



COMMONWEALTH POLICY ON FISHERIES **BYCATCH**



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The Commonwealth is committed to developing a strategic approach to addressing bycatch to ensure fisheries in Australian waters are ecologically sustainable. The Commonwealth, through the Australian Fisheries Management Authority (AFMA) and stakeholders, will address bycatch by developing and implementing fishery specific bycatch action plans. Action plans for major Commonwealth fisheries will be completed by 31 March 2001. They will be integrated into fishery management regimes and reviewed regularly.



Bycatch—the unwanted catch of fishing operations—is an issue of increasing concern to a lot of people. Bycatch is not only a threat to the marine environment; discarding unwanted catch is also a wasteful practice.

All Australian fisheries ministers endorsed the National Policy on Fisheries Bycatch in 1999. The National Bycatch Policy provides a framework for coordinating efforts to assess and reduce the impacts of fishing on the marine environment. Each jurisdiction is undertaking activity to implement the National Bycatch Policy.

The Commonwealth Policy on Fisheries Bycatch builds on the national framework and meets the Government’s bycatch initiatives under Australia’s Oceans Policy. The Policy was drafted by a taskforce convened by the Australian Fisheries Management Authority (AFMA) and made up of representatives of the commercial fishing industry, the Department of Agriculture, Fisheries and Forestry – Australia, Environment Australia, the Bureau of Rural Sciences and CSIRO. A distinguishing feature of the Commonwealth Bycatch Policy is the commitment to prepare Bycatch Actions Plans for all major Commonwealth fisheries. These action plans will be developed in partnership with industry and other stakeholders and will focus on practical solutions and management measures.

This policy paves the way for industry, through AFMA, to meet—and where appropriate, exceed—the Government’s international and national obligations for managing our oceans. The Policy also provides a practical means of meeting some requirements of the Commonwealth’s new environment legislation; it complements existing initiatives to reduce bycatch; and provides further protection for species such as albatrosses, dugongs and turtles.

There are a number of different avenues to manage and minimise bycatch. Close cooperation between stakeholders is essential if measures adopted are to be effective.

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June 2000

Introduction

Bycatch in fisheries (both commercial and recreational) has long been recognised as an issue requiring attention. Increasingly, international treaties and conventions are placing obligations on signatories to address bycatch. For example, the United Nations Food and Agricultural Organisation (FAO) has developed a 'Code of Conduct for Responsible Fishing' that addresses the issue of bycatch and provides a useful blueprint for responsible fisheries management.

The United Nations Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, ratified by Australia on 23 December 1999, contains a number of obligations regarding the conservation and management of these stocks. Among these obligations are provisions which relate to the impact of fishing on non-target species, and the application of the precautionary approach to the management of fisheries.

The entry into force of the United Nations Convention on the Law of the Sea, to which Australia is a party, means that this Government now has responsibility under international law for 'dependent and associated species' within our exclusive economic zone.

The Commonwealth acknowledges that there is a need to develop a strategic approach to addressing bycatch if fisheries in Australian waters are to be ecologically sustainable. It is also important to recognise that there will be some environmental cost in supplying the demand for seafood and that closing down, or unnecessarily restricting Australian fisheries, may not in itself lead to an overall reduction in bycatch. For example, if domestic fisheries are unnecessarily restricted, consumer demand may lead to the importation of seafood from poorly managed fisheries and an increase in the level of bycatch in those countries.

This policy recognises that bycatch issues are often fisheries specific. The key feature of this policy is a checklist that will guide the development of specific bycatch action plans. The Commonwealth also recognises that there are a number of different avenues through which the management of bycatch can be pursued to ensure ecologically sustainable fisheries. All require close cooperation between stakeholders if they are to be effective.

WHAT DOES BYCATCH MEAN?

Although fishers use their skills and experience to take the highest value catch they can (target catch), in most forms of fishing some species which are not targeted will be caught. Some part of this unintended catch may be kept or sold by the fisher (by-product) and some may be returned to the sea (discards). Over time species may change from being discarded to being by-product or targeted, and vice versa, depending upon, among other things, consumer demand, markets and technology.

The definition of fisheries bycatch, at a broad level, includes all material, living or non-living, which is caught while fishing, except for the target species. The objectives of the Commonwealth *Fisheries Management Act 1991* provide for the need to have regard to the impact of fishing activities on non-target species and the long term sustainability of the marine environment.

While the term bycatch may refer to all non-targeted catch including by-product, discards and other interactions with gear, this policy will deal specifically with those aspects of bycatch that are not currently subject to commercial management provisions, namely:

- i) that part of a fisher's catch which is returned to the sea either because it has no commercial value or because regulations preclude it being retained, and
- ii) that part of the 'catch' that does not reach the deck of the fishing vessel but is affected by interaction with the fishing gear.

Target and by-product species are managed through formal arrangements such as fishery-specific Management Plans. By-product species in one fishery are commonly targeted in another fishery and as such may be managed under a fishery-specific Management Plan with complementary arrangements to limit their take in other fisheries. Such arrangements are generally based upon historical interactions between those fisheries. Offshore Constitutional Settlement Agreements between the Commonwealth and the States and Northern Territory facilitate these arrangements. Sustainability of target, by-product and increasingly bycatch species in Commonwealth fisheries are essentially dealt with through the Fishery Assessment Groups, established by AFMA for stock assessment purposes.

The combination of existing commercial management arrangements and this policy will ensure that resource users and other interested parties work towards the sustainability of all marine life that comes into contact with fishing, including species that interact with fishing gear but are not landed.

WHY ADDRESS BYCATCH AND WHY HAVE A COMMONWEALTH BYCATCH POLICY?

Discarding unwanted catch is a wasteful practice that may pose a threat to marine systems over time. Bycatch also poses a direct threat to the survival of some species or populations of marine animals, such as turtles and dugongs, seabirds and others that may be unable to sustain additional mortality from fishing.

The primary reason for a Commonwealth Bycatch Policy is to ensure that direct and indirect impacts on marine systems are taken into account and managed accordingly. There must be recognition given to the requirement under the Commonwealth *Fisheries Management Act 1991* to 'ensure that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development (ESD) and the exercise of the precautionary principle, in particular the need to have regard to the impact of fishing activities on non-target species and the long term sustainability of the marine environment'. By reducing unused catch, particularly non-target catch and juveniles of commercially or recreationally valuable species, we can enhance the productivity of our fisheries and maintain the integrity of our marine ecosystems.



The *National Strategy on Ecologically Sustainable Development* and the *National Strategy for the Conservation of Australia's Biological Diversity* place an expectation on fisheries managers to address bycatch. These expectations have been strengthened under *Australia's Oceans Policy* with its emphasis on marine ecosystem management. Some species of marine animals (including some fish) are not managed under Commonwealth fisheries legislation, but under Commonwealth nature conservation legislation or by the States or Territories. As some of these species are taken as bycatch, a cooperative approach is needed to satisfy the requirements of both forms of legislation and to develop complementary management arrangements with the States and Territories.

By taking action to address bycatch, the fishing industry will benefit through maintaining marine ecosystems and ensuring sustainable catch levels, reduced damage to target catch, shorter sorting times, less gear damage and lower fuel consumption. These benefits will intrinsically flow to the whole community as well as fishers. A Commonwealth Bycatch Policy is needed because bycatch is a resource, environmental, educational, engineering and economic issue, and needs to be addressed strategically and in a focused, coordinated manner.

It is also important that stakeholders have a common understanding and agreement on the need for the type of action that could work. By achieving a common understanding, support for addressing bycatch at the level of the individual fishery can follow. Stakeholders will have a role in ensuring that bycatch action plans will have meaningful and achievable objectives, and can be implemented in reasonable time frames.

The Policy recognises that there will be different ways of addressing the bycatch issue in different fisheries, so fishery specific bycatch action plans will be needed. Action plans for Commonwealth fisheries will be prepared in consultation with stakeholders and the wider community through the Fisheries Management Advisory and Consultative Committees (MACs and CCs, respectively). Action plans for all major Commonwealth fisheries will be completed by 31 March 2001 and integrated into fishery management regimes. The Policy provides a framework for the development of these bycatch action plans.

Guiding Principles of the Policy

These guiding principles provide the philosophy which underpins the policy. They capture the spirit in which the policy will be developed and implemented.

Decisions and actions to address bycatch will:

- foster stewardship of Australia's marine resources to maintain and improve the quality, diversity and availability of fisheries resources, and the integrity of the marine ecosystem into the future;
- promote cooperative and transparent approaches, involving all stakeholders, to ensure effective stewardship of our marine resources;
- manage marine resources so that short-term considerations are consistent with long-term goals, and apply the precautionary principle in the management of fisheries resources;
- recognise the unique biological, ecological, economic and social nature of individual fisheries by developing bycatch-action plans to address bycatch issues;
- encourage cooperation in the development of complementary arrangements between relevant authorities to ensure that, where stocks overlap or are split between jurisdictions or are migratory, effective management strategies are applied across jurisdictions. These include State and Territory agencies, other fisheries management agencies, and international bodies;
- use robust and practical biological reference points relating to bycatch, where possible, to make decisions on bycatch management. Develop biological reference points in consultation with stakeholders, recognising that in many cases there are limitations to the costs of determining these reference points. Where the use of biological reference points is not feasible, the precautionary principle will be used as a basis for decision making.



Core Objectives of the Policy

An overarching objective of the policy is to ensure that bycatch species and populations are maintained. Within this are the following sub-objectives:

1. To reduce bycatch. This could be by:

- developing, adopting, monitoring, reviewing and improving mitigation measures (eg Turtle Excluder Devices -TEDs, Bird Scaring Lines, appropriate area and seasonal closures, changing ways of fishing);
- reviewing the management of fisheries so that management measures incorporate bycatch reduction strategies and do not encourage discarding;
- increasing understanding of the reasons for bycatch in a particular fishery (eg monitoring changes in the level and composition of bycatch over time);
- ensuring that as markets develop for by-product, those species are managed formally as commercial species;
- incentive programs for fisheries, applying target species management arrangements and other measures to bycatch species where deemed necessary; and/or
- where appropriate, developing regulations under fisheries legislation to achieve bycatch reduction outcomes.

2. To improve protection for vulnerable species by:

- gathering data on the impact of fishing (and other sources of mortality or impact) on populations which may be vulnerable to fishing (or other) pressures;
- developing, implementing, monitoring and improving appropriate mitigation measures, including those implemented under fisheries regulations;
- education/awareness programs; and/or
- improved liaison, collaboration and development of cooperative arrangements with other agencies and stakeholders.





3. To arrive at decisions on the acceptable extent of ecological impacts by:

- using the best available knowledge within the framework of a precautionary approach;
- using appropriate biological reference areas (eg marine protected areas/multiple use zones);
- using biological reference points or the precautionary principle for management of bycatch species;
- identifying gaps in knowledge and, where feasible, collecting the appropriate data to reduce uncertainty in the management decision process;
- monitoring the impacts of fishing pressure on bycatch species; and/or
- emphasising the need for appropriate solutions (eg educational, economic incentives and engineering solutions) to the bycatch issue.

WHO ARE THE STAKEHOLDERS?

All Australians, including future generations, are stakeholders.

Specific interest groups include:

- **Commercial fishing sector**
- **Recreational fishing sector**
- **Environment and conservation groups (non-government organisations)**
- **Indigenous people**
- **Consumers**
- **Tourism sector**
- **Seafood processors, marketers and retailers**
- **Research agencies**
- **Fishery management and conservation agencies**

The Commonwealth's Approach

The Commonwealth government is committed to a scientifically rigorous, consultative and transparent approach in developing measures to address bycatch issues.

AFMA is responsible, on behalf of the federal government, for the management of fisheries under Commonwealth jurisdiction. AFMA is the lead agency for implementing programs and measures relating to bycatch. AFMA will therefore manage the process of preparing bycatch action plans for Commonwealth fisheries and for implementing actions identified in those plans.

AFMA will review the extent and nature of bycatch in all Commonwealth managed fisheries and identify priorities for action. AFMA will develop bycatch action plans to address bycatch in those fisheries identified as a priority. Plans will initially be developed by a committee established by the relevant management committee and will include relevant stakeholders.

In developing bycatch action plans, AFMA will consult with fishery Management Advisory Committees and Consultative Committees and the broader community. For that purpose, a register of interested organisations and individuals will be established by AFMA to provide opportunities for further input into the preparation of plans (the Register of Interested Persons for Bycatch Action Plans, or RIPBAP). The action plans will identify bycatch issues, data requirements, options and possible solutions.

Prior to the acceptance of specific plans by the AFMA Board, the advice of the AFMA Environment Committee will be sought on the appropriateness of the plan. The Environment Committee comprises representatives of non-government organisations, Environment Australia and members of the AFMA Board. A flow diagram outlining the process used in developing fishery specific bycatch action plans can be found at the end of this Policy.

Provisions identified in action plans will be either incorporated in fishing permit conditions or, where they exist, become part of a statutory fishing right as defined under the *Fisheries Management Act 1991*. Provisions may also, where appropriate, be incorporated into fisheries directions, regulations or Management Plans. Bycatch action plans will also be used as the basis for meeting some requirements under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). Refinement and review of the bycatch action plans will be ongoing to take into account changed circumstances, new scientific information or new technology. Reviews of bycatch action plans will be carried out biennially, and considered in conjunction with the Five Year Strategic Plan and Five Year Strategic Research Plan for each major fishery, which are also reviewed on a biennial basis.

AFMA will use the Five Year Strategic and Research Plans created by MACs and CCs to identify knowledge gaps and facilitate the development of the bycatch action plans for all major Commonwealth fisheries by 31 March 2001. AFMA recognises that there are technical experts in the field of bycatch reduction who would be able to add considerable expertise to the development of bycatch action plans, particularly through identifying relevant areas of research and possible management actions.

Committees and other bodies developing bycatch action plans will be guided by the principles of this policy along with relevant legislation (such as the *Fisheries Management Act 1991*, the EPBC Act), international obligations and the goals and principles of *Australia's Oceans Policy*.

AFMA will work cooperatively with other relevant agencies to identify those fisheries requiring bycatch action plans and to ensure that the development and implementation of the action plans are in harmony with related legislation, international obligations and national policy directions. Ongoing consultation with all stakeholders will be undertaken throughout the development and implementation of bycatch action plans.



Bycatch Action Plans will be developed for the following major Commonwealth fisheries by 31 March 2001:

1. South East Trawl Fishery
2. South East Non-Trawl and Southern Shark Fisheries
Note: the South East Non-Trawl Fishery and Southern Shark Fishery essentially have the same people using the same methods but targeting different species. The same methods are likely to have similar bycatch issues, making a single bycatch action plan appropriate.
3. Sub-Antarctic Fisheries
Note: while this incorporates two fisheries (the Heard Island and McDonald Islands Fishery, and the Macquarie Island Fishery), the bycatch issues are similar enough to warrant a single bycatch action plan for both fisheries.
4. Tuna Fisheries
Note: this currently involves the southern bluefin tuna, east coast tuna and billfish, and western tuna and billfish fisheries but the bycatch issues are similar enough to warrant a single bycatch action plan for all three fisheries.
5. Northern Prawn Fishery
6. Torres Strait Prawn Fishery
7. Torres Strait Line and Net Fishery
8. Great Australian Bight Trawl Fishery
9. Bass Strait Central Zone Scallop Fishery
10. Southern Squid Fishery

Bycatch arrangements will be incorporated into management arrangements for other Commonwealth fisheries, and bycatch action plans will be developed as necessary. There are a range of strategies that could be adopted in developing bycatch action plans. For any given fishery a particular combination of strategies may be necessary, but not all strategies will be

applicable to all fisheries. Further strategies will emerge through the consultative process. The standards and criteria by which these are developed should always refer to the principles on which this policy is based and to which AFMA is obligated.

Examples of strategies include:

- codes of practice to minimise bycatch;
- management plans, including through specific regulations, which address bycatch in both existing and developing fisheries;
- education and training programs aimed at reducing bycatch;
- where appropriate, economic incentives may be applied to reduce bycatch;
- develop cooperative bycatch management arrangements for fisheries within more than one jurisdiction;
- enhance the quality and quantity of fisheries data and ensure that data on by-product and other species impacted by fishing is also collected;
- encourage research funding organisations and the fishing industry to fund and/or facilitate further work into identifying bycatch, mitigation techniques and the use of bycatch species where appropriate;
- ensure the widest adoption of bycatch mitigation measures through collaboration between the fishing industry, research and research funding organisations, environment and nature conservation agencies and fisheries management agencies;
- ensure a thorough and efficient use of existing data sets to assist in achieving ESD management measures in a timely and cost effective manner; and
- raise awareness and encourage participation of stakeholders in the management of fisheries bycatch.



Check List for Developing a Bycatch Action Plan

The following checklist has been designed to assist those involved in the preparation of bycatch action plans in defining the specific bycatch issues and identifying appropriate actions.

1. What is the issue (for example: threat to an endangered species, unsustainable bycatch, public perception of waste, lack of good quality data, benthic habitat impact, contamination, market forces, type of fishing operation, lack of community and fisher awareness)? What is the order of priority?
2. Is the issue species specific, fishery specific, fishing method based or regional in nature? Does it relate to a change in the management status of the region in which the fishery operates (eg the declaration of a marine protected area)?
3. Is the issue primarily due to the nature of the fishery (eg prawn trawling where there is a high bycatch) or the management regime under which that fishery operates (where a quota system may result in the discarding of some of the landed catch)?
4. What information and/or analyses are available on:
 - the status of fish stocks concerned (both target and bycatch) (by fishery/area);
 - the economic benefits of reducing discards;
 - the status and the vulnerability of other populations interacting with the fishery/method concerned, and the impacts of that fishery;
 - the survival of discards (including those that are not actually hauled on board, but escape during fishing activities);
 - the conservation significance of the issue and its:
 - impact on biodiversity (ecosystem, species or genetic);
 - impact on foodwebs;
 - impact on interacting fisheries (recreational and commercial), stock and biological community structure;
 - impact on trade and the economy; and
 - impact on the environment.
5. Are there specific strategies already in place in other areas which minimise the possibility of taking vulnerable species (for example, turtles, seabirds and others) and how effective are these strategies in minimising fisheries interactions?
6. Which groups are affected by the issue—who needs to be involved in addressing the issue and implementing the suggestions?
7. Are there engineering solutions (mitigation measures) for the bycatch issues? Are they being implemented? Are they effective? If not, why not?

8. Are there international obligations (treaties and conventions) or trade issues which must be considered? How should they be considered?
9. Are there any existing State/Territory policies and/or initiatives to address the issue and, if so, are they effective? Could they be extended to other jurisdictions?
10. Are there legislative obligations (Commonwealth or State), including fisheries and environment? Have these been satisfied and the relevant agencies consulted?
11. Are there existing industry codes of practice? Are they being applied? Are they working? Are they effective?
12. Are current management or industry practices, or other factors, leading to increased bycatch or lower-value by-product species which are then discarded (for example the inability to store bulky, low-value bycatch aboard vessels)? Can more appropriate practices be identified and implemented, or solutions found to other causative factors?
13. What management options are available and what would be the impact of each of these on the seafood industry, consumers and other groups? Will raising awareness and conducting education programs need to be considered, and can these fit into existing frameworks such as Coastcare and the Fisheries Action Program?
14. Who should pay?

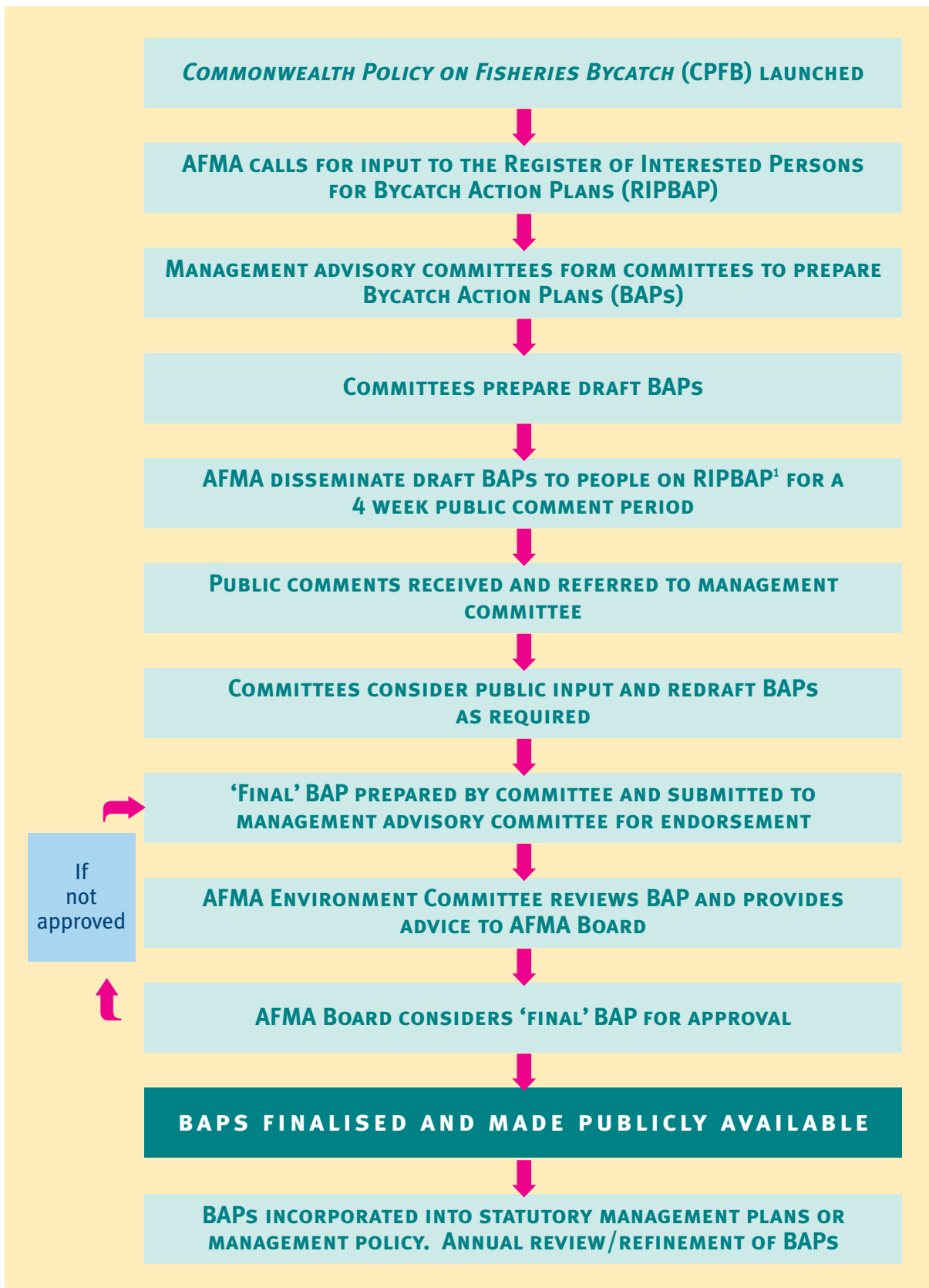


In summary, the most important thing in the development of bycatch action plans is that these should be developed in a consistent and transparent way and that they are implemented effectively.

The basic steps are:

- **to determine the availability of data and its usefulness;**
- **to decide what the bycatch issue is; then**
- **to look at all the options (utilise, avoid or reduce) that are available; and**
- **decide how to address the problem (strategies) and determine whether new ways to address the issue need to be developed;**
- **to outline actions required that are practical and effective to achieve the objectives of the policy; and**
- **to review progress or evaluate the effectiveness of the program.**

Bycatch Action Plan Development Process



Note: ¹ on the basis of those fisheries for which each individual expressed an interest



<http://www.affa.gov.au/ffid/bycatch/index.html>