



# Gillnet Dolphin Mitigation Strategy public comment submissions

March 2017 to April 2017

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The Australian Fisheries Management Authority (AFMA) released two draft Dolphin Mitigation Strategies for public comment; one for the Small Pelagic Fishery (SPF) and the other for the Gillnet Hook and Trap (GHAT) sector of the Southern and Eastern Scalefish and Shark Fishery (SESSF). The one month public comment period opened on 15 March 2017 and closed on 12 April 2017. For the GHAT Dolphin Mitigation Strategy, four submissions were received in total. All submissions received are included below, unless the person or body submitting them has requested that their submissions remain private.

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## Submission 1 – Kyriakos Toumazos

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Date Received: Monday 20 March 2017

Kyriakos Toumazos

Industry Member

### Email

### Re: Dolphin Strategy

Hello Ryan,

Thank you for providing all the information regarding the Dolphin Strategy. Following are some dot points that I believe should be re-considered:

- 1:50 interaction rate should be the focal point of the strategy;
- I fully agree with the six month assessment approach and the consequent penalties if the strategy triggers;
- I DO NOT agree with any reference to a number but rather have a point in the strategy that refers to "if a vessel triggers the strategy during the 6 month period than AFMA will assess the situation and start an evaluation process";
- If the strategy is triggered in a single 6 month period there needs to be an assessment by Discard and By-catch team;
- There should not be a section in the strategy specifying that if two dolphins are caught in one trip the vessel must return to port (incidental accidents);
- No reference to a number should be made in the strategy. This strategy is a rate based strategy and the rate of 1:50 should be the focus.

Please do not hesitate to get in contact with me at any time to discuss.

Kind Regards

Kyri



## Submission 2 – Australian Marine Conservation Society (AMCS)

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Date Received: Tuesday 11 April 2017  
Tooni Mahto  
Australian Marine Conservation Society

### Email

#### Re: DRAFT Gillnet Dolphin Mitigation Strategy

Dear Dr Findlay,

The Australian Marine Conservation Society (AMCS) is an independent charity, staffed by a committed group of professional and passionate scientists, educators and advocates who have defended Australia's oceans for 50 years. We represent over 210,000 individuals and businesses from around Australia.

AMCS appreciates the opportunity to provide comments on the Draft Gillnet Dolphin Mitigation Strategy (the strategy). Our organisation and supporters have long been involved in efforts to reduce the impact of gillnet fishing on dolphins in the Southern and Eastern Scalefish and Shark Fishery (SESSF) through the Marine Mammal Working Group and other avenues. Our objective remains to ensure dolphin bycatch in the fishery is reduced to as close to zero as possible.

While we appreciate that efforts are ongoing to reduce dolphin mortality in the Gillnet Hook and Trap sector of the SESSF, the death of 32 dolphins in 2016 is unacceptable. We remain committed to providing input into mitigation strategies, and expect to see a reduction in dolphin bycatch over the course of 2017 following the implementation of the strategy. In the absence of progress, we would expect a commitment from the Australian Fisheries Management Authority to seek alternative avenues to reduce dolphin bycatch.

#### *Objectives of the Strategy*

AMCS is concerned that the objective of the strategy is weaker than that of the Dolphin Strategy, Minimising Gillnet Bycatch (September 2014), where the “Ultimate aim of this Dolphin Strategy... is to minimise the bycatch of dolphins in the ...SESSF to as close to zero as possible”. It is unclear why AFMA has chosen not only a less



bold objective than in a previous strategy, but also one that is inconsistent with public expectations regarding the management of Australia's fisheries and the impact of fishing on protected species. We expect to see the objective strengthened prior to the finalisation of the strategy.

#### *Acceptable dolphin mortalities/ Performance measures (triggers)*

As the Performance Measures are related to fishing trips and gear sets within a review period, it is unclear what total number of dolphin mortalities AFMA considers acceptable within a given timeframe. Without details regarding fishing effort in the fishery a total acceptable annual mortality cannot be calculated.

While AMCS supports return to port provisions following dolphin interactions, we remain concerned about the cumulative impact of allowing six dolphin deaths per review period per operator. We recommend a fishery-wide trigger limit per review period to prevent excessive numbers of dolphin mortalities. This figure should be developed based on advice from researchers and academics with expertise in dolphin populations and natural mortality rates, as well as input from the Australian public to ensure the fishery has a social license to operate.

AMCS also supports a step-wise approach to managing the impact of fishing on dolphins, with an escalating management response following increased interactions. However, six dolphin mortalities in six months before the next management response cannot ensure dolphin populations are protected, especially in light of the absence of information on dolphin abundance off southern Australia.

A more precautionary approach should be taken where in the event of six dolphin deaths occurring within six months, the management response should be an exclusion from the fishery using gillnets for a six-month period, even if the operator has not exceeded the Maximum Interaction Rate in either of the previous 12 months. A mortality rate of six dolphins in a six-month period by a single operator is unacceptable and this should be clear to operators from the outset.

In the 2014 Strategy, a move-on rule was included where if "one or more dolphins have been or are caught in a single gear set" the operator must "suspend fishing immediately, move operations by at least five nautical miles before recommencing fishing". This trigger is missing from the current draft strategy, and again, it is unclear why the current strategy is weaker than the previous version. We would expect to see the move-on provision included in the finalised strategy.

#### *Non-reporting of dolphin interactions*



The strategy does not provide detail of the consequences of non-reporting of dolphin interactions (mortalities or otherwise). Inclusion of consequences and penalties should be included to indicate AFMA's intention to pursue non-reporting in implementing the strategy. We would expect that an operator be immediately excluded from fishing for a minimum of 12 months (as per the 2014 Strategy), in addition to other penalties, should non-reporting be identified.

#### *Research Priorities*

The previous strategy included research priorities, given the lack of crucial information on dolphin populations and abundance off southern Australia. While the strategy acknowledges the data gaps, AMCS expects AFMA to work with other Government agencies to secure funding to provide the necessary information.

Should you have any questions or comments on the issues raised in this submission, please do not hesitate to contact me on [REDACTED].

Yours sincerely,

Tooni Mahto  
Senior Marine Campaigner  
Australian Marine Conservation Society



## Submission 3 – Confidential

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CONFIDENTIAL – Did not agree to submission being made public



## Submission 4 – Humane Society International (HSI)

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Date Received: Wednesday 12 April 2017

Jessica Morris

Humane Society International

### Email

Dear Dr Findlay

### **Re: DRAFT Gillnet Dolphin Mitigation Strategy: Minimising dolphin interactions with gillnets in the Southern and Eastern Scalefish and Shark Fishery**

Humane Society International appreciates the opportunity to provide comments on the Draft Gillnet Dolphin Mitigation Strategy (The Strategy). As you will be aware our organisation has a long standing interest in wildlife bycatch in Australian fisheries, including dolphins in the Southern and Eastern Scalefish and Shark Fishery (SESSF), as well as participating in the Commonwealth Marine Mammal Working Group. Our supporters want to see that AFMA and industry are making every effort to reduce dolphin bycatch as close to zero as possible.

HSI is concerned at the amount of bycatch of dolphins in 2016, with 32 dolphins killed in the Gillnet Hook and Trap sector of the SESSF. HSI does not want to see a repeat of this mortality and we welcome AFMA developing a strategy.

HSI is concerned that the objective of the strategy is only to minimise the bycatch, as opposed to aiming for zero bycatch. Anything short of this will not be in line with public expectations. Whilst AFMA's use of the term minimise may have the same intent, we strongly recommend that the objective for zero bycatch be explicitly outlined in the strategy. AFMA should not be signalling that any level of dolphin bycatch is tolerable and should make clear that trigger limits are a management tool while striving for zero bycatch is the end goal.

### *Individual accountability*

HSI appreciates AFMA is moving towards individual responsibility as your approach to drive improved performance. We believe that this approach should therefore not support business as usual but help ensure that any bycatch of dolphins is penalised



by a withdrawal of the operator's right to fish. This could be further supported with consequences for non-reporting or misreporting highlighted in the Strategy, whereas currently the consequences for this are not detailed. Understanding the consequence of non-reporting will help ensure the adoption of best practices and innovative approaches to the particular situation operators are in, avoiding the previously used excuses approach, which has resulted in significant unreported dolphin bycatch leading to the closure in the Coorong Zone. Further, the approach relies on comprehensive observer coverage and monitoring to independently verify capture rates.

### *Scope of the strategy*

HSI supports the implementation of trigger limits and performance measures, and a maximum interaction rate for dolphins as a tool to drive down bycatch. However, the fishing effort has not been included in the Strategy to be able to determine what overall number of dolphin mortalities AFMA considers to be acceptable within a given timeframe, it also means there is no way of calculating annual cumulative mortality in the fishery.

Again, HSI has concerns that the fisher and management response for the first performance measure (trigger) of "Any dolphins have been caught in a single gear set" does not have a 'move away' response for boats. History has demonstrated that one dolphin bycatch is likely to lead to more in that area so we consider this measure appropriate and should lessen the instance of more dolphin mortalities in a trip. We are aware that fishers feel that moving on from one capture may have just as likely chances of cetacean mortality in the other areas. HSI recommends requiring a move on provision as a precautionary measure while the data is examined to verify this claim. HSI is extremely concerned at the Strategy Performance triggers whereby it is possible for an operator to catch more than 18 dolphins in 18 months BEFORE being excluded from the fishery for 6 months. HSI considers 6 dolphin mortalities in 6 months an extreme amount of bycatch and not an acceptable trigger limit, and therefore should not be allowed to occur 3 times before action is taken to exclude the responsible operator. We urge AFMA to make clear that any fisher who has captured the maximum amount of dolphins should be immediately excluded from the fishery for a 6-month period, even if the operator has not exceeded the Maximum Interaction Rate in either of the previous two review periods.

HSI recommends that there should be a fishery-wide trigger limit per review period in order to ensure excessive numbers of cetaceans are not killed. The cumulative trigger level should be set based on advice from scientific experts in dolphin populations and natural mortality rates.





We recommend that trigger limits be continually revised down as performance improves to be sure that they are always constraining the catch and working towards zero.

We recommend that the strategy should define an “interaction” and the definition should include any capture or mortality and any contact with fishing gear regardless of whether or not the dolphin is landed or entangled. Whilst we recognise that e-monitoring is a requirement to fish, if a dolphin is observed to drop out of the gillnet it will often not be easily distinguishable as a mortality so should be put down as a capture. As mentioned earlier, the Strategy does not include the consequences for misreporting. This leaves the system open to potential abuse by operators, and we consider that the catch alone of an increased number of dolphins to be sufficient for the operator to return to report and review the factors involved, also noting that there will be latent mortality from captures. Therefore, an “interaction” should be defined to cover this concern.

#### *Performance measures and Dolphin Mitigation Plans*

Our organisation supports the implementation of strict performance measures or triggers, in that a management response must be enacted after the bycatch of one dolphin. We consider that triggers must also be set across the broader Commonwealth fisheries to encourage action by all fishers, and not restrict management responses to one area, when it is clear that dolphin bycatch is a bigger problem across all fisheries.

#### *Research*

As with any species in which data is lacking on population and abundance we urge AFMA to work to the precautionary principle when considering the bycatch of cetaceans in Commonwealth fisheries. We would also like to see the commission of research into populations of specific cetacean species such as those often affected by fishing in the SESSF. More research will better determine the risks to population, areas of critical habitat and help to implement tools to minimise interactions with dolphins as part of the Strategy.

HSI support the development of Dolphin Mitigation Plans, and urge AFMA to ensure that worldwide best practice is used to assist in the development of these plans. These plans must also be regularly reviewed to reflect any emerging best practice.

In conclusion, allowing each fisher to catch six dolphins in six months is not acceptable, and certainly not to be allowed to be repeated.



Should you have any questions or comments on the issues raised in this submission please do not hesitate to contact Humane Society International on [REDACTED].

Yours sincerely,

Jessica Morris  
Marine Scientist  
Humane Society International