



Aquatic Resources Management Act

The next evolution in Aquatic Resource Management in Western Australia

IDENTIFYING AND PRIORITISING MANAGEMENT PATHWAYS FOR AQUATIC RESOURCES UNDER THE ARMA

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Version	Date	Changes
V1	14.09.16	Incorporation of Steering group comments
V2	20.09.16	Incorporation of Northern bioregions comments

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Aquatic Resources Management Act

Western Australia's management of its fish and aquatic resources is recognised as world class. Western Australia (WA) is home to both the first commercial and recreational fisheries in the world to be certified by the Marine Stewardship Council (MSC). The MSC is viewed globally as the "gold standard" in third party sustainability accreditation. In recent years, all of the State's commercial fisheries have undergone MSC pre-assessment and eleven fisheries have now been certified, or are in the process of being certified by, the MSC. WA is leading the world in managing fish resources in a way which recognises the rights and collective impacts of all user groups on these resources. A formal allocation process determines relative levels of access by commercial, recreational and customary fishers, while Ecosystem Based Fisheries Management (EBFM) provides a holistic approach which considers the impact of fishing activity by all sectors on the broader ecosystem.

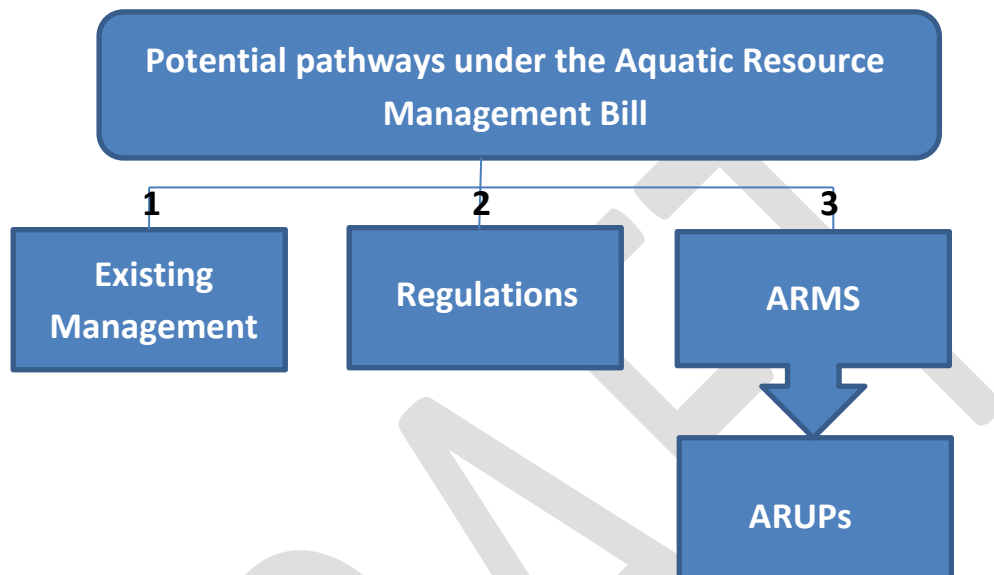
This firm foundation for sustainable aquatic resource management has been established under the *Fish Resources Management Act 1994* (FRMA) and *Pearling Act 1990* (PA). The *Aquatic Resources Management Act 2016* (ARMA) builds on this foundation so that the community can continue to enjoy the benefits of sustainable aquatic resources, quality recreational fishing experiences and profitable commercial fisheries into the future.

ARMA Management Pathways

It is important to understand that the transition to new management frameworks facilitated under the ARMA will be an evolutionary one. Three major management pathways will exist under the ARMA:

1. Existing legislation will remain in force or be provided for under the ARMA to ensure a smooth transition without disruption to current arrangements under the FRMA and the PA. These provisions will include (but are not limited to) FRMA management plans, (including Limited Entry Fishery Notices) and associated authorisations, Exemptions, aquaculture licences and leases and Commonwealth-State arrangements. Pearl Oyster Farm Leases and a range of authorisations under the PA will also stay in force under the ARMA aquaculture provisions and regulations. The provisions of the *Fish Resources Management Regulations 1995* will also be reviewed and drafted under ARMA regulations as appropriate.
2. Management under the regulations (likely to be used for small-scale fisheries which require little management).
3. Aquatic Resource Management Strategies (ARMS) for aquatic resources. An ARMS is an overarching statement relating to an aquatic resource. It includes the definition of the resource, management objectives, the proportional allocation to each sector and the method for determining the Total Allowable

Catch (TAC)¹. Under an ARMS, Aquatic Resource Use Plans (ARUPs) will be created for the sectors accessing the resource. ARUPs are similar to existing management plans for commercial fisheries, but unlike current management plans they can also be applied to recreational fishing. Under Part 3(s14)(3) of the ARMA, aquatic resource which meets set criteria will have to be given priority by the Department to move into an ARMS based management framework.



Will the ARMA change how fisheries are managed and monitored?

The ARMA represents an opportunity to re-assess the map of WA’s fisheries in the light of present and future opportunities and threats, and begin a process aimed at providing a more explicit and flexible platform for sustainability assessments, commercial and recreational sector development and the operational management of fisheries.

The ability to develop an ARMS enables a ‘resource-based’ approach to aquatic management rather than the traditional ‘activity-based’ approach, which has historically been applied to our management planning and systems and is built into the FRMA and its predecessors.

¹ Total Allowable Catch is defined in the new Act as ‘the quantity of a managed aquatic resource that may be taken by the commercial and recreational fishing sectors in a fishing period for the resource’. It may be used to refer to catch or effort.

What is an “aquatic resource”?

The ARMA (Part 1, s.4 (1)(2)) provides significant flexibility in how an aquatic resource can be defined:

- (1) *In this Act, a reference to an aquatic resource is a reference to:*
- (c) *a population of one or more identifiable groups of aquatic organisms; or*
 - (d) *one or more identifiable groups of aquatic organisms in a bioregion, area, habitat or ecosystem.*
- (2) *Without limiting subsection (1), an identifiable group of aquatic organisms includes –*
- (a) *a species of aquatic organisms; and*
 - (b) *a species of aquatic organisms limited by reference to sex, weight, size, reproductive cycle or any other characteristic.*

This provides the scope to redefine each of the current set of fisheries and management systems where desirable to do so. In the future, a resource will not necessarily relate to a single fishery and/or species. The definition of an aquatic resource will influence the scale and scope of the associated management arrangements.

How will aquatic resources be identified?

Guiding the identification of an aquatic resource are considerations such as:

- What is the (practical) spatial extent of the resource?
- Is there more than one sector (commercial, recreational, and customary) with access to the resource?
- Are there synergies in management or fishing operations by managing across a broader spatial or biological scale?
- To what extent would adding areas, activities or sectors complicate and increase the cost of management without reducing risk or providing any perceivable economic or social benefit?

It is important that the Department and the commercial and recreational sectors take the time to consider and develop the most appropriate resource definitions so that any ARMS will be reflective of EBFM principles and reduce red-tape as much as possible.

Most importantly, this will maximise potential for the process to lead to overall better management and sustainability outcomes based on benefits and costs to users, the Department and the community in general.

Some examples of possible aquatic resources under the ARMA for consideration are:

- Abalone
- Exmouth Gulf prawn
- Freshwater (could split South West and Northern)
- Gascoyne demersal scalefish
- Indian Ocean Territories
- Large pelagic scalefish
- North Coast demersal scalefish
- Northern nearshore and embayment scalefish
- Northern prawn
- Octopus
- Pearl Oyster (*Pinctada maxima*)
- Shark Bay prawn, scallops and crabs
- Sharks and Rays
- Small Pelagic scalefish
- South & West crustaceans
- South West crab
- South West Nearshore and Embayment scalefish
- State-wide scallop (excluding Shark Bay)
- Western Rock Lobster
- West and South Coast Demersal scalefish

This is an indicative list and is intended as a starting point for future discussion and planning and may evolve over time as needs and learnings are incorporated into the management process.

Has the Department decided which management pathway each of these resources would take?

When the ARMA comes into force existing managed fisheries will follow management pathway 1 – and continue to be managed under their current management arrangements. So for most commercial and recreational fishers, there will be no immediate significant change.

The only aquatic resource where a management pathway has been decided is the *P. Maxima* pearl oyster resource. As the *Pearling Act 1990* and *Pearling (General) Regulations 1991* will be repealed on the introduction of the ARMA, a new management framework must be developed for introduction immediately upon the ARMA coming into effect. Work has therefore commenced on transitioning this resource via the ARMS pathway to ensure an equivalent management framework is in place on the introduction of the ARMA.

How will resources be prioritised for declaration and ARMS development?

There are two mechanisms that may cause a resource to be declared by the Minister for Fisheries as a managed aquatic resource and prioritised for ARMS development.

1. High risk resources (Part 3 s14(3))

Under Part 3 of the ARMA, the Minister is required to make a declaration of a managed aquatic resource if:

“a risk assessment in respect of an aquatic resource concludes that there is evidence that-

- (a) Overexploitation of the resource is occurring or is likely to occur; or*
- (b) The resource is so severely depleted, diminished, damaged or otherwise affected as to be considered at threat of being ecologically unsustainable”.*

Any aquatic resource which meets this criteria will have to be given priority by the Department to move into an ARMS based management framework, noting that the criteria relates to a resource rather than a fishery or a stock.

2. Planned and prioritised list (Part 3 s14(1))

Aside from circumstances that trigger the high risk resource path outlined above, it is anticipated that the development of an ARMS will be the result of agreement between the Department and stakeholders and a recommendation to the Minister that this is the best approach.

What will be the criteria used for planning and prioritising?

A number of considerations should guide the decision on whether a resource should be declared as a managed aquatic resource and managed under an ARMS. In cases not dictated by a risk assessment, the Department considers that any decision should be based on an examination of the relative costs and benefits against the following criteria:

- Is an ‘ARMS’ level of management/monitoring justified for the aquatic resource
- Is the (practical) spatial extent of the resource known and are the current (spatial) arrangements appropriate?
- Is the level of vulnerability of the stock(s) and suite of species that make up the resource known?
- Is the stock status for indicator species known? When was the last higher-level assessment reported? Is the level of stock assessment/monitoring acceptable for indicator species?

- What is the level of exploitation by each sector (commercial, recreational, customary)?
- Is adequate monitoring in place to allow sector shares to be monitored?
- Is a harvest strategy in place for one or more indicator species? Are there sectoral catch and/or effort Targets, Thresholds and Limits in place, with control rules?
- Is the resource subject to an existing stock recovery strategy (WA, other States or Commonwealth)?
- Is the resource a 'straddling stock' with other jurisdictions (other States, Commonwealth)? Are there any jurisdictional gaps or overlaps (e.g. under OCS)?
- Are there longer-term risks that would be best addressed by inclusion in an ARMS framework?
- Has the aquatic resource undergone a MSC pre-assessment, MSC full assessment and/or export accreditation under the *Environmental Protection and Biodiversity Conservation Act 1999*. Were any information gaps identified?
- Was a risk assessment completed within the past five years? Were there appropriate sources of data/information to be assign risk levels to ecosystem components (and subsequent level of management action?). Are there any information gaps identified)

Want more info on the Aquatic Resources Management Bill?

Head to the Department of Fisheries website at www.fish.wa.gov.au

Want regular updates or have a question? Contact us at arma@fish.wa.gov.au