

---

## **ATTACHMENT 3**

### **OCTOPUS RESOURCE OF WESTERN AUSTRALIA HARVEST STRATEGY 2018 - 2022**

#### **PUBLIC CONSULTATION**

The draft Harvest Strategy was released for one month's public consultation in April-May 2018. The written submissions are attached below

**Table 1: Submissions received:**

<b>Submitter</b>	<b>Format</b>
Con Pansini - Commercial fisher/retailer.	Telephone conversation
Western Australian Department of Biodiversity, Conservation and Attractions.	Written submission
Recfishwest.	Written submission

**Table 2: Summary of the submissions and the Department of Primary Industries and Regional Development response.**

<b>Submitter</b>	<b>Comment/Issue</b>	<b>DPIRD response</b>
Con Pansini	The impact of the harvest strategy on the allocation of pots in the CSLP fishery.	The Harvest Strategy relates to setting sustainable harvest levels and the management tools, actions, and triggers to achieve this. The strategy does not address the allocation of pots or the allocation process.
Con Pansini	Why release a harvest strategy at this time?	The Octopus Interim Managed Fishery is about to enter Marine Stewardship Council full assessment, the MSC standard requires harvest strategies to be in place. The Department of Primary Industries and Regional Development (DPIRD) has a policy of creating (over time) harvest strategies for all WA fisheries, in recognition of this the draft octopus harvest strategy covers all WA's octopus fisheries.

Submitter	Comment/Issue	DPIRD response
<p>Department of Biodiversity, Conservation and Attractions (DBCA)</p>	<p>To the department's knowledge, there is no peak body for this industry, which makes it difficult to disseminate management information to the fishery. DBCA has worked successfully with the Department of Primary Industries and Regional Development and the Rock Lobster fishing industry to develop a code of practice and mitigation strategies to reduce the number of entanglements in this fishery. DBCA would welcome the opportunity to contribute to an octopus fishery code of practice focussed on mitigating impacts on whales.</p> <p>DBCA requests a meeting with DPIRD Fisheries Division to discuss management of the Octopus fishery, particularly relating to mitigation of impacts on whales from entanglement.</p>	<ul style="list-style-type: none"> <li>• The octopus commercial fishery's peak body is the Western Australian Fishing Industry Council. All licence-holders were emailed regarding the draft harvest strategy.</li> <li>• S22 of the Octopus Interim Managed Fishery Management Plan (2015) has specific whale mitigation procedures</li> <li>• The fishery has used a voluntary 'Code of practice for reducing whale entanglements in the Western Australian octopus fishery' for several years.</li> <li>• DPIRD have met with DBCA to discuss measures (including the code of practice) to minimise interaction between the octopus fisheries and cetaceans. No further changes were required to the Harvest Strategy.</li> </ul>

Submitter	Comment/Issue	DPIRD response
Recfishwest	Social and economic objectives for recreational fishers will differ by fishery and the harvest strategy should reflect this.	If Recfishwest can provide evidence that recreational fishers for octopus have significant differences in social and economic objectives DPIRD will assess the information as part of ongoing development of the Harvest Strategy social and economic objectives.
Recfishwest	Performance measures in Table 2 do not have explicit measures for economic and social objectives. Social and economic objectives need to be linked to the table of performance indicators, reference levels, and Harvest Control Rules (HCRs). Recfishwest acknowledge the DPIRD intent to develop social and economic objectives for specific performance measures, but believe little will be done within the duration of the 2018 - 2022 strategy	DPIRD intends to develop more specific Harvest Strategy measures for economic and social objectives, but information is inadequate at this time. DPIRD, in discussions about other Harvest Strategies, has asked Recfishwest for suitable economic and social indicators/performance measures. That information has not been provided to date. DPIRD intends to focus development of recreational objectives first in those fisheries with a large recreational component (e.g. Gascoyne demersal scalefish).
Recfishwest	Where a threshold or limit is breached, consideration should be made to close all fishing until a review is completed.	DPIRD policy of a reviewing the cause of threshold or limit breaches, and the most effective response to the breach is more a blanket closure of the fishery as the reason for the breach may not be due to overfishing. For example, it could be due to low prices/low commercial catch.

<b>Submitter</b>	<b>Comment/Issue</b>	<b>DPIRD response</b>
Recfishwest	Management action ' <i>as soon as practicable</i> ' should be better defined, as should ' <i>acceptable level of risk</i> ' as it relates to endangered, threatened, and protected species .	The term 'as soon as possible' recognises that numerous factors and the nature of the problem will influence the response by DPIRD. Once there is a history of the harvest strategy operation and impacting issues the terminology may be strengthened. The MSC standard provides tools/advice to assess an 'acceptable level of risk' for ETPs on a fishery-by-fishery basis. The term 'acceptable level of risk" or similar is commonly mentioned in MSC assessment reports.
Recfishwest	The Recfishwest submission notes that some people would consider one entangled whale could demonstrate an unacceptable risk while for others the acceptable number of whale entanglements could be much higher. Quantifying the acceptable level of whale entanglements would provide clarity on this point.	Quantification of an acceptable level of whale entanglements was not proposed in either the DBCA submission or subsequent meeting with DBCA. Setting an acceptable entanglement level is not considered appropriate by either agency.
Recfishwest	Recfishwest should be involved in catch tolerance range reviews of the Octopus fishery and determining the capacity of the fishery	Release of the draft harvest strategy public consultation stage is the main step in the consultation process. It includes opportunity to comment on the catch tolerance range. As the fishery reaches full potential and if the recreational catch becomes

Submitter	Comment/Issue	DPIRD response
		significant consultation with the recreational sector may require change. Guidelines are being determined on the recreational sector's level of interest in a resource.
Recfishwest	The combined catch tolerance range is set at a level 80% higher than the largest catch ever in the fishery.	The current catch range is set to allow expansion of the fishery during the term of the harvest strategy (2018 - 2022) and reflects the catch range set in the latest Status Report of the Fisheries and the Aquatic Resources 2016-17. Catch level is estimated to be well below the estimated total catch tolerance range for the fishery.
Recfishwest	It is critical for the HS to provide a better explanation of how the catch range is determined and the weight all the objectives had on setting the catch range. The current strategies don't make sense to the community.	<p>Catch range is an indicative figure set well within the likely sustainable limit (hence the sustainability objectives are met). It allows for expansion in the fishery (meeting the economic and social objectives of flexible opportunities and reasonable opportunity to maximise benefits). The harvest strategy reflects this in the statement 'This broad acceptable catch range has been set with the expectation of catches further increasing in the OIMF'. Although the catch range may be set with some flexibility, the second catch related performance measure (the standardised catch rate range) provides a more precise measure to monitor fishery performance.</p> <p>If Recfishwest provide evidence that the current strategies 'don't make sense to the community' the strategy text could be revised.</p>
Recfishwest	The consultative process for involvement of the recreational sector in octopus management to date has been	As the recreational catch is less than one percent of the total catch Recfishwest was not included in the creation of the draft harvest strategy stage. The release of the draft harvest strategy public consultation stage is the main step in the consultation

<b>Submitter</b>	<b>Comment/Issue</b>	<b>DPIRD response</b>
	<p>inadequate and do not achieve the standard as set out in the consultation guidelines, any reference to the draft harvest strategy being developed through a consultative process with Recfishwest needs to be removed.</p>	<p>process. DPIRD considers the current consultation approach to be appropriate to the recreational fishing magnitude and significance. As the fishery reaches full potential and if the recreational catch becomes significant the consultation with the recreational sector can evolve accordingly.</p>
<p>Recfishwest</p>	<p>There are a number of changes needed to the draft harvest strategy and a number of questions about this fishery that need answering before Recfishwest could be associated with the HS. Recfishwest have consistently stated that we will only support harvest strategies that contain clear and specifically articulated performance levels, target limits, trigger limits harvest control rules and associated management actions designed to achieve the agreed objectives for the resource and relevant fishery sectors.</p>	<p>DPIRD have met with RFW to discuss Recfishwest's concerns in relation to the Octopus Harvest strategy. No further changes to the Harvest Strategy were required.</p>





# SUBMISSION 1. Department of Biodiversity Conservation and Attractions submission on the Octopus Harvest Strategy

Reply Reply All Forward IM



Mon 7/05/2018 10:51 AM

Daniel Coffey <daniel.coffey@dbca.wa.gov.au>

RIGS: FW: Consultation on the Western Australian octopus Harvest Strategy 2018 - 2022

To Kim Walshe

Cc  John Edwards

You forwarded this message on 21/05/2018 8:20 AM.

[Click here to download pictures.](#) To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Hi Kim,

The Department of Biodiversity, Conservation and Attractions (DBCA) appreciates the opportunity to provide comment on the Western Australian Octopus Harvest Strategy. DBCA has reviewed the strategy and provides the following advice pursuant to its responsibilities under the *Wildlife Conservation Act 1950*, the *Biodiversity Act 2016* and the *Conservation and Land Management Act 1984*.

A key observation relating to this fishery is its impact on Humpback Whales from entanglement in commercial octopus fishing gear. In the past two migration seasons, DBCA has attended four entanglements of migrating whales between Busselton and Two Rocks involving octopus trap lines. These entanglements present an immediate threat to the health of the whale, as it becomes tethered to the bottom from the gear and unable to break free from the weight of the trap line. This presents a very real risk of drowning if the whale is unable to reach the surface or becomes exhausted from the effort required to surface to breathe. It should be noted that DBCA also has one record of a Southern Right Whale interaction with this fishery in Warnbro Sound.

To the department's knowledge, there is no peak body for this industry, which makes it difficult to disseminate management information to the fishery. DBCA has worked successfully with the Department of Primary Industries and Regional Development and the Rock Lobster fishing industry to develop a code of practice and mitigation strategies to reduce the number of entanglements in this fishery. DBCA would welcome the opportunity to contribute to an octopus fishery code of practice focussed on mitigating impacts on whales.

**DBCA requests a meeting with DPIRD Fisheries Division to discuss management of the Octopus fishery, particularly relating to mitigation of impacts on whales from entanglement.**

Regards

Dan Coffey

A/Assistant Director Regional and Fire Management Services  
Parks and Wildlife Service  
Department of Biodiversity, Conservation and Attractions  
Ph:(08) 9219 9925 Mob: 0439 966 248



## SUBMISSION 2. Recfishwest submission on the Octopus Harvest Strategy



Attn: Kim Walshe  
Department of Primary Industries and Regional Development  
Locked Bag 39  
Cloisters Square Perth WA 6850

Dear Kim

### RECFISHWEST COMMENTS ON THE OCTOPUS RESOURCE HARVEST STRATEGY 2018-22

Thank you for the opportunity to comment on the West Australian Octopus resource harvest strategy 2018-22. I am pleased to see publically available explicit harvest strategies becoming increasingly common in Western Australian fisheries management. Harvest strategies are essential tools that provide the public with confidence the community owned aquatic resources of Western Australia are being effectively managed to achieve agreed objectives.

This harvest strategy contains some important improvements over other harvest strategies developed by the Department. The inclusion of a specified time period to conduct a review in the event a threshold or limit is broken is a welcome addition as is the cessation of fishing whilst the review process is undertaken when the limit level is breached and a severe risk is identified. These improvements should be incorporated into all harvest strategies where possible. Whilst these improvements are welcome Recfishwest believe there is still room for further improvement in the harvest strategy.

#### Social and economic objectives

Section 3.1.2 (7) of the draft harvest strategy describes the social and economic objectives for the recreational sector and refers to "*maximising the recreational benefits*" of a fishery that has negligible recreational catch. Rather than seek advice from Recfishwest, the Department has simply cut and pasted the social and economic objective from the harvest strategies developed in 2015 for the Peel Harvey fisheries.

The well-established Recreational fisheries in the Peel Harvey are significantly different to the recreational octopus fishery which is in a developmental phase. As such, the social and economic objectives for the octopus fishery cannot be expected to be the same as the social and economic objectives for Peel Harvey fisheries. Recfishwest have raised this exact issue a number of times yet the 'cut and paste' approach to establishing recreational social and economic objectives continues to be adopted when the Department is developing harvest strategies.

Another shortcoming of the departments harvest strategies is the continual failure to address social and economic objectives in the table of performance indicators, references levels, and control rules. I do

acknowledge the intent to include specific performance measures related to economic and social objectives in future versions of the draft strategy. Unfortunately this intent has also been cut and pasted from previous harvest strategies. Given the lack of action to develop specific performance measures for the economic and social objectives in numerous other harvest strategies I have very little confidence the Department will develop these specific performance measures during the life of this strategy.

Table 2. Harvest strategy objectives, performance indicators, references levels, and control rules

The table on pages 13-16 of the draft Harvest Strategy informs the community what the resource is being managed for, what the reference levels are and what defined actions will be taken should these reference levels be breached. This table is likely to be the first place community members look when trying to understand how the resource is being managed and as such it needs to be clear and unambiguous.

While it is disappointing this table has once again failed to include explicit performance measures for the economic and social objectives for the fishery I have restricted my comments to what the table does contain rather than what it doesn't, although it should be noted that in the event any reference level is breached Recfishwest believe any review should take into consideration all objectives for which the resource is being managed.

As mentioned earlier, the inclusion of specific timelines for review of management in the event an indicator is breached is a welcomed addition however there remains some confusion about what will happen while this review is being undertaken.

Consideration should be given to ceasing all fishing whenever a threshold or limit is breached until the review has been completed. The draft Harvest strategy already contains a precedent for ceasing fishing in the event a limit level is breached and a severe risk is identified. The inclusion of a defined time period to conduct a review minimises the impact any cessation of fishing would have on each sector.

A blanket approach to ceasing fishing while a review is underway would also prevent fishing activity from compounding stock declines in 'high risk' situations where increased management actions will be needed.

Table 2 refers to taking management action '*as soon as practicable*' however this term is somewhat vague and should be better defined. Another vague term in the table that should be addressed is '*acceptable level of risk*' as it relates to endangered, threatened and protected species.

Both trigger traps and shelter pots are highly selective gear types capturing negligible amounts of species other than octopus. Interactions with endangered, threatened and protected (ETP) species in this fishery are low and likely to be restricted to entanglements of whales with ropes. For some people one entangled whale could demonstrate an unacceptable risk while for others the acceptable number of whale entanglements could be much higher. Quantifying the acceptable level of whale entanglements would provide clarity on this point.

#### Annual Fishery performance and tolerance levels

The draft harvest strategy shows a combined catch tolerance range for this fishery at 200-500 tonnes however the latest available State of the Fisheries Report shows a catch range of 50-250t with the allowable catch range to be reviewed in 2016/17. I can only assume this review has already taken place and the Department did not believe Recfishwest had anything to contribute to the review or needed to be made aware of the outcomes of the review. This is disappointing considering our previous requests for clarity on how the capacity of the fishery had been decided and what impacts on the recreational sector were considered when determining this capacity.

It is not unreasonable for this harvest strategy to explain how the upper end of the catch tolerance range has been set at a level 80% higher than the largest ever catch in this fishery and nearly 130% higher than the five year average catch for this fishery. Given the relatively short life span, semelparous nature of octopus, unknown recruitment variability and the strong impacts environmental factors such as temperature has on octopus life cycles it is crucial for this harvest strategy to provide a much better explanation of how the catch range of the fishery has been determined and how all of the objectives were considered when determining this catch range.

Recfishwest are great believers in harvest strategies and in order for these strategies to be successful they need to make sense to the community which is something this particular aspect of the current draft fails to achieve.

#### Consultation

The draft harvest strategy claims to have been *'developed via a consultative process with commercial and recreational fishing peak bodies'*. Given Recfishwest's most recent input into the management of this fishery is our comments in relation to the key elements of the management plan in 2014 and our comments on the draft management plan for this fishery in 2015 the term "consultative process" is misleading at best and deceptive at worst.

Furthermore the draft harvest strategy states consultation was undertaken in line with Departmental Stakeholder Engagement Guidelines which outline the **minimum** consultation required by the department in certain circumstances. Under these guidelines the department has promised to develop harvest strategies in **collaboration** with both Recfishwest and WAFIC.

These guidelines defined collaboration as *'work with you in formulating solutions and will incorporate your advice and recommendations into the outcomes to the maximum extent possible'*. The guidelines also suggested collaboration would involve a *'tasked working group, panel, committee, workshop, meeting or other form of project-specific discussion.'* Given our lack of consultation in relation to the development of the draft harvest strategy DPIRD has clearly failed to meet the minimal level of



consultation promised in their guidelines and consequently any reference to the draft harvest strategy being developed through a consultative process with Recfishwest needs to be removed.

There are a number of changes needed to the draft harvest strategy and a number of questions about this fishery that need answering before Recfishwest will be comfortable with having our name associated with this document.

As the draft harvest strategy has already been made public the references to Recfishwest's input through a '*consultative process*' could easily be interpreted as our support the document in its current form. Unfortunately this implied support may have already damaged Recfishwest's good reputation amongst our stakeholders.

Recfishwest have consistently stated that we will only support harvest strategies that contain clear and specifically articulated performance levels, target limits, trigger limits harvest control rules and associated management actions designed to achieve the agreed objectives for the resource and relevant fishery sectors. Given our consistent approach our comments in relation to this harvest strategy should come as no surprise. Thank you for the opportunity to provide comment. Should you require any further information in this regard, please do not hesitate to contact me on 9246 3366.

Yours sincerely

Leyland Campbell  
Operations Manager

15 May 2018