



Department of Fisheries
Government of Western Australia



Fish for the future

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Your Ref:
Our Ref: NT02/05-03
Enquiries: P. Carter (08) 9193 8600

Mr Frank Prokop
Executive Director
Recfishwest
PO Box 34
NORTH BEACH WA 6920

Dear Frank,

**PROGRESSION OF OUTCOMES ARISING FROM THE ACCORD FOR THE
FUTURE MANAGEMENT OF BARRAMUNDI AND THREADFIN SALMON 2007 -
2012**

In March 2007 a voluntary agreement was re-negotiated between representatives from the recreational, charter and commercial fishing sectors for the improved future management and conservation of barramundi and threadfin salmon resources in the Pilbara and Kimberley. The *Accord for the Future Management of Barramundi and Threadfin Salmon 2007-2012* ('the 2007 Accord') aimed to negotiate and develop practical and sustainable solutions to increasing recreational, charter and commercial fishing stakeholder conflict and increasing sustainability concerns for the barramundi and threadfin salmon stocks.

I believe you were involved in the negotiations for the 2007 Accord as a representative of Recfishwest and the recreational fishing sector, along with representatives from the charter and commercial fishing sectors.

The voluntarily agreed outcomes arising from the 2007 Accord apply to the recreational, charter and commercial fishing sectors, and relate to i) Roebuck Bay and Dampier Peninsula, ii) the Lower Ord River, iii) spatial management and seasonal closures and iv) northern rivers. A fact sheet on the 2007 Accord, and copies of the original Accord documents are enclosed for your reference.

In 2009 the Department of Fisheries ('the Department') held public information sessions in Kununurra, Broome and Karratha, to raise awareness of, and build support for the progression of the 2007 Accord outcomes.



The Minister for Fisheries has recently endorsed the *2007 Accord* outcomes, which the Department is now intending to progress via legislative amendments or voluntary arrangements. I am now seeking further comments and input from your organisation specifically on the recreational and charter outcomes in order to progress their implementation. Please find attached a summary of the relevant recreational and charter fishing outcomes, with additional comments on the Department's intentions for progression, and maps of the affected areas.

The Charter Boats Owners and Operators Association of WA, and the Kimberley Marine Tourism Association have also been contacted to seek their feedback on the recreational and charter outcomes. The *2007 Accord* outcomes relevant to the commercial fishing sector are also currently being progressed, primarily through consultation with Kimberley Gillnet and Barramundi Fishery licence holders on proposed amendments to the *Kimberley Gillnet and Barramundi Fishery Management Plan 1989*.

Please forward any comment on the progression of the recreational and charter sector outcomes from the *2007 Accord* process via email to pia.carter@fish.wa.gov.au by 31 January 2010. If you require any additional information, please contact me on (08) 9193 8600 or via email.

Yours sincerely

Pia Carter
REGIONAL FISHERIES MANAGEMENT OFFICER

20 November 2009



ACCORD FOR THE FUTURE MANAGEMENT OF BARRAMUNDI AND THREADFIN SALMON 2007-2012

Barramundi (*Lates calcarifer*), blue threadfin (*Eleutheronema tetradactylum*) and king threadfin (*Polydactylus macrochir*) are amongst the most important recreational, charter and commercial finfish species in the Pilbara and Kimberley regions. These species are also culturally significant and an important food source for local aboriginal communities.

Increasing conflict between fishery stakeholder groups and the need for improved management and conservation of these species has been identified as a key issue for the Pilbara and Kimberley regions.

In March 2007, a voluntary agreement was re-negotiated between representatives from the recreational, charter and commercial fishing sectors for the improved future management and conservation of barramundi and threadfin salmon resources in the Pilbara and Kimberley regions. The *Accord for the Future Management of Barramundi and Threadfin Salmon 2007-2012* aimed to negotiate and develop practical and sustainable solutions to increasing recreational, charter and commercial fishing stakeholder conflict and increasing sustainability concerns for the barramundi and threadfin salmon.

The composition of the representatives involved in the 2007 Accord process included:

- Mr Garry Waldron – West Kimberley Regional Recreational fishing Advisory Committee;
- Ms Sara Hennessey – West Kimberley Regional Recreational Fishing Advisory Committee
- Mr Greg Paust – Department of Fisheries WA;
- Mr Paul Fitzpatrick – Department of Fisheries WA
- Mr Jeff Ralston – Charter Boat Owner's Association;
- Mr Kevin Blatchford – Marine Tourism Association WA;
- Mr Frank Prokop – Recfishwest;
- Mr Jim Weir – Kimberley Gillnet and Barramundi Managed Fishery Licence holder;
- Mr Milton Comino – Kimberley Gillnet and Barramundi Managed Fishery Licence holder;
- Mr Warren Arms – Kimberley Gillnet and Barramundi Managed Fishery Licence holder;
- Ms Felicity Horn – Western Australian Fishing Industry Council;
- Mr Robbie McIntosh – Kimberley Gillnet and Barramundi Managed Fishery Licence holder; and
- Mr Scott Goodson – East Kimberley Regional Recreational Fishing Advisory Committee.

ACCORD FOR THE FUTURE MANAGEMENT OF BARRAMUNDI AND THREADFIN SALMON 2007-2012 - OUTCOMES

In March 2007, a renewed voluntary agreement was negotiated between representatives from the recreational, charter and commercial fishing sectors for the improved future management and conservation of barramundi and threadfin salmon resources in the Pilbara and Kimberley regions. *The Accord for the Future Management of Barramundi and Threadfin Salmon 2007-2012* provided a number of updated, negotiated and voluntary outcomes for the improved management and conservation of these stocks over a five year period (2007-2012) (Appendix 1).

The voluntarily agreed outcomes arising from the *2007 Accord* apply to the recreational, charter and commercial fishing sectors, and relate to i) **Roebuck Bay and Dampier Peninsula**, ii) **lower Ord River**, iii) **spatial management and seasonal closures**, and iv) **northern rivers**.

Summaries of the key outcomes from the *2007 Accord* are outlined below. For the full detail of the Accord agreements see Appendix 1 and 2.

Roebuck Bay and Dampier Peninsula

In order to address increasing stakeholder conflict and the need for increased conservation of barramundi and threadfin salmon resources in the Roebuck Bay and Dampier Peninsula areas, a number of specific outcomes were agreed:

Commercial – Kimberley Gillnet and Barramundi Managed Fishery

Outcome 1 - No commercial net fishing for barramundi or threadfin salmon in the waters west 123° 08.23' East (Cunningham Point) and north of 18° 0.5' South latitude (near Crab Creek).

The Department is progressing this outcome through consultation with Kimberley Gillnet and Barramundi Fishery licence holders on proposed amendments to the *Kimberley Gillnet and Barramundi Fishery Management Plan 1989*.

Outcome 2 - Extend the commercial net fishing seasonal closure in the waters of the Fishery west of 123° 08.23' East longitude (Cunningham Point), from 1 December to 31 January the following year, to 1 November to 31 January the following year.

The Department is progressing this outcome through consultation with Kimberley Gillnet and Barramundi Fishery licence holders on proposed amendments to the *Kimberley Gillnet and Barramundi Fishery Management Plan 1989*.

Recreational and Charter Fishing

Outcome 3 - Encourage and educate all recreational/charter fishers to voluntarily release barramundi above a size limit of 800mm, west of 123° 08.23' East longitude (Cunningham Point) and North of 19° South.

The Department is consulting further with the recreational and charter fishing sectors on progression of this outcome.

An additional recommendation from this agreement was a proposal to ***install shore signage and two markers to delineate 18° 0.5' South latitude***. The Department of Fisheries' Regional Services Branch has investigated the possibility of assisting in the installation of signage and markers, however due to the environmental conditions such as large tides and cyclonic weather conditions, and the significant landmark (Entrance Point) marking the 18° 0.5' South latitude, the Department does not support the installation of these markers.

Most commercial and recreational vessels are now fitted with GPS navigation equipment that makes determining this position line simple. The meridian runs through a significant landmark, Entrance Point.

Lower Ord River

Commercial - Kimberley Gillnet and Barramundi Managed Fishery

Outcome 4 - Extension of the current 10 month commercial net fishing seasonal fishing closure in the lower Ord River to 12 month commercial fishing closure on the Ord River south of a line drawn from east to west through Scott Point on Adolphus Island on the Ord River and north to the line 15° 22' South latitude. (i.e. No commercial fishing in the Ord River in all waters upstream of a line drawn from east to west through Scott Point on Adolphus Island on the Ord River).

The Department is progressing this outcome through consultation with Kimberley Gillnet and Barramundi Fishery licence holders on proposed amendments to the *Kimberley Gillnet and Barramundi Fishery Management Plan 1989*.

Recreational and Charter Fishing

Outcome 5 - Extension of the special barramundi recreational/charter fishing management arrangements in the Ord River area to include all waters upstream of the Ord River commercial fishing closure - to include the area upstream of a line drawn from east to west through Scott Point on Adolphus Island on the Ord River.

The current Ord River area special barramundi recreational fishing management area is shown in the map below:



Departmental Additional Proposal 2 as an alternative to Outcome 5 - In order to simplify the area boundary description of the Ord River area special barramundi conservation area, the following Ord River special barramundi conservation area description is proposed: **'The waters of the Ord River including its tributaries and pools and the land area within 500m of the waters of the Ord River from 15° 11.68' South longitude (Scott Point on Adolphus Island) upstream to the Diversion Dam Wall.'**

The revised proposed area description of the Ord River special barramundi conservation area above, will simplify the area description and assist recreational fishers and Fisheries and Marine Officers to clearly differentiate the area.

The special barramundi management arrangements for the Ord River Area include a bag limit and possession limit of one barramundi and maximum barramundi size limit of 800mm and minimum size limit of 550mm.

The East Kimberley Regional Recreational Fishing Advisory Committee also committed to, and have successfully implemented a recreational fishing logbook program for the East Kimberley region, including the Ord River area waters in order to provide valuable research data on recreational fishing in this region to enable informed management decisions.

Spatial Management and Seasonal Closures

Commercial – Kimberley Gillnet and Barramundi Managed Fishery

Outcome 6 – Progress the geographical restriction of Kimberley Gillnet and Barramundi Managed Fishery licences to the areas of historically established fishing effort by 2010.

The Kimberley Gillnet and Barramundi Managed Fishery licence holders have historically adopted informal fishing area zones that they fish, to minimise conflict between licence holders and other stakeholders whilst ensuring sustainability of the Fishery.

The Department plans undertake further consultation with licence holders, in parallel with consideration of future changes to the management of the charter fishing industry (See Outcome 7).

Recreational and Charter Fishing

Outcome 7 - A management plan for the charter boat industry in the Kimberley to be developed by 2010 (including the possible cancellation of unutilised licences).

It has become apparent that there are limitations on the Department's ability to introduce a management plan for the charter industry under existing legislation. The Department is currently conducting a review of aquatic charter industry management. It is anticipated that a scoping document outlining issues and recommendations will be provided to the charter industry for comment in 2010. The review is forecast to be complete within the next 12 to 18 months.

Outcome 8 – Recreational fishing seasonal closure - no take of barramundi or threadfin (zero bag limit) in the waters South of 18° 0.5' South and North of 19° South from 1 November to 31 January the following year.

The Department is consulting further with the recreational and charter fishing sectors on progression of this outcome.

It was acknowledged that the commercial fishing seasonal fishing closure has been implemented in order to protect barramundi and threadfin during spawning, and should also apply to the recreational and charter fishing sectors.

Outcome 9 – Charter fishing seasonal fishing closure – no take of barramundi or threadfin (zero bag limit) in the waters of the Kimberley Gillnet and Barramundi Managed Fishery from 1 November to 31 January to the following year.

The Department is consulting further with the recreational and charter fishing sectors on progression of this outcome.

It was acknowledged that the commercial fishing seasonal fishing closure has been implemented in order to protect barramundi and threadfin during spawning, and should also apply to the recreational and charter fishing sectors.

Northern Rivers

It was noted that there is increasing conflict between Kimberley Gillnet and Barramundi Managed Fishery operations and expanding charter fishing operations in the northern rivers of the Kimberley. In consideration of this increasing stakeholder conflict and the recognition of the need to preserve the 'wilderness' experience through charter and ecotourism operations, a three-year trial of two northern rivers is proposed:

Outcome 10 - The King George River to be closed to all fishing until 2012.

The Department is consulting further with the recreational, charter and commercial fishing sectors on progression of this outcome.

Option 1: Encourage and educate commercial, recreational and charter fishers to voluntarily not fish in the waters of the King George River.

Option 2: i) No fishing for a recreational purpose in the waters of the King George River Section 43 Order, and ii) amendment of Clause 10B of the *Kimberley Gillnet and Barramundi Fishery Management Plan 1989*, to include 'A person operating under the authority of a Kimberley Gillnet and Barramundi Managed Fishery (KGBF) licence must not fish anywhere in the waters of the King George River'.

Outcome 11 - The Glenelg River to be a no take zone (catch and release only) until 2012.

The Department is consulting further with the recreational, charter and commercial fishing sectors on progression of this outcome.

Option 1: Encourage and educate recreational and charter fishers to voluntarily not retain barramundi and threadfin, and the commercial fishers not to operate in the waters of the Glenelg River.

Option 2: i) Amendment to Schedule 3 Part 2 Division 1 of the *FRMR 1995*, to include a zero bag limit for barramundi and threadfin for recreational fishers in the waters of the Glenelg River, and ii) amendment of Clause 10B of the *Kimberley Gillnet and Barramundi Fishery Management Plan 1989*, to include 'A person operating under the authority of a KGBF licence must not fish anywhere in the waters of the Glenelg River'.

INDIGENOUS / CUSTOMARY FISHING

The *2007 Accord* agreement aimed to develop practical and voluntary solutions to deal with increasing conflict between recreational, charter and commercial fishing sectors and concern for the sustainability of the barramundi and threadfin stocks in the Pilbara and Kimberley regions.

The *2007 Accord* process and agreements do not attempt to deal with the Indigenous take of barramundi and threadfin salmon stocks in the Pilbara and Kimberley regions. Indigenous customary take is recognised and is not extinguished by any Accord agreements.

It is recognised that barramundi and threadfin are culturally significant species and an important food source for local aboriginal communities. Given the cultural and subsistence significance of the barramundi and threadfin to the indigenous community, any future Accord processes and agreements will endeavour to incorporate indigenous sector representatives to be involved in negotiations relating the improved management of barramundi and threadfin stocks in the Pilbara and Kimberley regions.

HISTORY - PREVIOUS ACCORD

The first Barramundi Accord was finalised in 2000, the '*Accord for the Future Management of Barramundi Resource 2000-2005*' (Appendix 2). Through negotiation, a voluntary agreement was reached between representatives from the recreational, charter and commercial fishing sectors for the improved future management and conservation of barramundi resources in North Western Australia.

As the result of the 2000 *Accord* process, community consultation was undertaken on the outcomes from the *Accord*. Following consultation, a number of legislative amendments were progressed including:

- Commercial net fishing restrictions in the upper Ord River (Kimberley Gillnet and Barramundi Managed Fishery licence conditions).
- Commercial net fishing area closures including the waters of the Kimberley Gillnet and Barramundi Managed Fishery, bounded by:
 - a) Broome Jetty;
 - b) A line representing the shortest distance from the northernmost point on Broome Jetty thence east to the low water mark of the mainland at 18° south latitude (near crab creek);
 - c) Anywhere in the waters of the Fishery bounded by a line extending 1000 metres north west from Bush Pint thence southwest to a point that is 1000 metres north west of the western shore of the entrance of Jacks Creek and thence due south to the low water mark of the mainland;
 - d) In Jacks Creek;
 - e) In Yardogarra Creek;
 - f) Anywhere in the waters of the Fishery bounded by a line commencing at the northernmost point of the entrance to Thangoo Creek and extending 500 metres west of the northern entrance point to Thangoo Creek thence south to a point 500 metres west of the southernmost entrance point to Thangoo Creek and thence generally east to the low water mark of the mainland at the southernmost entrance to Thangoo Creek;
 - g) Anywhere in the waters of the Fishery that is bounded by a line representing the shortest distance from Cape Bossut to False Cape Bossut;
 - h) In the Fitzroy River north of 17° 27' south latitude; or
 - i) Within 4 nautical miles of the Derby Jetty.

A number of recreational fishing legislative changes to the *Fish Resources Management Regulations 1995 (FRMR 1995)* were also implemented, including:

- A State-wide minimum barramundi size limit of 550mm total length.
- A possession limit and bag limit of two barramundi in all Western Australian waters with the exception of three special barramundi conservation areas that were created, where different barramundi fishing rules apply, including:
 - a) **The Ord River area** (includes the Dunham River that flows into the Ord River) (definition under Regulation 64ZF of *FRMR 1995*) has a bag limit and possession limit of one barramundi and a maximum barramundi size limit of 800mm.
 - b) **The Fitzroy River area** (definition in Schedule 2 Part 2 of *FRMR 1995*) has a bag limit and possession limit of two barramundi and a maximum barramundi size limit of 800 mm.

- c) **The Broome area waters** (definition under Regulation 64ZJ of *FRMR 1995*) has a bag limit of one barramundi and a possession limit of two barramundi.
- Prohibition on the use of set and haul nets in all waters of the Pilbara and Kimberley region, excluding a person who:
 - a) Is fishing in Dampier Archipelago waters;
 - b) Is using a haul net that does not exceed 30 meters in length; and
 - c) Does not take any fish except mullet (Regulation 64OB of *FRMR 1995* and Fisheries Notice No. 691).

In order to contribute further towards ensuring sustainability, Kimberley Gillnet and Barramundi Managed Fishery licence holders also agreed that all barramundi caught greater than 800mm total length would be voluntarily returned to the water with minimal damage, if alive at capture, during commercial fishing operations in the following areas:

- a) The waters from Cunningham Point to 19° south latitude; and
- b) In the waters downstream into the King Sound and Fitzroy River from a point 17° 27' south latitude to a line drawn east to west across King Sound through Christine Point.

A State-wide maximum size limit of 800mm for barramundi was also recommended in the *2000 Accord* process, however was not legislated during this period.

KIMBERLEY GILLNET AND BARRAMUNDI MANAGED FISHERY

The Kimberley Gillnet and Barramundi Managed Fishery extends from the Western Australian/Northern Territory border to the northern end of Eighty Mile Beach, south of Broome. It encompasses the taking of any fish by means of gillnet in inshore waters and the taking of barramundi by any means. The species taken are predominantly barramundi (*Lates calcarifer*), king threadfin salmon (*Polydactylus macrochir*) and blue threadfin salmon (*Eleutheronema tetradactylum*). The main areas of the Fishery are the river systems and tidal creek systems of the Cambridge Gulf, the coast of the north Kimberley, King Sound, Roebuck Bay and the top end of Eighty Mile Beach.

The Kimberley Gillnet and Barramundi managed Fishery is managed primarily through input controls in the form of limited entry, seasonal and spatial area closures, and gear restrictions. For more information on the Kimberley Gillnet and Barramundi managed Fishery see the Annual State of the Fisheries Report at www.fish.wa.gov.au.