

**CONSULTATION DRAFT**

# **Norfolk Island Fishery Management Policy 2008**



Photo courtesy of NI Tourist Bureau

Norfolk Island Government and Norfolk Island Fishing Association, as joint partners of this Norfolk Island community-based fishery management policy, endorse this consultation draft, to seek comment from all interested parties, stakeholders and community members, before final joint approval.

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Additional explanatory notes providing technical details, source references, background notes and management tools for developing this consultation draft FMP will be available on Norfolk Island Administration website at [www.info.gov.nf](http://www.info.gov.nf) or in hard copy on request from Norfolk Island Legislative Assembly.

# Part 1. Preliminary

This *Norfolk Island Inshore Fishery Management Policy 2008* (FMP) has been developed by the Norfolk Island Administration (NIG) in consultation with the Norfolk Island Fishing Association (NIFA) and the Australian Fisheries Management Authority (AFMA). The FMP provides the framework for the ecologically sustainable management of fisheries in waters surrounding Norfolk Island (NI). Fishing under this FMP is limited to Norfolk Island residents operating vessels under 12 metres and authorised by the NIG to operate in the fishery. All catch must be consumed on the Island and cannot be sold or exported off NI. The administration of management arrangements outlined within this policy is undertaken by the Norfolk Island Administration in conjunction with the Norfolk Island Fishing Association (NIFA). All activities in the Australian Fishing Zone, including waters around Norfolk Island remain subject to the provisions of the *Fisheries Management Act 1991*.

This FMP is recognised as the basis for management of recreational and charter fisheries around NI through a memorandum of understanding between the NIG and AFMA. The FMP acknowledges the important ongoing role of the community, including the NIFA as stewards, in the effective management and ongoing development of these fisheries.

## Commencement

This Management Policy commences on the day after the Policy is jointly endorsed by the NIG, NIFA and AFMA. Many of the management practices outlined in this Policy are already effectively functioning and in place.

## Definitions

**AFMA** means the Australian Fisheries Management Authority, which is the Australian Government Statutory Authority responsible for managing Australian fisheries under the Fisheries Management Act 1991 including all waters around Norfolk Island.

**AFZ or Australian Fishing Zone** under the 1982 Law of the Sea, this means those areas over which Australia claims rights over exploration and use of marine resources (extending 200 nautical miles or 370 kms out from Australian coastlines) including:

- waters adjacent to Australia within outer limits of the Exclusive Economic Zone (EEZ); and
- waters adjacent to each external territory within the outer limits of the EEZ;
- but does not include:
- coastal waters of, or waters within the limits of, a State or Territory; or
- waters that are excepted waters.

**The Box** means that area of Norfolk Inshore Fishery, an area of 67 x 40 nautical miles surrounding the island within the AFZ. The Box remains subject to the *Fisheries Management Act 1991* and was designed to include all shelf waters surrounding NI. The Box is defined by the following coordinates:

- 28° 38' South; 167° 40' East
- 28° 38' South; 168° 20' East
- 29° 45' South; 167° 40' East
- 29° 45' South; 168° 20' East

**Community-Based Fishery Management** means an approach to fishery management that emphasises the importance of a community's capabilities and responsibilities with regard to managing its resources. Critical elements of community-based fishery management are:

- a group of people with common interests/capable of balancing interests
- mechanisms for effective and equitable decision making and ways to manage conflict
- broad community participation in control of the Island's marine resources
- local accountability in management
- providing effective processes for a community to define its needs, goals and aspirations, and make decisions affecting their well being.

**DEWHA** means the Australia Government Department of the Environment, Water, Heritage and the Arts.

**EPBC Act** means the Australian Government *Environment Protection and Biodiversity Conservation Act 1999*, administered by DEWHA.

**ESD** means to: ensure that the exploitation of the resources of the fishery and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development and the exercise of the precautionary principle, and in particular, the need to have regard to the impact of fishing activities on non-target species and the long-term sustainability of the marine environment.

**Fish** includes all species of bony fish, sharks, rays, crustaceans, molluscs and other marine organisms, but does not include marine mammals or reptiles.

**FMP** means the *Norfolk Island Inshore Fishery Management Policy 2008*.

**Norfolk Island** is a self-governing external Territory under the authority of the Commonwealth of Australia and is vested with powers by the *Norfolk Island Act 1979* in relation to the Island and its people.

**Norfolk Island Inshore Fishery (NIIF)** in this FMP, includes any fishing from shore, from a boat or otherwise within the Box.

**NIFA** means the Norfolk Island Fishing Association.

**NIG** means the Norfolk Island Administration.

The **precautionary principle** means that, where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In applying the precautionary principle, public and private decisions should be guided by:

- careful evaluation to avoid serious or irreversible ecological damage; and
- an assessment of risk-weighted consequences of options.

**Protected species** means those species or ecological communities listed under Part 13 of the EPBC Act, including (i) threatened species and ecological communities, (ii) migratory species, (iii) whales and other cetaceans, and (iv) marine species.

**Stakeholders** means any individuals, groups or organisations who are interested or involved in, or affected by, management arrangements or approaches to management of the NIIF environment.

## **Part 2. Basic understandings that underpin development of this Policy**

The NIIF is an important part of Norfolk Island's culture and economy. Norfolk Islanders have been custodians of their island fishery for more than 150 years. Fishery resources are an important part of the diet and economy of this community and one of the few available natural resources.

For effective and sustainable fishery management, this Policy must be developed, managed and 'owned' by Norfolk Island, through the cooperation of NIG, the community, NIFA, while also giving effect to the Australian legislative framework and obligations under domestic and international law (including international agreements) in relation to the fishery and marine environment.

## **Part 3. Objectives of the Management Policy**

The basic objectives of this FMP are to:

- a. Formalise and strengthen current effective, cooperative and self-regulating fishery management practices.
- b. Support ecologically sustainable development of the fishery, in line with the precautionary principle, to ensure its long-term viability as a recreational and economic resource for the island.
- c. Improve upon available information on the fishery.
- d. Maintain biologically diverse and productive marine ecosystems to foster long-term ongoing use of NI Fishery resources in an ecologically sustainable and culturally sensitive manner.

- e. Encourage and provide for ongoing participation of the local community in exploration, development, conservation and management of the NIIF.
- f. Improve the quantity and quality of available information to support marine ecosystem management.
- g. Develop cost-effective and efficient fishery management practices.
- h. Ensure that use of fishery resources and the operation of related activities are conducted in a culturally-sensitive manner, consistent with principles of ecologically sustainable development and exercise of the precautionary principle, in particular the need to have regard to any impacts of fishing activities, especially on species listed under the EPBC Act.
- i. Ensure that fishers operating under the FMP take all reasonable steps to ensure that members of protected species are not killed or injured as a result of fishing, or the fishery does not, or is not likely to adversely affect the survival or conservation status of a protected species or population of that species.
- j. Ensure accountability to stakeholders by those managing the fishery.

## **Part 4. Measures to be taken to achieve these objectives**

The NIFA, NIG and AFMA will jointly ensure that the objectives as described this FMP are achieved. Measures to be taken to achieve these objectives are as follows:

### **4.1 Steps to be taken by the NIG.**

The NIG shall development appropriate management arrangements to ensure that the objectives as described in this FMP are achieved.

In consultation with the NI community and other stakeholders, including NIFA and AFMA, the NIG will implement mitigation, remedial or preventive strategies to address identified high risks for target species, bycatch (including protected species) and the marine ecosystem. If any relevant information about the fishery is received, the NIG must act upon such information and ensure compliance with the FMP, and any other relevant NI or other legislation.

The NIG shall maintain and update the FMP in consultation with the NIFA and AFMA, including support for the provision of required notifications and annual reports. This will include:

- a. An annual meeting with NIFA, AFMA and all interested stakeholders to review and evaluate of the FMP in order to, if necessary, amend the Policy, in response to recommendations from NIFA, AFMA or other stakeholders, and identified risks.
- b. Annual reporting, completed as soon as practicable after 30 June each year. This annual report is to be tabled in NI Legislative Assembly by 31 October each year from

2010 and a copy also provided to AFMA and DEWHA. The report will include, but not be limited to:

- i. A strategic assessment of the current state of NIIF.
- ii. Cost-sharing effectiveness (the NIG will cover reporting costs specific to this FMP)
- iii. An update on any impact assessments and possible future risks
- iv. An update on NIIF management issues and/or procedures and management responses, where appropriate
- v. Any change in external influences
- vi. Any interactions with protected species
- vii. Any change in ecosystem impacts (eg habitat, food chains)
- viii. Any change in or introduction of target / stock status (eg overfishing triggers)
- ix. Any change in discard or bycatch fish stock status.

## **4.2 Steps to be taken by the NIFA**

NIFA will recommend changes to the responsible NIG Minister concerning relevant NIIF management arrangements and on the FMP, to ensure that the objectives as described in this FMP are achieved. NIFA recommendations may be made at any time.

NIFA will consult with the NI community and other stakeholders, including the NIG and AFMA on measures to assist with implementation of mitigation, remedial or preventive strategies (eg ensure follow up of any reported potential threats) and to address any identified high risks to target species, bycatch (including protected species) and the marine ecosystem. If any relevant information about the fishery is received, then NIFA must act upon such information in consultation with the NIG and AFMA.

NIG and NIFA will ensure all fishers are aware of, and have the ability to report interactions with protected species as required under sections 199, 214, 232 and 256 of the EPBC Act. Full details for reporting interactions to DEWHA are in **Attachment B**. An interaction includes any physical contact an individual (person), boat or gear has with a protected species that causes, or may cause death, injury or stress to the animal. This includes all catching (hooked, netted, entangled, etc) and collisions as well as interactions that occur off a boat with an individual or individuals of these species.

NIFA will provide the NIG a written account on its activities under this FMP as soon as practicable after 30 June each year, from 2010 on:

- a. overall effectiveness of cost-sharing arrangements associated with managing the FMP and compliance with relevant management arrangements. (NIG will cover reporting costs specific to this FMP).

- b. an annual update of NIFA recommendations for changes to controls or limits, including any amendments on management arrangements such as seasonal closures.
- c. annual accounting of reported impacts on the NIIF and any identified likely future risks to the NIIF, with an assessment of the effectiveness of related mitigation or preventive measures.
- d. input into the strategic assessment of the state of NIIF as undertaken by the NIG.
- e. any other matters that NIFA may deem relevant to the effective management and current status of or potential risks to the Fishery.

### **4.3 Steps to be taken by AFMA**

AFMA, as the agency responsible for the management of all Commonwealth fisheries within the AFZ, will provide fisheries management expertise and guidance to the NIG and NIFA in the management of the NIIF. This will include:

- a. active involvement in the annual stakeholders meeting.
- b. assisting with the collection and analysis of fisheries catch data.
- c. recommending changes to the responsible NIG Minister concerning relevant NIIF management arrangements and on the FMP, to ensure that the objectives as described in this FMP are achieved. AFMA recommendations may be made at any time.

AFMA will continue to maintain responsibility for the management of all commercial fishing activities within all waters of the AFZ. Should individuals wish to develop commercial fishing operations in the future these will be considered in line with AFMA's developmental fisheries policy.

### **4.4 NI FMP Communication Plan**

An agreed Communication Plan, jointly developed in the first year of this FMP by the NIG, NIFA and AFMA will guide consultations with stakeholders and the community and support regular and effective review and reporting mechanisms about the status of fish stocks and management of the fishery. (See FMP Explanatory Notes for a draft communication strategy.)

## **Part 5. Allowable Fishing in the Fishery**

This Part includes the setting of controls, limits or any other specific requirements to ensure the objectives as described in this FMP are achieved. This may include but is not limited to the setting of catch and possession limits, size limits, seasonal and, or spatial closures or other management arrangements relating to the type and amount of fishing equipment used. These measures will aim to ensure the fishery remains sustainable and will mitigate impacts on target species, non-target species and the environment. The NIFA will make recommendations to the NIG as to any controls / limits to be contained within this Part, that are considered necessary to maintain ecologically sustainable management of the NIIF. AFMA, DEWHA and other stakeholders may also contribute to the management

arrangements for the fishery and changes to these arrangements will be made subject to discussion by the NIG, NIFA and AFMA.

The following is a list of current voluntary management arrangements which have been implemented in line with NIFA's recommendations [as at March 2008]:

## **5.1 Voluntary Controls / Catch Limits**

This list is based on current community-based and voluntary practices. These voluntary practices will be maintained and monitored through this Policy to help determine any future requirement for more substantive legislative measures.

No trawling, long lining, net fishing or fish trapping.

Limit of 1 bin (maximum 45 kg) of whole fish, per boat per day (with a maximum of 3 bins per week) of Trumpeter caught during the spawning season (usually December-January, or dates advised by NIFA).

Minimum size of 250mm (fork length) for Trumpeter, with annual review based on NIFA advice. Maximum of 12 Trumpeter under 250mm in length per boat trip per day.

## **5.2 Compulsory Requirements / Reporting**

This list summarises the requirements that will become compulsory through Norfolk Island legislation, reflecting NIFA, AFMA and other stakeholder recommendations.

Boating Safety and Equipment Standards must comply with NIG legislation.

Full reporting of all Catch (including discarded fish), Effort and other data specified by AFMA (see Part 9) within NIIF as required in the Memorandum of Understanding (MOU) between the NIG and AFMA. (See Attachment A for a copy of the current MOU).

Reporting of all interactions with protected species as required under Part 13 of the EPBC Act (See **Attachment B** for further details). Failure to notify is an offence punishable on conviction by penalties under the EPBC Act.

## **Part 6 Prohibited activities in the Fishery**

Part 2 of the *Fisheries Management Act 1991* prohibits all driftnet fishing, the take of black cod (*Epinephelus daemeli*) and the take of fish using an Australian boat outside the AFZ.

Retaining, or deliberately interacting with a protected species is prohibited under this FMP. Fishers must take all reasonable steps to ensure that members of protected species are not killed or injured as a result of fishing in accordance with this FMP.

All fish taken in accordance with this FMP shall be consumed on Norfolk Island and is not to be exported off NI.

## **Part 7 NI Boat Licensing Arrangements**

The NIG and NIFA are jointly responsible for implementing boat licensing arrangements for the NIIF, to ensure compliance with boating safety regulations, provision of verifiable catch and effort data, and other arrangements.

Licences shall only be issued by the NIG in consultation with NIFA to Norfolk Island residents with recreational, charter and tourist vessels less than 12 metres in length. Additional fishing requirements may also be prescribed by NIFA. Licences will be subject to conditions. Failure to comply with these conditions and the management arrangements described in this FMP may result in the suspension and or cancellation of the licence and other penalties as prescribed in legislation.

A minimum of five years boating experience is needed in and around the waters surrounding NI (in line with NIFA recommendations) before a licence may be granted to operate a charter or tourist vessel in the NIIF area.

NIFA will make recommendations to the NIG as to controls / limits that are considered necessary to maintain safe and sustainable management of the NIIF and meet the objectives listed in this FMP.

Decisions relating to the grant, suspension, cancellation or amendment of a NIIF licence will be appealable under the *Norfolk Island Administrative Review Tribunal Act 1996*.

## **Part 8 Boating safety regulations**

NIFA will make recommendations to NIG as to Safety Equipment standards for all boats licensed to engage in any activities within the NIIF. These safety and equipment standards will form part of the regulations that support NIG Boat licensing legislation. (See Attachment C for a current list of NIFA Boating Safety Equipment Standards).

## **Part 9 Catch data program specifications**

As part of the draft FMP consultation processes, NIG and NIFA representatives will consult with all stakeholders to establish an agreed and feasible NIIF Catch Data Program that recognises:

- a. collection and monitoring of fisheries related information is essential for managing the NIIF.
- b. the limited resources available and the need for cost-effective processes and confidentiality in collecting, exchanging and analysing fisheries data.
- c. the important role of Norfolk Island resident fishers, including NIFA, in collecting data relating to fishery activity.
- d. comprehensive data analysis is essential to determine appropriate and timely management actions in response to potential threats or trigger events. (See Attachment D on Reference Points, or Trigger Events for FMP Action.)

Data collected may include, but is not be limited to a description of the following:

- e. Where fishing occurred;
- f. Date when fishing occurred;
- g. Number of hours spent fishing;
- h. Number of people fishing;
- i. Type of fishing (shore-based or from a boat; fishing method used (anchored, drifting, trolling or cast and retrieve; bait or artificial lure/fly; bottom fishing, mid-water fishing or surface fishing);
- j. Maximum number of lines used at any one time;
- k. Maximum number of baits, lures or flies per fishing line;
- l. Where a boat is used, boat length, engine power, what electronic equipment is used (e.g. depth sounder, GPS); and
- m. Depth of water fished (average, in metres);
- n. Any additional descriptive information that the fishers think may be useful (e.g. poor catches due to strong tides, poor weather).
- o. Number of each fish species retained and their total weight in kilograms (estimate);
- p. Number of each fish species returned to the water, their total weight in kilograms, the reason for release and whether they were alive or dead;
- q. Any interactions with protected species (See **Attachment B** for reporting requirements).

Wherever possible data collection should encompass shore-based and boat-based fishing. Additional information may be stipulated as a requirement of a boat license issued by the NIG.

Aggregated information will be made publicly available through annual reports. All data will also be provided to AFMA annually. AFMA may from time to time change data requirements in accordance with the terms of the MOU.

**Attachment A**  
**Memorandum of Understanding between AFMA and the**  
**Norfolk Island Administration – *To be finalised.***

## Attachment B

# Required Notification on Protected Species

Table 1: Species listed under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) found in or around Norfolk Island.

Note: This list is correct at XXXXX; it is the responsibility of all persons to be aware of any changes to species listed under the EPBC Act.

Common Name	Species Name	Listed Threatened	Listed Migratory	Listed Marine
Norfolk Island Morepork	<i>Ninox novaeseelandiae</i>	Endangered	Listed	
NI Green Parrot	<i>Cyanoramphus cookii</i>	Endangered	Listed	
Tristan Albatross	<i>Diomedea dabbenena</i>	Endangered	Listed	Listed
Long-tailed Cuckoo	<i>Eudynamys taitensis</i>			Listed
Southern Giant-Petrel	<i>Macronectes giganteus</i>	Endangered	Listed	
Northern Giant-Petrel	<i>Macronectes halli</i>	Vulnerable	Listed	Listed
Australasian Gannet	<i>Morus serrator</i>			Listed
Red-tailed Tropicbird	<i>Phaethon rubricauda</i>			Listed
Grey Ternlet	<i>Procelsterna cerulea</i>			Listed
White-necked Petrel	<i>Pterodroma cervicalis</i>			Listed
Black-winged Petrel	<i>Pterodroma nigripennis</i>			Listed
Providence Petrel	<i>Pterodroma solandri</i>		Listed	Listed
Little shearwater	<i>Puffinus assimilis</i>			Listed
Wedge-tailed Shearwater	<i>Puffinus pacificus</i> )		Listed	Listed
Sooty Tern	<i>Sterna fuscata</i>			Listed
Masked Booby	<i>Sula dactylatra</i>		Listed	Listed
Campbell Albatross	<i>Thalassarche impavida</i>	Vulnerable	Listed	Listed
White tern	<i>Gygis alba</i>			Listed

Black Noddy	<i>Anous minutus</i>			Listed
Common Noddy	<i>Anous stolidus</i>		Listed	Listed
Booth's Pipefish	<i>Halicampus boothae</i>			Listed
Green Turtle	<i>Chelonia mydas</i>	Vulnerable	Listed	Listed
Leathery Turtle, Leatherback Turtle	<i>Dermochelys coriacea</i>	Vulnerable	Listed	Listed
Blue Whale	<i>Balaenoptera musculus</i>	Endangered	Listed	Listed
Southern Right whale	<i>Eubalaena australis</i>	Endangered	Listed	Listed
Humpback Whale	<i>Megaptera novaeangliae</i>	Vulnerable	Listed	Listed
Great White Shark	<i>Carcharodon carcharias</i>	Vulnerable	Listed	Listed

Details of an interaction with a protected species must be reported immediately by operators to the NIFA who will fax them onto AFMA. Details for these reports will be submitted by AFMA to Department of the Environment, Water, Heritage and the Arts (DEWHA) in line with their MOU for the "Reporting of fisheries interactions with Protected Species under the EPBC Act 1999".

Information based on this kind of detail is compiled into reports of interactions with listed species which are posted on the department's website at:

[www.environment.gov.au/epbc/permits/species/notifications/index.html](http://www.environment.gov.au/epbc/permits/species/notifications/index.html)

An interaction includes any physical contact an individual (person), boat or gear has with a protected species that causes, or may cause death, injury or stress to the animal. This includes all catching (hooked, netted, entangled, etc) and collisions as well as interactions that occur off a boat with an individual or individuals of these species.

## Draft Form for Required Notification of Interaction with Protected Species – Norfolk Island Inshore Fishery

Time and date of interaction with a listed or protected species	
Boat name:	
Location of the interaction (latitude and longitude if known)	Lat. Long.
Name of Species interacted with (eg Southern Right Whale)	
Number of individuals interacted with	
Life status of the animal (eg Alive, Dead, Injured)	
Type of interaction (if this occurred during fishing activities, please specify the type of fishing activity)	
<p><b>COMMENTS</b></p> <p>Please include any additional comments that may help explain the circumstances and nature of the interaction, eg Is there anything else that you believe to be important information, for example: Female, male, adult, juvenile? Where was the animal tangled (flipper, mouth, wing, etc.)? How was the animal released?</p>	
Skipper's signature and date:	
Printed name:	

# Attachment C

## NIFA Boating Safety Equipment Standards

All boats must have:

- a. Lifejacket for each person on board (to PFD 1 standard)
- b. Offshore flare kit
- c. Effective anchor and line (at least 100m of rope and suitable chain)
- d. Basic first aid kit
- e. Pair of oars (dinghy)
- f. VHF radio
- g. Torch
- h. Sea anchor
- i. EPIRB
- j. Five litres of drinking water
- k. Bailer or bucket

Optional Equipment:

- l. Compass
- m. GPS
- n. Auxiliary motor
- o. NI trunking radio (in addition to not instead of a working VHF radio)

## **Attachment D**

### **Reference points, or trigger events for FMP action**

Effective fishery management requires an approach where all stakeholders have input into the management arrangements and contribute to the provision of information necessary to make decisions under this agreed framework. Certain actions defined in management arrangements may be caused under predefined conditions. These conditions are referred to as triggers, because they trigger actions.

In the absence of a formal NIIF stock assessment, reference points have previously been based on catch history. This approach may be reviewed as more data becomes available.

Currently, no independent research is being done to allow for formal stock assessment of NIIF. The Norfolk Island Administration is keen to support appropriate research and analysis to establish more comprehensive understanding of the status, opportunities and challenges provided in the NIIF and related natural resources.

Developing relevant and effective trigger conditions requires clearly defined reference levels based on historical catch and other relevant information.

When a condition is triggered a review event needs to take place as part of effective risk-based fishery management.

An example would be if the fish size and age distribution in a finfish as recorded in the last three years has changed significantly from the preceding year.

A review event would look for correlations, not only with fishing effort and practices, but also with biological characteristics and environmental conditions. This is, effectively, an early warning that allows for proactive response by community-based fishery managers and stakeholders.