The approach

The Ordinance and Exemptions were drafted following more than 10 years of research and community consultation and seek to balance the need to protect fish stocks and aquatic resources with community expectations.

After hearing from more than 150 residents during on-island consultations on the initial proposed rules last year, the revised new rules are now available here.

The new rules take into account the specific circumstances of Cocos (Keeling) Islands (CKI) fishers, and will be reviewed in 2023, taking into account the latest science and community input. The isolated nature of CKI and limited opportunities for stock recruitment from neighbouring reef systems, means that the fish stocks at CKI, particularly demersal species, are highly vulnerable.

Taking this into consideration, and that seafood is a primary source of protein for the community, it is important that a conservative management approach is adopted to sustain fish stocks. If they are over-fished,
there may not be sufficient residual stocks to reproduce and sustain populations capable of supporting ongoing fishing.

Studies undertaken by WA Department of Primary Industries and Regional Development’s Fisheries (WA Fisheries) began in 2006 and have included underwater visual surveys, diver operated video surveys baited remote underwater video surveys, environmental surveys, biological sampling and catch composition, acoustic tagging and eDNA (environmental DNA obtained from samples). Studies have explored species composition, distribution and abundance and whether stocks rely on local recruitment or periodical recruitment from elsewhere. The science is used to inform management decisions. As further information is collected, and if evidence demonstrates there is a change in fish stocks, the new rules will be amended.

A demonstration of this can be seen in the management of passionfruit coral trout. When WA Fisheries commenced research on fish assemblages, coral trout were in very low abundance within the lagoon. Recognising these species rely on the local resident stock for replenishment and are vulnerable to over-exploitation it was proposed these species be totally protected. In recent years following very good recruitment of juvenile fish, the population of coral trout has increased in the lagoon. It is now proposed to allow each person a daily bag limit of two passionfruit coral trout per day. Monitoring of coral trout abundance also demonstrated that many fish only have successful spawning and recruitment events every few years which may be influenced by environmental conditions.

As further information is collected, and if evidence demonstrates there is a change in fish stocks, the proposed new rules will be amended.

The Australian Government is working in partnership with the WA Fisheries, to continue studies of local fish stocks. The Australian Government proposes to establish Community Reference Groups (CRGs) to involve local people on CI and CKI. These CRGs will provide a practical and local avenue for a range of projects going forward.

The new rules will then be reviewed in 2023, taking into consideration the latest science.

Exemptions and totally protected species

Along with the Ordinance, commercial and recreational fisheries can be managed through licences, management plans, subsidiary legislation, or Exemptions. Different management tools will be used depending on the application. Taking into account recent consultation with the community, the Australian Government proposes to put in place the following exemptions:

1. Take of passionfruit coral trout – permitting a small number of passionfruit coral trout to be taken.
2. Cultural allowances – to allow fishers to take additional fish for times/events of cultural significance.
3. Community fishers – in recognition of historic fishing practices, designated community members will be able to apply to sell locally caught fish, without having to hold a commercial fishing licence, providing:
a) All recreational fishing rules are complied with, including recreational gear restrictions, no take of protected species, and no fishing in closed areas;
b) The amount of fish taken would be restricted to recreational bag limits;
c) Fish taken would only be able to be sold locally; and
d) Fishers will be required to complete and submit records of all catches.

There is a bag limit of 40 per person per day for gong gong. The Australian Government will also be asking the CKI community to report their catch to contribute to important research and the sustainability of the fishery. Further details will be provided in the near future.

Why manage things through Exemption?

Exemptions are generally used for short term management. Administratively, they are quicker to adjust, refine or amend compared to other legislation. It was considered appropriate to use an Exemption to manage coral trout as a precautionary approach. The number of passionfruit coral trout have been low in the past. However due to the apparent recovery in fish numbers, the intent is to allow for a small number to be taken by way of Exemption until longer term data is available to inform a more permanent solution. Cultural allowances and permitting community commercial fish sales is a unique proposal and has never been done before on the mainland. As such, these may need to be adjusted or refined as we learn more about how the framework works in practice.

Totally protected species

Due to remoteness and the information currently available, decisions about fish management are risk-based. That is, fish that are generally considered at higher risk (due to biology, history, movement or fishing pressure) will have a more precautionary daily bag limit, or be listed as totally protected.

Notwithstanding this, there are two listed fish that have been subject to further consideration – passionfruit coral trout, as outlined above, and sharks. Originally it was proposed that all shark species be protected at CKI however, after further consultation with the community and taking into consideration the impacts of shark depredation on hooked fish, it is no longer proposed that all shark species be protected. Iconic species like Whale Sharks will still retain total protection status.

The supporting data

Further information including scientific data, and the Draft Ordinance and Exemptions (which outline the proposed new rules) are available on the Department of Infrastructure, Transport, Regional Development and Communications website. For further information, Please contact WA Fisheries by emailing
IndianOceanTerritories@dpird.wa.gov.au or the Department of Infrastructure, Transport, Regional Development and Communications by emailing IndianOceanTerritories@infrastructure.gov.au