Australian Marine Conservation Society

By email:

fisheries.policies@aff.gov.au

To whom it may concern,

**Re: 2023 Commonwealth Fisheries Policy Reviews**

Thank you for the opportunity to comment on the 2023 Commonwealth fisheries policy review discussion paper.

The Australian Marine Conservation Society has a history of engagement with Commonwealth fisheries management and contributed to the development of Harvest Strategy Policy (HSP) and Bycatch Policy (BP). These frameworks introduced important concepts and objectives to the management of Commonwealth fisheries, though it is increasingly clear that they are in need of substantive review. Particularly, they are no longer fit to address the challenges associated with multi-species fisheries management, the declining trajectory of key fishery stocks, a lack of progress in rebuilding overfished and Conservation Dependent stocks, and the uncertainty associated with rapid climate change.

Many of these challenges would have been substantially addressed or advanced had Commonwealth fishery managers paid sufficient attention to implementing the elements of the 2006 Ministerial Direction that were additional to the instruction to develop Harvest Strategies and Bycatch management plans. Most notably:

*"Enhance the monitoring of fishing activity, for example through increased use of vessel monitoring systems with daily reporting, on-board cameras, and observers"1*

Observer coverage has remained well below levels that could provide reliable estimates of TEP interactions, bycatch and discarding, and benthic interactions in many Commonwealth fisheries. Key challenges with stock rebuilding and Ecological Risk Assessment are directly attributable to this ongoing failure.

While there are plans for implementation of electronic monitoring across Commonwealth fisheries, we note with particular concern the failure of AFMA to effectively implement the above requirement since 2006; it is critical that review of

[1] Commonwealth, *Gazette: Special*, No S234, 20 December 2005.

HSP and BP focuses on ensuring effective and timely implementation, and immediate action upon acquisition of reliable bycatch and discarding data.

Please find our detailed comments below, under headings associated with the online survey questions.

For any further queries do not hesitate to contact me.

Regards,

Adrian Meder,

Sustainable Seafood Program Manager

Australian Marine Conservation Society

## Are the Harvest Strategy Policy's scope, objectives and requirements clearly defined and explained?

Yes

## Is the Harvest Strategy Policy's objective (see page 6 of the Harvest Strategy Policy) fit for purpose?

No.

While the HSP objective prioritises 'ecological sustainability' in wording:

*"The objective of the Harvest Strategy Policy is the ecologically sustainable and profitable use of Australia's Commonwealth commercial fisheries resources (where ecological sustainability takes priority)—through implementation of harvest strategies."2*

..actual application of the HSP has consistently, in key fisheries, prioritized profitability over ecological sustainability with the effect that profitability itself is being severely impacted and fisheries are relying on taxpayer support. Indeed, in the example of the multispecies SESSF Commonwealth Trawl Sector, a second multimillion dollar taxpayer fleet rationalization3 has been required (following a ~$50 million buyout in 2006, at the time of the Ministerial direction that led to the HSP's development in the first instance4). This can not be said to be delivering, as required under the Fisheries Management Act 1991:

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[2] Department of Agriculture and Water Resources 2018, *Commonwealth Fisheries Harvest Strategy Policy*, Canberra, June. CC BY 4.0.

[3] https://www.agriculture.gov.au/agriculture-land/fisheries/domestic/south-east-trawl-fishery-sap Accessed 18/10/23

[4] https://parlinfo.aph.gov.au/parlInfo/download/media/pressrel/KLAI6/upload_binary/klai62.pdf;fileType=application%2Fpdf#search=%22media/pressrel/KLAI6%22 Accessed 18/10/23

*"maximisation of net economic returns to the Australian community from the management of fisheries."2*

Further evidence of this failure to action 'ecological sustainability' across Commonwealth-managed fisheries is found in the stalled progress in stock rebuilding across Commonwealth-managed fisheries since around 2018[5]; but perhaps most notably in the SESSF in:

- the failure of Conservation Dependent species' rebuilding strategies to meet their rebuilding targets (with orange roughy, blue warehou and school shark being subject to overfishing again in 2021-227), often driven by overemphasis on industry interests, inadequate monitoring and accounting of discard mortality; and the likelihood that in coming years more SESSF stocks will be listed than will recover off Conservation lists;

- the failure of managers to reduce the Eastern Zone Orange Roughy TAC in line with the scientific recommendation after previous stock assessments were found again to be flawed, in part based on industry representations over profitability, willingness to pay for data collection and market perceptions[6], such that catch in 2021-22 was 58% in excess of the Recommended Biological Catch[7]; and

- the failure of the HSP to adequately consider climate change impacts on fishery productivity, but perhaps more importantly in reference point and TAC determination settings.

The SESSF should be eastern Australia's most important source of sustainable, domestically caught finfish, but this value to the Australian community has not been respected. Instead, prior to the implementation of the current HSP in 2017:

*"Historically overfished species (Eastern Gemfish, School Shark, Blue Warehou and most recently Redfish) have shown little sign of recovery despite over a decade of the lowest catches on record resulting from significant management changes under relevant rebuilding strategies (including bans on targeting, implementation of industry driven avoidance measures, and implementation of spatial closures). The overfishing and subsequent recent recovery of the eastern Orange Roughy stock over the last two decades is well documented – but it is an exception."8*

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[5] Patterson, H, Bromhead, D, Galeano, D, Larcombe, J, Timmiss, T, Woodhams, J and Curtotti, R (2022) *Fishery status reports 2022*, Australian Bureau of Agricultural and Resource Economics and Sciences, Canberra. CC BY 4.0.https://doi.org/10.25814/gx9r-3n90.

[6] AFMA (2022) Southern and Eastern Scalefish and Shark Fishery Resource Assessment Group (SESSFRAG) Chairs' Meeting 2022 Meeting minutes, 27-29 April 2022

[7] Butler, I, Patterson, H, Bromhead, D, Galeano, D, Timmiss, T, Woodhams, J and Curtotti, R (2023) *Fishery status reports 2023*, Australian Bureau of Agricultural and Resource Economics and Sciences, Canberra. CC BY 4.0.

[8] Knuckey, I., Boag, S., Day, G., Hobday, A., Jennings, S., Little, R., Mobsby, D., Ogier, E., Nicol, S. and R. Stephenson (2018). Understanding factors influencing under-caught TACs, declining catch rates and failure to recover for many quota species in the SESSF. FRDC Project No 2016/146. Fishwell Consulting, 2018. [CC BY 3.0] 164pp.

In 2023, even the 'exception' of Eastern Zone orange roughy has been found to have its recovery seriously overestimated and is predicted to undergo a period of sustained decline7.

The HSP strategy objective is insufficiently precautionary and does not explicitly recognize uncertainty. Failure to manage uncertainty in a precautionary manner is in our view intrinsically linked to the South East Trawl Fishery buyout currently underway.

Are the requirements of the Harvest Strategy Policy appropriate to achieving its stated objectives in the current operating environment for fisheries management?

No.

Limit Reference Points (LRPs) are set dangerously low for most stocks, particularly for finfish fisheries, and given the context of rapid climate change and associated uncertainty.

There are no prescriptive, time-bound rebuilding arrangements to guide stocks from LRPs towards Target Reference Points (TRPs). In our view this is a key driver of the ongoing sub-optimal status of key fish stocks and secondary consequences for harvesting remaining healthy stocks.

While the 'MEY' TRP proxy of 0.48 B0 applied across most Commonwealth-managed stocks provides a somewhat arbitrary but certainly beneficial resilience 'buffer' above MSY (which assumes static environmental conditions – the only state we know is not occurring), the MEY TRP concept has proven not realistic in many Commonwealth fisheries, and not attainable under current HSP and BP arrangements.

Resilience in fish stocks to fishing and non-fishing stressors – particularly the uncertainty around them - must become the primary factor in setting Harvest Strategy reference points. Failure to ensure ecological resilience is manifesting as the key long-term issue facing our fishery resources and industry.

All reference points in Commonwealth fisheries require substantive review in a context where optimizing fishery harvests and resource access is no longer the key short- and medium-term challenge. Rebuilding fishery productivity and avoiding potential fishery failure and costs associated with creating new TEP species (and avoidance challenges) must become the priority.

Do you think the requirements of the Harvest Strategy Policy are able to be implemented?

No comment.

## Bycatch policy

Are the Bycatch Policy's scope, objectives and requirements clearly defined and explained?

Yes.

### Is the Bycatch Policy's objective (see page 10 of the Bycatch Policy) fit for purpose?

No. The Bycatch Policy objective must explicitly include robust monitoring of bycatch. The objective must also explicitly include ensuring strong rebuilding of TEP and overfished bycatch species.

### Are the requirements of the Bycatch Policy appropriate to achieving its stated objectives in the current operating environment for fisheries management?

No. The bycatch policy applies a high-knowledge-requirement, approach that there is little ability – and scant apparent desire from industry given the associated cost – to satisfy:

> *"No general bycatch species should be exposed to any greater risk than that faced by a commercial species managed under the Harvest Strategy Policy. Both the Bycatch and Harvest Strategy policies apply the same test that species should not be exposed to an unacceptable risk of recruitment impairment."*

This approach could only be considered appropriate for bycatch species where up-to-date, robust stock assessments are available (ie some byproduct and secondary species). For any other species, it is entirely inappropriate to apply the 'same test' as applied to commercial species; as this fails to acknowledge the relative lack of monitoring and information collection for most bycatch species and associated elevated risk.

The current operating environment is one where overfishing, underinvestment in or incapacity to collect robust discard estimates, and poorly managed climate change impacts are turning former target and secondary species (e.g. redfish, blue warehou, potentially jackass morwong) into TEP species. The reverse transition – recovery of TEP and overfished bycatch species to TRP levels – has clearly not been as evident under HSP and BP management arrangements.

### Do you think the requirements of the Bycatch Policy are able to be implemented?

No.

A bycatch management approach that treats data-poor, under-researched and under-scrutinised byproduct, discard and TEP species as subject to the same decision-making framework as commercial species is destined to fail, as it is currently failing3.

The current decision making framework as demonstrated by the application of the current HSP and BY is failing to rebuild former target species, struggling to manage even 'tier one' target species in the context of climate change; and has 'lost the signal' altogether for many 'tier four' species that are at least subject to regular stock assessments. Primary performance indicators are failing to provide reliable information (as in the SESSF) to support management8. This approach cannot be expected to deliver better results for bycatch than it has been delivering for target and secondary species.