



Australian Government

Department of Agriculture, Fisheries and Forestry

## COMMONWEALTH POLICY ON FISHERIES BYCATCH REVIEW TERMS OF REFERENCE

### Background

In 1999 all Australian fisheries ministers endorsed the *National Policy on Fisheries Bycatch*. The *Commonwealth Policy on Fisheries Bycatch*<sup>1</sup> (bycatch policy) was released in 2000, building on the national framework and to meet the government initiatives at that time. In the ten years since the bycatch policy was developed, the broader legislative and policy environment covering Australia's oceans, and their sustainable use has evolved substantially. The social and economic circumstances of fisheries have also changed both domestically and internationally. Community expectations in relation to effective bycatch management are rising and Commonwealth fisheries continue to face high profile bycatch issues. Since the development of the bycatch policy, the Australian Fisheries Management Authority (AFMA) has implemented a range of measures to address bycatch issues in Commonwealth fisheries. In particular, fishery-specific ecological risk assessments have been undertaken and ecological risk management plans developed. However, in response to the changing policy environment and to facilitate a more streamlined regulatory environment, the Department of Agriculture, Fisheries and Forestry (DAFF) is planning to review the *Commonwealth Policy on Fisheries Bycatch*.

A revised *Commonwealth Policy on Fisheries Bycatch* will be completed by mid-2013 and respond to key drivers including:

- Review of the *Commonwealth Fisheries Harvest Strategy Policy and Guidelines* (2007), noting that a key objective of both policy reviews is ensuring they are aligned and complementary.
- Review of the *Environment Protection and Biodiversity Conservation Act 1999* – amendments giving effect to the Government's response to the review will be considered by the Parliament in 2012. Consideration will need to be given to the interaction with fisheries legislation.
- Streamlining and increasing the efficiency of fisheries regulation, with the aim of reducing the regulatory burden on the fishing industry.
- Activities currently in place in response to bycatch-related objectives of the *Fisheries Management Act 1999*, and the 2005 Ministerial Direction.
- The completion of the marine bioregional planning process.

---

<sup>1</sup> The *Commonwealth Policy on Fisheries Bycatch* currently applies to:

- i) That part of a fisher's catch which is returned to the sea either because it has not 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 fishing gear.

A revised fisheries bycatch policy may also contribute to the following:

- Improving the public perception and confidence in Australian fisheries by demonstrating the sustainability of fisheries, particularly in relation to interactions with protected species, other bycatch and the broader marine environment.
- Maintaining and increasing demand and market access for Australian seafood, in response to changing expectations from markets with respect to environmental stewardship.

## **Objective**

To improve the management of bycatch in Commonwealth fisheries by developing an integrated policy and implementation framework that links with the *Commonwealth Fisheries Harvest Strategy Policy and Guidelines* and supports current environmental and fisheries legislative requirements. The objective of the review is also to develop a framework that contributes to greater management certainty for fishers, ensures the achievement of the environmental outcomes and increases confidence by the retail sector, consumers and the general public about the sustainability of Australian seafood.

While not limiting its scope, it is intended that the review of the bycatch policy will:

- Clarify the role of the bycatch policy within the context of an ecosystem approach to fisheries management and the implementation of Ecologically Sustainable Development objectives.
- Identify and include reference to the domestic and international bycatch regulations and obligations with which Australian fisheries must comply.
- Review and assess the adequacy and application of existing definitions of bycatch, byproduct and discards, concurrently with the *Commonwealth Fisheries Harvest Strategy Policy and Guidelines* review. The current definitions in the policies require clarification to remove uncertainty about the application to byproduct and discards of byproduct or target species. It is anticipated that management of byproduct and discards of byproduct or target species will be primarily addressed by the review of the *Commonwealth Fisheries Harvest Strategy Policy and Guidelines*.
- Review the bycatch policy's objectives within the current policy and legislative environment.
- Consider and assess the robustness and applicability of risk based approaches to bycatch management for species or groups of species, taking into account their biological status, data availability and other factors.
- Evaluate the efficacy and appropriateness of reference points and structured decision rules in meeting the legislative and policy objectives for some bycatch species and/or groups.
- Review approaches to incorporating and addressing the potential cumulative impacts of fisheries' interactions with bycatch.
- Strengthen the existing bycatch management tools and arrangements (including bycatch and discard work plans, ecological risk assessment and management and national plans of action) through mechanisms that will enhance benchmarking, performance monitoring and reporting.
- Consider mechanisms to strengthen and streamline inter-agency collaboration, prioritisation and decision-making, to achieve increased transparency and certainty for stakeholders.

- Develop guidelines for stakeholder engagement on bycatch issues and their management.
- Evaluate whether further guidance on mechanisms for considering the social and economic aspects of bycatch management approaches is needed and how these aspects fit within the principles of Ecologically Sustainable Development.
- Identify gaps, needs and priorities for future bycatch research that could be incorporated into strategic research plans.

In addition, the revised bycatch policy will be accompanied by a framework to facilitate implementation, and monitor progress and effectiveness of policy implementation. The review will also take guidance from the recommendations from the DAFF Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) 2010 review<sup>2</sup> and the current FRDC-ABARES-AFMA bycatch standards project.

### **Scope**

The review will provide a more effective and streamlined approach for the management of bycatch in Commonwealth fisheries. It will not extend to states and territories but DAFF will present the outcome at Australian Fisheries Managers Forum. The bycatch policy review will focus primarily on the treatment of bycatch, including threatened, endangered and protected species. It will also have regard to how habitats and communities, which form part of ecosystem-based fisheries management, could be incorporated into Australian fisheries policy in the longer term. It is expected that the new policy will be aligned with, and operate alongside the *Commonwealth Fisheries Harvest Strategy Policy and Guidelines*.

### **Timeframe**

It is anticipated that a final draft of the new bycatch policy will be available in 2013.

### **Management**

The process will be managed by DAFF with assistance from ABARES. An Interagency Steering Committee (DSEWPAC, AFMA, DAFF & ABARES) will be established to guide the revision of the bycatch policy. An advisory committee including representatives of the major stakeholders (environmental non government organisations, industry and CSIRO) would be formed to review and advise on documents and policy deliberations. There will also be targeted stakeholder engagement throughout the process.

---

<sup>2</sup> Review of wildlife bycatch management in Commonwealth fisheries. A sub-project of BRS Project 25661 – *An integrated approach to wildlife bycatch: addressing key issues to progress the implementation of national plans of action*. Neil Bensley, Ilona Stobutzki, James Woodhams and Carla Mooney, July 2010.