

PIRSA Fisheries & Aquaculture – Northern Zone Rock Lobster Fishery Compliance Plan 2013 - 2014

Fishery Management Plan Goals

1. Ensure the Rock Lobster resource in the Northern Zone is sustainably harvested
2. Optimum economic utilisation and equitable distribution of the Rock Lobster (RL) resource in the Northern Zone
3. Minimum impacts on the ecosystem
4. Cost effective and participative management of the fishery

Compliance Risk Summary:

1. Quota Evasion - PIRSA Risk Rating: HIGH (Likelihood – Likely 6, Consequence - Severe 3: Score 18)

Quota Evasion is where a Commercial Fisher takes fish but does not document having taken the fish. The need for or opportunity to increase personal income is the primary driver for quota evasion to occur.

Factors including changed personal financial circumstances, reducing profit margins, product sale uncertainty (China), reduced capacity to earn income as a result of changes to individual transferrable quota (ITQ) and also positive predicted catches all influence the likelihood of quota evasion occurring.

Elements of quota evasion can include:

- Fishing but not Prior Reporting
- Fishing but failing to complete a CDR
- Making false declarations on CDR including numbers of RL caught (retaining undeclared fish)
- Failing to deliver CDR with RL
- Bins not sealed or sealed incorrectly (provides opportunity to remove RL)
- Exceeding take home allowance
- Colluding with Fish Processors (includes falsifying record of RL weight, failing to complete or making false declarations on RLSTF)
- Under declaration of weight by Fish Processors

Discrepancies among fish count do exist and as the elements of the Northern Zone Rock Lobster (NZRL) Quota Management System currently stand it is difficult for Fisheries Compliance to prove or disprove whether such variances are intentional or accidental. So, in addition to potential for quota to be evaded through manipulation of declared fish numbers, this risk is further heightened by the difficulty of being able to prove or disprove whether quota evasion has taken place.

PIRSA Fisheries & Aquaculture – Northern Zone Rock Lobster Fishery Compliance Plan 2013 - 2014

In 2010 / 2011 a Commercial Fisher and his Deckhand were prosecuted for failing to complete a CDR accurately (large variance between fish recorded and actual number counted by Fisheries Officers) and also for removing undeclared RL from the vessel. Whilst this instance involved a variation of > 100, a number of instances where variances has ranged between 5 – 20 fish have been identified.

2. Quota Management System Integrity – PIRSA Risk Rating: HIGH (Likelihood - Occasional 5, Consequence - Severe 3: Score 15)

The Quota Management System (QMS) is the collection of elements, each including various measures that when adhered to, enable effective accountability of all fish taken and subsequently sold or transferred. Integrity is the term used to describe the effectiveness of the measures contained within the QMS. The more effective the measures, the better the integrity of the QMS.

The establishment of the QMS in 2003 is in line with Fishery Management Plan goals and primarily aims to prevent over-fishing, which can lead to over-exploitation of the biomass and ultimately the collapse of the Fishery.

The NZRL QMS requires all fish taken and subsequently sold or transferred to be documented by licensed Commercial Fishers on Catch and Disposal Records (CDR) and then by Fish Processors on RL Sales and Transfer Forms (RLSTF).

Measures included within the NZRL QMS that influence the integrity of the QMS include:

- Fishers required to keep records of RL caught each day (which can be compared to the respective trip CDR)
- Fishers required to advise (prior report) in advance when they intend to land their fish, where, how many etc.
- Fishers and Fish Processors required to accurately complete formwork (CDR, RLSTF) that accounts for all RL caught and sold
- Fish bins are sealed with PIRSA certified tags (the seals are broken at weigh off at the Fish Processors)
- Accurate and timely completion and submission of CDR by Fisher and Fish Processor (incl. complete daily log, numbers of Rock Lobster, numbers of bins and tags)
- Accountability measures and requirements around “take home” RL
- Vessel Monitoring System (VMS)

Each measure forms part of the overall Quota Management System. Failure to comply with a measure(s) or exploitation of a measure(s) undermines the integrity of the QMS and heightens the risk of Quota Evasion. The reduced ability of Fisheries Compliance to either prove or disprove intent where there is variance in the number of fish declared is viewed by Fisheries Compliance as a shortfall in the QMS.

PIRSA Fisheries & Aquaculture – Northern Zone Rock Lobster Fishery Compliance Plan 2013 - 2014

3. Take Undersize Rock Lobster - PIRSA Risk Rating: MODERATE (Likelihood – Possible 4, Consequence - Severe 3: Score 12)

The purpose of minimum legal size limits is to protect juvenile fish and maintain spawning stocks. Should undersize Rock Lobster be taken on a large-scale basis, the cumulative effects could be significant in terms of overall Rock Lobster biomass sustainability within South Australia.

Research by SARDI predicts a reduction in undersize Rock Lobster biomass during the 2013/2014 Rock Lobster season.

Following roll out of a standard measuring gauge late in 2010 and a concerted education and awareness campaign undertaken thereafter, the number of detected undersize Rock Lobster over past few years has reduced slightly.

Whilst this is a positive, both Industry and PIRSA Fisheries and Aquaculture need to remain vigilant and avoid complacency around this issue.

Elements of the risk can include:

- Fishers taking Rock Lobster just under minimum legal size
- Fishers using incorrect techniques to measure Rock Lobster
- Fish Processors colluding with Fishers / failing their duty to check for undersize Rock Lobster

4. Take Female Rock Lobster Carrying Eggs - PIRSA Risk Rating: MODERATE (Likelihood - Possible 4, Consequence – Severe 3: Score 12)

Juvenile recruitment within the NZRL Fishery is vital in maintaining the Rock Lobster biomass at sustainable levels. Should Rock Lobster carrying eggs be taken, the cumulative effects could be significant in terms of overall Rock Lobster sustainability within South Australia.

Elements of the risk can include:

- Fishers failing to return female Rock Lobster carrying eggs to the water
- Fishers removing eggs from female Rock Lobster and landing those Rock Lobster
- Fish Processors colluding with Fishers / failing their duty to check for female Rock Lobster carrying eggs

PIRSA Fisheries & Aquaculture – Northern Zone Rock Lobster Fishery Compliance Plan 2013 - 2014

5. Operate Illegal Rock Lobster Pots – PIRSA Risk Rating: MODERATE (Likelihood – Likely 6, Consequence – Moderate 2: Score 12)

Legal limitations (listed below) are placed on the construction and dimension of Rock Lobster pots to assist sustainable harvest and minimise ecosystem impacts.

SARDI has documented that the use of non-compliant escape gaps may increase the retention of undersize Rock Lobster and predation on those Rock Lobster.

Additionally, the use of unmarked Rock Lobster pots presents identification difficulties and can further be linked to the use of excess gear. While the merits of a limit on pot numbers in a Quota managed Fishery may be debated, there is a competitive advantage for Fishers who use in excess of their entitlement.

Intelligence has been received during recent seasons indicating fishers are using illegal and excessive numbers of Rock Lobster pots.

Despite considerable attempts by Fisheries Compliance to educate fishers about the correct escape gap dimensions, inspections of pots pre 2012 / 2013 season confirmed that compliance by some fishers remained low. In October 2012 steps were jointly taken by Fisheries Compliance and Industry to address the issue, which was a positive move forward. However, the ongoing dismissive behaviour of some fishers and failure to achieve compliance ensures that adherence to escape gap requirements remains in focus.

Elements of the risk to be monitored:

- Escape gaps of unlawful specifications
- More than the permitted number of Rock Lobster pots without escape gaps
- Unmarked Rock Lobster pots (buoys not marked with licence number or marked with incorrect licence number)
- The use of Rock Lobster pots in excess of the number endorsed on a licence

Sea lion Exclusion Device (SLED's)

In 2012 the Rock Lobster Fishery Management Advisory Committee (RLFMAC) made recommendation in relation to the mandatory and legislated use of SLED's in Rock Lobster pots for the 2013 / 2014 fishing season. At the time of production of this Risk Assessment and Fishery Plan, no limitations or specifications had been defined. In the event that SLED's are legislated it is likely that this will have a bearing on future risk assessment and compliance activities associated with this risk.

PIRSA Fisheries & Aquaculture – Northern Zone Rock Lobster Fishery Compliance Plan 2013 - 2014

Risk Likelihood & Consequence Analysis:

		CONSEQUENCES							
				NEGLIGIBLE	MINOR	MODERATE	SEVERE	MAJOR	CATASTROPHIC
				0	1	2	3	4	5
LIKELIHOOD	REMOTE	1							
	RARE	2							
	UNLIKELY	3							
	POSSIBLE	4				Take Female with Eggs (12) Take Undersized (12)			
	OCCASIONAL	5				Quota Management System Integrity (15)			
	LIKELY	6			Illegal Rock Lobster Pots (12)	Quota Evasion (18)			

LIKELIHOOD DEFINITIONS

- LIKELY - It is expected to occur
- OCCASIONAL - May occur
- POSSIBLE - Some evidence to suggest this is possible here
- UNLIKELY - Uncommon, but has been known to occur elsewhere
- RARE - May occur in exceptional circumstances
- REMOTE - Never heard of but not impossible

CONSEQUENCE DEFINITIONS

- CATASTROPHIC - Local extinctions are imminent / immediate
- MAJOR - Likely to cause local extinctions, if continued in longer term
- SEVERE - Affecting recruitment levels of stocks / or their capacity to increase
- MODERATE - Full exploitation rate, but long term recruitment / dynamics not adversely impacted
- MINOR - Possibly detectable, but minimal impact on population size and none on dynamics
- NEGLIGIBLE - Insignificant impacts to population. Unlikely to be measurable against background variability for this population

RISK RATING

Negligible	Low	Moderate	High	Extreme
------------	-----	----------	------	---------

PIRSA Fisheries & Aquaculture – Northern Zone Rock Lobster Fishery Compliance Plan 2013 - 2014

Strategies:

The following strategies have been developed to address each of the risks:

Education & Awareness

- All interested parties understand their respective obligations
- Industry communication & relationship program

Deterrence

- All aspects of fishing activity including the QMS are fully monitored
- Enforcement Plan Communication Strategy
- Enforcement Outcomes Communication Strategy
- Identify gaps in QMS Integrity and work collaboratively with Industry to identify and implement solutions

Enforcement

- Identify participants & methodology of offenders
- Take appropriate and measured outcomes in response to detected offences
- Maximise successful prosecutions Outcomes

Target Outcomes:

The following target outcomes have been identified:

1. Minimise quota evasion
2. Maintain QMS integrity
3. Minimise take of undersize
4. Minimise take of females carrying eggs
5. Minimise use of illegal Rock Lobster pots

PIRSA Fisheries & Aquaculture – Northern Zone Rock Lobster Fishery Compliance Plan 2013 - 2014

Risks Addressed					Strategies			Initiative	Actions	Who	When
1	2	3	4	5	1	2	3				
x	x	x		x		x		Audit	<p>Audits to include but not limited to:</p> <ul style="list-style-type: none"> • Identification of CDR irregularities • Monitor quota balance for exceeding catch • Information recorded on CDR and RLSTF • Prior Reports • VMS 	SC, RC's	Ongoing
x	x	x	x	x		x		Field based inspections	<p>Fisheries Officers utilise reporting mechanisms including VMS, Prior Reports, CDR's and RLSTF to monitor all aspects of fishing and processing operations.</p> <p>Inspections at sea, landing, transit and at Fish Processor</p>	Regions, SR	Season
x	x	x	x	x		x		Regulatory review and revision	Contribute to amendment of legislation and policy where appropriate	SC, RC's	As required
x	x	x	x	x		x		Media	Utilise media to update on successful prosecution outcomes	Ops Mgrs, SC, PIRSA Comms	As required
x	x	x	x	x			x	Intelligence	Collate and analyse information received through FISHWATCH and Stakeholders	Regions, Intel Analyst	Ongoing
x	x	x	x	x			x	Intelligence driven operations	Develop investigations and carry out targeted operations in line with the Serious Offence Plan	Regions, SOG	As required
x	x	x	x	x			x	Address non-compliance	<p>Investigate instances of non-compliance</p> <p>Take enforcement action including issue of Caution, Expiation and Brief</p>	FO's	As required
x	x	x	x	x			x	Brief quality assurance	Briefs of evidence meet evidentiary requirements and are vetted to ensure quality assurance	Ops Mgrs, PSC	As required