



**Commonwealth Fisheries Association
response to**

**Commonwealth Fisheries Policies Review
Draft Report 2024**

Submitted

19 December 2024

SUBMISSION RESPONSE

The Commonwealth Fisheries Association (CFA) appreciates the opportunity to provide additional input on the review of the Commonwealth Harvest Strategy and Bycatch Policies. This submission is our second response, and both submissions should be read together to cover all key points (refer to previous CFA submission 2023).

The CFA acknowledges the improvements made to the Commonwealth Fisheries Harvest Policy (HSP) and highlights the following proposed changes as generally positive and not requiring significant adjustments from fisheries. These changes also offer additional flexibility for future adaptations. For example:

- The retention of the B48 target reference point. Clarity that it is B48 as a target, rather than a proxy of $MSY*1.2$ would assist.
- Allowance for more flexibility in multi-species fisheries management.
- Recognition of the need for more flexibility in managing climate change impacts on fish stocks. For example, where climate change impacts fish stocks, stating that it is appropriate to change baselines.
- Recognition that new management approaches are being trialled.
- Recognition that stock decline may not be caused by (commercial) overfishing.
- Support for greater use and recognition of spatial and temporal tools.
- Regarding the proposal for a buffer on catch limits when data are poor, or uncertainty is increased. This could be further improved by addressing equity and sustainability of the current cost recovery system where further work is needed to assess other causes of mortality, including discards, and ensure that all 'users' or causes of mortality pay for and provide related management, research and data.

These policy decisions have garnered broad industry support. However, CFA has identified missed opportunities to add greater flexibility and clarity to the policies. Of the fourteen recommendations made by the CFA in our first submission, only a few have been adequately considered. This is disappointing given the extensive consultation process and effort our members undertook to provide detailed responses to the review process.

We note our disappointment at the proposal to remove the Harvest Strategy Guidelines, despite requests for clearer guidance about how the Harvest Strategy Policy (HSP) is to be interpreted by fisheries managers and researchers. Given the proposal to remove the guidelines we also seek clarity on the purpose/direction for FRDC Project 2021-135 (National Workshop for the Review of the National Guidelines to Development Fishery Harvest Strategies) being led by the NSW Department of Primary Industries and Regional Development.

Scientists and fisheries managers must make decisions amid uncertainties and risks and set a risk appetite only with the guidance of a high-level mention of the ‘precautionary principle’ in the Act. The ‘precautionary principle’ is frequently used to mitigate risk and uncertainty, but varied approaches can lead to unintended consequences. Extreme caution in the absence of adequate guidance introduces new risks to the commercial wild catch industry, which typically bears the ‘cost’ through reduced catches.

For example, ABARES’ assessment and reporting on fish stock status have become highly risk-averse, failing to recognise improvements that have been made and adopted by industry and the impact of poor coordination of data sharing and stock management between jurisdictions. ABARES’ risk appetite appears lower than reasonable and at times differs from AFMA’s and RAGs/MACs, as well as international standards. The definition and application of the precautionary principle should be clearly stated for fisheries management decisions with workable examples relevant to various scenarios in supporting guidelines.

If guidelines are to be provided at an individual fishery level as currently suggested, how will this be done and when? How is this possible at an individual fishery level? Who does the work and how will fishers be consulted? Some overarching principles are required.

Ongoing issues of concern include:

- Whilst the Implementation Committee highlighted the importance of ERAs, there is no acknowledgement in the Policy Review report that ERAs need to be conducted regularly to be useful (and thereby apply the precautionary approach).
- The need to account for cumulative/collective impacts, there is no recognition that this requires data from sectors other than the commercial sector. As the regulator, AFMA does not manage all species or possess cross-sector data, and therefore it is inappropriate for AFMA to account for all mortality sources. These limitations should be recognised in the Harvest Strategy Policy.
- Beyond accounting for all mortality sources, is it appropriate/necessary to include other sectors in a Harvest Strategy that is applied to Commonwealth commercial fisheries? There is no doubt that for some Commonwealth fishery sectors there is greater interaction with other sectors (e.g. SBT and recreational fishing take), but how they are incorporated into the HS needs consideration. A Harvest Strategy is not the place to resolve allocation issues. However, inclusion of other sectors does provide the opportunity to highlight inequities in attribution of costs, contribution to research and data collection on their catches.

- Despite discussions about data shortages, there are no proposed solutions for data collection or more equitable sharing of costs. Shared stock management requires contributions from all sectors and beneficiaries, not just the Commonwealth commercial fishery sector.
- Aligned to determining the source of required data must be the discussion on data confidentiality and access in accordance with Australian Government (incl. DAFF and AFMA) policies and guidelines.
- The removal of guidelines is controversial; while DAFF suggests they are unnecessary, AFMA must operationalise these policies. Fewer guidelines increase interpretative flexibility, potentially complicating matters for fisheries and AFMA. At a minimum, technical guidelines must be retained.
- Policies aiming to reflect a broader range of economic benefits for consumers, recreational, and First Nations fishers in biomass TRPs (BTARG) could be problematic depending on implementation details and arbitration.
- The HSP review findings section acknowledges that the lack of State and recreational data undermines the integrity of the HSP process but offers no solution (bottom Page 8).
- The draft HSP emphasises MSE, which is manageable only for large Commonwealth-managed fisheries (but not for smaller fisheries such as the GAB Fishery, Central Zone scallops, etc.) could become costly if management changes or HS needs MSE testing due to climate change impacts.
- If a schedule of fish species of importance is to be included in the Policy, how will the schedule be used by fisheries managers?
- The Policies state a need for increased focus on Indigenous engagement but do not specify at what level. The report mentions engagement at HS and BP development stages. For example, decision making should not be bogged down at RAGs, MACs etc.
- The Bycatch Policy calls for a 'definition of unacceptable risk' but does not provide any definition.
- The Bycatch Policy calls for increased transparency of reporting species-level data and ensuring reliable information to guide management decisions. Clarification is needed on what "ensuring reliable information to guide management decisions" means.
- Clarity on the use/purpose of bycatch data must be provided. It is acknowledged that there must be some level of monitoring of bycatch to deliver sustainability outcomes, but is this monitoring aimed at compliance or fisheries management decisions?
- Page 5 of the draft report refers to both the HS and BP Policy Guidelines, but the HSP report also states that the Guidelines are to be discontinued.
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- Page 8 of the draft report states that since 2018, the number of stocks assessed as overfished and/or subject to overfishing has increased, and no stocks managed under rebuilding strategies have robust evidence of recovery in line with the Policy objectives. The success of the recovery strategy developed for Southern Bluefin Tuna through the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and implemented in Australia by AFMA and industry should be recognised and celebrated. This statement should also clearly state that stock assessment results could be impacted by non-fishing related causes.
- Declines in fishing effort, catch efficiency (q) and available grounds due to offshore wind, oil/gas, other marine specie developers, marine parks, and fishery closures.
- The Commonwealth positioning itself as the last in line in that RBCs have state catches and discards debited to them before being converted to TACs. In one example this led to the potential for a negative Commonwealth TAC against which cost recovered levies are charged.

This review comes at a time when new challenges are emerging in the Commonwealth fishing industry, placing increased pressure on Commonwealth fishers. The CFA believes that the fishing industry deserves ongoing support from government in recognition of its value to the Australian public and the importance of maintaining the vitality in Australia's regional centres.

It is therefore essential that any new policies align with the existing rights of the Commonwealth fishing sectors and demonstrate that the perspectives of those working in the industry are valued and supported by the government.

The Commonwealth Fisheries Association welcomes the opportunity to review important policies such as the Harvest Strategy Policy and Bycatch Policy and looks forward to an ongoing productive working relationship with the Australian Government and other stakeholders.



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19 December 2024