



CORPORATE POLICY STATEMENT NO. 39

ACCESS FOR COMMERCIAL FISHING

April 2016

1. OBJECTIVE

To ensure that access for commercial fishing through land managed by the Department of Parks and Wildlife (the department) is provided in ways that maintain conservation and heritage values and visitor amenity.

2. SCOPE

This policy provides guidance for access by commercial fishers through lands managed by the department where area-specific management plans do not exist. In general, the existing right of access will be maintained unless problems related to environmental degradation, unacceptable impacts to cultural heritage sites or values, or conflict with visitor access and use occur.

Access for the purpose of this policy refers to all activities relating to enabling commercial fishers to carry out fishing activities and therefore deals with accommodation issues as well as those relating to access for fishing and for transport of produce.

The policy applies to lands and waters managed by the department under the *Conservation and Land Management Act 1984* (CALM Act) and *Swan and Canning Rivers Management Act 2006* (SCRM Act).

3. CONTEXT

A significant proportion of the State's coastline is included in the conservation reserve system. This means that access by commercial fishers to fishing areas can be affected by the priorities for managing those reserves.

It is accepted that access through reserves is important to the fishing industry, however the CALM Act and the SCRM Act may give management priority to the protection of a reserve's conservation values, its Aboriginal heritage and culture, and its recreational use and appreciation by visitors. Access for commercial fishing will be managed so that it does not compromise these priorities.

It is recognised that some commercial fishing activity, including squatting, preceded the CALM Act. Such activity will be dealt with in area specific management plans as will future demands for access to reserves.

4. LEGISLATION

The department manages land in accordance with its legislative functions under the CALM Act, the SCRM Act and the *Wildlife Conservation Act 1950*. Other legislation relevant to access for commercial fishing through lands managed by the department

includes the *Fish Resources Management Act 1994* under which authorisation for commercial fishing is granted, the *Harbours and Jetties Act 1928* and the *Western Australian Maritime Act 1982*.

5. POLICY

- 5.1 Historic right of access for the purpose of commercial fishing will remain unless removed by way of a management plan prepared under the CALM Act or where the access is causing demonstrated environmental degradation, impacts to cultural heritage sites or values or conflict with access and use by visitors to the land.
- 5.2 Additional or new shacks and similar accommodation such as immobile caravans will not be allowed. Existing fixed accommodation and associated infrastructure will be dealt with according to the Government Policy for the Administration of Coastal Squatters Shacks.
- 5.3 Where there is a specific requirement for access to be provided or maintained for commercial fishing only, those fishers benefiting from provision of that access will meet the expense in cost or kind. If a track is not used for a significant period (in the order of five years or more), the department may consider closing and rehabilitating it after consultation with the fishing industry.
- 5.4 Commercial fishers will use facilities provided for the public where they exist and conditions of use applying to the public, such as camping fees and length of stay, will apply.
- 5.5 The establishment and use of campgrounds for use by commercial fishers that are not designated for public recreational camping will only be permitted if:
- (i) it is provided for in a management plan, and
 - (ii) there is funding available to establish and maintain the campground, and
 - (iii) there is poor road access that makes travel to and from a site excessive on a daily basis, and
 - (iv) there are no designated camping sites within reasonable proximity, and
 - (v) the Department of Fisheries and the Western Australian Fishing Industry Council (WAFIC) substantiates that it is necessary for the fishers to stay overnight on site.

A camping fee may be charged.

- 5.6 All relevant regulations in the Conservation and Land Management Regulations 2002 (CALM Regulations) must be abided by.

6. POLICY IMPLEMENTATION STRATEGIES

- 6.1 Access to national parks and nature reserves will continue to be according to a permit system by which conditions applying to access are set by the relevant Regional or District Manager. Non-compliance with those conditions will be a justifiable cause for removal of permission. For nature reserves, CALM Regulations 44 and 46 apply; for national parks, regulations 5, 9 and 36 apply.

- 6.2 Vehicles used for transport of produce or in commercial fishing operations will be required to meet the requirements of the *Road Traffic Act 1974* or be registered under the *Control of Vehicles (Off Road Areas) Act 1978* and require the approval of the relevant Regional or District Manager.
- 6.3 To minimise conflicts at camping sites, areas for commercial fishing operators will be separated from areas for other visitors where practical.
- 6.4 Standards will be set by the relevant Regional or District Manager regarding the appearance, hygiene and tidiness of camping sites occurring on land managed by the department. Fire management, visitor risk management and safety matters will also be considered when reviewing commercial fishing access and activities.
- 6.5 In addressing any conflicts, non-compliance with conditions or any other fishing access related issues the department may refer matters to the Department of Fisheries and WAFIC for advice and consideration.

7. CUSTODIAN

Director Parks and Visitor Services.

8. PUBLICATION

This policy will be made available on the department's website and intranet.

9. KEY WORDS

Commercial; fishers; fishermen; access; parks; reserves; camping.

10. REVIEW

This policy will be reviewed no later than April 2021.

11. DIRECTOR GENERAL APPROVAL

Approved by



Jim Sharp
DIRECTOR GENERAL

Effective date: 22 April 2016