9-1997

Discussion paper: future management of the aquatic charter industry in Western Australia

Tour Operators Fishing Working Group

Recommended Citation

Tour Operators Fishing Working Group. (1997), *Discussion paper: future management of the aquatic charter industry in Western Australia*. Tour Operators Fishing Working Group., Perth. Report No. 103.

DISCUSSION PAPER

FUTURE MANAGEMENT OF THE AQUATIC CHARTER INDUSTRY IN WESTERN AUSTRALIA

PREPARED BY THE
TOUR OPERATORS FISHING WORKING GROUP

SEPTEMBER 1997

AN INVITATION TO COMMENT ON THIS DISCUSSION PAPER

The Tour Operators Fishing Working Group (TOFWG) invites people to make a submission on this discussion paper.

The TOFWG was established by the Hon Monty House MLA, Minister for Fisheries, in recognition of the growing importance of the aquatic charter industry and in recognition of the need to ensure that the development of this industry occurs in an ecologically sustainable framework across the State.

Proposals outlined in this discussion paper for community discussion are intended to establish a management framework within which the aquatic charter industry may continue to develop, and which will ensure the long-term sustainability of the natural resources on which the industry is based.

Why write a submission?

A submission is a way to provide information, express your opinion and put forward your suggested course of action including an alternative approach.

The Minister for Fisheries will consider the submissions to this paper when making decisions about the future management of the aquatic charter industry in WA.

Submissions will be treated as public documents unless specifically marked confidential, and may be quoted in full or in part in any further reports.

Developing a submission

In your submission you may agree, disagree or comment on, the general issues in the report or specific issues such as licensing for charter fishing operators.

It may help to reduce the workload on individuals and increase the pool of ideas and information if you join a group and make a joint submission.

When making comment on a specific issue in the report:

- refer each of your points to the appropriate section or chapter in the report;
- clearly state your point of view;
- indicate your reasoning or source of information; and
- suggest recommendations, safeguards or alternatives.

Feel free to limit your submission to a list of points if you find this approach appropriate.

Please remember to include your name, address, the date and whether you want your submission to be confidential.

The closing date for submissions is:
12 December 1997

Submissions should be addressed to:

Executive Officer
Tour Operator's Fishing Working Group
c/- Recreational Fisheries Program
Fisheries Department of Western Australia
Locked Bag No. 39
Cloisters Square Post Office
PERTH WA 6850

If you wish to discuss this report or require further information please call:

Mr Tim Bray on (08) 9482 7338
Mr Andrew Cribb on (08) 9482 7334

TABLE OF CONTENTS

APPENDICES

Foreword

Over the past decade increasing population, a growing tourism industry, improved facilities at many coastal locations and better access to remote areas have led to a significant growth in regional tourism opportunities in WA.

Many of these opportunities are based on the use of the nearshore aquatic environment and fish resources.

A major challenge for the WA community is to ensure the sustainability of these resources in the face of growing pressure from tourism, and to ensure that the industries based on these resources are allowed to develop in a controlled and sustainable fashion which will optimise long-term benefits to the community.

One of the key tourism service industries now developing is the aquatic charter industry. Since 1990 the number of charter boats providing fishing, whale watching, diving or other aquatic ecotourism services has grown significantly.

In 1990 an estimated 40 boats provided fee-for-service fishing charters to recreational fishing parties. About half of these boats also held a WA commercial fishing boat licence.

There are currently 135 confirmed operators within Western Australia's tour and charter industry. If growth continues at the present rate there are likely to be about 1500 aquatic charter operators by the year 2010.

While all aquatic charter operators are required to meet minimum safety standards under Department of Transport regulations, management of the industry in relation to environmental and other impacts tends to be fragmented, with individual government agencies managing differing aspects of the industry under a range of legislative controls.

Charter fishing operators may significantly increase the recreational exploitation of fish stocks, and intense competition for access to prime fishing locations may result in localised fish stock depletion and irresponsible fishing practices which focus on reducing costs and increasing catches for clients, rather than conservation and sustainable fishing.

In addition, the quality of the recreational experience for individual tourists may be adversely affected by unrestricted access to some areas where the tourism experience depends for its appeal on the enjoyment of pristine, uncrowded environments.

While not specific to the tour operators' industry, other environmental impacts of unrestricted access by charter operators may include anchor damage in coral reef areas, problems caused by the disposal of effluent, erosion and environmental degradation through increased use of wild environments for camping, and increased traffic on ungraded tracks.

An important issue for the developing industry is the establishment of minimum customer service and other industry standards to ensure client satisfaction and support further promotion of a quality tourism service industry.

Uncontrolled growth in this industry is likely to have not only adverse environmental effects, but may also prevent the development of a professional and responsible industry with high standards of customer service and safety.

The Tour Operators Fishing Working Group (TOFWG) was established by the Hon Monty House MLA, Minister for Fisheries, in recognition of the growing importance of this element of the tourism industry and in recognition of the need to ensure that the development of this industry occurs in an ecologically sustainable framework across the State.

This discussion paper is the result of extensive consultation with the aquatic charter operators' industry by the TOFWG.

Proposals outlined here for community discussion are intended to establish a management framework within which the aquatic charter operators’ industry may continue to develop, and which will ensure the long-term sustainability of the natural resources on which the industry is based.

Key recommendations include the delineation of five key zones of operation for the industry, and the establishment of a licensing system for charter operations which fall under the jurisdiction of the *Fish Resources Management Act 1994* (WA).

The TOFWG believes that the aquatic charter operators’ industry has a major role to play in WA’s growing ecotourism and regional recreational fishing industry, and that charters will increasingly contribute significant economic benefits to regional centres by providing an improved range of experiences for visitors.

However, for this to occur the industry itself needs to take up the challenge of supporting and promoting regulation aimed at the conservation of fish resources and the aquatic environment, and developing industry codes of practice which will ensure high standards of customer service and high levels of customer satisfaction.

Following community and industry comment on the proposals in this discussion paper the TOFWG will prepare a final set of recommendations for consideration by the Minister for Fisheries.

The TOFWG looks forward to community and industry response to the proposals in this discussion paper, and the development of a sustainable and profitable future for the aquatic charter tour operators’ industry in WA.

Doug Bathgate
Chairman, Tour Operators Fishing Working Group, August 1997

Terms of reference

The Tour Operators Fishing Working Group (TOFWG) was established by the Hon Monty House MLA, Minister for Fisheries, in recognition of the growing importance of this element of the tourism industry and in recognition of the need to ensure that the development of this industry occurs in an ecologically sustainable framework across the State.

The terms of reference for the TOFWG are to:

1. advise the Minister for Fisheries on preferred management arrangements for the tour operators' fishing industry;

2. define the range of activities covered by the TOFWG, noting the requirements of the *Fish Resources Management Act 1994* (WA);

3. establish sub-committees, as appropriate, to consider issues of special concern to sections of the tour operators' industry with particular reference to relations between consumptive and non-consumptive components of the industry;

4. provide recommendations to the Minister for Fisheries on methods of operation of tour operators;

5. provide recommendations to the Minister for Fisheries on the most appropriate method of implementing a charter fishing licensing management scheme for WA;

6. provide recommendations to the Minister for Fisheries on any other matter that the TOFWG may consider pertinent to the proposed management arrangements.

TOFWG membership

Membership of the TOFWG was selected to represent as many sectors of the aquatic tour charter operators' industry as possible, and provide a wide range of input from relevant government agencies.

TOFWG members are:

Chairman

Doug Bathgate	Gascoyne Development Commission

Committee members

Les Bail	Aquatic charter operator
Hamish Crawford	Department of Conservation and Land Management
Andrew Cribb	Fisheries Department of WA
Brian Kirkwood	Aquatic charter operator and member of WA Charter Boat Association
George King	Aquatic charter operator
Mark Longhurst	Aquatic charter operator and president of Kimberley Charter Boat Association
Danny Sullivan	Aquatic charter operator and member of Kimberley Charter Boat Association
Kay Webber	Recreational Fishing Advisory Committee member
Rob Wuillemin	Aquatic charter operator member of WA Fishing Industry Council Board

Executive Officer

Tim Bray	Fisheries Department of WA

Other Participants

Lindsay Harbord	Chairman, Recreational Fishing Advisory Committee
Brett McCallum	Chief Executive, WA Fishing Industry Council
Frank Prokop	Fisheries Department of WA
John Seaton	Department of Transport
Kevin Tonkin	WA Tourism Commission

Summary of Recommendations

2.0 WA AQUATIC CHARTER INDUSTRY

Integrated management

1. That a whole-of-government approach to the management of the aquatic charter industry be recognised as most beneficial to the industry and governing bodies.

2. That an investigation into the feasibility of a whole-of-government management strategy through high-level discussions between relevant Ministers and government agencies be adopted.

3.0 CONSERVATION AND SUSTAINABILITY ISSUES

Resource allocation

3. That the catch from charter fishing operations be recognised as part of the total recreational catch.

4. In recognition of the differences between the aquatic charter industry, the commercial fishing industry and the recreational fishing sector, the aquatic charter industry should be recognised as a distinct aquatic resource user group for the purpose of industry management and consultation.

5. That management arrangements, in addition to general recreational fishing regulations, be implemented to maintain the catch from charter operators at sustainable levels.

Growth of industry

6. That a new licence category under the *Fish Resources Management Act 1994* (WA) (FRMA) be introduced to licence aquatic charter operators that fall within the jurisdiction of the FRMA.

7. That the Fisheries Department and CALM develop a Memorandum of Understanding to ensure that existing licensing arrangements administered by CALM and the aquatic charter licence proposed in this paper are managed in a coordinated and cooperative manner to ensure protection of environmental and other resource values and sustainability of aquatic charter operator opportunities.

8. That to be issued with an aquatic charter licence under the FRMA the applicant must demonstrate an involvement as an aquatic charter operator (charter fishing or aquatic ecotourism) in the period 1 July 1993 to 30 June 1996.

9. That there be three classes of aquatic charter licence:

a) charter fishing;
b) aquatic ecotourism; and
c) charter fishing and aquatic ecotourism.

10. That the licence apply to charter operations, as defined above, in both State and Commonwealth waters of the Australian Fishing Zone, and be required for both resident and non-resident operations.

11. Non-fishing charter activities within marine parks and charter activities subject to management under the *Wildlife Conservation Act 1950* (WA) and other zonal access should be treated separately, and managed under existing arrangements. Further development of management for zonal access to be subject to consultation with the aquatic charter industry and be consistent with regional fisheries' management plans for recreational fishing and marine conservation areas.

12. Fees should be set according to cost-recovery principles, and initially based on the cost of management recommendations detailed later in this paper.

Excess capacity in industry

13. That, where there is a likelihood of over-exploitation of fish resources or unacceptable impact on the quality of the tourism experience, minimum performance criteria should be developed for continuing eligibility for aquatic charter licences.

Dual licensing and risk of escalating effort

14. That a commercial fishing trip and a charter fishing trip cannot be conducted at the same time.

15. Operators who hold both a commercial fishing licence and a charter fishing operators' licence should be required to clearly nominate the nature of their fishing trip to a Fisheries Department office before leaving port.

16. Any fish caught on a charter trip should be taken under recreational or charter fishing regulations, and are not saleable.

17. That any authorisation associated with fishing boat licences allowing the sale of recreationally caught fish be removed from charter fishing vessels.

Lack of integration with management of other sectors

18. That the charter fishing industry be included in an integrated approach to fish resource management.

Unknown catch and unknown impact on resource

19. That all licensed aquatic charter operators be required, as a condition of licence, to submit a periodic and detailed research log book to the Fisheries Department or CALM as appropriate.

20. An integrated database and collection system for charter operators be developed to provide the Fisheries Department with more detailed information on catch and effort and fish population structure.

Localised stock depletion

21. That the WA coast be broken into five zones of operation, consistent with regional recreational fisheries management strategies, and that access for charter operators will be allocated according to management objectives or natural resource carrying capacity.

22. In assessing applications, the charter and other fishing effort that exists within the area, and whether the area can sustain additional pressure, will be taken into consideration.

23. That applications must include a business plan explicitly detailing the proposed operation.

24. That access to the zones be determined by a demonstrated history of commitment to the industry or predetermined selection criteria. In the event that reduction in the number of licences is required, the participants would participate in a "buy back" system.

25. That assessment of applications would follow a process approved by the Minister for Fisheries.

Deepwater fish: survival

26. Bag limits for charter clients should be adjusted to assume a 100% mortality of demersal fish caught in waters greater than 20 m in depth.

27. Consideration should be given to the introduction of controls pertaining to the catch and release of fish, particularly on ultra-light line class. Further debate is required on this issue.

28. The effectiveness of legal sizes for identified species should be reviewed, and alternative stock conservation strategies developed where practical.

4.0 ECONOMIC ISSUES

Access fee and cost recovery

29. That the cost of management and consultation be born by those licensed in the industry.

30. Access fees should be charged in proportion to the level and type of use.

31. The allocation of access should meet with the principles of the National Competition Policy (Hilmer Report), and allow for rational business planning and provide a basis for operators' investment confidence.

32. That revenue from licence fees be directed into a trust fund for the management and future development of the industry.

5.0 ENVIRONMENTAL ISSUES

Number of participants in limited areas

33. Access arrangements should consider environmental impacts on fish, fish habitat and other resources.

34. That the aquatic charter industry develop codes of conduct to encourage conservation-oriented fishing practices and environmentally friendly operating standards.

35. That the aquatic charter industry encourage the development of industry associations to pursue the above recommendations.

6.0 SOCIAL ISSUES

Industry image

36. That the establishment of industry associations be encouraged and that these associations develop a code of conduct that will enable industry to market its services based on the provision of a quality, association-endorsed charter operation.

37. That good safety practices be incorporated into a code of conduct.

38. That there be, as a requirement of licensing, a minimum public liability insurance held by the operator.

Management advice: representative structure

39. That the aquatic charter industry be encouraged to form a peak industry association.

40. That the peak aquatic charter industry association be given recognition on the Recreational Fishing Advisory Committee (RFAC) in the same manner as the WA Recreational and Sportfishing Association. This will require an amendment to the FRMA.

41. That, where appropriate, the aquatic charter industry be represented on other management advisory committees.

1.0 INTRODUCTION

1.1 WA'S AQUATIC ENVIRONMENT: BASIS OF THE AQUATIC CHARTER INDUSTRY

Western Australia's (WA) 12,000 km coastline is recognised world-wide as providing a wide range of attractive and pristine environments. The oceans, estuaries and rivers along WA's coast are home to a variety of natural attractions such as: world-class recreational fishing; excellent diving sites; and observation of marine animals.

In many cases the best way to enjoy the tourism opportunities available in WA's aquatic environment is to employ the services of a tour or charter operator. The benefit of a tour or charter operator is that they are able to provide access where it may not otherwise be possible. In providing this access they are able to optimise the recreational experience with their knowledge of local environments and phenomena.

1.2 NEED FOR A STRATEGY ON FUTURE MANAGEMENT

Utilisation of WA's marine resources is not limited to one sector of the community. 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. There are approximately 1700 fishing boat licences in WA, and when combined with various Managed Fishery Licences, it can be seen that there are a large number of commercial licensees which participate in a wide variety of commercial fishing activities.

More recently, fisheries management agencies have come to appreciate the importance of considering the wider community and the involvement of different sectors in the use of marine resources. In WA, an estimated 500,000 people participate in recreational fishing each year. In addition, approximately 50,000 licences for leisure craft are issued annually by the Department of Transport and there is increasing recognition of the subsistence fishing activities undertaken by Aboriginal communities around WA's coast (primarily north of Carnarvon).

The Tour Operators Fishing Working Group (TOFWG) was established in recognition of the aquatic charter industry's role in the use of marine resources and the need for this sector to be managed.

With the exception of non-fishing charter activities within marine parks, and charter activities involving marine wildlife, the aquatic charter industry is essentially an open access industry, and this has allowed the industry to expand significantly over the past 10 to 15 years. There is no reason to assume that unrestricted growth is likely to halt or slow before the industry is over-capitalised and the fish resource over-exploited.

There are two main areas of concern regarding the aquatic charter industry in WA, both of which relate to the open access nature of major components of the industry:

1. the poor quality of service provided by some operators, which tarnishes the reputation of the wider industry; and
2. the negative biological and economic impacts which result from over-capitalisation of the industry where there are not already management mechanisms in place to deal with adverse impacts.

The ability of commercial fishermen to enter the aquatic charter industry part-time is an issue which has implications for both of the above points.

1.3 OBTAINING INFORMATION ON THE AQUATIC CHARTER INDUSTRY

Given the lack of formal management of the aquatic charter industry, with the exception of non-fishing charter activities within marine parks, and charter activities involving marine wildlife, there has been very little information gathered on the characteristics of the industry as a whole.

To obtain information about the aquatic charter industry the TOFWG and the Fisheries Department identified known and potential aquatic charter operators. Operators were identified via a number of sources which included Fisheries Department District Offices, half-page advertisements in the *Western Fisheries* magazine, WA Department of Transport Special Passenger Vessel (SPV) licence listings, and Professional Fishermen's Associations affiliated with the WA Fishing Industry Council (WAFIC).

To obtain vital information on the aquatic charter industry a questionnaire was developed and sent to a total of 350 identified aquatic charter operators. In total, 135 completed questionnaires were received by the Fisheries Department. A copy of the questionnaire can be found at Appendix B.

2.0 WA'S AQUATIC CHARTER INDUSTRY

2.1 INDUSTRY PROFILE

In its present form, the aquatic charter industry in WA is essentially an open access industry with the exception of activities managed by the Department of Conservation and Land Management (CALM). Industry participants can be categorised under three headings according to the type of charter they provide. Specifically, these three categories are:

1. fishing charters;
2. aquatic ecotourism charters; or
3. a combination of both 1 and 2.

The freedom-of-entry aspect of this industry (with the exception of type 2 tours in marine parks or those involving marine wildlife) is the basis of all major issues facing the aquatic charter industry and its future management. These major issues include growth of industry, over-capitalisation of the industry, potential to impact on the resource, and the current standard of service provided. These issues will be addressed in greater detail in sections 3, 4, 5 and 6 of this paper.

Analysis of the responses to the questionnaire illustrates that the aquatic charter industry has undergone strong growth across the State and that if open access were to remain in place it is likely that this trend will continue. When analysed regionally it is clear that the mid-west and north-west regions of WA possess relatively large charter fleets with continuing strong growth.

Additionally, regions north of the metropolitan area exhibit strong fluctuations in charter boat effort through the course of a year. It is likely that the strong seasonal trends that exist are the result of part-time operators and mobile operators taking advantage of optimum climatic and tourist seasons.

Results of the analysis of the questionnaire data and a breakdown and description of the five coastal zones is contained in Appendix C.

2.2 REGULATIONS GOVERNING THE AQUATIC CHARTER INDUSTRY

Presently there are three government departments with varying degrees of jurisdiction over the aquatic charter industry: the Fisheries Department of WA, CALM, and the Department of Transport. With the exception of charter activities managed by CALM, there is very little regulation of WA's aquatic charter industry.

Currently the primary requirement to become an aquatic charter operator is that the vessel used is appropriately surveyed and licensed by the Department of Transport. Specifically, charter boats are required to hold a Special Passenger Vessel (SPV) licence. Operators who wish to operate within marine parks or interact with marine wildlife are required to obtain a licence from CALM. These licences require operators to submit records or logs in relation to their activities. Currently there is no requirement for other operators (for example, charter fishing operators) to record or submit records of their activities.

2.2.1 Department of Transport

The Department of Transport surveys vessels and issues licences to ensure the vessel is safe for the type of work intended. The majority of surveys in Western Australia are specified within the Uniform Shipping Laws Code (USL Code).

Specifically, there are three classes of licence:

1. SPV (Special Passenger Vessel): carrying greater then 12 passengers;
2. non-passenger-carrying: carrying up to 12 passengers;
3. LFB (Licensed Fishing Boat): issued by Fisheries Department.

For each of the above class of licence there are five categories relating to the waters in which the vessel is permitted to operate:

1. travelling greater than 200 nautical miles offshore;
2. between 30 and 200 nautical miles offshore;
3. up to 30 nautical miles offshore;
4. only in sheltered waters; and
5. inland waterways only.

2.2.2 Department of Conservation and Land Management

The Department of Conservation and Land Management (CALM), which manages charter activities, operates under two pieces of legislation: the *Conservation and Land Management Act 1984* (WA) and the *Wildlife Conservation Act 1950* (WA). CALM is responsible for the management of all marine conservation reserves vested in the National Parks and Nature Conservation Authority and the management and protection of wildlife throughout the State.

With respect to the aquatic charter industry, CALM manages nature conservation, recreation and nature-based tourism, management planning, wildlife research and management, information and education programs in conservation and recreation, and liaison with interest groups (Government of Western Australia 1994).

All aquatic charter operators conducting commercial activities within marine nature reserves and marine parks, with the exception of those conducting fishing activities, are required to obtain a licence from CALM. Licences have conditions attached to ensure the protection of the environmental and other management values, and require operators to submit records of their operations. In some cases, access is limited.

In addition to this, aquatic charter operators throughout the State who interact with marine wildlife such as whales are required to be licensed by CALM. These licences also involve operating conditions and reporting requirements.

CALM has two levels of licensing:

1. *T - Class*: open access to activities that CALM manages through a code of conduct. Ninety percent of licences issued by CALM fall into this category.

2. *Limited Access*: for environmental or management reasons (not industry focused). Ten percent of licences issued by CALM fall into this category.

2.2.3 Fisheries Department

The legislation under which the Fisheries Department operates is the *Fish Resources Management Act 1994* (WA) (FRMA). The Fisheries Department administers the protection of all fish and fish habitats in WA waters through this Act.

The Fisheries Department manages fish resources in a variety of ways, including the development and implementation of management plans for certain species, areas or activities, licensing of commercial or recreational fishing activities, and the closure of areas to activities, either completely or seasonally.

Currently the Fisheries Department does not actively manage the sections of the aquatic charter industry that fall within the jurisdiction of the FRMA. However, aquatic charter operators are required to adhere to recreational fishing regulations (size, bag and possession limits) specified within the *Fish Resources Management Regulations 1995*.

A number of aquatic charter operators are able to sell recreationally caught fish by virtue of a condition on their commercial Fishing Boat Licence (FBL), which is in contradiction of the FRMA. Thirty-five percent of respondents to the TOFWG questionnaire indicated that they have a FBL. When considering this number it should also be noted that for a variety of reasons respondents may not have disclosed all licences that they hold.

It is difficult to enforce the recreational fishing laws for aquatic charter operators who hold a FBL, given that it is almost impossible to prove which fish have been caught recreationally and which have been caught “commercially”. Additionally, there is concern that unscrupulous operators who hold a FBL may use the same argument to circumvent management arrangements for commercial fisheries.

2.3 INTEGRATED MANAGEMENT

Clearly all three government agencies have some regulatory roles and responsibilities with respect to the aquatic charter industry. If the industry is to be managed effectively and efficiently it is necessary for Fisheries, CALM and Transport to have a close working relationship. In the longer term, legislative changes may be required to achieve a whole-of-government approach to industry management.

The TOFWG envisages this whole-of-government approach would initially encompass a “one stop shop” for licensing.

Recommendations

1. That a whole-of-government approach to the management of the aquatic charter industry be recognised as most beneficial to the industry and governing bodies.

2. That an investigation into the feasibility of a whole-of-government management strategy through high-level discussions between relevant Ministers and government agencies be adopted.

3.0 CONSERVATION AND SUSTAINABILITY ISSUES

3.1 OBJECTIVES

- To conserve fish stocks and their habitats of importance for the viability of the aquatic charter industry.

- To manage the aquatic charter industry as part of a holistic approach to fish resource and habitat management.

3.2 CURRENT ISSUES AND RECOMMENDATIONS

3.2.1 Resource allocation

A key question is whether the charter fishing industry should be considered as part of the recreational fishery or as a separate entity. Clearly, the charter fishing industry and the commercial fishing industry are distinct, given that the commercial fishing industry gains direct economic benefit from the sale of fish, while the charter fishing industry's revenue base is its clients: recreational fishers and aquatic ecotourists.

The charter fishing sector and the recreational fishing fraternity are much more closely aligned, as illustrated by the following similarities:

- species targeted;
- gear used; and
- motivation for going fishing.

However, there are also clear differences between the two sectors. The fact that the charter fishing industry operates on a fee-for-service basis is the most obvious. Other differences include the skill level of the operator and the impact this has on the client's ability to catch fish, the non-consumptive component of many aquatic ecotourism charter operations and the educative role a good charter operator can play.

These differences mean that charter fishing operators compete directly for both access and catch with recreational fishers and some commercial fishing operations. Therefore, there must be agreement on the relative resource share for each sector to ensure a sustainable level of exploitation is not exceeded.

The control or reduction of access by commercial fishing activities, stricter bag limits on recreational fishing, designation of recreational fishing priority areas, and the establishment of gear or catch restrictions in specific areas should all be considered as management options to conserve fishing quality and the development of charter fishing tourism opportunities.

Recommendations

3. That the catch from charter fishing operations be recognised as part of the total recreational catch.

4. In recognition of the differences between the aquatic charter industry, the commercial fishing industry and the recreational fishing sector, the aquatic charter industry should be recognised as a distinct aquatic resource user group for the purpose of industry management and consultation.

5. That management arrangements, in addition to general recreational fishing regulations, be implemented to maintain the catch from charter operators at sustainable levels.

3.2.2 Growth of industry

There has been a significant growth in the number participants of within WA's aquatic charter industry, however there is no information on how large an aquatic charter industry WA may be able to sustain either economically or biologically. In September 1990 it was thought that approximately 40 boats in WA were providing charter fishing services (Millington 1990). There are now 135 confirmed aquatic charter operators in WA providing services which include charter fishing.

Over the seven-year period from 1990 to 1997 there was a 337% increase in the number of aquatic charter operators. A continued expansion at this rate would see approximately 1500 aquatic charter operators by the year 2010. An illustration of this growth is contained in Figure 1. Members of the TOFWG believe that this rate of expansion is certainly not in decline, and may even be on the increase in some regions of WA.

History illustrates that where competition for natural resources occurs in an open access environment there is inevitably a decline in these natural resources (Cartwright 1995). With respect to fishing charters, increased competition for clients will give extra incentive for operators to provide lower cost charters. The concept of cost for some operators and customers may be translated into the number of fish caught or hooked related to the cost of the trip. Clearly, competition for the resource and market share in an over-capitalised and unregulated industry will result in over-exploitation by this sector.

In addition to the growth potential from WA operators, the TOFWG also identified the potential of interstate operators to bring charters into WA waters in response to tourism booms. The frequency with which these operators visit WA waters and their impact is unknown.

The introduction of a licensing system for aquatic charter operators that fall within the jurisdiction of the FRMA would allow monitoring and control of the growth of the aquatic charter industry in WA. It is envisaged that aquatic charter operators would be issued licences based on entry criteria which includes previous history in the industry. An aquatic charter operator would be a person who provides a fee-for-service charter defined either as a fishing or aquatic ecotourism tour. These two activities are defined by the FRMA as follows:

- "aquatic ecotourism" means tourism relating to fish in their natural environment and includes the viewing or feeding of fish but does not include the taking of fish.

- "fishing or fishing activity" means:
  a) searching for fish;
  b) attempting to take fish;
  c) taking fish; or
  d) engaging in any other activity that can reasonably be expected to result in the taking of fish.

This does not include aquatic charter operators whose activities fall within the management responsibilities of CALM. Also, there are other sectors of the charter industry, such as those specialising in transport or hospitality charters, which are outside the jurisdiction of the Fisheries Department and CALM. An aquatic charter licence would not be applicable for these activities.

When considering the matter of licensing aquatic charter operators it was necessary for the TOFWG to give serious consideration to the National Competition Policy. The National Competition Policy stems from the Hilmer Report on anti-competitive legislation and requires all States and Territories to review their legislation to remove anti-competitive laws. The Government of Western Australia has published Legislative Review Guidelines to assist with the implementation of the National Competition Policy (Government of Western Australia 1997). By discussing this matter at length the TOFWG has endeavoured to form views for the future management of the aquatic charter industry that will be defendable in the light of the necessary legislative reviews.

To introduce a licensing system that has the potential to limit access, where required, to the aquatic charter industry could be seen as introducing anti-competitive legislation. However, the TOFWG strongly believes that a legislative framework that can limit access is crucial not only to the future management of the aquatic charter industry, but also fish and fish habitat in general.

The TOFWG considers that the introduction of subsidiary legislation that might be viewed as anti-competitive is justifiable for the following reasons:

- it is necessary to manage the aquatic charter industry as part of an holistic approach to fish resource management;

- without the ability to cap the impact from the aquatic charter industry on living aquatic resources, this sector's operations may be unsustainable;

- it is not equitable to allow the aquatic charter industry to continue to expand to unsustainable levels while the commercial fishing sector has been capped for many years, and in many cases is undergoing significant effort reductions; and
- there are benefits for the general community in having a controlled aquatic charter industry, such as:

    a) the industry can be part of a living aquatic resource management framework that ensures biological sustainability and provides opportunity for economic viability;

    b) access to leisure activities by a quality-based industry;

    c) economic benefits to the community from tourism through marketing of the aquatic charter industry.

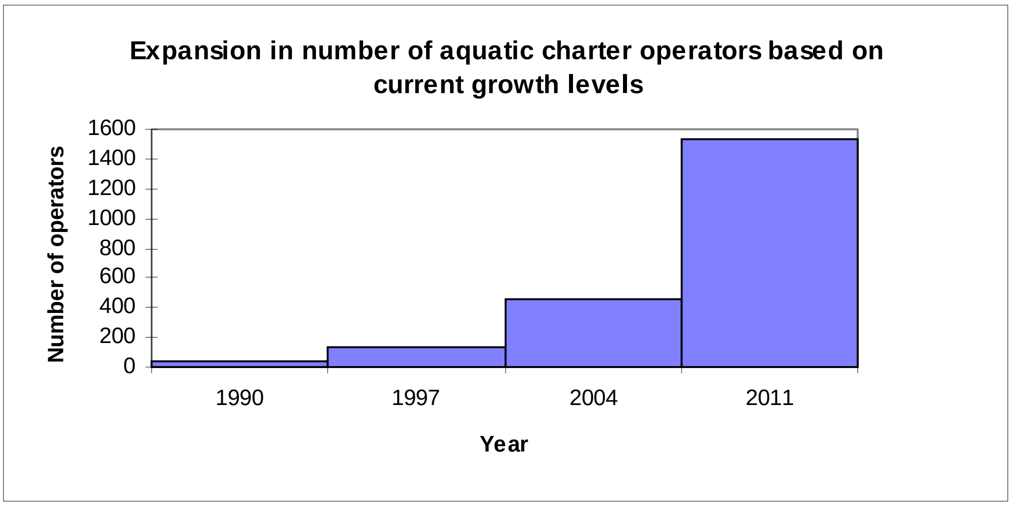

Figure 1: Projected growth in number of charter operators based on open access arrangements.

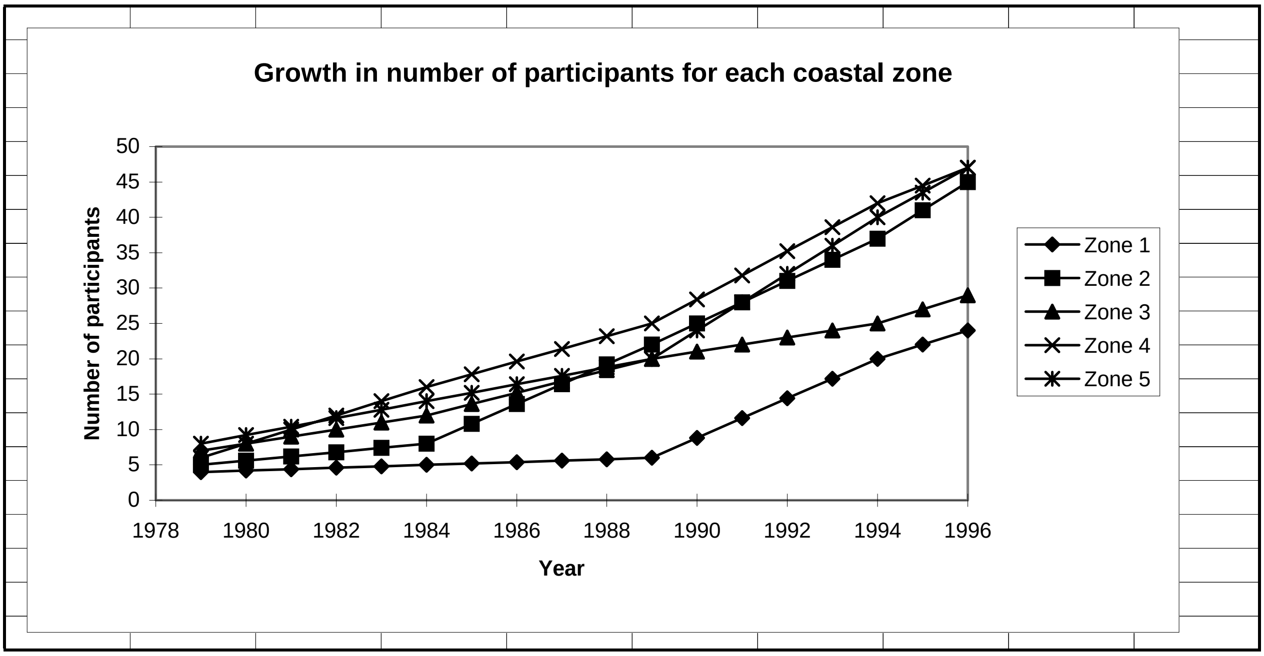

Figure 2: Growth in number of participants within five geographic regions of WA since 1978. (Zone descriptions at Appendix C)

Recommendations

6. That a new licence category under the *Fish Resources Management Act 1994* (WA) be introduced to licence aquatic charter operators that fall within the jurisdiction of the Act.

7. That the Fisheries Department and CALM develop a Memorandum of Understanding to ensure that existing licensing arrangements administered by CALM and the aquatic charter licence proposed in this paper are managed in a coordinated and cooperative manner to ensure protection of environmental and other resource values and sustainability of aquatic charter operator opportunities.

8. That to be issued with an aquatic charter licence under the Act the applicant must demonstrate an involvement as an aquatic charter operator (charter fishing or aquatic ecotourism) in the period 1 July 1993 to 30 June 1996.

9. That there be three classes of aquatic charter licence:

a) charter fishing;
b) aquatic ecotourism; and
c) charter fishing and aquatic ecotourism.

10. That the licence apply to aquatic charter operations, as defined above, in both State and Commonwealth waters of the Australian Fishing Zone, and be required for both resident and non-resident operations.

11. Non-fishing charter activities within marine parks and charter activities subject to management under the *Wildlife Conservation Act 1950* (WA) and other zonal access should be treated separately, and managed under existing arrangements. Further development of management for zonal access to be subject to consultation with the aquatic charter industry and be consistent with regional fisheries management plans for recreational fishing and marine conservation areas.

12. Fees should be set according to cost-recovery principles, and initially based on the cost of management recommendations detailed later in this paper.

The categories of licence recommended by the TOFWG (Recommendation 9) were agreed upon after some debate. The TOFWG had considered breaking the category of charter fishing down further. Specifically, that authorisations could be granted for demersal charter fishing and pelagic charter fishing. The reason behind this proposal was that a distinction between the two forms of fishing would allow management to target the demersal fish stocks, which are perceived to be most at risk from charter operators.

The TOFWG did not adopt this category because of the complex licensing arrangements that would result.

3.2.3 Excess capacity in industry

Under current access arrangements there is a large amount of latent (unused) fishing capacity within the aquatic charter industry, and this becomes most apparent during peak tourist seasons. The mobilisation of this unused capacity, or latent effort, can drastically increase competition for the available fish resources and as a result increase the likelihood of over-exploitation of fish resources or affect the quality of the tourism experience available.

If large amounts of latent effort are allowed to remain within the aquatic charter industry the effectiveness of individual catch controls as a management measure will be seriously compromised.

As there is very little data available to the Fisheries Department on the activity of aquatic charter operators it is likely that the introduction of a licensing system will not eradicate all the latent effort that exists. Therefore the implementation of a performance criteria on licensed operators, where there is a likelihood of over-exploitation, is seen as essential. Such a mechanism will help determine a real level of effort and remove those operators who are not committed to the industry.

Recommendation

13. That, where there is a likelihood of over-exploitation of fish resources or unacceptable impact on the quality of the tourism experience, minimum performance criteria should be developed for continuing eligibility for aquatic charter licences.

3.2.4 Dual licensing and risk of escalating effort

Aquatic charter operators are not currently required to hold a licence from the Fisheries Department to operate in WA waters.

However, some operators have a commercial fishing boat licence (FBL) which entitles them to fish in the Open West Coast Scalefish Fishery. Additionally, some aquatic charter operators also hold other authorisations (for example, managed fishery licences) that entitle them to operate in specified managed commercial fisheries.

The catch taken by recreational fishers who use the services of charter operators is managed by recreational fishing regulations. Increasingly, this includes regionalised management arrangements (for example, Ningaloo Marine Park). Commercial fishermen are not bound by recreational bag limits and where a person is both a commercial fisherman and charter operator it is very difficult to enforce recreational bag limits. This creates a loophole for unscrupulous charter operators who hold a FBL to circumvent both recreational and commercial fishing laws.

Recommendations

14. That a commercial fishing trip and a charter fishing trip cannot be conducted at the same time.

15. Operators who hold both a commercial fishing licence and a charter fishing operator's licence should be required to clearly nominate the nature of their fishing trip to a Fisheries Department office before leaving port.

16. Any fish caught on a charter trip should be taken under recreational or charter fishing regulations, and are not saleable.

17. That any authorisation associated with fishing boat licences allowing the sale of recreationally caught fish be removed from charter fishing vessels.

3.2.5 Lack of integration with management of other sectors

It is imperative that the total impact on a fish stock and its habitat are taken into account when management proposals are developed. The charter fishing industry cannot be managed in isolation from other user groups, that is, "private" recreational fishing and commercial fishing.

The integration of the charter industry with other user groups requires allocation within a defined framework, such as a total allowable catch system, or nominal catch sharing through the use of other mechanisms. Realistically, the most appropriate mechanism presently available is for a nominal sharing of the fish resources through the application of input controls. For the charter fishing industry this means appropriate bag and size limits, which take into account the greater fishing capacity that charter operators provide their clients.

Recommendation

18. That the charter fishing industry be included in an integrated approach to fish resource management.

3.2.6 Unknown catch and unknown impact on resource

There are a range of activities provided by aquatic charter operators, and these can be classed as either non-consumptive (sightseeing, snorkelling, diving and wildlife interaction) or consumptive (line fishing and spearfishing). All of these activities will have some impact on the environment. However, consumptive activities will have the greatest impact on fish resources.

As explained previously, the aquatic charter industry is one of three primary aquatic resource user groups. However, only limited historic data through the Fisheries Department catch and effort database is available to determine the relative impact of the aquatic charter industry on fish resources.

The TOFWG believes that an essential requirement of any licensing arrangement is that licensees be required to fill out and submit a periodic log book which details activities, catches and other relevant management information. The need for a systematic data collection system has been reinforced through comments provided by other Australian State governments that have attempted to manage the charter industry.

Periodic log books for all chartered trips (consumptive and non-consumptive) are required so that all activities in which charter vessels are involved can be monitored. For all trips, the date, departure time, location(s) visited, primary activity and return time need to be recorded. For trips that include fishing, additional information would be required, such as:

- time spent fishing;
- number of persons fishing;
- gear used;
- the number of fish kept and released for each species; and
- length and sex details for each fish.

In conjunction with commercial and recreational catch data, these records would enable management to identify zones of potential over-exploitation, relative exploitation rates and indices of the age structure and abundance of fish populations.

Recommendations

19. That all licensed aquatic charter operators be required, as a condition of licence, to submit a periodic and detailed research log book to the Fisheries Department or CALM as appropriate.

20. An integrated database and collection system for charter operators be developed to provide the Fisheries Department with more detailed information on catch and effort and fishing population structure.

3.2.7 Localised stock depletion

Escalating fishing pressure in waters near major regional centres is likely to cause localised depletion of specific fish stocks, particularly for demersal species and large-size classes of fish.

In heavily fished populations the proportion of large fish available tends to diminish, as does the stock density. Under exploitation levels which approach maximum sustainable yield (MSY) the stock may be sustainable, but the perceived quality of the recreational fishing experience diminishes. While this may not always represent a threat to the sustainability of the stock as a whole, it does represent a threat to the available fishing quality in proximity to regional tourism centres.

Anecdotal evidence from aquatic charter operators and recreational fishers suggests that this is already occurring in many key areas, particularly among demersal and semi-resident fish such as dhufish, gropers, cods, snappers, emperors and coral trout. This trend has been exacerbated in recent years by the wider availability and use of fish-finding technology such as global positioning systems and colour echo sounders. Such equipment is now used by the vast majority of charter operators and commercial fishers, and by many recreational fishers.

Fishers from all three primary user groups frequently rely on known physical bottom features such as lumps and drop-offs to target areas of known productivity where fish tend to aggregate. Charter operators do so to ensure that customers take a catch. Where such features are fish aggregation areas operators may gain a false indication of resource abundance when only considering catch rates.

Some aquatic charter operators claim to “farm” their known fishing spots by encouraging limited catches per trip at each location. A key to the success of this stewardship practice is a relatively low level of competition for these areas from other operators or recreational and commercial fishing boats, and a low exploitation rate.

Recommendations

21. That the WA coast be divided into five zones of operation, consistent with regional recreational fisheries management strategies, and that access for charter operators will be allocated according to management objectives or natural resource carrying capacity.

22. In assessing applications, the charter and other fishing effort that exists within the area, and whether the area can sustain additional pressure, will be taken into consideration.

23. That applications must include a business plan explicitly detailing the proposed operation.

24. That access to the zones be determined by a demonstrated history of commitment to the industry or predetermined selection criteria. In the event that a reduction in the number of licences is required, the participants would participate in a "buy back" system.

25. That assessment of applications would follow a process approved by the Minister for Fisheries.

3.2.8 Deepwater fish: survival

Fish with gas-diffusion air bladder systems are not able to adapt rapidly to extreme changes in external water pressure. Many demersal fish caught from boats have these air bladder systems, and evidence is growing that there is likely to be a very low survival rate among fish caught in deep water and returned.

Work conducted through the Fremantle TAFE Maritime Centre has shown that large dhufish suffer serious, and often fatal, internal damage from the rapid expansion of gas in the swim bladder and internal organs caused by being drawn rapidly up to the surface from deep water.

While smaller fish appear to survive better, a precautionary approach to management of these fish stocks should assume that close to a 100% mortality rate is likely in these fish caught in depths greater than 20 m.

The setting of fishing controls on demersal species such as bag and size limits needs to take these factors into account, and the promotion of catch and release as a conservation measure for some species should be approached with caution.

Recommendations

26. Bag limits for charter clients should be adjusted to assume a 100% mortality on demersal fish caught in waters greater than 20 m.

27. Consideration should be given to the introduction of controls pertaining to the catch and release of fish, particularly on ultra-light line class. Further debate is required on this issue.

28. The effectiveness of legal sizes for identified species should be reviewed, and alternative stock conservation strategies developed where practical.

4.0 ECONOMIC ISSUES

4.1 OBJECTIVES

- Optimise overall and regional economic benefits to the community from the use of fish and fish habitats by the aquatic charter industry.

4.2 CURRENT ISSUES AND RECOMMENDATIONS

4.2.1 Level of potential effort is too great for operator viability

During TOFWG deliberations concern was frequently expressed that the number of aquatic charter operators is too large, particularly in peak seasons or in tourism drawcard areas. Specifically, there are two negative economic effects that result from too many operators, and both are a direct result of open access:

1. The ability of people to run part-time operations often results in poor standard charters being conducted; the clients take this bad experience with them and have a bad impression of the industry in general; and

2. The ability of people to run part-time operations that target peak seasons may also result in loss of clients and income to those operators who have a greater commitment to the industry.

The TOFWG was advised that the majority of business is obtained at the point of sale, not through bookings, which exacerbates the competition and hence negative impact of a large number of operators on individual economic viability.

Many part-time operators are commercial fishermen who take advantage of peak tourist seasons. The TOFWG acknowledged that off-season commercial fishermen may have a cost advantage over charter operators who do not hold a FBL. Specifically, these advantages include:

1. lower capital investment required to participate as a charter operator;
2. ability to misuse primary industry diesel fuel rebate; and
3. dock-side promotion of charters.

4.2.2 Mobility of fleet

A mobile operator is an operator who runs charters in more than one of the 10 regions identified in the questionnaire distributed to charter operators (Appendices B and C).

The size of WA means that seasonal, climatic and environmental conditions differ significantly between regions. Consequently, tourism opportunities and prevailing weather conditions mean that the number of prospective clients for charter operators may be very low at certain times of year in each region. As a result, many operators who wish to operate year round will move to other parts of the State where operating conditions are more favourable.

Figure 3 illustrates the seasonal variations in operations that occur for the five different coastal zones (Appendix C). The peaks in activity are directly associated with peak tourism seasons and conditions. The movement of effort by mobile operators is evident. For example, note that a peak in zone 5 (Broome to WA–NT border) is associated with a trough in zone 2 (Perth metropolitan), inferring that a number of charter operators leave the metropolitan area in the winter months and relocate in the north west.

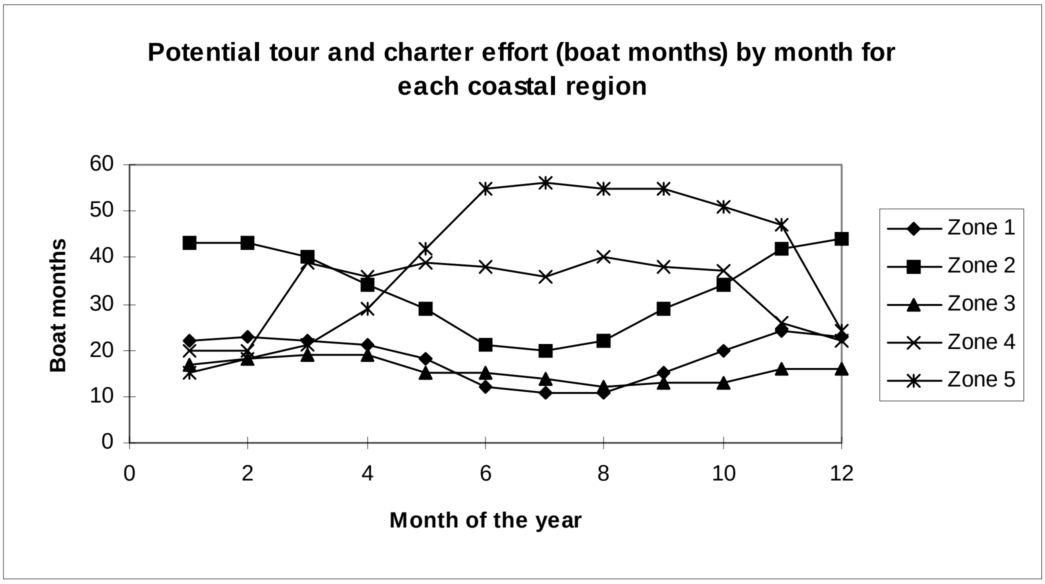

Figure 3: Seasonal charter effort by month and region in WA. (Zone descriptions at Appendix C)

Data contained within Table 1 was extracted from responses to the questionnaire and illustrates the number of operators per region and the number of mobile operators.

Zone	Region nominated by respondent	Number of nominated operators	Number of mobile operators	% of operators mobile
1	Esperance	6	5	83
	Albany	7	1	14
	Augusta–Bunbury	12	6	50
2	Metropolitan	46	23	50
3	Lancelin–Greenhead	13	6	46
	Dongara–Geraldton	18	12	67
4	Denham–Carnarvon	22	10	45
	Exmouth–Port Hedland	29	18	62
5	Broome–Derby	33	20	61
	Derby–Wyndham	13	11	85

Table 1: Numbers of charter operators and mobile charter operators by region.

The high proportion of mobile operators indicates that mobility is a necessary practice for many full-time operators to remain viable, particularly those who operate from zones 1 and 2. However, operators who are locally based and do not travel may resent the presence of more mobile operators in their region.

Local operators may question the commitment of these mobile operators to conservation of local fish stocks and their ability to provide the standard of tour that a local operator can due to local knowledge. This resentment is almost certainly a result of increased competition and potential loss of business in peak tourism seasons.

4.2.3 Justification for licensing on a regional basis

As the charter industry develops it is likely that access to some areas and activities may need to be limited to ensure sustainability of the resource, sustainability of a quality experience for clients, and the development of a viable professional industry with high standards of customer service.

In addition, as explained in the previous chapter, the aquatic charter operator’s fleet is highly mobile, and tends to target tourism ‘hotspots’ to maximise its customer base. This may result in intense competition for clients, areas of operation, and available fish resources.

It is critical for both the sustainability of the resource and the viability of the industry that this “goldrush” scenario be managed.

4.2.4 Access fees and cost recovery

Any limitation of access will provide direct benefit to individual operators who qualify for access.

The cost of management required for orderly development of the industry, over and above the costs currently incurred by Government for the management of recreational fishing and sustainability of the resource, should be born by the beneficiaries of management, in keeping with cost-recovery and user-pays principles established for managed commercial fisheries and licensed recreational fisheries.

Key areas that require resourcing include:

- research into charter catches and establishment of a database on activities;
- development and evaluation of management;
- monitoring of industry regulations; and
- consultation with industry.

Other areas of interest to the industry which require resourcing include the establishment of service standards, industry training and promotion.

4.2.5 Management costs

The key recommendations in this report propose establishment of a management plan, research and monitoring database, a licensing system and an industry consultation processes.

The establishment and recurrent running costs for these activities are likely to be in the order of $360,000 p.a. A summary of some of the management costs is given below.

1. Develop and implement licensing legislation and system: $75,000:
   — design licensing framework;
   — consult with industry;
   — amend FRMA and regulations;
   — set up licensing database and system.
2. Develop and review management arrangements: $70,000.
3. Develop survey methodology, data collection system and database: $50,000.
4. Monitor compliance: $155,000.
5. Industry peak body: $110,000 (Executive and secretarial support).

Recommendations

29. That the cost of management and consultation be born by those licensed in the industry.

30. Access fees should be charged in proportion to the level and type of use.

31. The allocation of access should meet with the principles of the National Competition Policy contained in the Hilmer Report, and allow for rational business planning and provide a basis for operators’ investment confidence.

32. That revenue from licence fees be directed into a trust fund for the management and future development of the industry.

5.0 ENVIRONMENTAL ISSUES

5.1 OBJECTIVES

- To ensure environmental impacts from aquatic charter operators meet acceptable standards.

5.2 CURRENT ISSUES AND RECOMMENDATIONS

5.2.1 Number of participants in limited areas

Clearly, the greater the number of operators in a given area, the greater will be the impact upon the environment. This impact will result from the activities undertaken and simply by the presence of people. Specifically, there will be a negative impact upon the environment by:

- rubbish;
- sewerage;
- habitat damage (water and land): anchors, tracks, camps, exhaust fumes, fuel and oil; and
- feeding of wildlife.

Recommendations

33. Access arrangements to consider environmental impacts on fish, fish habitat and other resources.

34. That the aquatic charter industry develop codes of conduct to encourage conservation-oriented fishing practices and environmental friendly operating standards.

35. That the aquatic charter industry encourage the development of industry associations to pursue the above recommendations.

6.0 SOCIAL ISSUES

6.1 OBJECTIVES

- To provide access to a diverse range of experiences that would not otherwise be available to the community.

6.2 CURRENT ISSUES AND RECOMMENDATIONS

6.2.1 Infrastructure

This section refers both to the current lack of infrastructure such as airports, boat ramps and access tracks in some areas and the planned supply of additional infrastructure. In remote parts of WA the lack of infrastructure provides an obstacle to charter operators providing the level of service that operators in well-established areas are more easily able to provide.

Additionally, remoteness makes it difficult for clients to reach the area to utilise the services of charter operators. In summary, this lack of infrastructure can be seen to limit the ability of the industry in these remote regions to expand and in general it would seem beneficial for the industry to have a better infrastructure.

However, some operators have established themselves in areas with relatively low infrastructure support. These pioneering operators now believe that as infrastructure is developed in the remote parts of WA there will be further encouragement for mobile operators to offer their charter services in these traditionally remote areas.

The TOFWG has noted that infrastructure, in terms of its development, will have an impact on the aquatic charter industry.

6.2.2 Industry image

Numerous concerns have been expressed from both within and outside of the TOFWG regarding the ability of some operators to tarnish the industry's image by providing a poor standard of service. The TOFWG does not believe that service standards are appropriately dealt with by formal legislation. Rather, that the development of codes of conduct are the most effective way of encouraging operators to have a client focus and provide a level of service that customers expect.

Recommendations

36. That the establishment of industry associations be encouraged and that these associations develop a code of conduct that will enable industry to market its services based on the provision of a quality, association-endorsed charter operation.

37. That good safety practices be incorporated into a code of conduct.

38. That there be, as a requirement of licensing, a minimum public liability insurance held by the operator.

6.2.3 Management advice: representative structure

Aquatic charter operators are not a defined group in the fisheries consultative structure in WA, although they are represented through various industry associations. A key question is whether the level of involvement that aquatic charter operators have in the development of management proposals should be increased, in line with the growth in the industry.

This could be achieved through a variety of mechanisms, such as the establishment of a peak industry association, a management advisory committee, through more formal recognition in the current advisory structure, or a combination of these mechanisms.

A fully functional industry association would provide a mechanism to address many of the issues raised elsewhere in this document with regards to industry performance and quality assurance. More formal recognition of the aquatic charter industry on the Recreational Fishing Advisory Committee (RFAC), Regional Recreational Fishing Advisory Committees (RRFACs) and the WA Fishing Industry Council (WAFIC) may also be appropriate to assist the development of more integrated management.

Recommendations

39. That the aquatic charter industry be encouraged to form a peak industry association.

40. That the peak aquatic charter industry association be given recognition on the Recreational Fishing Advisory Committee (RFAC) in the same manner as the WA Recreational and Sportfishing Association. This will require an amendment to the FRMA.

41. That, where appropriate, the aquatic charter industry be represented on other management advisory committees.

7.0 REFERENCES

Cartwright, I. 1995, 'Management of Living Marine Resources' *in* Hotta, K. & Dutton, I.M. (eds) *Coastal Management in the Asia–Pacific Region: Issues and Approaches*, pp. 57–66.

Government of Western Australia 1997, *Legislation Review Guidelines*, Competition Policy Unit, Treasury.

Government of Western Australia 1994, *New Horizons in Marine Management.*

Hilmer Report, cited in Government of Western Australia 1997, *Legislation Review Guidelines*, Competition Policy Unit, Treasury.

Magee, A.E. & Prokop, F.B. 1993, *Proceedings of the charter boat management workshop*, Fisheries Management Paper No. 59, Fisheries Department of Western Australia.

Millington, P. 1990, *Future policy for charter fishing operations in Western Australia*, Fisheries Management Paper No. 35, Fisheries Department of Western Australia.

APPENDICES

Appendix A

Profile of Australian charter industry

There are well established aquatic charter industries in all States of Australia and the evolution of management arrangements in each State differs. A summary of current management arrangements around Australia is contained within Table 1.

State	*Charter fishing licensing*	*Catch reporting system*	*Dual commercial & charter operations*
Tasmania	Provision for licensing in Act but not yet implemented	Voluntary log book system	Dual licensing in existence but subject to review
Victoria	Proposed licensing under recreational fishing licence provisions of new Act	Mandatory log book system proposed	Dual licensing recognised as a problem
South Australia	Licensing proposed	Mandatory log book system proposed	Dual licensing recognised as a problem; management plan under preparation.
Queensland	Mandatory licensing	Mandatory log book system in place	Commercial fishers must suspend commercial entitlements while on charter
New South Wales	Mandatory licensing system proposed	Voluntary log book system in place	Dual licensing recognised as a problem
Northern Territory	Mandatory licensing system in place	Mandatory daily catch system in place	Commercial fishers must suspend commercial entitlements while on charter

Table 1: Current management arrangements for the management of the aquatic charter industry by State and Territory.

From Table 1 it can be seen that only the Northern Territory and Queensland have licensing requirements for charter fishing operations, with an accompanying compulsory licensing and logbook system.

QUEENSLAND
In Queensland a "commercial fishing tour" is defined as:

> "a tour or fishing trip, conducted in trade or commerce, for taking fish other than for trade or commerce and carrying passengers for gain."

The *Fisheries Regulations 1995* came into force on 1 December 1995, and these regulations introduced new arrangements for commercial fishing tours requiring them to hold a permit. There are three separate permit conditions which may apply and they are defined by the activity and the area in which the activity is undertaken. They are:

1. offshore or reef water tours;
2. inshore tidal water tours; and
3. non-tidal water tours.

Permits are issued by the Queensland Fisheries Management Authority (QFMA) and are current for a period of two years. It is a condition of permit that log books be completed. These permits remain non-transferable and cannot be renewed.

NORTHERN TERRITORY
A mandatory licensing system is in place for charter fishing operations. There is an associated fee and requirement to submit a mandatory log book.

SOUTH AUSTRALIA
Although SA does not currently require operators within the charter boat industry to be licensed, the Department of Primary Industries South Australia (PISA), Fisheries is due to release a draft proposal entitled *Proposal for the Management of the Charter Fishing Industry in South Australia*. The proposal makes nine recommendations and discusses issues such as resource management, compliance, bag and boat limits and cost implications.

Currently in SA, both recreational fishers and holders of commercial fishing licences may operate charters. Recreational fishers are restricted according to bag/boat limits and the survey certificate issued by the Department of Transport. However, it is possible to apply for Ministerial exemptions to catch limits.

The draft proposal is to provide charter fishing opportunities for both registered boat owners who do not hold a commercial fishing licence but engage in charter operations, and commercial fishers who engage in charter fishing. The proposal intends to introduce consistency in management across all sectors within the industry.

1. Resource Management
Charter operators would be required to submit monthly statistical returns to obtain catch data. It is expected that operators may be experienced fishers, well equipped and

able to provide good opportunities for customers to catch fish to encourage customers to return. Therefore the charter fishing industry places greater pressure on the resource.

2. Compliance

All charter operators must be issued with a Certificate of Survey for a known number of crew and passengers by the Department of Transport under the *Harbors and Navigation Act 1993*. Therefore charter operators would be required to show compliance with this Act prior to registration as a charter fishing operator.

To assist in enforcing both the charter fishing and commercial fishing sectors, charter operators who hold a commercial fishing licence would be required to advise PISA Fisheries at the commencement and completion of a charter fishing operation. A new type of licensing and registration system would be introduced to distinguish between the two types of operations. Charter fishing operators would not be required to purchase a commercial fishing licence. The only gear that would be allowed on a charter trip would be that allowed for recreational fishing.

3. Bag and boat limits

It would be an offence to sell fish caught as a result of a nominated fishing charter, even if the operator holds a commercial fishing licence. This would prohibit charter operators from subsidising their operations by generating further income from charter by selling fish. Bag and boat limits would be specifically specified for charter fishing operations. For example, half the daily bag limit would apply for scalefish species once the recreational boat limit had been achieved.

4. Cost implications

The current government policy of cost recovery which aims to attribute costs of administration/management, compliance and research associated with a fishing sector and recovers costs through licence fees, would apply to the charter fishing industry. The economic viability of individual charter operations needs to be considered when developing management arrangements for this sector.

NEW SOUTH WALES

In NSW, the only requirement to operate a fishing boat charter is compliance with MSB Waterways Authority standards. In this State, particular concern has been raised about the practice of licensed commercial fishing boats operating as recreational charters and selling their catches. This is seen as a means by which commercial fishers are able to circumvent fisheries management regulations.

Although NSW Fisheries has made contact with a number of charter boat operators and has encouraged them to provide catch and effort data, this has been unsuccessful, with only 2 out of 40 operators who agreed to provide such information having done so on a regular basis. It is the opinion of NSW Fisheries that a mandatory licensing system, incorporating reporting requirements, represents the most effective mechanism for future control of excessive fishing effort.

VICTORIA AND TASMANIA

These States are not proposing action to progress the management of the respective charter industries in the short term.

Appendix B
The WA Tour Operators Fishing Working Group
Future Management Questionnaire

1) Please specify the type of tour you provide:

Operate from boat	
Operate from vehicle (e.g., 4WD)	
Operate from boat and vehicle	

2) Please list your vessel specifications and survey details:

length overall ....

passenger capacity ....

date of last survey ....

specialised equipment *(e.g., fish holding facilities, GPS, sounder, game chair, 4WD, etc)*

....
....
....
....
....
....
....
....

3) Please list licences or permits currently held *(e.g., SPV, FBL, Managed Limited entry Fishery Licences, Licence conditions, CALM permits, etc)*

....
....
....
....
....
....
....

4) Are you a member of a State or national tourism association? Yes No

If yes, please specify association(s):

....
....
....

4a) Please indicate in the following table your history of operation:

Period of Operation	Please Tick
0–12 months	
1–5 years	
5–10 years	
10–15 years	
> 15 years	

5) Area of operation. Please indicate in the table below the area you typically operate on a year-by-year basis:

Region for Operation Base	Seasons Operated *(e.g., June–Sept)*	No. Months Operated *(e.g., 3.5 months)*
Esperance		
Albany		
Augusta–Bunbury		
Perth Metropolitan (Mandurah–Two Rocks)		
Lancelin–Greenhead		
Dongara–Geraldton (including Abrolhos Is.)		
Denham–Carnarvon		
Exmouth–Port Hedland		
Broome–Derby		
Derby - Wyndham		

6) Do you operate in Marine Reserves? Please indicate in the table below which one:

Marine Reserve	Tick if you Operate
Rowley Shoals Marine Park	
Ningaloo Marine Park	
Shark Bay Marine Park	
Hamelin Bay Marine Nature Reserve	
Marmion Marine Park	
Shoal Water Island Marine Park	
Swan Estuary Marine Park	

7) How would you describe the service you provide? Please indicate in the table below which best describes your operation:

Type of Operation	On-board Tours	Dive Tours
Purely target recreational bag limits of fish		
Target some fish and observe natural attractions		
Purely observe natural attractions		

If you do not feel that any of the categories in the previous table adequately describe your operation, or wish to add further comment, please do so below:

....
....
....
....
....

8) Do you actively promote your tour operations? Yes No

If yes, please indicate the mediums you use to promote your tours:

Advertising Medium	Indicate where appropriate
Newspaper	
Magazines	
Tourism commission	
Tourist centres	

If other mediums are used, please specify:

....
....
....
....

9) Please complete the following table, indicating the origin of your clients.

Origin	Percentage
WA	
Interstate	
Overseas	

10) Have your clients indicated the type of tour they prefer? Yes No

If yes, please indicate their preference in the table below:

Service Preference	Preference (%)
Purely target recreational bag limits of fish	
Target some fish and observe natural attractions	
Purely observe natural attractions	
Other	

11) How many crew do you have aboard your boat? *0 1 2–3 3–4 > 5*

12) Have you or your crew had hospitality or other training that is relevant to your tour operation? *E.g., hospitality, scientific, recreational, maritime, etc.*
If yes, please specify qualifications:

....
....
....
....
....
....
....

13) If available, would you or your crew be interested in participating in ongoing training? Yes No

14) Which topics would you like included in training sessions?

Topic	Tick if appropriate
Species identification	
Site identification (dive and fishing)	
Maritime safety	
Ecology	
Management	
Tourism	

Please specify any other topics you believe appropriate:

....
....
....
....
....

15) This section is for you to add any comments relating to issues or problems within the tour/charter industry in WA:

....
....
....
....
....
....
....
....
....
....

This is an anonymous survey and information provided will not be divulged outside the Fisheries Department for the Working Group.

If you wish, please fill out your name, address and contact phone number:

....
....
....
....

Thank you for your cooperation.

Appendix C

Results from Analysis of the Questionnaire

Description of coastal zones

Zone 1: WA–SA border to Bunbury

- Operators tend not to specialise due to inability to attract large numbers of clients.
- *Whale watching*: peak activity from July to October in southern part of zone with an increasing interest further north.
- *Fishing and diving*: peak activity from December to February; diving continues through to June dependent on weather conditions. In northern part of zone activities are mostly shore-based and consumptive, while there is a mix of consumptive and non-consumptive activity in the south.
- Anticipated that increased facilities will result in increased clientele.

Zone 2: Perth metropolitan

- *Season*: November to March (due to weather).
- *Diving*: large amount of activity all year round, peaking December to April.
- *Whale watching*: September–November.
- *Fishing*: includes variety of activity: bottom fishing; game fishing; and sport fishing. Much of the activity is near fish aggregation devices.

Zone 3: Lancelin to Geraldton

- Operators are highly mobile.
- Bottom fishing is the main activity.
- Diving tours are predominantly consumptive and constitute a significant component of local industry.
- Fleet includes carrier boats which are able to operate very cheaply (Geraldton).
- High proportion of dual-licensed operators.

Zone 4: Denham to Port Hedland

Shark Bay–Carnarvon

- Limited charter boat industry.

- *Ecotourism*: dive trips, often tied in with resorts.

- *Bottom fishing*: centred around the targeting of pink snapper from May to August.

- *General comments*: tours are predominantly day trips; there are extended trips Monday to Friday, May to October in Shark Bay area, and April to May from Denham. There have been a number of complaints about the industry: standard of service not satisfactory. In addition, there are a large number of operators out of Denham, a large proportion of whom have Fishing Boat Licences (FBLs).

Exmouth

- *Diving*: all-year round with the peak season from February to October. Most tours are non-consumptive day trips with increasing potential for package tours and diver training to be incorporated. Dive charters do also run bottom fishing charters from time to time.

- *Whale sharks*: predominantly February to May.

- *Whale watching*: two seasons on the north and south migrations, that is, April–May and September–October respectively.

- *Manta ray watching*: a year-round activity.

- *Bottom fishing*: a year-round activity, which peaks during winter months due to weather. Includes day and extended trips. Extended trips are up to five days cruising to the Muirron and Montebello islands. The majority of tours are day trips.

- *Sport and gamefishing*: a year-round activity, with peak season August to January (dependent on water temperature). It is generally considered that there is huge potential for growth in this area.

Port Hedland

- *Dive tours*: season and weather dependent, with most activity from July to November.

- *Whale watching*: season dependent on migrating whales.

- *General comment*: significant number of dual-licensed operators (that is, they hold FBLs) operating as charter boats from April to October. There is a void of knowledge with respect to information about activity in the Dampier Archipelago.

Zone 5: Eighty Mile Beach to WA–NT border

- *Day bottom-fishing*: this is a year-round activity that peaks from May to September. Charters are mostly inshore and the clients are after a “take-home” catch.

- *Day gamefishing*: chasing highly prized billfish and tunas. The season is April to September peaking in May to July. Such activity is predominantly release fishing.

- *Day sportfishing*: this is a year-round activity that peaks April to September. Sportsfishing targets a greater species range than gamefishing (for example, barramundi fishing on the Ord River). sportfishing is a mix of release and retain fishing.

- *Fly fishing*: a year-round activity for a variety of species, including sailfish.

- *Tour guide camps*: a year-round activity with a peak of season from March to May targeting barramundi to coincide with dry season. Predominantly, release fishing is practised.

- *Extended fishing trips*: live-aboard tours encompassing a range of activities between Broome and Wyndham. Some fish caught are consumed during the trip. Fish in excess of these requirements are released.

- *Dive tour*: extended trips, predominantly to the Rowley Shoals. May catch some fish to consume while on charter. Season and weather dependent, with most activity from July to November. There is a recent development of “deep blue diving”, where free divers target pelagics with spears.

- *Whale watching*: based in Broome, with peak in activity is between June and August. This sector of the Kimberley charter industry is thought to have scope for increase.

- *4WD and dinghy safaris*: only possible during the dry season and fishing is predominantly for barramundi sooty grunters.

Growth of industry

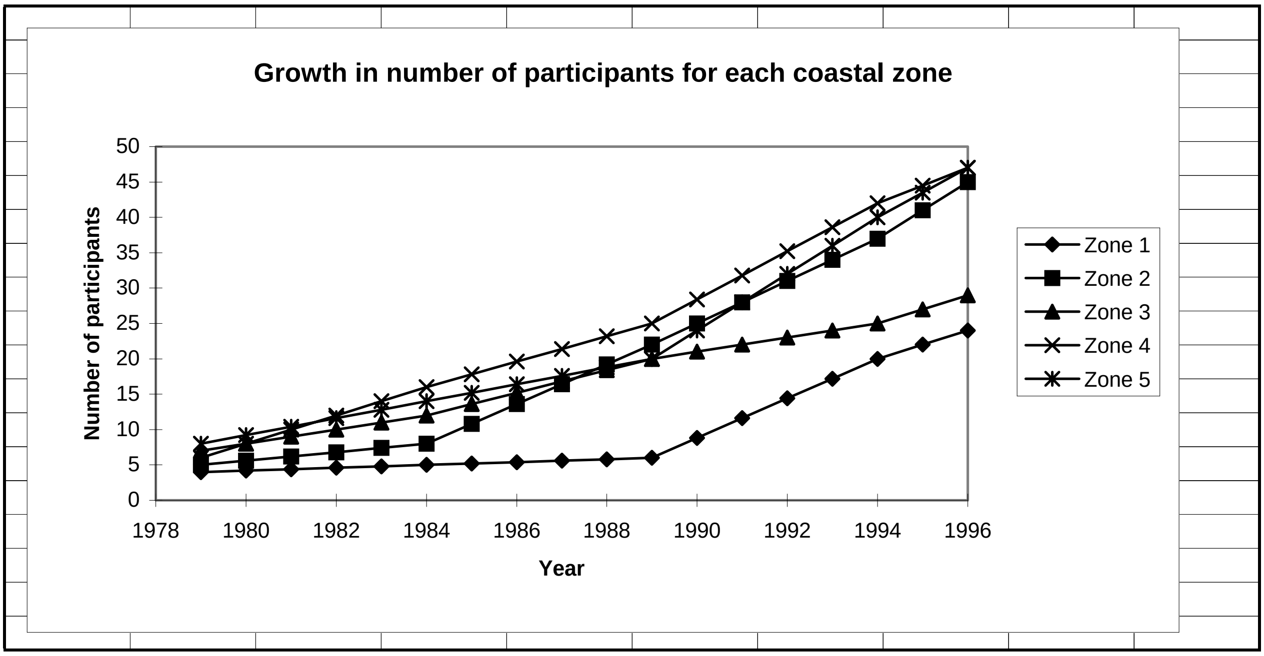

Figure C1: Taken from questionnaire, data on length of period within industry and growth for each of the coast zones is illustrated.

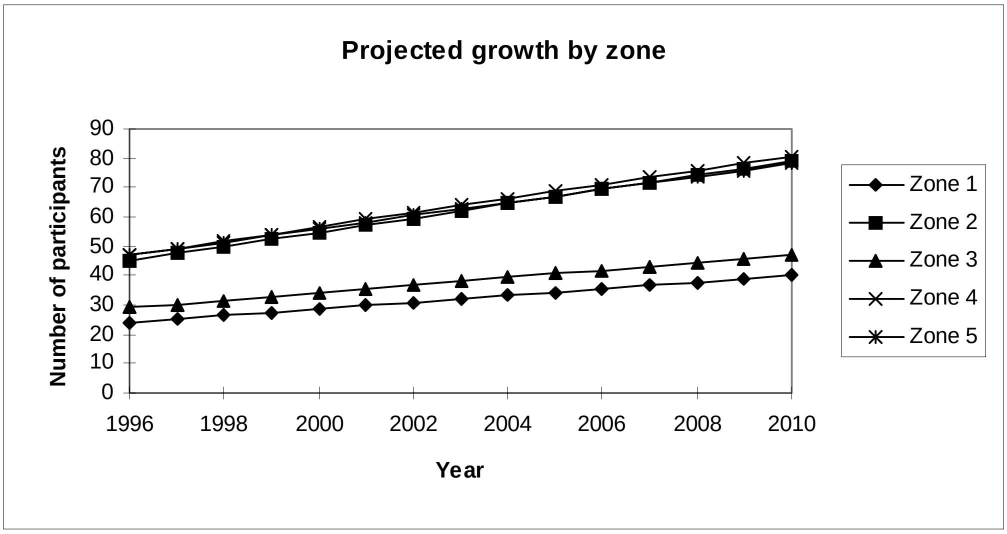

Figure C2: Growth projections under open access arrangements based on rate of growth demonstrated in each zone to date.

Estimation of client numbers based on passenger capacity of vessels

Figure C3 illustrates the relationship between boat length and passenger capacity that exists on a State-wide basis. Figure C4 illustrates the mean boat length per zone and Table C1 combines these data to illustrate the passenger capacity on a State-wide and regional basis for a range of trips per year.

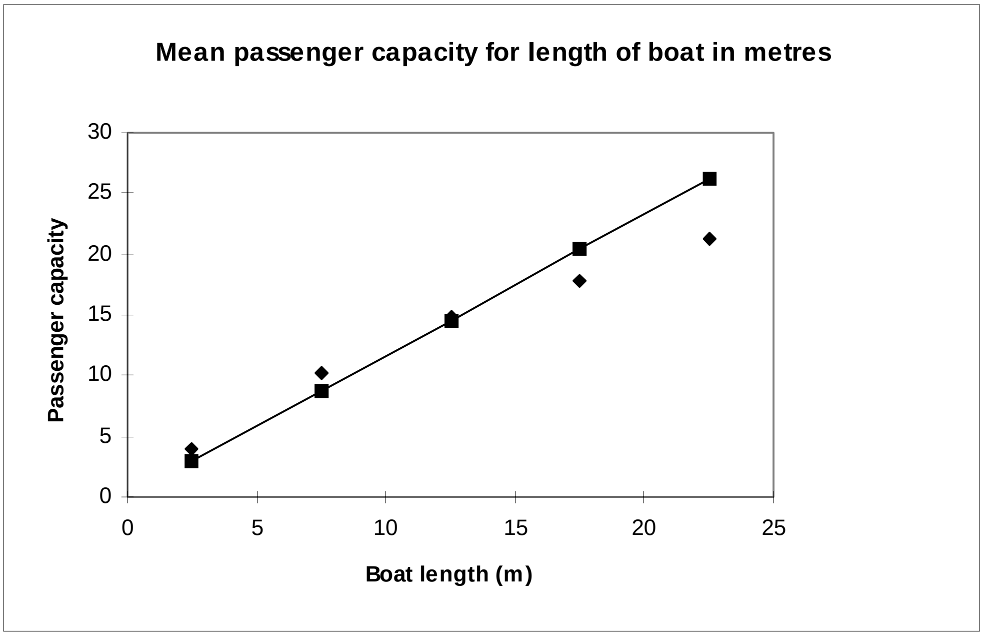

Figure C3: Mean passenger capacity from entire State fleet data for a given boat length.

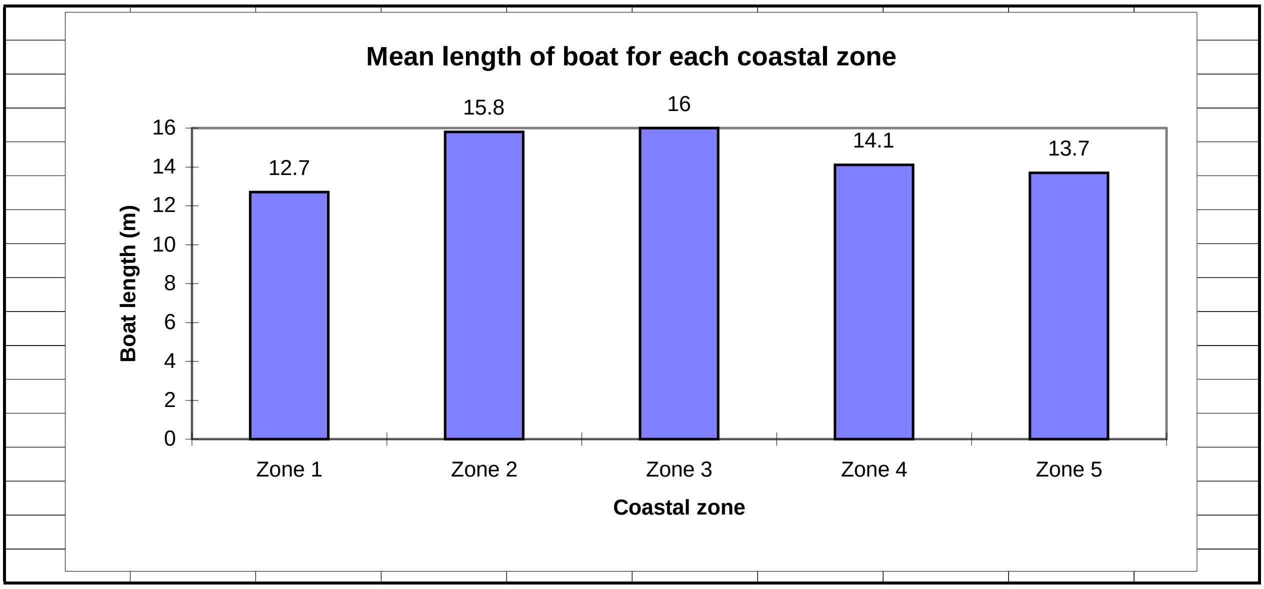

Figure C4: Mean length of boat operating in each of the coastal zones (includes mobile operators).

		State-wide	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
	No. of operators	135	26	46	29	49	46
	Mean capacity	16.84	14.79	18.40	18.63	16.42	15.96
Number of trips conducted annually	1	2273	385	846	540	805	734
	2	4547	769	1693	1081	1609	1468
	3	6820	1154	2539	1621	2414	2202
	4	9094	1538	3386	2162	3219	2936
	5	11367	1923	4232	2702	4023	3670
	6	13641	2307	5079	3242	4828	4404
	7	15914	2692	5925	3783	5632	5138
	8	18188	3076	6772	4323	6437	5872
	9	20461	3461	7618	4863	7242	6605
	10	22734	3846	8464	5404	8046	7339
	11	25008	4230	9311	5944	8851	8073
	12	27281	4615	10157	6485	9656	8807
	13	29555	4999	11004	7025	10460	9541
	14	31828	5384	11850	7565	11265	10275
	15	34102	5768	12697	8106	12069	11009
	16	36375	6153	13543	8646	12874	11743
	17	38649	6537	14389	9186	13679	12477
	18	40922	6922	15236	9727	14483	13211
	19	43195	7307	16082	10267	15288	13945
	20	45469	7691	16929	10808	16093	14679

Table C1: Estimation of number of operators the current industry could service based on datum from figures 6 and 7 for a range of trips per year.

When the data in table C1 is combined with the projected size of the industry in the year 2010, as has been done in table C2, the effects of open access begin to become apparent.

It should be noted that the derivation of these figures is based on the assumption that demand for the aquatic charter industry is not a limiting factor, that is, the relationship between supply and demand remains constant.

		State-wide
	No. of operators	324
	Mean capacity	16.84
Number of trips conducted annually	2	10913
	4	21825
	6	32738
	8	43650
	10	54563
	12	65475
	14	76388
	16	87300
	18	98213
	20	109125

Table C2: Projection of potential number of people employing the services of the tour and charter industry.

Type of tour provided

For the purpose of this discussion paper, recipients of questionnaires were asked to describe the type of tour they provided. Respondents indicated that their tour type was either one that:

- purely targeted recreational fish (Type 1);
- targeted some recreational fish and observed natural attractions (Type 2);
- purely observed natural attractions (Type 3); or
- some combination of the above categories (Type 4).

Questionnaire recipients were asked to discriminate between tours based on-board a boat and dive tours.

Figures C5 and C6 illustrate the breakdown of tour provided by coastal zone: firstly in whole numbers and then as a percentage for on-board type tours. A similar analysis of tour type for dive tours is contained in figures C7 and C8.

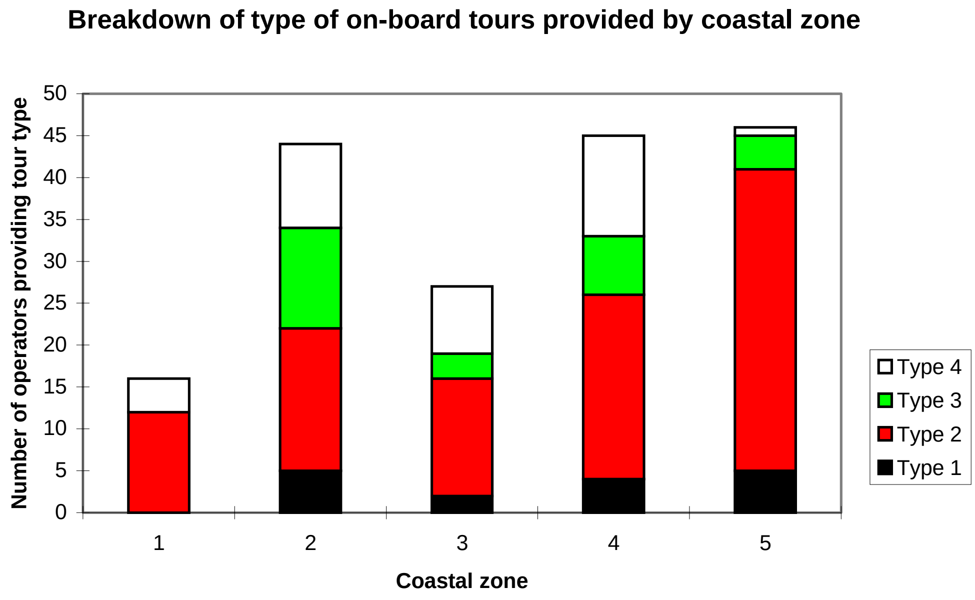

Figure C5: Type of on-board tours provided, by coastal zone: participant numbers.

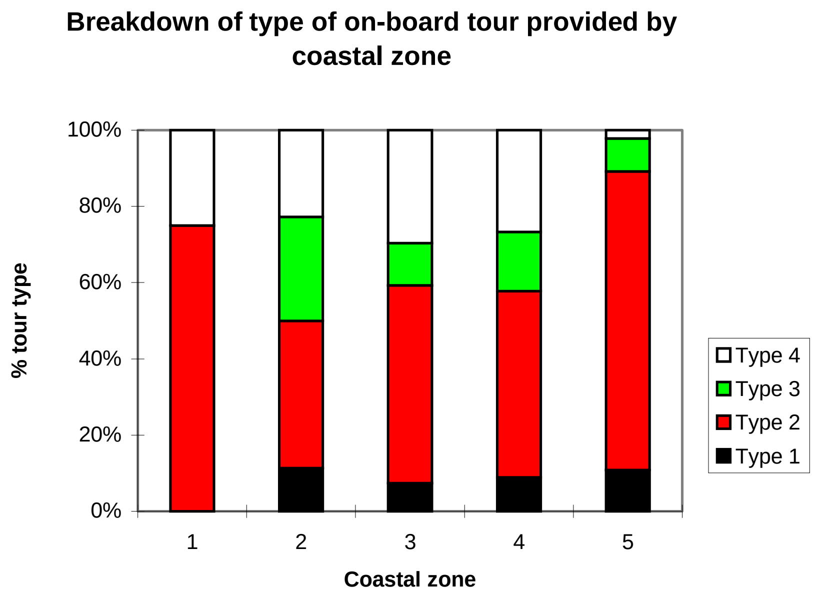

Figure C6: Type of on-board tours provided, by coastal zone: participant percentages.

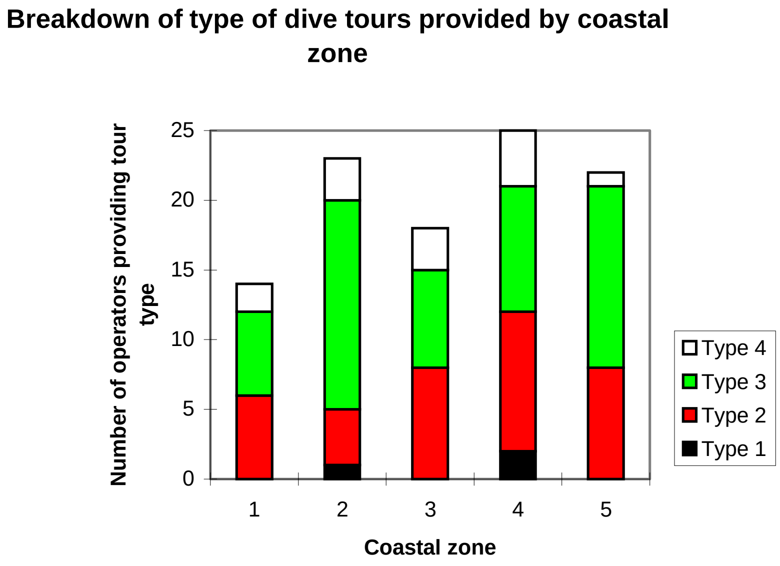

Figure C7: Type of dive tours provided, by coastal zone: participant numbers.

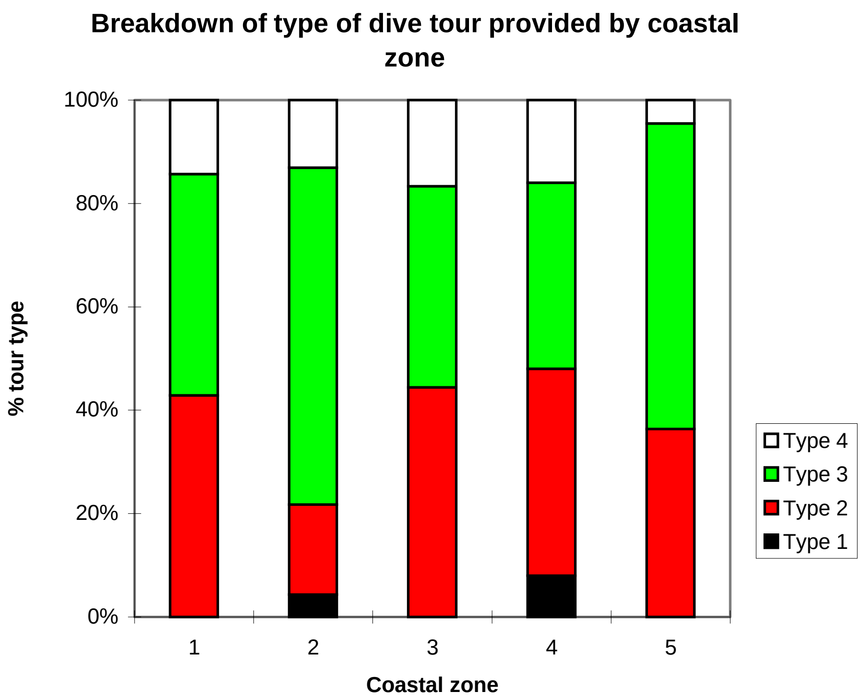

Figure C8: Type of dive tour provided, by coastal zone: participant percentages.

Seasonality of coastal zones

It was possible to extract data from the compiled questionnaire responses on seasonality of operation using boat months as the measure of effort. The peaks and troughs in boat months are largely the result of movement between regions by mobile operators to take advantage of seasonal trends.

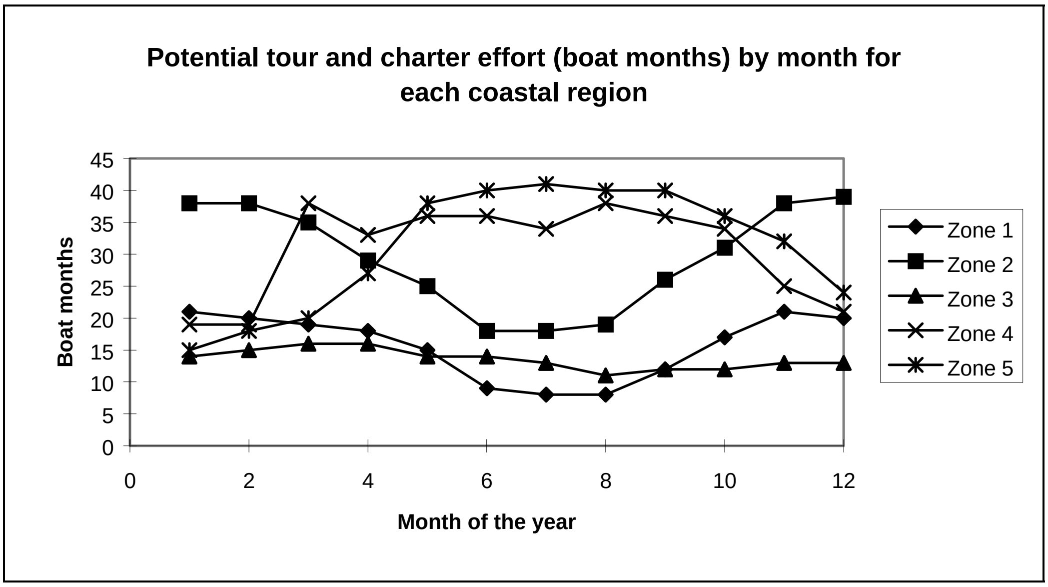

Figure C9: Fluctuations in boat months due to seasonality of operation and influence of mobile operators for each coastal zone.

Standard of service and the level of training that exists within the industry

Recipients of the questionnaire were asked two questions with respect to training:

- Have you or your crew any training that is relevant to your tour operation?
- If available, would you or your crew be interested in participating in ongoing training? Which topics would you like included in such training sessions?

Responses to these questions were varied. Figure C10 illustrates the type of training that already exists within the industry, while Figure C11 illustrates the type of training operators and their crew would be willing to participate in: both figures generated by frequency of response.

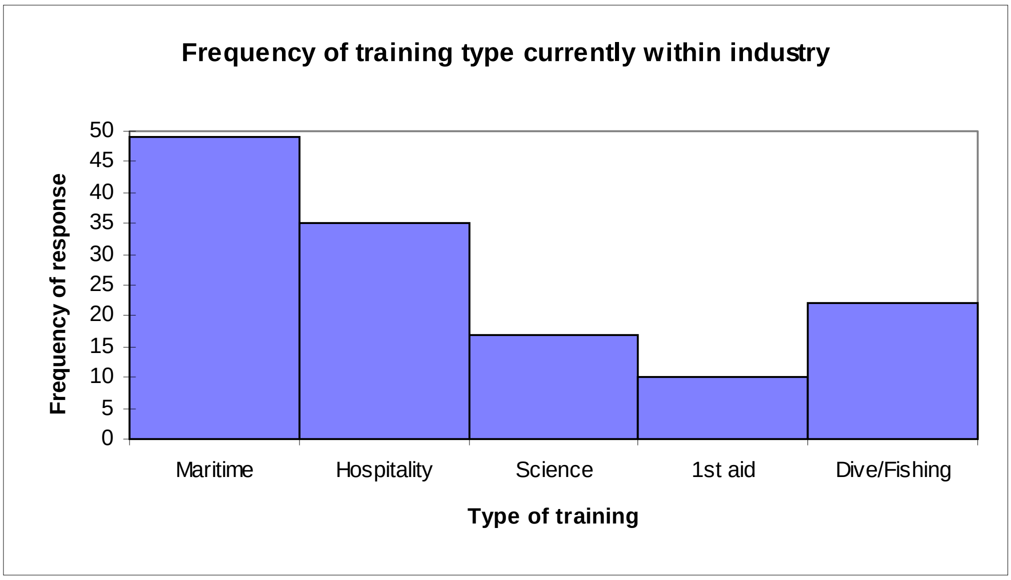

Figure C10: Level of training that currently exists in the industry for the five most responded to types of training.

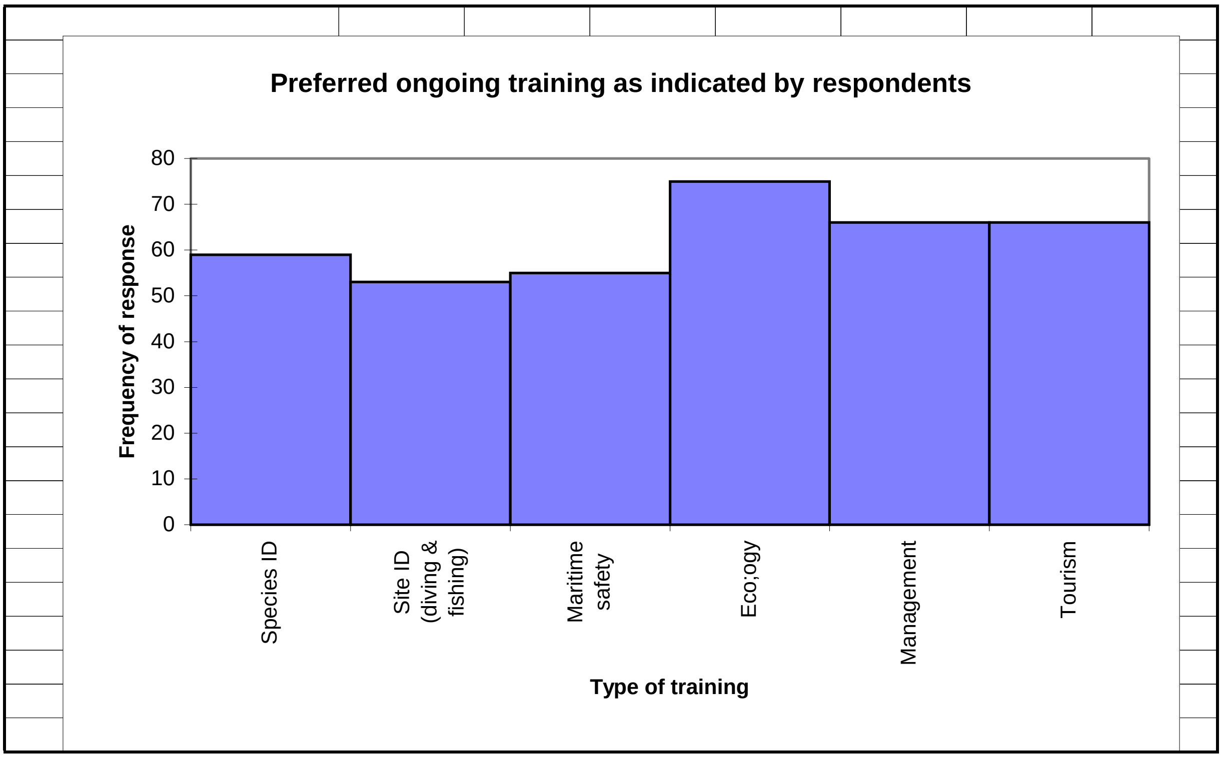

Figure C11: Frequency of response for preferred type of training in an ongoing manner.

Origin of clients

Information from the 135 returned questionnaires indicates that clientele for the WA aquatic charter industry breaks down as follows:

- WA: 61%
- Interstate: 24%
- Overseas: 15%

These figures indicate that the majority of people who employ the services of an aquatic charter operator originate from within WA. However, it should be noted that these figures are somewhat subjective, as client origin is not a statistic all operators' records; the responses given in the questionnaire are more likely to be an estimate based on the operator's experience.

WA clients

Local clients employ aquatic charter operations for a variety of reasons, and it is likely that the majority of these clients are from areas other than that in which they have employed the service of a tour or charter operator. Motivation for charter may include:

- attractive tourism activity;
- regular booking as part of periodic fishing, diving or other holiday; and
- remoteness of area and lack of personal equipment and knowledge to take part in the aquatic activity.

Interstate and overseas clients

The proportion of interstate and overseas clients (39% in total) is certainly a significant component of the industry's clientele. This high percentage confirms the reputation WA has as a location for high-standard fishing, diving and other aquatic activities. It is also justifiable to state that access by air to some of the more remote areas of WA's coastline has made the tour and charter industry in these areas more attractive to interstate or overseas visitors.

Industry promotion

Questionnaire respondents indicated that there is a high degree of business promotion (87% of respondents promoting their business in some form), however, the majority of this promotion is localised. The TOFWG believes that while the industry remains open access, marketing efforts may attract people to the industry but not necessarily to those who do the marketing, only resulting in increased resource impact.

Currently, there is very little active promotion of WA's tour and charter industry by the Tourism Commission outside of WA.