

Attachment A

Fishery management objectives

General

AFMA, as a statutory authority, acts in accordance with the objectives set out in the fisheries legislation designed to facilitate the sustainable management of Commonwealth fisheries for the long term benefit of the Australian community. AFMA, in exercising its functions, considers those objectives and balances them in light of the decision to be made.

The fisheries legislation requires that AFMA apply the precautionary principle when making fisheries management decisions. These principles, inserted in the FMA and FAA in 2006, are the same as those in the *Environment Protection and Biodiversity Conservation Act 1999*.

While there are numerous definitions of the precautionary principle and the corresponding precautionary approach, the fisheries legislation defines the precautionary principle by reference to the definition contained in the *Intergovernmental Agreement on the Environment*.

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

- i. careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and*
- ii. an assessment of the risk-weighted consequences of various options.*

In accordance with this definition, AFMA regulates fishing to prevent serious or irreversible environmental damage, in the absence of scientific certainty and considering the likelihood or scale of such impacts. AFMA incorporates a level of caution within its decision making and uses the best available knowledge as part of its precautionary approach to fisheries management.

AFMA does not, however, take a prohibitory approach, which essentially requires that no activity be undertaken unless there is no appreciable risk of harm to the environment and there is a corresponding very high level of scientific certainty around the risk assessment. Rather, best practice for fishery management provides for a structured approach that appropriately restricts fishing activities so as to maintain a high probability of environmental safety, for the level of understanding available, and to incentivise improved understanding.

Social objectives

Unlike some State fisheries legislation, Commonwealth fisheries legislation does not expressly contain a social objective, although there are a number of related objectives and goals pursued by AFMA. These include AFMA's accountability objective (FMA 3(1)(d)), the application of the precautionary principle to decision making and a number of social goals and strategies contained in AFMA's Corporate Plan and Annual Operating Plan. These mainly relate to stakeholder engagement

and communication, transparency and accountability, public accessibility of fisheries data and facilitating co-management. Performance against these goals are reported in AFMA's Annual Report

The extent to which the fisheries legislation explicitly incorporates a social objective has been the subject of recent discussion, particularly in relation to the recognition of indigenous and recreational fishing, the extent to which AFMA considers onshore impacts of fishery management decisions and general community views about certain matters. In this regard, AFMA has generally taken the view that the social benefits from Commonwealth fisheries will be best addressed if it meets its economic and ecological objectives. A recent FRDC project, *2010/040 - Developing and testing social objectives for fisheries management* provides guidance as to the matters that could be considered in implementing a social objective for Commonwealth fisheries management.

Consultation

When developing and implementing fisheries management arrangements, AFMA works in partnership with key stakeholders who include indigenous interests, commercial fishing operators, recreational/charter fishing operators, researchers, environment/conservation organisations, State and Territory fishery management agencies and where appropriate others who have an interest in Commonwealth fisheries management.

AFMA's main method of engagement with stakeholder groups is through Management Advisory Committees (MACs), which provide management advice, and Resource Assessment Groups (RAGs), which provide scientific and advice. These are established for each major fishery, and they play an important role in helping AFMA fulfil its legislative functions and effectively pursue its objectives. The key policies that guides MACs and RAGs in undertaking their work, as well as other fisheries management policies, can be found at <http://www.afma.gov.au/about/fisheries-management-policies/operation-management-advisory-committees/> and <http://www.afma.gov.au/about/fisheries-management-policies/fisheries-administration-paper-12-resource-assessment-groups/>.

AFMA has recently commenced a two year trial in the Small Pelagic Fishery of a new structure for receiving management and scientific advice: an expert Scientific Panel and a wider Stakeholder Forum.

AFMA has also established regular meetings for stakeholders to provide input into its ongoing management. These include the Recreational Fishing Forum, and a twice yearly meeting between environmental groups and the Commonwealth commercial fishing industry. Where specific issues arise AFMA may establish working groups such as the Marine Mammal Working Group.

Finally, the fisheries legislation also establishes formal requirements for consultation with Commonwealth concession holders and the community prior to undertaking certain actions, such as developing a fishery management plan. AFMA also seeks wider community views on some proposals, for example, its current public consultation about changes to quota administration systems <http://www.afma.gov.au/feedback-sought-undercatch-overcatch-quota-review/>.

Auditing, performance monitoring and reporting

Auditing and assessment of AFMA's performance as a regulator and the economic and environmental performance of Commonwealth fisheries is undertaken in accordance with public sector requirements, fisheries management requirements and practices and EPBC Act requirements.

A preliminary analysis of reporting obligations indicates that there are at least 20 different types and forms of reporting undertaken by AFMA. It is possible to simplify and consolidate some of this reporting when it relates solely to AFMA internal requirements and practices, however, changed practices and regulations may be needed to consolidate other reporting requirements.

Public sector management

AFMA reports quarterly to the AFMA Commission and submits Annual Reports to the Parliament. It has developed a regulator performance framework, against which it will soon report for the first time. Two key performance indicators measure the extent to which Commonwealth fisheries are meeting targets under the Harvest Strategy Policy and are reducing the risk of overfishing and achieving the recovery of overfished species.

Various individual regulatory instruments, such as fisheries management plans, directions, temporary orders and determinations of total allowable catches are subject to Parliamentary disallowance procedures. Particular management decisions may be subject to appeal to the Administrative Appeal Tribunal.

Commercial fish stocks

ABARES assesses the status of commercial stocks and provides analysis of environmental and economic outcomes through its annual *Fisheries Status Reports* (FSR). For the past two years no stock managed solely by AFMA has been classified as subject to overfishing, although some stocks, mainly because of historical rates of fishing, remain classified as overfished. The FSR is now supplemented by the *Status of key Australian Fish Stocks*, which provides a combined State and Commonwealth report. In 2014 it reported on the status of 68 species across Australia, and there are plans to broaden this coverage to other species. The Fisheries Research Development Corporation is currently responsible for producing this Report.

Environmental reporting

The Department of the Environment periodically assesses Commonwealth fisheries through the renewal of various types of authorisations under the EPBC Act. AFMA submits annual reports on each of the assessed Commonwealth fisheries. AFMA also submits quarterly reports of fishing interactions with protected species, along with individual reports of those interactions and further reports are provided in accordance with individual threat abatement plans or rebuilding and recovery strategies.

Research

Under section 7(e) of the FA Act, one of AFMA's functions is to establish research priorities for the fisheries it manages and arrange for the undertaking of such research.

AFMA has limited in-house research capacity and therefore relies on external parties to conduct research. The commissioning of research is done by a competitive process in accordance with the

Commonwealth Government's procurement policies, with an annual call to meet research priorities identified in fishery research plans.

A key consideration in planning for and commissioning research is the "risk- catch- cost" framework outlined in Sainsbury, K. (2005) *Cost effective management of uncertainty in fisheries* in identifying fishery research needs. This framework encourages RAGs and MACs to consider the full range of cost-effective management options in assessing research needs.

AFMA research funds (ranging from about \$2 million to \$4 million each financial year) are derived from its annual Budget allocation, and recovered in part from the Commonwealth commercial fishing industry. The Cost Recovery Impact Statement 2010 sets out how research costs are apportioned between the industry levies and Commonwealth funds. As part of its cost recovery review, AFMA is examining how cost apportionment can be simplified.

AFMA's research programme focuses on work to monitor and assess fish stocks, broader ecosystems impacts of fishing, and the economic performance of fisheries. All research must be consistent with AFMA's legislative objectives. The relative priority placed on research varies across the Commonwealth fisheries, depending on the information requirements of the fishery and the particular issues that each fishery face. Significant environmental issues in some fisheries may weigh more heavily on the future than fine-scale tuning of stock assessments.

Research can be a high cost area and, in an environment of competing budget and other pressures, there is greater emphasis placed on strategic planning to derive the highest long-term return on research investment. Each fishery has its own strategic research plan, with annual updates. AFMA also has a five year strategic research plan, which is currently being updated in light of the National Marine Science Research Plan, proposed revisions to the National Fisheries and Aquaculture Research and Development Strategy and the Fisheries Research and Development Corporation's Research Development and Extension Plan 2015-20.

Research investment in Commonwealth fisheries is also funded through programmes run by the Fisheries Research and Development Corporation. In general terms, FRDC funding is focussed on broader ecosystem issues, research of benefit to multiple jurisdictions and areas not generally funded through AFMA research or State funded research programmes. Some key projects funded through FRDC funds include the development of national guidelines for harvest strategies, guidelines and standards for scientific research and data used in fisheries management decisions and common fisheries management standards.

Targeted research funding is also possible through other programmes, such as the National Environmental Science Programme and the Rural Research and Development for Profit Program.

Data management

Multiplicity of data holders, standards and policies

Fisheries data is held by many parties, including various government jurisdictions and agencies and also non-government bodies such as game and recreational fishing groups. Currently, it is difficult to co-ordinate and share this data largely due to the lack of common data standards, including consistent high quality published metadata.

Several Commonwealth Government policies seek to address these issues at the Commonwealth level and promote common data standards for fisheries data, metadata, data services and archiving,

and also to promote an open data culture. These include the [Australian Government Public Data Policy Statement](#), the [National Principles for Environmental Information](#) and the Department of Agriculture and Water Resources Public Data Policy Statement. Despite these policies, there is still potential for duplication and confusion with the number of different approaches and greater co-ordination across the Commonwealth Government and other jurisdictions would be beneficial.

A FRDC project 2014-009 is developing Science Quality Assurance Guidelines to help ensure that any data generated by scientific methods is of the highest possible quality and has metadata that describes the quality of the data to allow appropriate use. This may assist in the development of common data practices.

Other issues

Legal issues

AFMA shares fisheries data with a range of other Government bodies, including Commonwealth and State and Territory agencies. This is authorised under Regulation 78 (2) of the *Fisheries Management Regulations*, which states that:

“AFMA may disclose the information to a government organisation if AFMA is satisfied that the information relates to the performance of a function of the government organisation.”

AFMA also provides data for other purposes under Section 7(1)(gb) of the *Fisheries Administration Act 1991*. As new data types become available, there can be issues with determining to what extent this data can be lawfully released under AFMA legislation.

Other jurisdictions have different fisheries legislation governing their data disclosure which can impede efficient data sharing.

Protection of confidentiality

Most data requests are for fisheries data that is at a high resolution (eg, at the individual fishing operation level) and may include details of fishing locations. This level of detail is required for example for stock assessments.

Where personal or commercially valuable information is provided, confidentiality arrangements need to be put in place to protect that information. This can be streamlined where data is regularly provided to another government body (eg, CSIRO for stock assessments or ABARES for fisheries status and economic reports) by putting in place MoUs relating to data sharing.

AFMA has developed an Information Disclosure Policy which sets out procedures for disclosing information, including the type of information that AFMA may publish for accountability. This helps promote consistent and more efficient data disclosure. AFMA has published aggregated catch data on data.gov.au in line with the Australian Government Public Data Policy Statement. AFMA will continue to look for opportunities to publish anonymised data on data.gov.au which will contribute to efficient data sharing for this type of data (anonymised). However, as previously noted, the majority of data requested is at a much finer scale data which cannot be published due to the need to protect privacy or commercially valuable information. See

<http://www.afma.gov.au/about/fisheries-management-policies/information-disclosure-fisheries-management-paper/>