

## **Revised Commonwealth Fisheries Bycatch Policy**

**Submission No.:** 10

**Submission by:** Commonwealth Fisheries Association

### **Submission:**

#### **Who is submitting?**

The Commonwealth Fisheries Association (CFA) is the peak body representing the collective rights, responsibilities and interests of a diverse commercial fishing industry in Commonwealth regulated fisheries.

The initial value of the catch at the wharf is about \$350 million, and the final value at wholesale and export more. It generates large numbers of jobs in regional areas. The Commonwealth fishing industry operates out of 26 main ports and many smaller landing and refuelling ports, many in remote areas. The industry creates employment in fisheries production and processing and in downstream industries, including transportation, storage, wholesaling and retailing.

The CFA is committed to ensuring the commercial fishing industry is recognised for its contribution to Australia's economy, society and environment. This recognition is achieved through promoting and advocating the value of the industry and the healthy seafood it provides to the community.

#### **Summary**

In summary, the CFA has provided the key points to the Bycatch Policy based on our members' feedback.

- The bycatch policy states that further policy and technical work will be required to explicitly address ecosystem impacts from commercial fishing, including on habitats and ecological communities. The CFA questions the further policy and technical advice to address these impacts, at the cost to industry, when the benefits and world leading nature of ERAs and ERM's in the management of Commonwealth fisheries undertaken by AFMA and CSIRO are explicitly recognised. The CFA suggest that;  
"through the Commonwealth's ecological risk assessment and ecological risk management frameworks, the impacts from commercial fishing, including on habitats and ecological communities is addressed"
- There are both private and public benefits to managing and monitoring bycatch. CFA suggests that there are greater public benefits than currently recognised, which should therefore attract greater government funding contribution to managing and monitoring bycatch. CFA notes that even if there was no fishing it would be incumbent on government to be managing other pressures/threats and monitoring those impacts on species and populations, including those regarded in this policy as 'bycatch' species.
- The policy states that "where appropriate, the Commonwealth may look to engage with these sectors (recreational fisheries and indigenous customary fishing) on bycatch management". The recent changes to the Fisheries Management Act to recognise recreational and indigenous fishing should be also explicitly recognised when it comes to the management of bycatch and accountability for that bycatch.
- CFA supports clear guidelines and decision rules around transitioning of species between categories (commercial, secondary commercial, byproduct, general bycatch or protected).

- Encounters between bycatch and fishing vessels should not be considered an interaction unless there is harm or stress. The definition of interaction needs to be changed to reflect this.
- Industry supports the differentiation between general and protected species by-catch.
- Bycatch strategies should always be developed in consultation with industry stakeholders first, then available for public consultation.

### **Industry acknowledge there is a need to implement Bycatch Strategies**

The Commonwealth Bycatch Policy is one of several mechanisms in place to achieve ecologically sustainable and profitable fisheries. The bycatch policy has provided a sound platform for major improvements in the sustainability of Commonwealth fisheries.

The bycatch policy is a valuable tool to ensure catches of species not commercially retained are reduced to a minimum. Industry would like the Department to recognise the already high levy levels in many fisheries and that better management of bycatch must occur with reduced cost recovered levies. This can be achieved by outsourcing and more efficient scheduling of bycatch research and improved bycatch data handling.

The bycatch policy is confusing, and must be clear on whether it is a policy to address bycatch (species that are generally caught but discarded by fishers) or a policy on the overall impact on the environment. There is also confusion over the definition of bycatch and is quite different to globally accepted terminology. It is too broad and interactions includes species that don't get brought onboard, therefore making it difficult for industry to manage interactions they are unaware of.

Over the past decade, industry have continued to reduce their bycatch including the use of TEDs and BRDS, pinkies, bafflers etc. It would be valuable to recognise these industry driven initiatives in the Policy and progress to demonstrate approaches to mitigate bycatch.

### **What is bycatch?**

Industry supports best practice management to avoid and minimise general bycatch. All reasonable steps should be taken to not worsen the conservation status of a protected species. The circumstances in which a protected species must be recovered however, is not clear. Management should only be applied to the fishing industry where doing so will have a material effect on the recovery of a protected species.

Clear targets for the management of bycatch are required with regard to protected species, that all reasonable steps should be taken, and that the fishery must not adversely affect the conservation status of protected species. Industry is in full support with both targets.

The CFA note that the definition within this policy of "bycatch" correctly uses the word "interaction" while the Department's Draft NPOA Seabirds incorrectly did not. There should be effective integration and consistency of language and terminology across government policies and reports for Commonwealth fisheries, as well as the national status reports for fisheries.

The definition of bycatch should include the word 'trivial', i.e. change from "not usually retained by commercial fishers and do not make a contribution to the economic value of the fishery" to; "not usually retained by commercial fishers and make a trivial contribution to the economic value of the fishery".

The Policy's current inclusion of the word "collision" allows for interpretation of very light interactions to be classed as bycatch and the CFA propose that the word "collision" be replaced with "causing harm or stress". This is a widely-used and successful definition with AFMA and industry for interactions with protected and non-protected species.

The bycatch policy states that further policy and technical work will be required to explicitly address ecosystem impacts from commercial fishing, including on habitats and ecological communities. The CFA questions the further policy and technical advice to address these impacts, at the cost to industry, when the benefits and world leading nature of ERAs and ERMs in the management of Commonwealth fisheries undertaken by AFMA and CSIRO are explicitly recognised. The CFA suggest that;

“through the Commonwealth’s ecological risk assessment and ecological risk management frameworks, the impacts from commercial fishing, including on habitats and ecological communities is addressed”

The definition of bycatch that is currently used in the Draft Bycatch Policy needs serious reconsideration, so that it aligns with commonly accepted definitions used elsewhere around the world. If the definition is not changed, then it is going to create a huge unnecessary regulatory and financial burden to our sustainable commonwealth fishing industries.

### **Objectives and Key Principles**

CFA supports the objectives and principles, however industry at times has been frustrated with unclear operational policy around bycatch. Bycatch reporting should be systematic and decisions should not be driven by perceived public pressure.

The CFA supports the division of general bycatch and protected bycatch. CFA supports clear guidelines and decision rules around transitioning of species between categories (commercial, secondary commercial, byproduct, general bycatch or protected).

### **Applying the Bycatch policy**

Industry has at times been frustrated with unclear operational policy around by-catch. There are both private and public benefits to managing and monitoring bycatch. CFA suggests that there are greater public benefits than currently recognised, which should therefore attract greater government funding contribution to managing and monitoring bycatch. CFA notes that even if there was no fishing it would be incumbent on government to be managing other pressures/threats and monitoring those impacts on species and populations, including those regarded in this policy as ‘bycatch’ species.

Improved clarity regarding the interpretation of EPBC Act and Fisheries Management Act 1991 (FM Act) requirements is critical. In addition, further exploration of the use of incentives for fishers rather than penalties, combined with improved public education would facilitate greater understanding of the interrelationship between fishing activities and interactions with marine species, and societal clarity regarding acceptable impacts.

The EPBC Act driver for zero mortality imposes an unrealistic goal and would never be applied in a terrestrial situation. The WTO process introduces uncertainty in that it is not guided by the Policy’s targets. It is only one of many ways in which the drivers to achieve the outcomes of a Bycatch Policy can be implemented. It is one element of a suite of government policies and initiatives that address impact issues eg recovery plans, bioregional plans, ballast water requirements, risk assessments for oil and gas exploration, threat abatement plans, etc. It is important that the role and relationships of the fishing industry bycatch policy, and other policies impacting on the same species or populations is clearly articulated.

The implementation by AFMA of a world - leading process of risk assessments for every Commonwealth fishery has provided considerable clarity, and functionality for addressing bycatch issues in a rational, measured way. The Ecological Risk Assessment framework, along with the Ecological Risk Management response has been the single most significant positive driving force behind dealing effectively with bycatch mitigation.

CFA notes it is impossible for the fishing industry to be responsible for ensuring maintenance of species and populations given the range of pressures/threats that also impact those species’

survival and populations. To name a few examples of pressures that are outside of the industry's control, they would include marine pollution, seismic testing, bycatch by non-commercial sectors, disease outbreaks, coastal development, introduced species including terrestrial and via ballast water. These factors have dramatic impacts on bycatch (and target) fish species, and much greater impacts in many cases than any fishing activity would ever have.

As such, the concept that the fishing industry can ensure that bycatch species and populations are maintained is an impossible goal to achieve for most if not all bycatch species and one which will result in inevitable, and indefinite, conflict in relation to public opinion and acceptance of fishing activities. It is critical that this key objective is reworded, to avoid imposing requirements that are impossible to achieve.

### **Data collection and reporting**

There are both private and public benefits to managing and monitoring bycatch. CFA suggests that there are greater public benefits than currently recognised, which should therefore attract greater government funding contribution to managing and monitoring bycatch. CFA notes that even if there was no fishing it would be incumbent on government to be managing other pressures/threats and monitoring those impacts on species and populations, including those regarded in this policy as 'bycatch' species.

There is also a move by AFMA to utilise Electronic Monitoring (EM) data to collect information about bycatch. CFA supports AFMA collecting a fee for service when agencies such as the Department of Environment request data to assess whether Industry is meeting its EPBC responsibilities. This data collection under the EPBC Act should not be cost recovered from industry.

Consideration of the level of services required and who can provide those services must have flexibility. Activities that are cost recovered must be done so effectively and efficiently, and at times this means removing those activities from the function of Government. There must be more opportunities to market test the services that AFMA provide, as services can be provided at a cheaper cost by external contractors.

Co-management arrangements with CFA and fishery associations should also be extended, and there are many examples of industry taking on services such as bycatch monitoring, research or training, providing those services back to industry more efficiently than Government and at a reduced cost.

### **Roles and Responsibilities**

The CFA support the reporting and review process as identified in the Bycatch policy.

### **Reporting and Review**

The bycatch policy is such an important part of fisheries management that it is essential that reviews are carried out on time, within the two years of the release of this policy. It has been disappointing that considerable time has been taken to finalise the review the last policy.

There should be effective integration and consistency of language and terminology with the ABARES status reports for Commonwealth fisheries, as well as the national status reports for fisheries.