

# **MEMORANDUM OF UNDERSTANDING (M.O.U)**

In relation to

## **COMMERCIAL ABALONE HARVESTING**

for specified parts of the

## **VICTORIAN CENTRAL ZONE ABALONE FISHERY**

**2006 / 2007 QUOTA YEAR**



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## **1. SCOPE**

This Memorandum of Understanding (MOU) applies to commercial abalone harvesting in specified parts of the Victorian Central Zone Abalone Fishery for the 2006/2007 Quota Year.

## **2. PURPOSE**

This M.O.U is intended to facilitate industry cooperative approach to ensuring sustainable use of the wild abalone resource, by encouraging planned distribution of fishing effort across the Central Zone.

## **3. BACKGROUND**

- 3.1 In September 2003, VADA, VAPA and Fisheries Victoria negotiated an M.O.U for commercial abalone harvesting throughout the central zone fishery during the 2003/04 quota season.
- 3.2 This followed a similar initiative being developed between VADA and Fisheries Victoria during the 2002/03 quota season with respect to concerns of high catches being taken from Port Phillip Bay.
- 3.3 Due primarily to market forces, harvest levels from the Bay during that year did not trigger any action (under the MOU) to restrain fishing effort, but harvest levels from specific areas (which VADA has termed 'sub-zones', see 3.3 below) showed significant variance from long-term averages as follows :-
  - A considerable increase in harvest levels from both the "Hopkins-Gellibrand" and the "Gellibrand-Apollo Bay" sub-zones;
  - A significant decrease in the harvest level from the "Port Phillip Bay" sub-zone;
  - Steady harvest level from the "Point Nepean-Flinders and Phillip Is.-Inverloch" sub-zones; and
  - An increase in harvest level from the "Inverloch-Kate Kearney" sub-zone.
- 3.4 In February 2004, VADA convened a 2-day resource management workshop at Queenscliff. A majority of central zone licenses were represented at the workshop by the owner and/or nominated diver. The Department of Primary Industries (DPI) Abalone Fishery Manager also took part in the workshop. As did the Primary Industries Research Victoria's (PIRVic's) abalone resource modeller.
- 3.5 The workshop was the commencement of an ongoing process aimed at undertaking a more detailed evaluation of the central zone abalone resource and resulting management actions required to ensure sustainable use of Victoria's abalone resource.

- 3.6 As a continuation of this process, VADA held a workshop on the 16<sup>th</sup> of March, 2005 aimed at establishing industries initiatives and commitments for the 2005 / 2006 fishing season. The workshop was aimed at expanding, improving and highlighting the knowledge of industry participants in relation to natural resources management issues.
- 3.7 On the 14<sup>th</sup> of March 2006 VADA held a workshop aimed at reviewing the current industries initiatives and commitment for the 2006 / 2007 fishing season. The workshop identified and highlighted a number of improvements that could be made to the performance of the MOU by dividing a number of the fishing areas.
- 3.8 The workshop also identified that the increase in voluntary size limits being fished by industry was having a positive impact on the size structure of the catches. To further acknowledge the usefulness of the Commercial Catch Data Loggers, the workshop proposed developing a formalised an industry policy to move to the voluntary size limit to the most appropriate size within 5 years.
- 3.9 The results of each of the workshops will take the form of a report that will be made available to all stakeholders and interested parties.
- 3.10 Key outcomes of the March 2006 workshop included:
- The commitment to continue a more planned distribution of fishing effort across sub-zones in the central zone during 2006/07.
  - To recognise and promote the resource management as the responsibility of all industry participants and stakeholders.
  - Promote and investigate methods of ensuring all divers share equally in the spreading of effort around the Central Zone;
  - Promotion of precautionary and ESD principles in relation to central zone abalone fishery harvesting;
  - Expansion of the previous years MOU sub zones from 12 to 15;
  - Move towards accessing stunted stocks in Port Philip Bay as well as 3 other sites in June 2006;
  - VADA to further investigate access to slower growing stocks at a further 5 locations within the Central Zone, for fishing in the 2006 / 2007 season;

Other important industry initiatives included the voluntary introduction of:

- Raised LML in the Hopkins River to Pt Danger areas Reef Codes 4.01 and 4.02 to 130 mm;
- Raised LML in the Bay of Islands to the Sherbrook River Wall area Reef Codes 5.01 to 5.03 to 125 mm.

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- Raised LML in the Gellibrand to Apollo Bay sub zone for reef codes 6.01 to 6.03, to 125 mm.
- Raised LML in the Cape Otway Lighthouse to Blanket Bay area Reef Codes 7.01 to 7.03 including 7.07 to 125 mm,
- Raised LML in the Blanket Bay to She oak Creek area reef codes 7.04 to 8.02 to 122 mm.
- Raised LML in the Pt. Nepean to Cape Schanck sub zone to 120 mm.
- Raised LML from Cape Schank to West Head to 115 mm
- Maintaining the raised LML for West Head tide area at 115 mm
- Maintaining the raised LML for Seal Rocks and the Tide area to 115 mm
- Raised the LML from Cat Bay Reef Code 14.01 to Cape Woolamai Reef Code 14.10 to 115 mm.
- Maintaining the raised LML for Kilcunda area Reef Code 15.01 and 15.02 to 115 mm.
- Maintaining the raised LML for Inverloch area reef code 16.02 and 16.03 to 115 mm
- Raised LML for Outfall Pipe area Reef Code 16.02 to 115 mm
- Maintaining the raised LML for islands at Wilson's Prom. Reef codes 17.01, 17.03, 17.10,17.11, 17.12 and 17.13 to 120 mm
- Maintaining the raised LML for Wilson's Prom. for reef code 16.07 and 17.02 at 115mm
- Raised LML for east side of Wilson's Prom Reef Codes 18.03 to 18.07 to 120 mm.
- Maintaining the maximum daily catch limit per diver of 500 kg for all areas inclusive of Point Nepean to Wilson's Prom.
- Maintaining the maximum daily catch limit per diver of 750 kg for the Hopkins-Gellibrand sub-zone;
- Maintaining the raised LML of 2 mm for all other areas currently 110 mm LML (i.e- 112mm LML);.

3.11 The resulting sub-zonal management initiatives proposed in the M.O.U are consistent with the intent and content of the Abalone Fishery Management Plan. The development of this M.O.U is one of a range of responses in line with relevant provisions of that Plan.

3.12 This M.O.U. has been agreed as the basis on which central zone licence-holders and divers can work in co-management with fishery managers to voluntarily direct fishing effort more evenly across the zone.

3.13 This M.O.U is also consistent with the 2006/07 Total Allowable Commercial Catch (TACC) setting advice provided by the Abalone Fishery Committee (AFC) of the Fisheries Co-Management Council (FCC) to the Minister in December 2005.

#### **4. APPLICATION**

4.1 This Memorandum applies to :-

- the Victorian Abalone Divers Association Inc (VADA) representing the majority of central zone licence holders and divers; and
- the Executive Director of Fisheries Victoria, representing the Secretary, DPI.

4.2 This Memorandum has due regard for the provisions of the *Fisheries Act 1995* including :-

- The *Fisheries Regulations 1998*;
- The formal roles and responsibilities of Consultative Bodies;
- The concept and principles of Co-Management; and
- The Victorian Abalone Fishery Management Plan.

4.3 Once the MOU is operational, Fisheries Victoria will advise the Minister for Primary Industries accordingly for his information, and will provide copies of the MOU to the Abalone Fishery Committee of the Fisheries Co-management Council and Seafood Industry Victoria's Abalone Committee.

#### **5. OPERATION OF THIS M.O.U.**

5.1 This Memorandum identifies reference points for defined 'sub-zones' within the central zone commercial abalone fishery. (see Table in Section 5.2 below)

5.2 The quota reference point (QRP) is the conservative catch level which could reasonably and responsibly be expected from each sub-zone for the 2006/2007 season. The QRP may be less than the optimal sustainable level of production for a given sub-zone. As a result, the QRP's will not sum to the TACC for the fishery.

5.3 The upper reference point (URP) contained in this MOU is the catch level at which a sub-zone could be presented as a candidate for detailed evaluation and possible closure for the remainder of the season. The 'sub-zone' areas referred to in 3.2 above are simply geographic sections of the coastline that align with existing reef codes and existing modelling regions. Details of sub-zonal boundaries and reef codes are included as Appendix 1.

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- 5.4 QRP values are intended to give adequate notice of the possible need for a review of management controls.
- 5.5 When any QRP harvest level is reached, the Review Panel (see 5.8 below) will meet within the time specified.
- 5.6 The QRP's and URP's have been devised using a combination of diver knowledge within VADA and examination of past catch history held by Fisheries Victoria and PiRVic.
- 5.7 The 5year average (2000 to 2005) is attached in Appendix 1. The QRP's and URP's expressed as metric tonnes (wet weight) are as follows\* :-

<b>SUB ZONE</b>	<b>REEF CODES</b>	<b>QRP</b>	<b>URP</b>
HOPKINS – BAY OF ISLANDS	4.01 and 4.02	30	34
BAY OF ISLANDS TO GELLIBRAND	5.01 to 5.03	9.2	12.5
GELLIB. – CAPE OTWAY LIGHT	6.01 to 6.04	45	50.1
CPE OTWAY LIGHT TO APOLLO BAY	7.01 to 7.05	59.5	67
APOLLO B - P.P HEADS	7.06 to 10.05	23.4	30.3
PORT PHILLIP BAY	11.01 to 11.10	41	49
PT. NEPEAN TO CAPE SCHANK	12.01 to 12.06	110.6	125
CAPE SCHANK TO FLINDERS	13.01 to 13.06	86.5	94.5
WEST HEAD	13.07	27	29
PHILLIP ISLAND	14.01 to 14.10	76.9	86.7
SAN REMO TO INVERLOCH	15.01 to 15.05	17.9	21
INVERLOCH TO SHALLOW INLET	16.01 to 16.07	13.5	16.7
SHALLOW INLET TO THE GLENNIES	16.07 to 17.13	26.7	32.3
THE GLENNIES TO KATE KEARNEY	18.03 to 18.07	5.4	7.4
THE CLIFFIES ISLANDS	18.08	4	6.5
<b>TONNES</b>	<b>TOTAL</b>	<b>576.6</b>	<b>662</b>

The quota reference point (QRP) is the conservative catch level which could reasonably and responsibly be expected from each sub-zone for the 2006/2007 season. The QRP may be less than the optimal sustainable level of production for a given sub-zone.

The upper reference point (URP) contained in this MOU is the catch level at which a sub-zone could be presented as a candidate for detailed evaluation and possible closure for the remainder of the season. The URP aims to avoid (with the exception of the under fished areas) catches levels that might be considered as excessive (i.e-more than the historic maximum) occurring during the 2006/07 quota season. The 2006/07 Central Zone TACC is 620 tonnes.

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- 5.8 The activities of VADA with respect to this M.O.U. will be administered by VADA's Executive Committee in consultation with Fisheries Victoria.
- 5.9 Fisheries Victoria will post details of those cumulative catch records on its website, DIVERSWEB.
- 5.10 When any reporting QRP is reached, Fisheries Victoria will convene a meeting of the "Sub-zone Management Review Panel" (see below) within seven days.

The Review Panel will be constituted as follows:

Director Fisheries Management, Fisheries Victoria (Chair)  
Abalone Manager, Fisheries Victoria  
VADA representatives (2)

Primary Industries Research Victoria (PIRVic) and Victorian Abalone Processors Association (VAPA) representative will be included on the panel on an "at needs" bases.

- 5.11 The panel will review all available information on abalone stocks and determine an appropriate management response. Significant management decisions will be forwarded to the AFC and Seafood Industry Victoria's (SIV) AbCom for their information.
- 5.12 The Panel will include discussion of the following options in its deliberations-daily "boat limits", pro-rata catch distribution managed "in-house", initiatives/incentives from quota owners, initiatives/incentives from processors and area closures.
- 5.13 The Panel will operate on a consensus basis and the Chair will ensure an accurate record is kept of Panel deliberations.
- 5.14 Where consensus is not reached, this shall be noted and advice provided by the Chair to SIV and FCC.
- 5.15 Panel decisions will be circulated, by Fisheries Victoria, to all Central Zone Abalone Fishery Access Licence holders and nominated divers within 7 working days.

6. **PARTIES TO THIS MEMORANDUM**

**For and on behalf of the Executive Director, Fisheries Victoria**

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

NAME

SIGNATURE

POSITION

DATE

**For and on behalf of the Victorian Abalone Divers Association Inc.**

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

NAME

SIGNATURE

POSITION

DATE

## 7. DEFINITIONS

<b>VADA</b>	Victorian Abalone Divers Association Inc
<b>VAPA</b>	Victorian Abalone Processors Association Inc.
<b>Access Licence</b>	Licence issued pursuant to Section 38, <i>Fisheries Act 1995</i>
<b>Central Zone</b>	Victorian Waters generally between Lakes Entrance and Warrnambool, pursuant to Section 105, <i>Fisheries Regulations 1998</i>
<b>Catch Records</b>	Records of commercial abalone catches sourced from the Abalone Quota Management system (AQMS) operated by Fisheries Victoria.
<b>Quota Year</b>	1st April to 31 <sup>st</sup> March in the following year
<b>Nominated diver</b>	A person for the time being nominated to harvest abalone on behalf of the holder of an Abalone Access Licence
<b>Fishing effort</b>	The aggregate activity of abalone divers operating under the authority of Abalone Fishery Access Licences.
<b>Reef Code</b>	An alphanumeric code (identifying a section of coast) which is used for reporting the origin of specific commercial catches.
<b>QRP</b>	is the conservative catch level which could reasonably and responsibly be expected from each sub-zone for the 2006/2007 season. The QRP may be less than the optimal sustainable level of production for a given sub-zone.
<b>URP</b>	is the catch level at which a sub-zone could be presented as a candidate for detailed evaluation and possible closure for the remainder of the season.