



**Commonwealth Fisheries Association  
response to**

**2023 Commonwealth fisheries  
policy review discussion paper**

**17 November 2023**

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## 1. Introduction

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The CFA welcomes the opportunity to review the Commonwealth Harvest and Bycatch policies, which if appropriately managed, will underpin the ecological and economic sustainability of the Australian commercial fishing sector.

Please note that this submission represents the views of all CFA members and also has the full endorsement of Seafood Industry Australia.

Transparency and accountability must underpin any changes to the HS and Bycatch policies to ensure we make the most of this opportunity to improve the policies and do not end up with unintended consequences. The HS review process provides an opportunity to reform current fisheries management to be more flexible and adaptable to account for climate-driven shifts in fisheries productivity and distribution. This shift is what is needed to help to reduce, or even reverse, some of the negative impacts of climate change on the commercial fishing industry. Underpinning this is the need to account for non-commercial fish mortality and improved inter-jurisdictional uniformity and coordination in fisheries management.

New policies should be consistent with the rights of the commercial fishing sector and encourage confidence and new investment needed to meet the many challenges faced, both environmental and commercial. Without balance, we risk decline in the commercial fishing sector.

This submission comments on high-level issues and recommendations, in addition to making some relatively minor proposals. We draw on our members expertise and specifically relevant experience in Commonwealth fisheries in doing so. Our objective is to highlight the key issues and seek government commitment to them and to engage in a process of consultation and negotiation to further develop changes and adaptations to the policies.

The CFA emphasises that not all submissions to this review should be read with equal priority. Comments and suggestions from those working more closely in Commonwealth fisheries should be given a higher weighting, given these policies are primarily applied to Commonwealth fisheries.

We would also appreciate seeing the government making a stronger effort to reassure the public of the sustainability of fish stocks and the achievements of the Australian commercial fishing industry in being custodians of Australia's natural marine resources. We need to change the perception of 'an industry that takes' (over fishing as a public bad) to 'an industry that makes fish' (sustainable catching as a public good), sharing the benefits with the community. The commercial fishing industry are contributing to several UN Sustainable Development Goals that the Australian government should recognise and promote.

We note that the discussion paper refers to a 'broader consultation process' to inform the review and targeted workshops with key stakeholders. The CFA seeks further clarity and detail on the timeframes of these processes and inclusion in the ongoing consultation process with government.

CFA also notes the generic nature of this initial consultation process and highlights the need for further technical workshops with industry and others with technical expertise to undertake trial fishery assessments at a late HS draft stage if significant changes to the Harvest Strategy are proposed.

**Recommendation 1: Technical workshops with industry and others with expertise to be undertaken to trial fishery assessments at a late HS draft stage if significant changes to the HS are proposed.**

## 2. Summary of recommendations

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The CFA seeks government commitment to:

- Recommendation 1:** Technical workshops with industry and others with expertise to be undertaken to trial fishery assessments at a late HS draft stage if significant changes to the HS are proposed.
- Recommendation 2:** The scope of the HS should be widened to include non-commercial fishers.
- Recommendation 3:** Fisheries Harvest Strategy Policy to provide clearer guidance about how and when the 'precautionary principle' should be applied to decision making.
- Recommendation 4:** Develop and adopt standard protocols for the implementation of multi-year TACs.
- Recommendation 5:** Commonwealth government to develop case studies to assess the capacity of the HS system to take a more flexible and co-management approach.
- Recommendation 6:** Commonwealth government initiate regulation reduction scheme across jurisdictions and supporting co-operative management.
- Recommendation 7:** All users to pay for the cost of fisheries management, including both recreational and commercial sectors.
- Recommendation 8:** Commonwealth and State jurisdictions to apply a more systematic approach to the collection of non-commercial fishing data to account for non-commercial sources of mortality, including the introduction of enhanced education and enforcement systems.
- Recommendation 9:** Alternative multi species approaches to stock assessments/ management should be used with HS methodologies that take into account that we are not going to be able to assess or have detailed data for each species.
- Recommendation 10:** Ecosystems-based fisheries management (EBFM) approaches to be further developed in all Commonwealth fisheries Harvest Strategies.
- Recommendation 11:** AFMA Commission, RAGs and MACs to be provided with training regarding agreed HS risk assessment methodology approaches and the application of the precautionary principle to fisheries management decisions when accounting for climate variability.
- Recommendation 12:** Develop and agree on a framework to allow flexibility to vary from a harvest strategy under clearly specified exceptional circumstances.
- Recommendation 13:** AFMA/DAFF to develop an emergency response capability to maximise the speed and flexibility of fisheries management responses.
- Recommendation 14:** AFMA/DAFF to develop more effective cross jurisdictional management co-ordination to improve adaptation to climate change events.

## SUBMISSION RESPONSE

### 2. General

#### HS Definition:

- The Harvest Strategy (HS) definition should be broadened generally to encourage a more flexible approach to setting harvest rules for the fishing industry.
- The term precautionary principle needs to be more clearly defined to better clarify its understanding and avoid bias in its application. The way that it is currently used, invoking the ‘precautionary principle’ due to a variable change seems to assume that the change will be a decline or negative impact on fish stocks, but a change could mean the opposite.
- In the Bycatch policy, encounters between bycatch and fishing operations should not be included under the definition of an interaction unless there is harm or stress caused as this will risk causing significant unintended consequences for industry. The definition of an interaction needs to be amended to incorporate this point. Definitions that verge away from the accepted meaning of ‘bycatch’ should be avoided.

#### Scope:

- The wording of both policies needs to be strengthened to better reflect the Commonwealth government’s expectations of cooperation and collaboration from state fisheries jurisdictions, in particular - to develop and enhance co-operative management arrangements.
- The HS policy states the impact of non-commercial fishers will be considered when applying the policy, but it does not say how that can be achieved.
- The scope of the HS should be widened to include non-commercial fishers. Addressing all sources of mortality is essential to sustainable management of fisheries. Relying on a national Code of Practice for recreational fishers seems discriminatory and completely at odds to the heavy regulation placed on the commercial fishing sector in terms of fisheries management and bycatch mitigation. It is widely understood that recreational fishing has a significant and direct impact on certain Commonwealth fishery stocks. Integration of recreational fishing (RF) into harvest strategies is necessary to account for catches that can equal or exceed commercial catch for some key species and to address biological and experiential objectives of the RF sector. Failure to do so puts sustainable management goals and legislated state and Commonwealth fisheries requirements at unacceptable risk.

#### Objectives:

- We appreciate that in government, there is a direction to consider ESD in the implementation of policy documents but emphasising ‘ESD’ as the Bycatch policy’s primary objective introduces bias by citing only one objective of fisheries management and is also not consistent with the relevant Fisheries Management Legislation. For example, CFA would prefer the first objective of any fisheries policies to be consistent with Section 3(1)(a), which could read:
 

*‘The Bycatch Policy aims to minimise fishing-related impacts on general bycatch species in an efficient and cost-effective manner consistent with the principles of ecologically sustainable development (ESD) and with regard to the structure, productivity, function, and biological diversity of the ecosystem.’*
- There is a need to develop more adaptive arrangements to fish harvest strategies that help to address wider ecosystem dynamics across individual fisheries and facilitate greater flexibility and resilience for the fishing industry to climate and economic challenges. This should be reflected in the objectives.
- Harvest strategies must integrate the objectives of all fishing sectors to ensure success, yet the objectives of recreational fishers are not included or well understood.

**Recommendation 2: The scope of the HS should be widened to include non-commercial fishers.**

### 3. Balancing risk, cost and catch.

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#### ***Perfect knowledge and application of the precautionary principle***

The Australian commercial fisheries sector needs a collaborative government approach to policies and programs that drives profitability and competitiveness in a way that supports ESD principles.

- The National Fisheries Plan talks of growth but while other sectors may be growing (marginally) the commercial fishing sector is in fact shrinking. This is not addressed in the NFP or these policies.
- There is a need to define the right balance between risk, cost and catch. The cost of managing fisheries through increased uncertainty may see costs of management become disproportionate with respect to the value of some individual fisheries. This will result in levies being unable to be paid and government agencies unable to bridge the gap within the current budgetary arrangements. It is therefore critical that management costs are balanced with an equitable allocation of fishing opportunities and more flexible attitude to risk that will allow for fisheries to operate whilst managing fisheries at sustainable levels.
- Risk-based assessments (including independent risk assessments) should be expanded, as good fisheries management decisions do not require perfect and complete knowledge, which is very expensive to obtain even if available.
- Scientists and fisheries managers will always be faced with uncertainty and risks, yet decisions must be made. The 'precautionary principle' is often invoked by decision makers to offset risk and uncertainty, but widely varying approaches to caution can lead to undesirable consequences. The potential is for new risks to industry as fisheries managers take the 'precautionary principle' to an extreme to compensate for imperfect information. Its use is fraught with ambiguity, and as industry usually pays for its application, the definition and application of the 'precautionary principle' should be clearly stated and how it is intended to be applied to fisheries management decisions.
- Assessment and reporting on the status of fish stocks by ABARES seem to have become extremely risk-averse and are not recognising improvements. The risk appetite in ABARES seems much lower than reasonable and different to the risk appetite in AFMA and RAGs/MACs, as well as internationally. These are very recent changes in ABARES that require an explanation to all stakeholders. The ABARES Fisheries Status Reports are the public face of Australian fisheries management and policies, which need to be assessed carefully against international and other Australian natural resource standards.

***Recommendation 3: Fisheries Harvest Strategy Policy to provide clearer guidance about how and when the 'precautionary principle' should be applied to decision making.***

#### ***Improvements can be gained through having more flexibility and co-management approach.***

The Northern Prawn Fishery (NPF) is the highest valued Commonwealth managed fishery and generated \$118 million in gross value of production in 2018–19. AFMA successfully manages the fishery through a co-management arrangement with a collective of industry participants known as NPF Industry Pty Ltd (NPFIL). NPFIL are responsible for implementing and reporting on some components of the NPF Harvest Strategy. This is an excellent example how a co-management approach can be used to effectively find a better balance between risks, cost and catch which could be replicated in other fisheries.

More flexibility is needed in HS to enable more efficient fishing, so that in appropriate circumstances, fishers can maximise their cost efficiency. Some potential improvements include:

- Multi-species fisheries can experience a pulse event where over-abundance of a species occurs. This can result in fishing being suspended as there is insufficient quota within the allocation to allow fishing to continue to target remaining species. To address pulse events, the HS should allow for in-season quota adjustment, or adoption of multi-year TACs to fit environmental circumstances across seasons. This is to capture the economic benefit of not having to stop fishing and potential discarding during a pulse event that would be non-harmful to the biomass of the stock.
- Where an expensive harvest strategy is unavailable there should be an acceptable process initiated to consider the risk profile of a fishery in its current state compared to previous years, allowing the risk profile of fish stocks to be compared through time. For example, comparing catch rates, stock status, environmental influences, and fishing pressure as an assessment of the risk profile. If the risk profile changes, then does this offer an opportunity for a more flexible and adaptive approach to reducing regulation and/or taking more of a co-management type approach? If so, what are the preconditions and processes for co-management?
- Having less focus on timeframes to rebuild stocks in Harvest Strategies and placing more focus on which direction a species is heading (depending on the fishery), i.e., the stock is either building or declining.
- There needs to be clear guidance on whether setting a TACC is required for shared international fisheries. For example, where a sector's catch is only a small percentage of the global stock, such as bigeye tuna. The current process requires a significant investment in research to collect and analyse data to provide the Resource Advisory Group with information to determine and make a recommendation of the TACC based on arbitrary fishery indicators. This makes no sense in this situation as regardless of the Australian catch this catch volume cannot affect the international stock because the Australian percentage of catch might only be 2% of global biomass. In this type of scenario, there will be no impact on the MSY of the fishery stock and the default position should be to the catch levels set by the regional fishery management organisation. Considering climate change information when setting a TACC for shared international fish stocks must fall into the same context.
- Technological advancements may make large scale monitoring feasible in future, though it will likely still require government investment. Such an investment and data management need to be consistent across regulatory agencies (State and Commonwealth) and must benefit industry, who are globally turning to digital data services and analytics to improve fishing efficiency.
- Enhanced ecological monitoring is required to better understand marine systems and this in turn, should be used to inform harvest strategies. There is a higher percentage of public good in this type of monitoring and it needs to be funded by government. This also requires investment in innovation for data collection and monitoring.

***Recommendation 4: Develop and adopt standard protocols for the implementation of multi-year TACs.***

***Recommendation 5: Commonwealth government to develop case studies to assess the capacity of the HS system to take a more flexible and co-management approach.***

### ***Cost recovery and removing regulation burden on industry.***

CFA's view is that more could be done to improve the administrative efficiency and cost-effectiveness of fisheries management. This could include more industry self-management in cost recovered fisheries to help reign in agency costs. Some commercial cost recovery issues remain that are very hard to resolve but that does not mean that more effort should not be made to ensure the cost recovery of fisheries management is equitable.

- CFA seeks a government commitment as part of this review, to undertake a comprehensive analysis of the regulatory impact of the HS and Bycatch policies as a catalyst for identifying and removing any redundant or duplicate rules and regulations, and more importantly, commit government to removing them.
- All users should pay for the cost of fisheries management. Cost recovery from both recreational and commercial sectors ensures appropriate economic signals are being provided and funding is available for necessary scientific assessments and management arrangements.
- Cost recovery is largely driven by data requirements. There needs to be a dedicated focus on determining what data is required to deliver on cost effective fisheries management and what legacy data collection can be removed.
- A significant number of Commonwealth fisheries are MSC certified to world's best practice. With AFMA providing information to underpin some aspects of MSC certification, does this open up opportunities in the HS review to save costs and reduce regulation by extending recognition to support non-regulatory approaches or remove duplicate activities through some form of recognition of equivalence? If so, this should feed into ABARES reporting also.
- The rate of change in regulatory environment is failing to keep pace with external changes in the fisheries management system. Quicker, and more adaptive responses are needed to assist Government and industry to respond to environmental events and impacts as they occur in real time.

- ***Recommendation 6: Commonwealth government initiate regulation reduction scheme across jurisdictions and supporting co-operative management.***
- ***Recommendation 7: All users to pay for the cost of fisheries management, including both recreational and commercial sectors.***

## **4. Reference points**

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- There is no evidence to support broadening the economic objective of the Harvest Strategy Policy to consider the economic interests of non-commercial sectors in the absence of regular and consistent measuring of the performance about the total extractions, including from state commercial and recreational fishers. The current HS system lacks credible evidence and data on this, and any future policy must address this need. The inclusion of non-commercial fisher's economic objectives in the HS would leave commercial fisheries at risk of a poor management response that could inadvertently shift a higher allocation of catch shares away from the well monitored and managed commercial sector by default, due to the lack of total extraction data and application of precautionary principle (again) from other competing sectors.

- These are broader policy questions not well suited to the fishery-by-fishery approach to development and implementation of specific harvest strategies.
- Whilst reference points are important and used globally in fisheries management, AFMA should focus more on keeping stocks moving in the right direction (improvement) rather than on specific indication spots or status against reference points.
- The reference point approach can encourage an over-simplistic and often incorrect view that risks and benefits always change abruptly at certain thresholds, which is not usually the case. The use of reference points therefore should incorporate a high degree of flexibility and recognise that risk will not abruptly change at a specific reference point and that experience and common sense should also apply to their use and interpretation regarding fisheries management. This is especially important when identifying trigger reference points and the resulting management response.
- The use of simpler, more cost effective, and/or more direct indicators and performance measures of alternative management strategies need to be available to measure and respond to stock status.
- The CFA supports targeted trigger amendments as an appropriate structure, but it is unclear where the line in the sand is. It is important to recognise that reference points are only one part of the management system, based on experience to date and were always expected to evolve over time.

## 5. Accounting for all sources of mortality

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There is clearly scope for more effective cooperation between Commonwealth and state jurisdictions in the collection and use of fishing data. This would require cooperation and commitment by state authorities to do the research to demonstrate that they are not over-fishing and can be captured in technology advancements in data collection. If state authorities fail to do this, then this cost needs to be covered by Commonwealth as they are legislated to do this but surely this should be shared by states? If states co-operate, the Commonwealth will be in a much better position to take a co-operative management approach.

To achieve this, states will need to address the long-term issue of collecting mortality data from recreational fishers but issues with credibility of data will need to be addressed. This will require investment into education programs and local enforcement strategies for current and next generation fishers to ensure they understand the importance of data collection to meet the objectives of the HS – ecological sustainability. Failure to explicitly acknowledge this will undermine the credibility of the overall Harvest Strategy policy.

A more systematic approach to the collection of non-commercial fishing data to account for non-commercial sources of mortality would help to reduce conflict between different user groups and assist fishery assessments at the national and state level. Striped marlin and mako sharks are clear examples where recreational fishing is having a direct and significant impact on commercial fisheries and conservation of migratory species (sharks).

***Recommendation 8: Commonwealth and State jurisdictions to apply a more systematic approach to the collection of non-commercial fishing data to account for non-commercial sources of mortality, including the introduction of enhanced education and enforcement systems.***

## 6. Multi-species fisheries

Multi species approaches should be used with methodologies that take into account that we are not going to be able to assess or have detailed data for each species. The challenge of transitioning to multispecies management is that low data risk assessment will be needed as part of the process, but a multi-species management approach to overcome the limitations of current practices (typically single species catch limits or large spatial restrictions) should be allowable.

- CFA generally supports the use of indicator species in domestic commonwealth fisheries that are catching multiple species. This means avoiding the need to set catch limits for each of the species that are caught by the fishery individually, which is costly and difficult to monitor and manage. Assessing stocks together using an indicator species in a multi-species fishery can, however, be problematic. As it is currently used, there seems to be an assumption that there will be a decline in all fish stocks being assessed if there is a decline in one. In some cases, a change in one species could mean the opposite in another. Not every stock will be in decline.
- When ‘firm evidence’ is sometimes not available, it will be inevitable that a decision will require judgements based on risk assessment.
- The largest Commonwealth-managed multi-species fishery is the Southern and Eastern Scalefish and Shark Fishery (SESSF). In this fishery, almost a third of assessed stocks have fallen below reference points over the last two decades, targeted fishing has stopped, and the fisheries have stock rebuilding plans in place. Management interventions to rebuild stocks have included closures, incidental and significantly reduced TACs, effort buy-outs, and the reduction of companion TACs. After 20 years of efforts, however, it has become clear that some stocks may never recover. The cost of attempting to assess these collapsed stocks is not within the capacity of the SESSF and there does not appear to be any obvious method to assess fish stocks with little or no catch from fishing grounds that are now mostly closed. A better strategy might be to use the interventions listed above and the closure to fishing of habitat as a proxy for eventual biomass increase back to the limit reference point. This submission notes that the SESSF is undergoing its own fishery level harvest strategy review process.
- In multi-species fisheries, there are often technological interactions where fishing effort directed towards one quota species will normally result in a mixed catch of fish that may include other quota species. There needs to be more adaptable methods to in-season adjustment of TACs, or transition to multi species TACs to avoid ‘choke species’ leading to a loss of fishing opportunity. For example, this can occur when a fisher has quotas for all the species in a multi-species cohort they are catching but they get a spike (abrupt increase) in one particular species. This can mean that because they have no quota left for one species, it can stop them from fishing the other species that they still have quota for due to the discarding rules relating to the species that they have no quota left for.

***Recommendation 9: Multi species approaches should be used with HS methodologies that take into account that we are not going to be able to assess or have detailed data for each species.***

## 7. Ecosystem-based fisheries management and handling uncertainty

We need a new vision for marine conservation and fisheries management that moves beyond arbitrary targets and focuses instead on mainstreaming ESD towards more modern fish management zones and ecosystems-based fisheries management (EBFM). Effective fisheries management should be measured by recognising interactions across ecosystems and managing fisheries subject to environmental change rather than the traditional focus on one or several species and ignoring natural variability and changes due to climate change and regime shift between species.

- Changing abundance and/or distribution of target species and fisheries due to the impacts of climate change will likely lead to new interactions in locations not seen before. This will require the collection of different and more representative data, improved data collection using different indicators, and new methods of assessment that are not as rigid and single species focussed as the current policy and practices.
- Species that are strongly increasing or decreasing due to climate changes can create several issues. For example, such species can create a bottleneck restricting catch to a level that some areas become unfishable or TACs cannot be caught.
- CFA supports accounting for variability when developing the harvest strategy but there seems to be a narrative / culture and trend within fisheries management to increase the level of evidence needed and to assume that any variability is likely to be negative. This happens even if the overall stock productivity is good rather than seeing that the regime shift and the change in composition of populations also offers alternative opportunities. This type of assessment inevitably also depends on judgement by decision makers and the AFMA commission.
- There needs to be a reduction in the number of the old legacy checks and balances that fishers must complete to a more sensible level now that VMS, elog books and eCDRs are used. Examples include:
  - An analysis by the TTRAG has found that many of the data fields collected do not influence the CPUE standardisation model and there is no need for these items to be collected.
  - The comparison of logbook vs EM footage is expensive. In the GHaT, significant levied cost is incurred to understand the CPUE variance between logbook reporting and EM footage. This data, however, is not used for one of the two stocks (school shark) and is a minor input for the gummy shark tier-1 assessment. The harvest strategy requires data for it to operate and as such the provision of this data is part of the strategy. There is a significant levy efficiency on offer here within the harvest strategy if the volume of the review was reduced.
- Remove dynamic reference points and apply stock status unless a large amount of data suggests catch limits are too high. What is needed is a stock status based on an appropriate risk assessment over time unless there is firm evidence of decline. Otherwise, the use of dynamic reference points could lead to highly inflexible arrangements.
- Difficulties might be alleviated if some means was developed, other than time consuming and expensive monitoring approaches, which could lead to the certification of alternatives to a strict interpretation of the HSP. Alternatively, a wider range of acceptable harvest strategy objectives and control rules, such as the inclusion of an alternative strategy in the HSP, might achieve the same aim.

***Recommendation 10: Ecosystems-based fisheries management (EBFM) approaches to be further developed in all Commonwealth fisheries Harvest Strategies.***

***Recommendation 11: AFMA Commission, RAGs and MACs to be provided with training regarding agreed HS risk assessment methodology approaches and the application of the precautionary principle to fisheries management decisions when accounting for climate variability.***

## 8. Variability, regime shift and climate change

Climate change is altering the productivity and distribution of marine fisheries and is expected to reduce fisheries productivity globally. On top of this industry faces multiple cumulative challenges:

- Market /economic changes / failures.
- Increased and highly variable fuel and other operational costs (impacting MEY targets).
- Increased competition for marine resources; and
- Changing fishery dynamics and species distributions due to varying environmental conditions.

Climate change is affecting the frequency and intensity of extreme events. Impact events are being triggered in many fisheries (Northern Prawn Fishery, Eastern Tuna and Billfish Fishery, Torres Strait Rock Lobster, species in the Southern Eastern Scalefish and Shark Fishery) outside of that tested in Management Strategy Evaluations (MSE).

Some sensible and realistic reforms are urgently needed to create a more climate adaptive fisheries management regime that will help to mitigate some of the negative impacts that of climate change is having, and is anticipated to have, on the Australian commercial fishing industry and fish stocks.

### ***Climate change and need to better prepare for exceptional circumstances.***

Climate-adaptation objectives in the current HS and Bycatch policies and legislation are largely missing. There is a need to agree and document a more adaptive and consistent approach to improving Harvest Strategy requirements due to exceptional circumstances.

The scope of management approaches needs to be broadened to accelerate the move towards adaptive fisheries management that accounts for climate change and exceptional environmental and economic impacts on fish stocks and the fishing industry, including:

- Develop and agree on criteria and processes to allow flexibility to vary from a harvest strategy under clearly specified circumstances;
- Review MSE scenarios to better prepare for future exceptional circumstances – including recommending new scenarios for testing future HS; and
- Identify key research/policy gaps in need of future research to inform HS development e.g., bycatch and TEPS are likely to be highly sensitive to climate change effects, meaning there will be a need to understand how that interacts with any fishing effects.

***Recommendation 12: Develop and agree on a framework to allow flexibility to vary from a harvest strategy under clearly specified exceptional circumstances.***

***Recommendation 13: AFMA/DAFF to develop an emergency response capability to maximise the speed and flexibility of fisheries management responses.***

***Recommendation 14: AFMA/DAFF to develop more effective cross jurisdictional management co-ordination to improve adaptation to climate change events.***

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