Commonwealth Fisheries and Indigenous Engagement Section
Department of Agriculture, Fisheries and Forestry
70 Northbourne Avenue
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ACT

Commonwealth Harvest Strategy Review 2023

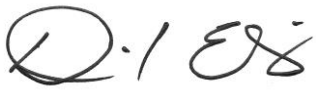
Tuna Australia is pleased to review the Commonwealth Harvest and Bycatch policies to underpin the ecological and economic sustainability of the Australian commercial fishing sector.

New polices should be applied appropriately and be consistent with the statutory fishing rights of the commercial fishing sector, encourage new investment to meet many challenges faced, and underpin fisheries economic and biological sustainability.

This submission focuses on high-level issues, but also makes some relatively minor proposals, based on many years' experience in the longline fishing sector. Our objective is to highlight key issues and seek government commitment to them and to engage in a process of consultation and negotiation to further develop the changes and adaptations to the policies.

We look forward to expanding on the points raised in our submission during targeted workshops with key stakeholders.

Yours Sincerely



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SUBMISSION RESPONSE

1. General questions

HS Definition

- The Harvest Strategy (HS) definition could be broadened generally to encourage a more flexible approach to setting harvest rules for the fishing industry. One example, on second dot point ….rules could read '*which can be adjusted from year-to-year,* depending on the biological condition of the stock and economic conditions of the fishery. The word 'adjusted' is unclear in this context.
- 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' seems to assume that there will be a decline or negative impact on fish stocks, but a variable 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. 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 policy states the impact of non-commercial fishers must be considered when applying the policy, but it does not say how that can be achieved. Addressing all sources of mortality is essential to sustainable management of fisheries.
- The wording of both policies needs to be strengthened to better reflect the Commonwealth government's expectations of cooperation and collaboration from state fisheries jurisdiction. Enhancing existing co-operative management arrangements must be a priority.
- For maximum effect, the scope of the HS should be broadened to include all forms of harvest that can have a significant and direct impact on fish 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

- There is a direction to consider and adopt ESD principles in the implementation of policy documents but emphasising 'ESD' as the Harvest Strategy's primary objective introduces bias by citing only one objective of fisheries management. Management must be consistent with ESD, but that is not its only objective. It is also not consistent with the Legislation.

The primary objective should be consistent with the *Fisheries management Act 1991*

> *'Implementing efficient and cost-effective fisheries management on behalf of the Commonwealth….in a manner consistent with the principles of ecologically sustainable development (ESD).*

- Harvest strategies and objectives must apply to all sectors harvesting fish for maximum effect.

2. Balancing risk, cost and catch.

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 discusses growth and while some sectors may be growing the commercial fishing sector is 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 management costs become disproportionate with the value of some individual fisheries. For example, the cost to manage the Eastern Tuna and Billfish Fishery (ETBF) compared with the Western Tuna and Billfish Fishery. This may 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.
- Contraction of fisheries and the number of vessels operating in a fishery shifts the economic and regulatory burden across fewer operators thereby increasing operating costs. This needs to be addressed in the harvest strategy as we have seen the ETBF fishing fleet reduced by approximately 100 vessels in the past 10 years.
- Scientists and fisheries managers will always be faced with uncertainty and risk, yet decisions must be made. The 'precautionary principle' is often invoked by decision makers to offset risk and uncertainty. However, broad application of this principle to address caution can lead to undesirable consequences. The potential for fisheries managers to apply the 'precautionary principle' is high to compensate for imperfect information. Industry usually pays for its application through cost recovery and there should be clear guidelines for the intended use to underpin fisheries management decisions.
- Stock assessments by ABARES, seem to have become extremely risk-averse and 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 and require an explanation to all stakeholders.

- 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.

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

More flexibility is needed in the HS to enable more efficient fishing so that in appropriate circumstances, fishers can maximise their cost efficiency. Some examples 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 must allow for in-season quota adjustment. 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.
- Less focus on timeframes to rebuild stocks in HS and more focus on which direction a species is heading, 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. In some circumstances where a sector's catch is only a small percentage of the global stock (e.g. Bigeye tuna), the current process requires a significant investment in research to collect and analyse data to provide the Tropical Tuna Resource Advisory Group (TTRAG). This information is used to determine and recommend a TACC for the AFMA Commission to consider, based on arbitrary fishery indicators. For Bigeye, the Australian catch the volume cannot affect the international stock because the Australian percentage of catch might only be 2% of the fish stock/biomass. Therefore the recommendation of a TACC is nonsensical. There is no impact on the MSY of the fishery stock and the default position should be to implement TACC levels set by the governing regional fishery management organisation. Considering climate change information when setting a TACC for shared international fish stocks must fall into the same context.
- Given that the TTRAG is unable to set a meaningful domestic TACCs for tropical tunas, it raises the question of whether a RAG is required. For example, there is no SBT RAG as the responsibility of setting a TACC for this shared international fish stock is the responsibility of the regional fishery management organisation the Commission for the Conservation of Southern Bluefin Tuna. The same situation exists for Tropical Tunas with the Indian Ocean Tuna Commission and the Western and Central Pacific Tuna Commission. Therefore, there should only be a management advisory committee (MAC) for tropical tunas, the same as southern bluefin tuna.
- Technological advancements may make large scale monitoring feasible in future, though it would 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. For example, the pelagic environment/habitat is 3-dimensional, and delivers water quality and nutrients that all other marine habitats depend on, yet the general understanding is based on satellite telemetry information. Ocean eddies are key habitat for pelagic fish and this area of research is poorly understood and funded.

Cost recovery and removing regulation burden on industry.

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.

- 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 as some legacy data collection continues just in case the data is required.
- A Government commitment is required as part of this review to undertake a comprehensive analysis of the regulatory impact of the HS and Bycatch policies. This will identify the removal of any redundant or duplicate rules and regulations, and more importantly, commit government to removing them.
- A significant number of Commonwealth fisheries are MSC certified to world's best practice sustainability standards. Are there opportunities for cost savings through some form of recognition of equivalence for duplicate activities?

3. Reference points

- There is no evidence to support broadening the economic objective of the Harvest Strategy Policy to consider the economic interests of non-commercial sectors, unless there is proportional economic commitment to benefits. The effect would be to increase uncertainty. These are broader policy questions not well suited to the fishery-by-fishery approach to development and implementation of specific harvest strategies.
- 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 often the case. The use of reference points should incorporate a high degree of flexibility and recognise that risk will not abruptly change at a specific reference point. Experience and common sense should apply to their use and interpretation regarding fisheries management. This is especially important when identifying trigger reference points and the resulting management response. For example, the use of trigger points in bycatch interactions (seabirds) needs to be closely examined. If an operator catches two seabirds in their first shot in a geographical band, they can be in breach of the seabird

TAP trigger. However, if they continued to fish for another 10 shots without catching more birds, they would not be.

- By-product trigger limits need to be removed from harvest strategies. In the ETBF, non-quota fish that are caught should not be subjected to reference numbers of fish or kgs as these fish are not targeted and should be retained. The consequence is that discarding of valuable protein will occur.
- The reliance on reference points also discourages consideration and use of simpler, more cost effective, or more direct indicators and performance measures, and of alternative management strategies.
- 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.
- Tuna Australia supports the implementation of in-season adjustment to TACCs based on detecting pulse fishing events.

4. Accounting for all sources of mortality

- 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.
- Commonwealth and state cooperation will result in greater will be in a much better position to take a co-management approach.

There is an urgent requirement for states to participate in the long-term issue of collecting mortality data from recreational fishers in a consistent format to ensure statistically robust data is collected and interpreted. This will require investment into sound and cost-effective collection methodology, education programs and compliance into the future to meet the objectives of the HS – ecological sustainability. This approach 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).

5. Multi-species fisheries

Multi species management approaches should be underpinned with methodologies that allow for data gaps 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 considered.

- When 'firm evidence' is sometimes not available, it will be inevitable that a decision will require judgements based on risk assessment and the precautionary principle.
- In multi-species fisheries, fishing effort directed towards one quota species will normally result in a mixed catch of fish that can 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, when a fisher has quota for all species in a multi-species cohort they are catching and get a spike (abrupt increase) in one particular species requiring them to expend all quota, this can stop them from fishing for other species that they still have quota for due to the discarding rules applying to the species that they can no longer catch.
- Tuna Australia supports in-season quota adjustment to allow for pulse fishing events. When there is over abundance of a species such as yellowfin tuna the fish can be considered a choke species.

6. Ecosystem-based fisheries management and handling uncertainty

A new vision for marine conservation and fisheries management is required that focuses on integrated ESD that adequately addresses uncertainty.

- Climate change information should be considered when setting a TAC for domestic Commonwealth fisheries. Where fisheries are shared international stocks, information must be provided by the regional fishery management organisation.
- Developing integrated assessment tools that encompass key habitat and environmental preferences that supports species must be a key focus.

7. Variability, regime shift and climate change

More adaptive responses will be required to cope with the many impacts climate change is having, and is anticipated to have, on pelagic fish stocks. Combined with the market /economic changes / failures, increased and operational costs (Impacting Maximum Economic Yield (MEY) targets); and changing fishery dynamics and species distributions due to climate change makes for a very uncertain future.

Climate-adaptation objectives in these policies and legislation are largely missing. There is a need to integrate climate change and potential impacts to improving the Harvest Strategy under 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. This has largely been done for swordfish and can be considered in this context.
- 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.