued by the Marine Group, of the Department of Transport that specify the class of vessel, area of operation and crewing requirements.

Commercial fishing licence holders who wish to conduct a charter boat fishing activity using the same boat that is registered as the fishing vessel on their commercial fishing licence, must deregister that vessel prior to undertaking that charter operation. That vessel must also comply with the survey requirements appropriate under the *Harbors & Navigation Act 1993* as a trading or passenger-carrying vessel. Once the vessel is deregistered as a commercial fishing vessel pursuant to the *Fisheries Act 1982*, it is subject to recreational bag and boat limits and all other regulations relating to recreational (or non-commercial) fishing.

The charter boat fishing operators are not permitted to retain or sell any of the fish taken during the course of the chartered activity, or use any gear that is not permitted for recreational fishing, regardless of whether the operator holds a commercial fishing licence.

As an interim measure, charter boat fishing operators who regularly carry more than six paying passengers per day, can apply for an exemption under section 59 (1) of the *Fisheries Act 1982* to exceed daily recreational boat limits. Currently, these exemptions allow charter boat fishing operators to take a maximum of one-half of the individual bag limit per person on board if this amount is in excess of the boat limit for most of the more popular marine scalefish species. Allowances in excess of recreational boat limits are also in place for rock lobster, abalone, school and gummy shark, blue crab, sand crab, calamary and cuttlefish.

These exemptions are intended to enable charter boat fishing operators the ability to offer their recreational clients the opportunity to catch what has been deemed a reasonable quantity of fish.

5. THE NEED FOR IMPROVED MANAGEMENT

Fish stocks within the waters of South Australia are managed by Government in perpetuity on behalf of the current and future generation of South Australians. These stocks are exploited within biologically acceptable levels and regenerate at rates dependent on the population dynamics and life history characteristics of the species being exploited and the rate of extraction by harvest. Productive fish stocks also rely on the maintenance of sustainable ecosystems and habitat.

The fishing industry includes all relevant stakeholder groups contributing to responsible management and wealth generation from exploitation of the stocks. These include the harvest (commercial, recreational and indigenous fishers), processing, value adding and marketing, management, compliance and research sectors.

We now know from both experience in many international fisheries and from the current state of the scientific knowledge of our fish stocks and ecosystems, that fisheries exploitation needs to be constantly monitored and managed. This requires ongoing and evolving science of stock assessment and system dynamics, education, awareness and governance by all stakeholder groups involved in the fishery and a mechanism to control and adjust effort and exploitation rates in a fishery to ensure that the total exploitation remains within the biologically total allowable catch. Government and industry must also address other fisheries management aspects, such as allocation of access rights and ecologically sustainable development, within a fishery.

Commercial fisheries in South Australia are managed under schemes of management (regulations) that are supported by management plans, which describe the objectives for the fishery, strategies to attain the objectives and performance indicators.

Limited entry policies were introduced in South Australia in the 1970s and the commercial fisheries have since been managed with a focus on biological sustainability and economic performance.

The introduction of stakeholders in the process of making management decisions has also been highly successful in avoiding the major problems that affect fisheries in other countries, particularly the problems of overfishing and over capitalisation. Development of management policy is open, inclusive and relies on the best scientific and economic advice available.

The introduction of cost recovery in the commercial fisheries in 1994 has also led to improvements in the management process and provision of services for fishery management. Programs are better targeted to strategic management issues and services more attuned to industry requirements.

It has traditionally been the commercial fishing sector that has been perceived as having the greatest impact on fish resources. Consequently, this sector has been the focus for management.

However, recent information collected under the National Recreational and Indigenous Fishing Survey (NRIFS) in 2000 and 2001 reveals an increasing level of participation and exploitation of fish resources from the recreational sector. For some species, the level of recreational harvest surpasses the quantity of fish harvested by the commercial licence holders.

The charter boat fishery is also having a major influence on fish stocks, and the number of fish taken by recreational fishers on charter boats accounts for an increasing proportion of the total extraction of fish from marine waters. However, there is very little information available from the charter sector and what impact this sector is having on fish resources. This is because there are no regulations requiring charter fishing catches to be recorded. Charter fishing may significantly increase the exploitation of fish stocks, and intense competition for access to prime fishing locations may also result in localised fish stock depletion.

The priority of fisheries management is to maintain fish stocks at sustainable levels by managing the level of fishing effort and catch that may be applied in all sectors. To a large extent, this is managed by applying controls such as gear restrictions, bag limits and boat limits for the recreational sector, and gear restrictions, quota allocations and limited entry for the commercial sector.

Long-term trends in fisheries data are necessary for good management. Such information has been collected since the 1970s from commercial licence holders, with limited information available (until the NRIFS) from the recreational sector.

Information that describes the numbers of fish harvested, time spent fishing, catch rates, species composition, size of fish taken, and numbers of fish caught and released are required from the charter fishing boat sector. This information, together with more data from the broader recreational fishing sector, will add to the knowledge base and provide reliable information for fisheries management planning and research.

Charter boat fishing provides a unique service and enhanced fishing opportunities of recreational fishers. It provides fishing expertise and well-equipped vessels to enable recreational fishers to maximise their fishing success across a range of fishing methods and species and to access areas not normally available to them.

Charter fishing boat operators derive a profit from the use of fishery resources and significantly enhance the catch of recreational anglers by hiring out their knowledge and equipment to recreational fishers.

A key objective of charter fishing boat management is to integrate the management of this sector into the overall management of South Australian

fish stocks. As many fish stocks are at or near full exploitation, there is a need to ensure that the charter fishing boat sector, along with the recreational and commercial fishing sectors, is included in management arrangements for the conservation and sustainable utilisation of fish stocks.

Management controls and standards are also necessary to:

- Assist with the orderly expansion and development of a charter boat fishing industry that contributes to the tourism and regional development objectives of the State;
- Reduce potential conflict with the recreational, indigenous and commercial fishing sectors through issues of localised depletion of fish stocks and over-crowding of fishing locations; and
- Ensure orderly and economically sustainable development of this industry so that operators have long-term viability and are willing to invest and promote resource stewardship and best practice for this industry sector.

6. DISCUSSION OF PROPOSED MANAGEMENT ARRANGEMENTS

While the “Proposed Management Arrangements for the SA Charter fishery” serves as a good starting point for future management arrangements, there are several areas that require clarification and direction.

A number of options are canvassed in this section.

6.1. Licensing

Charter boat fishing activity should be managed pursuant to a scheme of management prescribed under the Fisheries Act. These regulations should provide for:

- The granting of licences to natural persons or companies.
- The registration of one vessel under each licence that satisfies the survey requirements of regulations under the *Harbors & Navigation Act 1993*.
- The registration of up to three masters (skippers) on each vessel with appropriate qualifications required by regulations under the *Harbors & Navigation Act 1993*.
- A requirement that only persons who hold a Ship Board Safety Certificate and a 1st Aid Certificate can be engaged as crew on licensed charter fishing vessels.
- Up to eight (8) classes of licenses according to the Certificate of Survey issued for the registered vessel that specifies:
 - maximum permitted passengers:
 - Class 1 – more than 12 passengers
 - Class 2 – up to 12 passengers; and
 - classification of area:

- B – all waters, including offshore waters to 200 nm
- C – restricted offshore operations within a range of 30 nm from partially smooth waters or mainland coast as defined in Schedule 1 of the *Harbors & Navigation Act 1993*
- D – restricted to operations to declared partially smooth as defined in Schedule 1 of the *Harbors & Navigation Act 1993*
- E - restricted to operations to declared smooth waters as defined in Schedule 1 of the *Harbors & Navigation Act 1993*

While the proposed management described in this paper is limited to charter boat fishing in marine waters, a scheme of management should be prepared that will provide for the management of fresh water charter boat fishing and land-based fishing guides, if and when a license-based management regime is required for these activities.

6.2. Limited or unlimited entry

The total number of operators engaged in the industry at present is unknown. However, estimates from boat survey records and commercial listings indicate that approximately 135 boats are operating either full-time or part-time in the charter boat fishing industry. In keeping with the objectives of the *Fisheries Act 1982*, a precautionary approach should be taken in the development and management of the charter boat fishing industry. To this end, it is important that charter fishing activities are, at least, maintained at current levels while the level of activity and impacts of this activity on fish resources are assessed.

It is recommended that from **28 November 2003**, current operators be recognised and offered a licence under the new Scheme of Management, and that the numbers of licences to be approved under the Scheme of Management then be limited for three years, while an investigation into charter fishing activity is undertaken. Eligibility criteria will be developed to determine who is a 'current operator'.

Limited entry is a fundamental fisheries management tool that is implemented to restrain catch and over-capitalisation so that biological and economic objectives can be developed for the fishery and pursued in a managed way. Whilst management arrangements that are developed for the charter fishery will seek to remove obstacles to competition, it is necessary to limit entry to the fishery as a first step to implementing sustainable management arrangements.

The initial restriction of entry to this fishing sector is justified for the following reasons:

- It is necessary to manage the charter fishing boat industry as part of a holistic approach to fish resource management;

- Without the ability to cap the impact from the charter fishing industry on the living aquatic resources, this sector's operations may be unsustainable;
- It is not equitable to allow the charter boat fishing industry to continue to expand without restrictions while entry to the commercial fishing sector has been limited for many years and is undergoing significant effort reductions; and
- There are benefits to the general community in having a managed charter fishing boat industry, including:
 - Providing access to recreational activities by a quality-based and controlled industry
 - Opportunity for regional economic benefit from tourism through the marketing of the charter fishing boat industry
 - Ensuring marine safety

The policy of restricted entry will be reviewed prior to the completion of the 3-year period.

The criteria of entry (or eligibility for an initial licence) should include demonstrated investment and involvement in charter boat fishing activity prior to the date of public notification.

Consideration of eligibility would include:

- Demonstrated operational or investment history in charter fishing in South Australia prior to the date of public notification;
- Submission of appropriate receipts, invoices, advertising material and other records relating to the business;
- A current and appropriate (Class 1 or Class 2) Certificate of Survey from Transport SA for the vessel to be registered as a charter vessel;
- The submission of Registration of Business Certificates and evidence of public liability insurance; and
- Submission of a business plan that includes a detailed description of the proposed charter operation, area of operation (SA marine fishing areas), seasonality of operation, main port of landings, nominated skippers and crew and qualification of skippers and crew.

The date of public notification has been established through the publishing of a public notice in *The Advertiser* and major regional newspapers (including the newspapers at Port Lincoln, Ceduna, Whyalla, Port Augusta, Port Pirie, Minlaton, Kingscote, Kingston and Mt Gambier. The public notice advises of this review of management arrangements for charter boat fishing and that the number of licence will be restricted to those people with a history of investment in the industry prior to the date of public notification. Any further investment after 28 November 2003 is at the operator's own risk as there can be no guarantee of access or approval of a licence under the new Scheme of Management.

The publication of the public notice has coincided with the release of this Policy Directions Paper for the management of the charter boat fishery.

6.3. Transferable or non-transferable licensing

Allowing a licence to be traded when the total number of licences are limited creates a level of speculation in an industry and an imputed value over and above the good-will value of the business. This also creates difficulties for adjustment if any future restructure or restrictions in the industry are necessary.

Formal arrangements will not permit the transfer of licences during the 3-year review process.

The Scheme of Management, however, may provide for the granting of a licence to an applicant under certain conditions, which may include the surrender of an existing commercial fishing licence or the trading of an existing charter fishing boat business.

However, it is recommended that there is a moratorium on the granting of any additional or new licences in the charter fishing boat industry until the 3-year review of the industry is completed.

6.4. Regional Zoning

In assessing the capacity of the fishery to sustain possible levels of charter boat fishing activity, it will be necessary to divide State waters into management zones and limit and control the number of charter fishing boats operating in each zone. The establishment of a zonation system of management is important as it would enable PIRSA Fisheries to effectively monitor and control fishing effort in zones where heavy fishing pressure may threaten fish stocks or create conflict relating to the allocation of fish resources between competing users. Further, the establishment of Marine Protected Areas may require the need for controlled fishing activity and adjustment of fishing activity, while avoiding the transfer of fishing effort to other areas of the State.

Some charter boat fishing operators actively control the fishing activity in certain prime fishing areas to ensure continued fishing success at these spots. A key to the success of this stewardship practice is a relatively low level of competition for these areas from other operators.

Initially, five zones are identified for the management of charter boat fishing that coincide with the marine planning zones (see Appendix 1), including:

- West Coast
- Lower Eyre
- Spencer Gulf
- Gulf St Vincent and Kangaroo Island
- South East Coast

Applicants will be required to nominate the area of proposed operation according to their current demonstrated fishing activity.

Regulations will provide for the endorsement of zones and sub-zones to allow for spatial management of charter boat fishing activity. The transfer, trading or endorsement of additional zones other than those nominated in the first instance by applicants will be considered as a part of the 3-year review of the management of charter boat fishing.

Until the relevant impact of the charter fishing boat industry can be determined, a restriction on the number of operators in each zone, based on the initial applications for licences, will be established as a precautionary measure.

6.5. Catch and effort returns

The submission of monthly catch and effort returns and additional research information as deemed necessary by PIRSA Fisheries and SARDI Aquatic Sciences, will be mandatory for all licence holders in the charter boat fishing industry. It will be a requirement that this information is recorded daily for each charter activity undertaken. The design of the fishing logbooks will be consistent with the information collected by the commercial licence holders in the marine scalefish fishery, and with information collected from charter fishing operators in other states and territories.

Logbooks for all charter fishing boat trips are required so that all activities in which charter vessels are involved can be monitored and will be primarily used for research and stock assessment purposes. Minimum information to be recorded will include:

- Date of activity
- Location
- Time and Duration of fishing
- Number of persons fishing
- Gear used
- Numbers of fish kept, and released for each species
- Length details of each fish taken.

6.6. Licensing Fee structure

Any limitation of access will provide direct benefits to individual operators who qualify for access. The cost of management required for the orderly development of the industry and management of the sector will be borne by the beneficiaries of management, in keeping with the full cost-recovery principles established for managed fisheries.

Key areas that require funding include:

- Research into charter activities and catches, and the establishment and maintenance of a database;

- Development and evaluation of management;
- Monitoring and enforcement of industry regulations; and
- Consultation with industry and other stakeholders.

Under cost recovery, industry will have the opportunity to provide input into the allocation of funds for management. Indicative costs suggest annual licence fee will range between \$1000 and \$3000, contingent on the number of licences issued.

Other areas that may require funding include the establishment of service standards, industry training and promotion.

6.7. Bag and boat limits, and gear restrictions

The taking of fish under charter boat fishing operations should be recognised and managed as part of the total recreational catch, which in turn is counted as part of the total fishing mortality of the fishery and used in biological assessments to establish the total catch across all types of fisheries (including commercial). Management arrangements in addition to the general recreational fishing regulations should be considered following the 3-year review of charter fishing. These may include accumulated catch limits for a vessel and/or lower bag limits for individual charter fishing clients.

In the interim, existing arrangements that provide exemptions to the boat limits could be maintained for most species. Special exemptions may also be provided for accumulated catches and for fish to be filleted and/or consumed on board the vessel for extended charter fishing operations that are conducted over a number of days.

The only devices permitted to be used for the taking of fish during a charter fishing operation are those defined in current fishing legislation as permitted for recreational use. The exception will be any rock lobster pot purchased or leased from the commercial fishery.

Passengers should be permitted to use their registered recreational rock lobster pots from the charter vessels. However, recreational pots registered in the name of the licence holder, the skipper / master of the vessel and crew will not be permitted to be used whilst the vessel is on charter.

6.8. Representation and Management Advisory Committee

A Charter Boat Working Group will be established to provide advice on the management of the charter boat fishery with participation from key stakeholders including licence holders, representatives of local government, tourism and members from the commercial and recreational fishing industry. There will be a large degree of overlap between the Charter Boat Working Group and existing fishery management committees, especially the Marine Scalefish Fishery Management Committee, when dealing with stock assessment and sustainability issues for key species. It is expected that joint meetings and workshops will take place with other FMCs from time to time.

Licence holders in the charter boat fishery will be encouraged to form an industry association to provide a mechanism to address all matters relating to the management and development of the charter boat fishing industry, and to participate and have representation on other fishery management committees and advisory groups.

Other possible roles of the association and the Working Group will be to:

- Develop a code of conduct for charter boat fishing to encourage conservation oriented fishing practices, environmentally friendly operating standards, personal safety and good standards;
- Develop a system of standards and accreditation for the charter boat fishing industry with appropriate training, compliance and auditing provisions;
- Determine and manage industry development; and
- Advise on required services, cost recovery (licence fees) and the allocation of funds for research, compliance and management.

7. RECOMMENDATIONS

Definition

1. That charter boat fishing is to mean any fishing activity that takes place on a vessel registered with PIRSA and Transport SA that provides a service to recreational fishers to undertake a fishing trip relating to the take, capture or catching of fish but not for the taking of fish for trade or sale.
2. That the Charter Boat Fishery is to mean all licence holders who conduct charter boat fishing in marine waters.
3. That take, capture or catching fish is to mean catching and retaining fish as well as catch, tag and release of fish.

Licensing

4. That the charter boat fishing industry be managed pursuant to a scheme of management prescribed under the *Fisheries Act 1982*.
5. That the scheme of management for the charter boat industry also provide for the management of land based fishing guides.
6. That the scheme of management provide for the granting of a licence in the name of a business or company, but that it is a requirement to nominate a natural person responsible for the operation of the licence
7. That licences in the Charter Boat Fishing Industry are offered to current operators in the industry who can demonstrate operation and/or investment in charter fishing in South Australia prior to 28 November 2003 through the submission of appropriate receipts, invoices, advertising material and other records relating to the business.

8. That assessment of applicants follow a process approved by the Minister and considered by a panel especially established for assessment purposes. Provisions should be made for an appeals process.
9. That requirements for the approval of licences include:
 - A current and appropriate (Class 1 or Class 2) Certificate of Survey for the vessel to be registered as a charter vessel.
 - The submission of Registration of Business Certificates and evidence of public liability insurance.
 - Submission of a business plan that includes a detailed description of the proposed charter operation, area of operation, seasonality of operation, main port of landings, nominated skippers and crew and qualification of skippers and crew.
10. That licences in the charter boat fishing industry are provided on an annual basis, commencing 1 July 2004.
11. That the number of licences are limited to the number approved at 1 July 2004 for a period of three years.
12. That licences are not transferable for the period 1 July 2004 to 30 June 2007, with the provisions of transferability after this period being subject to a review of the charter boat fishery.

Licence Endorsements

13. That each licence in the charter boat fishery is endorsed with the following:
 - 13.1. An identifying code and/or number for the licence.
 - 13.2. The registration of one vessel that satisfies the survey requirements of regulations under the *Harbors & Navigation Act 1993*
 - 13.3. The registration of up to three masters (skippers) with appropriate qualifications required by regulations under the *Harbors & Navigation Act 1993*
 - 13.4. The registration of a class of licence according to the Certificate of Survey issued for the registered vessel that specifies the:
 - maximum permitted passengers:
 - Class 1 – more than 12 passengers
 - Class 2 – up to 12 passengers; and
 - classification of area:
 - B – all waters, including offshore waters to 200 nm
 - C – restricted offshore operations within a range of 30 nm from partially smooth waters or mainland coast as defined in Schedule 1 of the *Harbors & Navigation Act 1993*
 - D – restricted to operations to declared partially smooth as defined in Schedule 1 of the *Harbors & Navigation Act 1993*

- E - restricted to operations to declared smooth as defined in Schedule 1 of the *Harbors & Navigation Act 1993*

13.5. The registration of a zone in which the licence can operate, nominated by the applicant and verified from records relating to the history of the business provided with the application for a licence.

13.6. The registration of a commercial rock lobster pot if such a pot is purchased or leased from a licence holder in the South Australian rock lobster fishery.

Regulations

14. That the registered vessel and registered devices display the licence code and/or number endorsed on the licence.

15. That all crew members engaged on a licensed charter fishing vessel are appropriately qualified with a Ship Board Safety Certificate and a First Aid Certificate.

16. That the licence holder is required to complete a logbook approved by the Minister for Agriculture, Food and Fisheries for each fishing day that includes:

- Date of charter fishing activity
- Skipper and crew members
- Location
- Time and Duration of fishing
- Number of persons fishing
- Gear used
- Numbers of fish kept, and released for each species
- Length details of each fish taken and landed
- Any other information requested from time to time.

17. That the licence holder submits a copy of the logbook data recorded for each month by the 15th day of the following month.

18. That daily recreational bag and boat limits and fish size limits as prescribed under the *Fisheries (General) Regulations 2000* apply to the charter boat fishery, with the following amendments that for the charter boat fishery:

- For scalefish, calamari, cuttlefish, blue crabs and sand crabs: current bag and boat limits or half the daily bag limit per paying passenger, whichever is greater.
- For abalone: current bag and boat limits or three per person, whichever is greater.
- For rock lobster: current bag and boat limits or one lobster per person per trip (up to a maximum of 12), whichever is greater.
- For large snapper (>60cm): one fish per paying passenger per day and a trip limit of 6 fish per charter trip.

- For southern bluefin tuna, and other tuna species: a bag limit of two per person per day and a boat limit of 10 per day (subject to Commonwealth Government approval).
 - For blue groper (in waters where the taking of blue groper is permitted): a bag limit of one per person per day and a boat limit of two per day.
 - For species managed under quota arrangements in the Commonwealth managed fisheries: (to be determined – subject to Commonwealth Government approval).
19. That the South Australian coast be divided into five (5) zones of management for the charter boat fishery that coincide with the boundaries determined for marine planning, including:
- West Coast
 - Lower Eyre
 - Spencer Gulf
 - Gulf St Vincent and Kangaroo Island
 - South East Coast
20. That provisions are made in regulations for the creation of sub-zones and the restriction of charter operations in these sub-zones.
21. That an annual licence fee is prescribed in regulations, determined in consultation with industry, that provide funds for Government services including:
- Research into charter activities and catches, and the establishment and maintenance of a database;
 - Development and evaluation of management;
 - Monitoring and enforcement of industry regulations; and
 - Consultation with industry.

Industry Representation and Consultation

22. That the charter boat fishery is recognised as an important stakeholder in the management of South Australian fisheries and the marine environment and included in any consultation processes in the management of the marine resource
23. That licence holders in the charter boat fishery be encouraged to form an industry association.
24. That where appropriate, the charter boat fishery industry be represented on other management advisory committees, marine planning groups and other government working groups.
25. That a Charter Boat Fishery Working Group be established in January 2004 to develop the draft 3-year Management Plan for the Charter Boat Fishery for public release in February 2004, and to submit to the Minister recommendations for a Scheme of Management in March 2004, and to

provide on-going advice to the Minister and Director of Fisheries on the management of the charter boat fishery.

Review of Management

26. That the Charter Boat Fishery Working Group provide a report to the Minister for Agriculture, Food and Fisheries on the performance of the charter boat fishery by the end of October 2005.
27. That the Charter Boat Fishery Working Group undertake a review of the management of the charter boat fishery in 2006/07 and submit recommendations for a 5-year Management Plan to the Minister for Agriculture, Food and Fisheries before 1 March 2007.

8. IMPLIMENTATION OF MANAGEMENT ARRANGEMENTS

Proposed action plan for implementation of the management of the charter boat fishing industry:

- Release of Directions Paper 28 November 2003
- 30-day public consultation ending 2 January 2003
- Review of responses and preparation of draft management plan
- Release of Draft Management Plan for the Charter Boat Fishing Industry (February 2004)
- Release of draft Scheme of Management (March 2004)
- Issue of new licences (1 July 2004).

APPENDIX 1 – PROPOSED MANAGEMENT ZONES

