

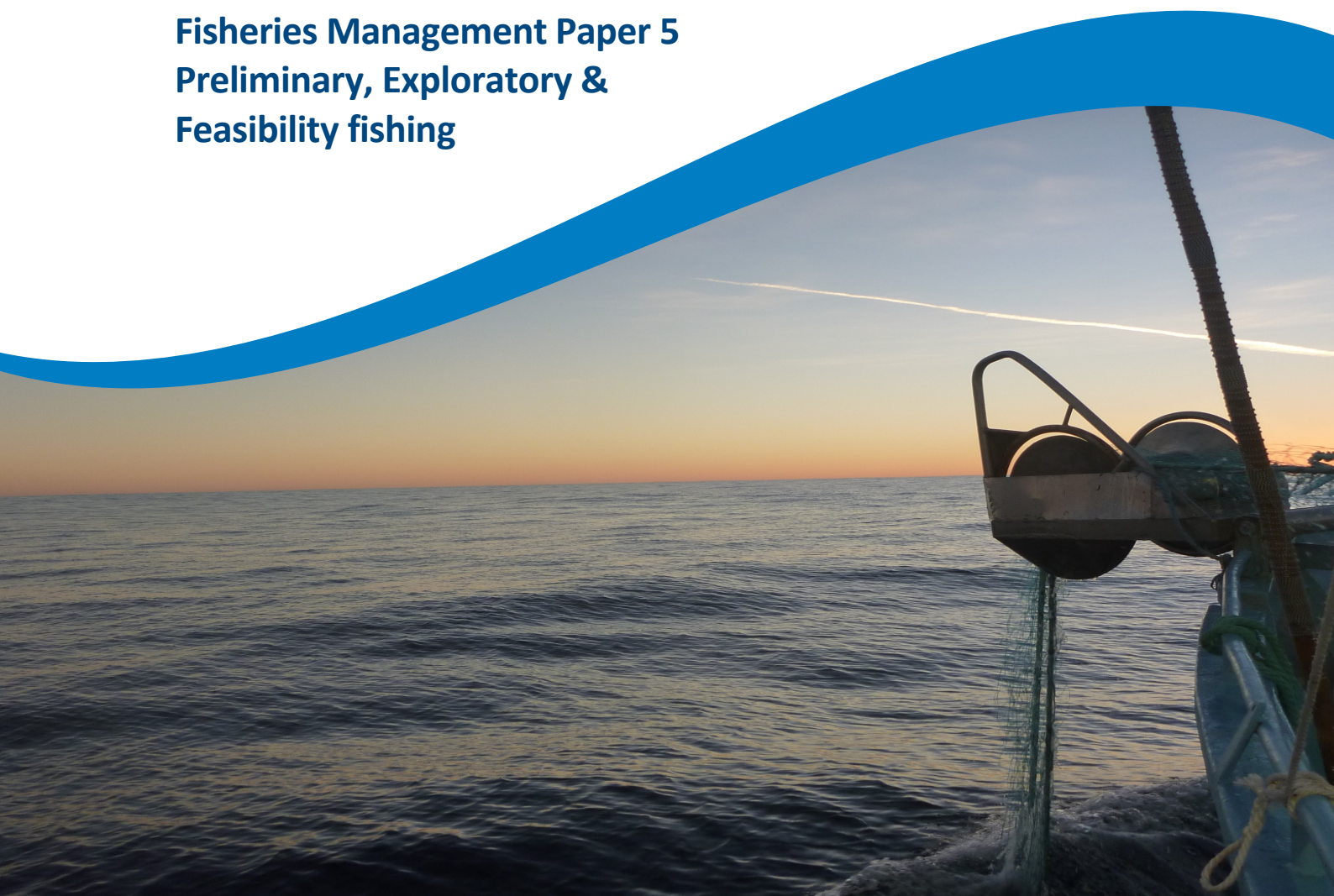


Australian Government

Australian Fisheries Management Authority

Developmental Fisheries Policy

**Fisheries Management Paper 5
Preliminary, Exploratory &
Feasibility fishing**



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Purpose

This document sets out the policy and processes for the exploration and development of new, unallocated or unexploited fish resources in the Commonwealth fisheries jurisdiction.

It provides information on the rights and obligations for those wishing to establish and/or gain access to a developing fishery and aims to provide transparency and certainty for stakeholders.

It is in the interests of the Australian community to optimally utilise marine resources in a sustainable and economically viable manner. This can bring important economic and social benefits to the Australian public.

Like any commercial fishing, developmental fishing needs to mitigate the potential for environmental impacts on habitats, communities and species.

This policy recognises there are risks and costs associated with developmental fishing and aims to balance these with the potential rewards. In doing so, exploration and development of new resources is not unnecessarily limited.

Definitions

AFZ – Australian Fishing Zone means the area defined in the [Fisheries Management Act 1991](#).

Australian Boat – has the same meaning as in the [Fisheries Management Act 1991](#)

Developmental fishing – means fishing for the purpose of developing a fishery and may include preliminary, exploratory and/or feasibility fishing.

EPBC Act – means [Environment Protection and Biodiversity Conservation Act 1999](#).

Exploratory fishing – may be performed prior to longer-term Feasibility fishing to determine stock levels and potential impacts. Information gathered during Exploratory fishing is used to inform an Ecological Risk Assessment (ERA) to allow development of an Ecological Risk Management (ERM) framework.

ERA – Ecological Risk Assessment - assesses the impacts and risks posed by commercial fisheries to all components of the ecosystem. AFMA's ERA processes are fully described in its "Guide to AFMA's Ecological Risk Management –2017" (ERM Guide) which is available on [AFMA's website](#).

ERM – Ecological Risk Management processes are described in Chapter 5 of AFMA's ERM Guide. These processes ensure all fisheries follow a consistent process in managing the risks posed by fishing to ecological components as identified by the ERA.

Exploratory Fishing Management Report (EFMR) – is a key document in the development of a fishery. Importantly, it gives operators increased certainty about the fishery and their rights and obligations should an ongoing fishery eventuate. An initial and/or final EFMR must be completed prior to Exploratory or Feasibility fishing commencing.

Feasibility fishing – is performed to determine the size and resilience of a potential fishery stock over time, the economic viability of the fishery and other environmental impacts. An ERA must be completed and an ERM strategy developed prior to Feasibility fishing commencing.

FMA – means [Fisheries Management Act 1991](#).

FAA – means [Fisheries Administration Act 1991](#).

IAAP – means Independent Allocation Advisory Panel. An IAAP may be appointed by AFMA to provide advice on the allocation of fishing rights should an ongoing fishery be established. Members on previous IAAP's have included High Court judges, economists and independent fishers e.g. from other countries.

Pioneers – means fishers who have been issued fishing permits and fished during the Exploratory and/or Feasibility fishing phases of a fishery's development.

Precautionary principle - has the same meaning as in clause 3.5.1 of the Intergovernmental Agreement on the Environment, a copy of which is set out in the Schedule to the National Environment Protection Council Act 1994.

Preliminary Fishing – means fishing in situations where very little information is available about resources or possible bycatch. This may be done before Exploratory fishing to assist in the development of the initial Exploratory Fishing Management Report.

Risk/Catch/Cost – The Risk/Cost/Catch trade-off seeks to balance the amount of resources invested in data collection, analysis and management of a fishery, with the level of catch (or fishing mortality) taken from that fishery.

Note: Other terms and acronyms not detailed in this policy have the same meaning as in the FMA and FAA.

Scope

The scope of this policy includes all fishing industry-initiated exploratory fishing and fishery development within the Australian Fishing Zone (AFZ) and managed by AFMA under the [Fisheries Management Act 1991](#) (FMA) and the [Fisheries Administration Act 1991](#) (FAA). Potential fish stocks that may be considered under this policy are:

- caught using different method(s); and/or
- in new location(s); and/or
- new/unallocated or unexploited species/stocks.

All developmental fishing under this policy needs to be performed by Australian boats as defined by the FMA.

Out of scope

The following are out of scope of this policy:

- where ratified international agreements exist for straddling or internationally managed stocks, those agreements will take precedence for the development of any new fishery;
- fish stocks outside of the AFZ;
- fisheries managed under the [Torres Strait Fisheries Act 1984](#);
- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) New and Exploratory fisheries;
- developmental fishing by foreign vessels;
- stocks/species that are already managed under existing management arrangements; and
- fish stocks/species managed by state/territory governments.

If a fish stock is currently managed by allocation of quota or effort statutory fishing rights it cannot be considered under this policy. Developmental fishing will not be considered where it has the combination of the same fishing method; same species/stock and the same or overlapping area as an existing fishery.

Policy statement

FMA enables opportunities for fishers to explore and develop new/unallocated or unexploited species/stocks through this policy. AFMA will aim to minimise costs while exercising the precautionary principle and the need for accountability. In assessing whether a new fishery can be established, AFMA will follow a process that manages risk to both the environment and the potential stock. In accordance with the FMA, AFMA has determined this process will be based on the following principles:

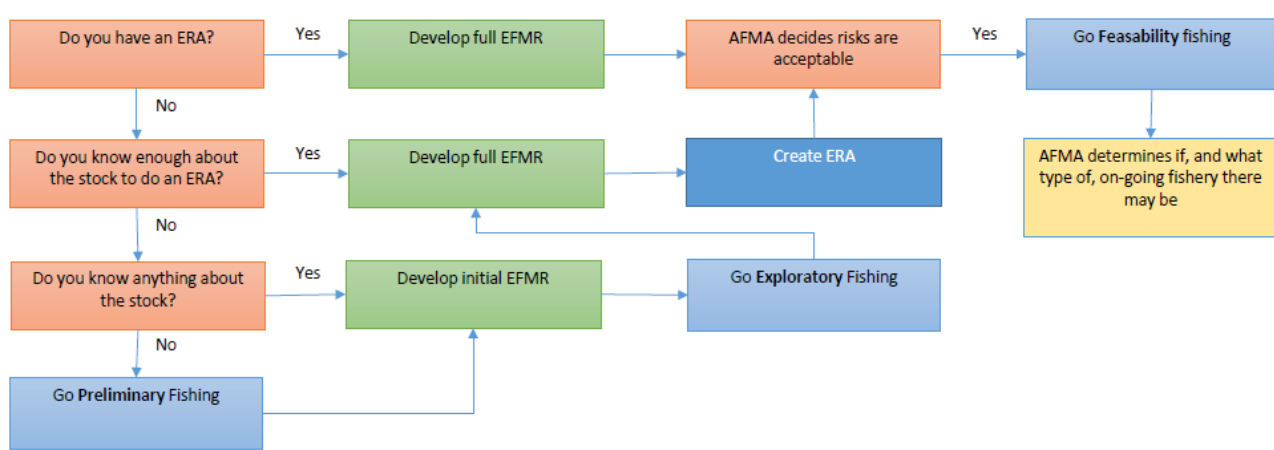
- any fishery developed under this policy will be managed in accordance with AFMA's legislative objectives;
- the potential ecological impacts of fishing will be assessed, monitored and managed using ERA and ERM approaches;
- the precautionary principle will be applied when setting catch limits and managing environmental risks to ensure sustainable harvests;
- management decisions will be based on the best available science;
- costs will be recovered from industry in line with the Australian Government; Charging Framework and AFMA's Cost Recovery Implementation Statement;
- AFMA will consult, as appropriate, to ensure the interests of affected stakeholders (including recreational and Indigenous fishers) are taken into account prior to decision making;
- AFMA will appropriately monitor fishing activity and may require fishing to cease at any time in the process of developing a fishery; for example, due to sustainability reasons;
- any allocations of ongoing access will consider both pioneers and other concession owners with existing access (such as if the developmental fishing is for a species within an existing fishery where there is already access to the species); and

Policy process

Under this policy AFMA has adopted a flexible process for the exploration and development of new or unallocated resources.

Following an initial inquiry from a Developmental fishing applicant, AFMA will determine the appropriate course of action needed to develop a resource or if a resource should not be developed. Figure 1 provides an overview of the possible developmental phases of a new fishery. These phases are described more fully in the guidelines. Decisions on which management phase is appropriate for a potential fishery are based on the environmental, economic and social information available on the fishery/resource.

Figure 1: Process options for fisheries development



Note ERA means Ecological Risk Assessment; EFMR means Exploratory Fishing Management Report.

Permits for Preliminary fishing may be required and can be issued to allow for a few fishing trips to explore a resource where there is very little or no information available.

Permits for Exploratory fishing may also be required and can be issued to allow for sufficient information to be gathered to develop a preliminary ERM strategy where applicants have:

- an initial Exploratory Fishery Management Report (EFMR); and
- relevant accreditations under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Permits for longer-term Feasibility fishing to assess the stocks’ resilience and the economic viability of the resource can be issued when applicants have:

- a completed ERA and ERM strategy;
- a final Exploratory Fishery Management Report (EFMR); and
- relevant EPBC Act accreditations.

At any time during resource development, in consultation with the applicant, AFMA may determine that the development of the fishery resources should not proceed. AFMA may also commence the process of establishing an ongoing fishery at any time if the requirements described have already been demonstrated to be met.

Ecological Risk Assessment and Management

AFMA manages the risks posed by its fisheries to the sustainability of ecological components (species, habitats and ecological communities) through its Ecological Risk Management (ERM) process. Information on this can be found on AFMA's web site.

As part of its ERM process, AFMA uses Ecological Risk Assessment (ERA) to identify species and ecosystems at high risk from the fishery. The use of ERA is consistent with risk/catch/cost principles and will balance development costs of a fishery resource in relation to risks such development may pose to sustainable exploitation of the new resource.

Exploratory Fishery Management Report

An *Exploratory Fishing Management Report* (EFMR) is a key document in the development of a fishery. Importantly, it gives operators increased certainty about the fishery and any fishing opportunities, should an ongoing fishery eventuate.

An initial EFMR must be completed prior to the commencement of Exploratory fishing, except if there is not enough information to undertake an EFMR, in which case preliminary fishing may be authorised to collect information for an EFMR. A final EFMR will be needed to be completed before commencing Feasibility fishing.

AFMA will produce EFMRs using available information on the proposed fishery including:

- information provided by the applicant/s;
- fishing areas;
- fishing methods;
- target and probable byproduct species;
- duration of the explorative program;
- potential environmental impact and mitigation methods;
- management arrangements that will apply during the Exploratory and/or Feasibility fishing phases;
- conditions with which applicants will be required to comply;
- selection criteria for additional applicants;
- any performance criteria;
- consultation requirements including interests of Indigenous and recreational fishers;
- relevant state/territory government agencies will be consulted where the fish stock(s) are in waters adjacent to state/territory waters or where there are shared stocks;
- process to grant fishing access in both the Exploratory and Feasibility fishing phases;
- options on how fishing rights could be granted if an ongoing fishery is declared (such as using an independent allocation panel and/or auction/tender); and
- consideration of any impacts on existing fisheries.

The EFMR also includes information on the criteria that must be met for an applicant to participate in Exploratory/Feasibility fishing and factors AFMA may consider when determining if a long term fishery should be established. These may include:

- sustainability of target species;
- environmental impacts;
- economic viability; and
- interests of all users of the resource.

The initial and/or final EFMRs may be considered by an Expert Assessment Panel.

The final EFMR will be subject to public consultation. Public consultation will occur for a minimum of 30 days. AFMA will consider any comments it receives when finalising the EFMR.

EPBC Act considerations

All fishing activities in Commonwealth waters are subject to the requirements of the EPBC Act and may need to be accredited under the EPBC Act before fishing commences. The EPBC Act requires that Commonwealth fishing activities be approved under Parts 10 and 13, and if exporting catch, Part 13A. The accreditation process is detailed and involved and can take some time so applicants will need to be aware of this in their planning.

AFMA intends to have this policy approved as management arrangements under Part 10 and fishing operations approved under Part 13 and Part 13A. Alternatively, AFMA will seek approval for small-scale operations under Section 33 of the EPBC Act. Examples of a small-scale operation may be an individual operator or a group of operators that use the same fishing gear or methods.

Applicants can obtain EPBC Act accreditation by:

- obtaining fishing access under a fishery management plan or management arrangement that has existing accreditation; or
- directly applying for EPBC Act accreditation; or
- asking AFMA to apply on their behalf for EPBC Act accreditation (costs may be associated with this).

Note: part 13A accreditation is also needed if exporting.

Data release

Data collected during the development of a resource will be owned by AFMA on behalf of the Australian Government and may be made public as determined by AFMA.

The release of this information will be consistent with AFMA's [Fisheries Management Paper 12 – Information Disclosure](#).

Policy review

This policy will be reviewed every five years, or earlier if required.

AFMA may make changes to **Appendix 2 - Costs** so as to better reflect costs incurred from implementing this policy.

Additional references

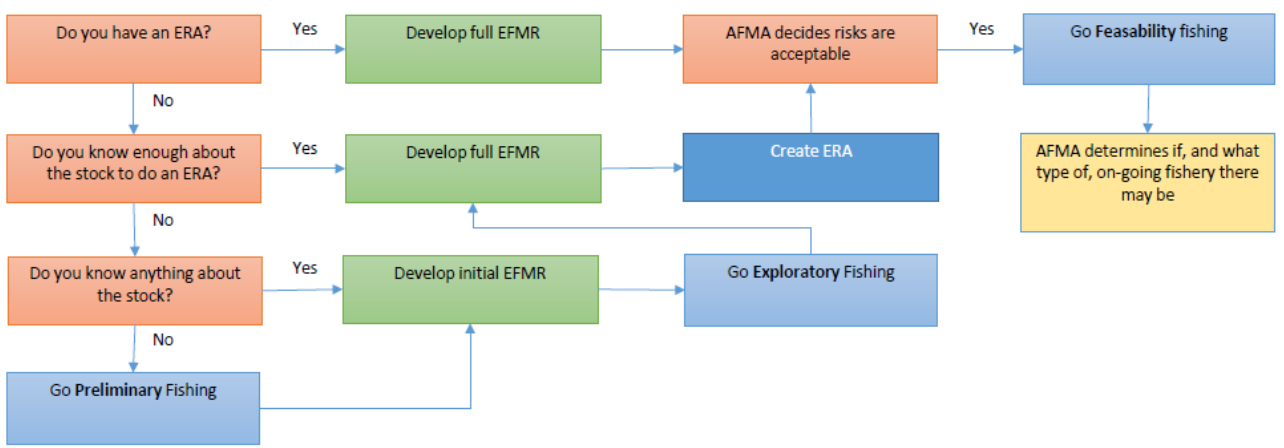
[New Directions for Commonwealth Fisheries Management in the 1990s, 1989](#)

[Australian Government Charging Framework](#)

Appendix 1 – Developmental fishery guidelines

These guidelines provide additional detail on the process steps, requirements and decision making processes in the below figure.

Figure 2: Process options for fisheries development.



Note ERA means Ecological Risk Assessment; EFMR means Exploratory Fishing Management Report.

Initial application and assessment

Initial Inquiry

Prior to applying to develop a fishery resource applicants are encouraged to contact AFMA to ensure the resource is not already managed or fully exploited and that it falls within AFMA’s jurisdiction.

Initial inquiries should be made to the most relevant AFMA Fisheries Manager.

Who is eligible to apply?

Applicants do not need to hold any existing Commonwealth fishing concession to be eligible to apply.

Application

AFMA requires sufficient information about a resource and proposed fishing activities to ensure they do not pose serious or non-reversible environmental effects to the fishery while ensuring a sustainable harvest. Applications should try to include the following information to assist in initial assessment of the application:

- a) species to be targeted;
- b) population dynamics if available (such as species productivity and structure);

- c) likely bycatch and interactions with other species including those protected under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- d) proposed locations and times of fishing, fishing method and level of fishing effort;
- e) any existing management arrangements where the stock may be managed by an adjacent regional fisheries management organisation or international organisation;
- f) previous fishing history for that species, local or similar species in similar environments;
- g) any known habitats or communities in these locations;
- h) any other known sources of anthropogenic sources of mortality on the stock(s);
- i) measures that the boat will use to minimise the impact of their fishing on byproduct, bycatch, habitats and communities by using bycatch mitigation devices, fishing practices such as the retention of offal etc. or avoidance of certain areas or species;
- j) areas of significance including benthic areas, breeding areas, migration paths, or any other relevant information in the proposed fishing area;
- k) a proposed monitoring regime to ensure sufficient information is captured during fishing operations;
- l) success criteria for the operator on what is needed from their perspective to continue fishing;
- m) any disruption/impacts/costs to existing fisheries or other resource users (including commercial, recreational and indigenous fishers); and
- n) any other information relevant to the fishing operation that AFMA may need or request.

As well as submitting the above information, the applicant is required to pay a non-refundable application fee. This fee will help to meet AFMA's costs in assessing the initial application.

Applications should be submitted to the relevant AFMA Fisheries Manager who will acknowledge the application. They will provide an indication of how the application will be considered and the likely timeframe for making a decision on whether or how the fishery will proceed.

Should an application be progressed?

Based on the level of information available on the fishery/resource, AFMA will determine:

- whether to undertake Preliminary fishing investigations;
- whether to proceed to either of the Exploratory or Feasibility fishing phases; or
- that a fishery should not be developed.

AFMA may decline the application for developing a resource if it determines that:

- the risk of fishing the stock would not be sustainable or create significant or irreversible impacts to the environment;
- the nominated vessel is unable to comply with environmental or management requirements;
- the disruption/impacts on/costs to existing resource users (this includes other commercial, recreational and Indigenous fishers), outweigh the benefits of the exploratory fishing (there are not clear net benefits); or
- any other relevant reason.

Expert Advisory Panel

AFMA may convene an Expert Advisory Panel at any time to seek advice during the development of a fishery. This includes providing advice on initial applications through final stages of establishing a fishery.

The role of the Expert Assessment Panel is to assist in the assessment of the resources within the proposed fishery and to provide advice to AFMA on appropriate management arrangements. The panel can provide advice on all aspects of the proposed operation for AFMA consideration including things such as catch monitoring and reporting, period of permitting, particular requirements to protect sensitive species and other environmental matters.

The Expert Assessment Panel may include scientific, industry, conservation, economic, recreational, and Indigenous members. When relevant, it may be appropriate to use an existing Management Advisory Committee (MAC) or Resource Assessment Group (RAG) in place of the Expert Assessment Panel for a particular fishery.

Register of interest

Prior to Exploratory or Feasibility fishing occurring AFMA will establish a register of interest for the 'potential' fishery. Registered parties will be informed of key steps during a fisheries development.

This register will be open to all interested parties including fishers, communities, NGOs and other government agencies. Interested parties can request to be added to the register of interest at any time during the exploratory fishing process.

Where there are more applicants than developmental fishing permits that will be issued due to sustainability of the resource, environment or other issues, AFMA will assess applicants suitability based on their capability and commitment to meet the requirements of the proposed developmental fishing activities and any previous performance (compliance with requirements of any other developmental fishing).

Costs

Appendix 2 identifies the costs associated with developing a new fishery. The applicant(s) will be charged all the costs of developing a new fishery except for government costs.

If there is more than one applicant at any phase costs will be shared equally between applicants.

Withdrawing from fishing by an applicant may still require certain costs to be recovered.

Preliminary fishing investigations phase (if required)

AFMA may issue fishing permits to allow for a few fishing trips to explore a resource. AFMA permits will be issued to applicant(s) in accordance with the FMA, Section 32.

This permit may be issued prior to Exploratory or Feasibility fishing occurring when little or no information is available on a resource. These permits will allow fishers to undertake limited fishing activities to verify the presence of a species/stock in a certain area, test the success of certain gear, etc.

The issue of these permits is a cost effective way to enable information to be gathered on a fishery and to determine whether a fishery should be further developed.

These permits will:

- normally be for a short period of time but long enough to meet the requirements of the preliminary fishing (note: permits are usually issued for periods of up to 1 year, therefore depending on the situation, new permits may need to be issued to continue preliminary fishing activities until sufficient information is obtained);
- specify limits on where and when fishing may occur including the effort and/or catch allowed; and
- detail fishing conditions including reporting and independent monitoring requirements (Monitoring requirements will be developed to meet the information needs to the proposed fishing).

Fishing activity under these permits will not count towards the future allocation of rights.

Based on the information gathered (as detailed earlier) during this fishing activity, compliance with the requirements, and level of operator interest, AFMA will determine whether the fishery should continue to be explored. Depending on the level of information available on the resource, further fishing could occur under Exploratory or Feasibility fishing conditions.

Exploratory fishing phase (if required)

Is Exploratory fishing required?

Exploratory fishing can be performed when there is insufficient information on a resource/stock to complete an Ecological Risk Assessment (ERA) and develop an Ecological Risk Management (ERM) strategy before Feasibility fishing.

During the development of a fishery's Exploratory Fishing Management Report (EFMR) by AFMA, AFMA may determine if Exploratory fishing is required.

Participants

If this stage is needed, the initial EFMR will also detail the level of effort and/or number of operators required to gather the information needed to prepare an ERA and ERM strategy for the fishery.

When granting access to the fishery, preference will be given to applicants who have undertaken preliminary fishing investigations in the fishery, complied with all fishing conditions and are able to meet all exploratory fishing requirements.

Additional participants

Should additional participants be required (for example, as determined in the EMFR), fishers on the register of interest will be invited to apply to participate in the Exploratory fishing.

AFMA will assess applications against the selection criteria detailed in the fishery's EFMR and invite successful applicants to participate.

AFMA will recover management and monitoring costs equally from all participants.

Exploratory fishing

Full details of a fishery's exploratory fishing requirements, objectives, monitoring and reporting requirements and general conditions of fishing will be contained in the fishery's initial EFMR.

Prior to Exploratory fishing commencing, relevant endorsements under the EPBC Act must be obtained. These requirements may vary depending on the expected level of fishing effort, catch and known risks.

Subject to requirements being met, AFMA will consider the of grant permits for Exploratory fishing to successful applicant(s) in accordance with the FMA, Section 32. Exploratory fishing will be limited in its extent to ensure it is sufficiently precautionary. Permits for Exploratory fishing will:

- normally be for a short period of time but long enough to meet the requirements of the exploratory fishing (note: permits are issued for periods of up to 1 year, therefore depending on the situation, new permits may need to be issued to continue preliminary fishing activities until sufficient information is obtained);
- specify limits on where and when fishing may occur including the effort and/or catch allowed;
- detail fishing conditions including performance and reporting and independent monitoring requirements (as appropriate); and
- how catch and/or effort will be distributed among fishers.

AFMA may consider the grant of subsequent permits to the same or different operators if insufficient information has been gathered on expiry of the permit.

Fishing conditions and catch limits on permits for Exploratory fishing may be changed as required by AFMA in line with the requirements of the FMA.

Exploratory fishing will be monitored to minimise the risk of any serious or irreversible harm occurring to the environment. The initial EFMR will detail the level of monitoring required. Vessel Monitoring System (VMS) is mandatory on all Commonwealth boats. Exploratory fishers may also be required to carry observers and/or electronic monitoring equipment. Monitoring costs are additional to AFMA Management fees and will be directly recovered from individual operators.

At the end of Exploratory fishing, a report will be developed by AFMA and considered by the AFMA RAG or Expert Assessment Panel. Information gathered during Exploratory fishing will be used to inform the Fishery's ERA and/or to determine if further development of the fishery is considered viable from an ecological perspective. A relevant MAC may also be consulted at this point.

Following this assessment, AFMA will inform participants and those on the register of interest, of the outcomes of the Exploratory fishing phase and whether the fishery will be further developed.

Permit transfer

Operators may transfer a permit for Exploratory fishing. These transfers will be subject to the new operator being able to meet the environmental and other fishing requirements attached to the permit, payment of any outstanding fees and the requirements of the FMA.

The permit's previous catch and effort history in the fishery will transfer with the permit and be taken into account in the allocation of future rights.

Feasibility fishing phase

The purpose of the Feasibility fishing is to determine the economic viability and resilience of a resource/stock, and contribute to environmental monitoring, management and mitigation of environmental risks.

The fishery's EFMR will be reviewed and finalised at this stage if Exploratory fishing has occurred.

AFMA may determine the amount of fishing effort needed to obtain the information required to assess the feasibility of the fishery.

Prior to the commencement of Feasibility fishing an appropriate stock assessment must be prepared for target species, an ERA undertaken and ERM prepared.

Additional endorsements under the EPBC Act may also be needed.

Ecological risk assessment and management

AFMA will only proceed to grant permits for Feasibility fishing where a completed ERA determines that no unmitigated serious or irreversible environmental effects are likely to occur from fishing or the ERM strategy is able to mitigate any risks to an acceptable level.

ERAs are generally performed by third parties and paid for by participants in the fishery. AFMA should conduct or seek peer reviews of ERAs. ERMs are generally developed by AFMA in conjunction with participants in the fishery.

Risks identified by the ERA will be addressed in the fishery's ERM strategy and integrated into the EFMR. The ERM process applies mitigation measures to potential environmental threats caused by fishing. If necessary, AFMA will work with applicants to try to find appropriate mitigations for assessed risks. This work can be reduced significantly if information is provided, where possible, on any known or potential risks and known or potential mitigation measures as part of the application.

AFMA will generally base a decision to proceed to Feasibility fishing on ERM outcomes, viability of stocks, AFMA's other management objectives and stakeholder interests. Consideration will also be given to AFMA's other objectives of economics and cost efficiency.

Participants

The number of participants in the Feasibility fishing phase will be determined by AFMA, following advice from the Expert Assessment Panel/RAG on the level of fishing effort needed to obtain the information required to assess the feasibility of the fishery.

Applicants who have successfully participated in and met the performance criteria for the fishery during the exploratory fishing phase or undertaken preliminary fishing investigations will be given preference when determining Feasibility fishing participants.

Should additional participants be required, fishers on the register of interest will be invited to apply to participate in Feasibility fishing. AFMA will assess application/s against the selection criteria detailed in the fishery's EFMR and requirements of the FMA and determine successful applicants.

Feasibility fishing

An ERA must be completed and a corresponding ERM strategy must be prepared for the fishery prior to the commencement of Feasibility fishing.

Subject to requirements being met, AFMA will consider the grant of permits for Feasibility fishing in accordance with the FMA, Section 32. Feasibility fishing will be limited by:

- specify limits on where and when fishing may occur including the effort and/or catch allowed;
- detail fishing conditions including performance, monitoring and reporting requirements;
- how catch and/or effort will be distributed among fishers; and
- normally be limited to up to five years.

A consideration of the grant of subsequent permits will include, among other things participants complying with their permit conditions and meeting performance criteria and relevant requirements of the FMA.

Feasibility fishing will be monitored to minimise the risk of any serious or irreversible harm occurring to the environment. As detailed above monitoring and reporting costs will be paid for by the applicants.

AFMA, in conjunction with the Expert Assessment Panel/RAG, will annually review activity in and data gather from the fishery. Feasibility Fishing permit conditions, including catch limits, may change as required by AFMA's adaptive management framework. Fishery management costs will be paid for by the participants in the fishery.

At the end of Feasibility fishing, a report will be developed by AFMA in conjunction with the Expert Assessment Panel, to inform AFMA's decision on the future management of the Fishery.

Permit transfer

Operators may transfer permits for Feasibility fishing. These transfers will be subject to the new operator being able to meet the environmental and other fishing requirements attached to the permit, payment of any outstanding fees and the requirements of the FMA. The recipient of the transferred permit will need to comply with all of the permit conditions imposed on the developmental fishing operations.

The permit's previous catch and effort history in the fishery will transfer with the permit and be taken into account in the allocation of future rights.

Establishing an ongoing fishery

After the Feasibility fishing stage, AFMA will need to determine future management options. Future management options include:

1. management under a new or existing fishery's management plan and the allocation of Statutory Fishing Rights (SFRs);
2. continuing fishing under management arrangements with fishing permits being granted annually. These arrangements should only be implemented in low value fisheries (eg generally less than \$3m GVP); or
3. ceasing fishing temporarily or permanently.

Future management arrangements are subject to:

- no serious or irreversible impacts on ecological environments being likely to occur; and
- participants being willing to pay for their development.

AFMA will prepare, in conjunction with the Expert Assessment Panel/RAG, a discussion paper for public comment on proposed future management arrangements for the fishery.

The discussion paper will be open for public comment for at least 30 days prior to AFMA making a decision on a fishery's future. The discussion paper will include information about catch or harvest levels that will be permitted in the fishery, which shall be determined in a manner that complies or is consistent with the Harvest Strategy Policy and Guidelines.

Management plan

Consistent with existing government policy it is AFMA's preference that on-going access will be granted as statutory fishery rights in the form of Individual Transferable Quota (ITQs), unless there is a strong case that it is not cost effective to do so.

Fishers who participate in the fishery under either the Exploratory or Feasibility fishing phases are considered as Pioneers. Pioneers who meet all the performance criteria detailed in the EFMR, will be allocated a portion of the access in any new fishery. AFMA will also consider other concession owners with applicable existing access as part of the allocation process. The allocation of access among the Pioneers and other concession owners will be based on advice from an Independent Allocation Advisory Panel. Pioneer allocations of access will be based on factors such as the level of catch and effort in developing the Fishery.

If access is being granted via SFRs, any remaining unallocated SFRs will be auctioned or tendered as prescribed by the FMA.

AFMA follows the requirements under s17 of the FMA, to establish a fishery management plan. This process requires further public consultation.

Management under fishing permits

Ongoing management under fishing permits is a cost effective form of management for low value fisheries where the expense of developing a management plan cannot be justified.

Like all permits issued under the FMA, these do not guarantee ongoing access to the fishery. They also do not provide for exclusive use of any developed fishery resource.

Stopping exploratory fishing

AFMA may at any time during the development of a Fishery decide that it should be stopped. There are a range of reasons why this could occur including:

- lack of operator interest;
- environmental risks to either stocks or the environment;
- economic viability; or
- interests of other users of the resource.

Given that circumstances in a fishery may change in the future AFMA may consider allowing fishing to be restarted based on new evidence. Applicants may need to present a case for allowing fishing to be restarted.

Interim fishing arrangements

Prior to the implementation of a management plan or implementation of agreed long term management arrangements for a fishery, AFMA may implement interim fishing arrangements.

Subject to compliance with permit conditions and EFMR performance criteria, previous participants in the fishery may be allowed to continue to fish and fishing permits continue to be issued until ongoing management arrangements are implemented.

Fishing activity during this interim fishing period will not be taken into account in the final allocation of fishing rights under a management plan or fishing permits.

Appendix 2 – Costs

AFMA recovers costs as directed under the FAA consistent with [Australian Government Charging Framework \(2015\)](#), and [Australian Government Cost Recovery Guidelines \(2014\)](#). Full details of how AFMA recovers costs of its activities can be found in [AFMA Cost Recovery Implementation Statement](#).

Applicants may seek external funding for exploratory fishing through external funding sources to assist in covering the costs.

The amount of work required to review applications and to develop a fishery varies depending on the complexity and nature of the application and the fishery. AFMA will endeavour to provide estimates of these costs in advance to fishers wherever possible. Some of these costs include:

Table 1: Activity and costs for exploratory fishing

Activity	Comment and costs
<i>Application fee</i>	<p>Applicants are required to pay an assessment fee as prescribed in the <i>Fisheries Management Regulations 2019</i> (\$5,000) when submitting their applications. This will help to meet AFMA's management costs including the costs associated with convening an Expert Assessment Panel and preparing reports.</p> <p>The application fee is non-refundable.</p>
<i>Fishery management costs</i>	<p>Prior to the commencement of Exploratory and Feasibility fishing, fishers will be required to pay in advance AFMA's estimated management costs (\$10,000 to \$50,000+ depending on the complexity of expected management). Estimates of these costs will be provided to operators prior fishing commencing.</p> <p>Reviews during the exploratory and feasibility fishing phase will also be paid for by the applicants.</p>
<i>EPBC Act accreditation</i>	<p>Operators may obtain EPBC Act accreditation themselves or can request AFMA to seek accreditation on their behalf.</p> <p>Operators requesting AFMA to apply for <i>EPBC Act</i> accreditation on their behalf will be provided a quote for AFMA services covering time and materials.</p> <p>Depending on the complexity of the fishing activity, this may be between \$3000 and \$5000 (30-50 hours).</p>
<i>ERA</i>	<p>Ecological Risk Assessments are currently outsourced at a cost of between \$20,000 to \$30,000 per assessment depending on the complexity. Quotes will be provided if AFMA is to conduct the ERA on behalf of the fisher.</p>

	Fishers may seek to have these assessments undertaken by other research providers.
<i>Expert Advisory Panel</i>	<p>AFMA will recover costs in accordance with the AFMA Cost Recovery Implementation Statement.</p> <p>Depending on the stakeholders represented on the panel, some of this might be government costs.</p>
<i>EFM Report</i>	<p>Exploratory Fisheries Management Reports (EMFR) are prepared by AFMA staff.</p> <p>AFMA will provide an estimate of time and cost to prepare the final EFMR.</p>
<i>Government costs</i>	In line with AFMA's Cost Recovery Implementation Statement, the Government meets the costs associated with engaging with environmental non-government organisations (eNGOs), recreational and indigenous fishers and general public.
<i>Management plans</i>	<p>The cost of development and implementing a new statutory management plan is substantial, and can range between \$250,000 and \$500,000 for a comprehensive plan. Where appropriate, AFMA will consider including a new fishery within an existing management plan and this may significantly reduce this cost. If so, Part 13 accreditation and Part 13A export approval may also be covered.</p> <p>For example, Pioneers who receive 20% of the rights in a fishery will be required to meet 20% of the costs of developing and implementing a Management Plan (or amendments to a plan). Operators who acquire the remaining rights in the fishery will be required to meet the remaining 80% of these costs in proportion to their rights.</p>
<i>Monitoring</i>	<p>Operators will have to pay directly for the costs of any observers or electronic monitoring systems carried on their boats. This is recovered on a fee-for-service basis.</p> <p>VMS is compulsory on all Commonwealth vessels.</p>
<i>Observer costs</i>	Observers are currently charged at around \$1,100 per day. 100% of these costs are recovered directly from operators.
<i>Stock assessments</i>	<p>The cost of stock assessments vary considerably depending of the fishery and information available.</p> <p>AFMA outsources this function to research organisations.</p>

