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THE GOVERNMENT ADMINISTRATION COMMITTEE B INQUIRY MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE HOBART ON TUESDAY, 9 JUNE 2026.

SAND FLATHEAD INQUIRY

Department of Natural Resources and Environment Tasmania

The Committee met at 10.48 a.m.

CHAIR (Ms Brown) - Welcome to today's hearing of the Standing Committee on Government Administration B Sand Flathead Inquiry. Thank you for your submission. Could you please state your name and the capacity in which you are appearing before the Committee?

Mr JACOBI - My name is Jason Jacobi, I'm the Secretary of the Department of Natural Resources and Environment Tasmania (NRE).

CHAIR - Thank you. Can you please confirm that you have received and read the guide sent to you by the Committee Secretariat?

Mr JACOBI - I confirm that I've read the guide.

CHAIR - This hearing is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place out of parliament. This protection is not accorded to you if statements that may be defamatory are repeated or referred to you outside of parliamentary proceedings. This hearing is public - the public and media may be present. Should you wish aspects of your evidence to be heard in private, you must request this of the Committee at this time.

So, we'll be heading into *in camera*? Yes?

Mr JACOBI - Yes. That's correct. I have nothing to disclose *in camera* at this point in time, other than to table two pages of a flathead compliance evaluation.

CHAIR - Great. Please take the statutory declaration, which should be in front of you.

Mr JASON JACOBI, SECRETARY, NATURAL RESOURCES AND ENVIRONMENT TASMANIA, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Did you want to introduce members at the table?

Dr MIDSON - Dr David Midson, I'm the General Manager of Marine Resources.

CHAIR - Excellent. Would you like to make an opening statement?

Mr JACOBI - David needs to do the declaration as well.

CHAIR - Sorry, yes.

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Dr DAVID MIDSON, GENERAL MANAGER (MARINE RESOURCES), NATURAL RESOURCES AND ENVIRONMENT TASMANIA, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you. Would you like to make an opening statement?

Mr JACOBI - Yes, I would. Thank you, Chair. As mentioned before, my name is Jason Jacobi, Secretary of the Department of Natural Resources and Environment Tasmania, and I'm joined today by Dr David Midson, the General Manager of Marine Resources. I appreciate that the Committee has had the opportunity to review our submission and I will make a brief opening statement, if I may. At the outset I want to acknowledge that this is a contested and deeply felt issue. Sand flathead fishing is a longstanding Tasmanian tradition passed through generations. It is part of our identity and our culture, so it is entirely understandable that decisions in this space generate strong views; but where science presents uncomfortable truths, the question for government is not whether to act: it is how, and how quickly.

I can assure you all that your fisheries managers over many years have agonised over every decision relating to this particular fishery. This was never going to be a fishery where decisions could be taken lightly or without consequences. This morning I will present a case for you that we have taken many measured steps over the course of two decades and that now is the time to act and to act decisively. I applaud the Tasmanian Government, my Minister and previous Ministers for showing the courage and support to follow through on the advice of my departmental specialists and the Institute of Marine and Antarctic Studies (IMAS) scientists, who are our independent advisers in fisheries management and who we test our thinking with.

I'd like to just touch on the legislative responsibilities that we hold. Aside from the fact that this has always been and is now, by the nature of this Committee, a political issue, it is important to understand the context of the law and the legislation that governs fisheries management in Tasmania. There is no doubt that there is room for improvement in our legislation, but the legislation defines my Department's role, and my role as the delegate and as the decision-maker and those of my delegates under the *Living Marine Resources Management Act* and the rules. We are required under that legislation to maintain the sustainability of marine resources. That obligation is not optional; it sits at the centre of every decision that we make.

The evidence before us is clear: the sand flathead stock has declined over decades, is now formally classified as depleted, and in the south-east it has fallen to critically low levels. In some of the state's most important fishing areas, breeding potential has fallen to around 5 per cent of unfished levels. By comparison, strong management action is typically triggered at 20 per cent, so we are well below where we should be. That should leave you all with no doubts as to the severity of the situation, made worse in the south-east through the sheer popularity, accessibility, and sustained recreational fishing pressure on sand flathead: from boats, from the shore at night and during the day, and from people from all walks of life.

As the severity of fishing pressure has continued to increase, so too, though, has the science improved. It has become clear that depletion is more severe than previously understood. You will hear over the course of this inquiry, and you will have already read in the submissions presented to you, differences in opinion and interpretation between the words 'depleting', 'depleted', 'unsustainable' and 'critical', or even 'highly unsustainable'. At least we all agree

things are bad, and in plain English there is not one submission that denies that sand flathead are in a bad, bad way.

For me and my fisheries managers who have tried time and again, through many different actions, to correct the downward trajectory, our decisions this year were taken because the absence of further information is no longer an excuse for inaction. I will say that again: the absence of further information is no longer an excuse for inaction. Over many years, we have introduced bag limits, size and slot limits, and removed commercial pressure, even though that was not the primary driver of decline. All of those measures did not stop or arrest the decline. At the same time, and most recently as 2025, advice from Tasmania Police, our fisheries enforcement partner, confirmed that evasive practices were occurring, with one in four boats inspected between April and May 2025 committing flathead-related offences, and non-compliance was actively hindering recovery. It was clear the behaviours were undermining our controls. Without stronger measures, such as landing fish whole, rules could not be effectively enforced and management would continue to fail. We considered all available options, but the only remaining option really available, other than closure, was to reduce the bag limit and slot size to a point where 100 per cent of the stock could not be taken. That is effectively a closure; and why make rules confusing when they don't need to be?

It is also important in this context to emphasise that the option to close the south-east fishery was not new, nor was it taken lightly. In 2023, we had already considered closure as a mechanism to accelerate recovery. At that time, however, we deliberately chose a more measured step: reducing the bag limit to two fish in the south-east, because we recognised the importance of bringing the community with us and testing whether less restrictive measures could stabilise the stock. In hindsight, and as the data now confirms, those measures were insufficient to arrest decline. This reinforces that the decision to close the fishery in the south-east was not premature; it was a necessary escalation after early interventions had failed.

More broadly, this process highlights a structural challenge in fisheries management, as noted by experts such as Caleb Gardner: consulting on each incremental change can delay timely action in a rapidly deteriorating fishery. We have to be able to respond and respond quickly, whether that is for a commercial or a recreational fishery. The longer sand flathead remain depleted, the longer they will take to recover; the longer you leave a sick person without treatment, the longer they will take to get back on their feet. It is important to be clear about what was done: we did not close the fishery statewide. We did not stop recreational fishing.

Instead, we implemented a targeted closure in the south-east where the stock is in the worst condition. Elsewhere across the state fishing continues. This, in my view, is a proportionate, evidence-based response designed to remove pressure where it matters most, support recovery and ensure compliance is, in fact, effective. The requirement to land fish whole is a practical enforcement measure. It allows rules to be properly checked and followed and to mitigate further harm at a statewide level; and most importantly, we are investing in stock rebuilding and enhancement in the south-east. Without the closure, that investment would be, I would argue, at risk.

You may hear that this decision lacked consultation or came as a surprise; that is not consistent with my experience. Over many years, and most recently in 2025, we communicated the decline time and again, we received strong calls for action and we heard support for action, including closure if needed. So while concerns exist, I believe there is strong support from those who understand the fishery and its vulnerability. I would also note that the Department

has invested significantly over time in communicating these regulatory changes and expectations to fishers; however, as management arrangements have become more complex, including through discrete area closures, or seasonal limits, or research zones, or transition arrangements and access restrictions, as this has been recommended by many, this ultimately leads to confusion within the fishery.

The complexity of those rules increases the risk of inadvertent non-compliance, and ultimately it undermines the effectiveness of management measures designed to support recovery. Whilst others will suggest that we should have done more to trial these measures before closure, I would argue that they have only made the fishery more and unnecessarily complicated. A simple, clear regulatory framework improves compliance and it better protects the stock. To be clear, Committee members and Chair: the closure is not a desired outcome for any fishery, but in this case I believe it was a necessary one given the data before us. Where there is risk of serious or irreversible damage, we must act even where uncertainty remains, because without a functioning stock there is no fishery, there is no economic benefit and there is no future for the next generation.

In this case, I believe the science was strong. It is strong, and any delay or pause, as some have suggested, will increase the risk of permanent loss.

Looking for the objective is simple, to recover the stock within a timeframe that is meaningful to current generations. This meant closure, landing-whole and stock rebuilding because together they provide the fastest pathway to recovery.

It is my hope and expectation that within five years, and perhaps even less, the sand flathead fishery will have returned to levels where measured and progressive relaxations to the rules will see Tasmania's fishing experience's return to the good old days.

We, as the state's fishery manager, will continue to apply the best science, engage with stakeholders and adapt our management, as needed.

The best possible outcome of this inquiry will be for you to support my Department to develop a clear, pre-agreed and consulted harvest strategy framework, one that sets decision rules in advance and allows for faster, transparent, science-based responses as conditions change. We are committed to that objective.

I'm also committed to the new Marine Environment Tasmania Act, delivering improved regulatory functions through either that Act or existing legislation via a reformed *Living Marine Resources Management Act 1995* (LMRMA).

Looking forward, strengthening the fishery will also require additional investment, particularly in expanding stock sampling, improving survey coverage, and enhancing compliance capability. These are critical to ensuring that management decisions are based on the best available data and that rules, once set, are effectively enforced.

The worst outcome, in my opinion, of this inquiry would be for you to recommend a pause, a partial reopen or a fully reopened sand flathead fishery in south-eastern Tasmania because, in my view, it would both undermine the reputation and credibility of evidence-based science informing our decisions but, most importantly, it will result, in my opinion, in a major setback that will place a recovery at serious risk of not occurring at all.

In closing, Chair and members, these are difficult decisions. They are necessary ones and they are not the last that we will have to make. Climate change, sea urchin invasion, harmful algal blooms will have a combined impact alongside recreational and, in some cases, commercial fishing pressure to push some species to the edge of sustainability. These should not be matters of politics; they should be matters of science and taking a measured and precautionary approach with the long-term public interest and Tasmanians at the heart of our decision-making.

That is what I believe we have done and we will continue to do, so I thank you and welcome your questions.

CHAIR - Excellent. Thank you, Mr Jacobi.

Would you like to move into the *in camera* session now?

Mr JACOBI - Yes, happy to move into *in camera* session if that suits the Committee.

CHAIR - Excellent. We'll stop the broadcast, please.

The public session suspended at 11.03 a.m.

The public hearing resumed at 11.09 a.m.

CHAIR - Excellent. Thank you, and so we'll move into questions from the Committee. But before we do that, I'll just introduce the Committee to you. So to my left we have Mr Garland, to my right we have Ms Finlay and farther we have Ms Rosol, and then down the end we have Mr Jaensch and I am Ms Brown. Thank you for being here and we'll open it up to questions. Oh, and apologies, I do have Mr Di Falco online. Apologies, Carlo.

Mr Di FALCO - Cheers. No worries.

Ms FINLAY - Thank you for the overview. There was something that you said in the overview that I wasn't clear on. Was the decision around the closure of the fishery done by you under delegation or was it done by the Minister?

Mr JACOBI - No, it was done by Dr David Midson under delegation. But I am a delegate and David is my delegate for most closure decisions, which occur quite frequently.

Ms FINLAY - Yeah, and so I understand the process of delegation. I just wasn't sure with what you had said in there, and is that a delegation from you or from the Minister?

Mr JACOBI - It's a delegation from the Minister, yes.

Ms FINLAY - Okay. Thank you. Can you outline - often when there's a decision published, and I think historically there used to be statements for the reason of making a decision - is there a formal statement for the reason of making a decision to close the fishery?

Dr MIDSON - No, there is not. In general, we don't publish statements of reasons for decisions under the fisheries' rules, whether that be the rock lobster rules, abalone rules or

scalefish rules. There's no requirement to provide those statements of reasons for those decisions.

Ms FINLAY - What would be the most formal document that outlines a reason for decision internally, when you're making that decision? Sorry, through you.

Mr JACOBI - A regulator statement is typically the most formal document that's published, but David may wish to speak to that.

Dr MIDSON - So, fisheries management closures are made in a variety of contexts. Sometimes they are based on, say, reaching a catch cap in the abalone or rock lobster fishery. Normally, they're pre-consulted, but we would make those decisions. In the case of the scalefish fishery, a decision brief comes up and a decision is made and then the legal notice is published.

Ms FINLAY - Who authors the decision brief?

Dr MIDSON - The fisheries' managers.

Ms FINLAY - Right. So, in this instance, somebody has written a decision brief for you. Is that a brief that you could table? Because that would seem like the closest outline as a reason for closing the fishery.

Dr MIDSON - I would have to go back and have a look at exactly what was produced, but sometimes those briefs include a range of confidential information, including some of the information that we've previously talked about.

Ms FINLAY - Would you be willing to take that question on notice -

Mr JACOBI - Happy to take that question on notice.

Ms FINLAY - to consider an appropriate - it might need to be redacted if there's confidential information, but to table that decision brief? Thank you. I'm happy to write that question down if you'd like.

Ms ROSOL - Thank you for the opening statement and the evidence that you've provided. It seems, to me, in looking through all the submissions that we have, that one of the points of contention is around the current state of the fishery with the independent scientists saying that there's no evidence that things aren't improving. Just reading from submission 4, Dr Jeremy Lyle noted, 'the current assessment approach is acknowledged to be uncertain and provide limited capacity to monitor recovery and effectiveness of the recent management arrangements'. So, they're interpreting it one way and you're interpreting it another way, but is it fair to say that all stock assessment methods have a degree of uncertainty?

Mr JACOBI - I think one of the real challenges, particularly in this space - and I thank the member for the question - is that we don't have commercial catch data available to us. Normally, in the commercial fishery, you have what's called catch data, which provides not necessarily real time, but very current data on the particular types of fish that are caught. We don't have that in this instance, so we are missing current relevant data and our decisions are based on a point-in-time understanding about the condition of the fishery. Now, particularly in a recreational context and in a place like the south-east, as you can imagine, there are people

recreationally fishing all of the time - on beaches, from boat ramps, from boats, from vessels - they are moving around that entire fishery.

One of the key issues in our decision-making was not - there is no doubt, I think, in any of the submissions that the condition of the stock is in a bad way. I think we can all agree on that. One of the key pieces of information that we received most recently was around the levels of compliance - that we were not getting any evidence that people were, across the board, complying with the rules. Because there was no landing-whole rule in place, there was no mechanism for TasPol or our fisheries' compliance staff to actually stand at a boat ramp or to engage with a fisher and have any confidence that the fish that had been filleted were, in fact, sand flathead.

That evidence on its own and the evidence that was presented to us by our TasPol colleagues indicated that compliance levels were very, very low - putting unreasonable and additional pressure on the status of the stock and, certainly, leading me to the opinion that we were not in a space of recovery. Despite the fact that measures were put in place in 2023 and that it might take a period of time to realise those, every evidence that was provided to me was pointing to the fact that we were likely entering into a worse state.

Dr MIDSON - If I could just add to that. You mentioned that some of the submissions talk about no evidence of a further decline in the fishery. Conversely, and the counterfactual, is that there is no evidence of recovery. We've put in place these measures and we are not seeing evidence of recovery and that's why there is still a SAFS [Status of Australian Fish Stocks] assessment of 'depleted'. If there was evidence of recovery we would be seeing a 'recovering' status. It is really important to remember the precautionary principle in these circumstances. We are dealing with a fishery that is potentially at only 5 per cent of unfished biomass or its proxy. This is a very heavily depleted fishery and it has been depleted for quite some time. When you see that level of depletion it is really important to take a precautionary approach, and the precautionary approach is that where there is uncertainty, you actually act in a more cautious manner, you don't delay action. The precautionary approach is that, where you have uncertainty, you take action.

Ms ROSOL - Could I just follow up there just around evidence - thank you for what you've said there - but, one of the issues raised by Dr Lyle was that there's been an increase in funding for sand flathead research, but sampling intensity hasn't increased in the southern zone. I'm curious why there hasn't been a move to more frequent population surveys sooner, given the scale of the decline and the importance of the fishery.

Dr MIDSON - Those are primarily matters for IMAS. We do have a long-standing arrangement with IMAS to provide independent science. Me and my team typically don't get involved in determining how that science should be conducted, we leave it to independent experts. That relationship has been, I think, very good for fisheries in Tasmania in providing that independent science. It is very difficult to fund the level of data that we would potentially want in all our fisheries. We have a large number of stocks in Tasmania and fishery science is really quite expensive. They're hard to count in some cases and there is, like you said, an inherent amount of uncertainty.

I think I would go back again to the precautionary principle that where there is uncertainty that actually drives us to take more action. In terms of scalefish and in terms of recreational fisheries, the amount of science and data collection on sand flathead is quite high. It is actually,

for a recreational fishery, for one of our scalefish fisheries, there is a very good amount of information collected over a long period of time. The job of fisheries managers is to act on the best available information at the time and the IMAS stock assessment represents that.

Mr JACOBI - I would go back if I can, to my opening statement, which encourages additional sampling. We would absolutely welcome the opportunity to undertake more sampling of greater numbers, but that is a funding issue.

Mr GARLAND - First of all, I'd like to commend you for making a decision and adopting the precautionary principle because I've read about it for quite a while and it's good to see that happen. Closures are nothing new to the commercial sector. We gave up fishing in the Channel area of Montagu to protect large adult King George whiting. We gave up netting areas around to protect the penguins and we also gave up our foremost productive weeks in the calamari fishery to protect that fishery when the numbers kept coming in.

Would it be a good idea - we've done citizen science and the commercial sector in conjunction with the recreationalists have all contributed samples with rock flathead, King George - I think, because the community are sort of being left out with this, would it be a good approach to include the community in the collection of science? For instance, if you want to ascertain a biomass, wouldn't it be good to have all the recreationalists out there on a given day to fish certain areas? That would give you real data in real time and it would be cost effective. The feedback to me is the recreationalists have been left out, they haven't been included and I think that would be an excellent way, going forward, to help with our budgetary situation and also get a clearer picture, not only for us and for the Department, but for those recreationalists that are a bit disbelieving about the status of things.

Mr JACOBI - Through you, Chair, it's an excellent suggestion and without spoiling a new initiative that's being developed in my Department, we do have a citizen science tool, which will be coming out very shortly, which will provide fishers with a whole suite of opportunities to report on different stock and fish that they collect. David might be able to talk more specifically to that particular tool, but I think it is an excellent suggestion. Citizen science, as long as the data is collected accurately, and in a simple way for people that's practical for them on their boats, it will be important to informing the condition of the stock, and it will be critical to informing our decisions about progressive reopening, particularly in the south-east.

Dr MIDSON - We certainly are continuing to explore ways to allow recreational fishers, in particular, to provide additional information that helps us. In terms of your suggestion about a citizen science project, it is something that the Department engages with through the Institute for Marine and Antarctic Studies (IMAS) in a number of fisheries. There have been a number of citizen science projects over time. There's one at the moment on tuna gut contents, for example.

As part of my role, and as a delegate of the secretary, I chair the committee that provides guidance to the Sustainable Marine Research Collaboration Agreement (SMRCA), and I'll take that suggestion to that committee.

Ms FINLAY - That's a lovely segue because I was just going to go back onto the SMRCA and say, as I understood it, there was an agreement between IMAS and the Department about what happens under the SMRCA funding. There's some sort of brief or agreement or memorandum of understanding, whether that's an example, or what happened

with the Maugean skate as an example, but I think you said earlier that you didn't have influence or were unable to make suggestions about how they use the funds. Is that correct?

Mr JACOBI - The SMRCA agreement enables us to negotiate with IMAS about the nature of the research that they undertake.

Ms FINLAY - So, it would be possible to increase - what I heard you say in the previous question was that it wasn't possible to have that extra stock assessment.

Ms ROSOL - I wasn't saying it wasn't possible. I was just saying it hadn't been.

Ms FINLAY - No, I'm not saying that you weren't. I'm saying that the answer said that they couldn't influence what research happened under the SMRCA.

Dr MIDSON - Just to clarify, if I gave that impression - I'm not saying that it's not possible, but our practice is not to interfere with the independent judgment of scientists in terms of sample sites and sample frequency, sample locations.

Certainly, we have discussions quite regularly about the funding provided for different projects, and there are a range of mechanisms that IMAS have in place that determine funding levels - research advisory groups, for example, and additional funding can go into different projects. Often those funding parameters go through different funding bodies as well. So, the government provides a baseline of funding in the SMRCA and IMAS leverage that funding through funding providers like Fisheries, Research and Development Corporation (FRDC), and those funding grants are based on an experimental design, for example, that will go up.

It is not our practice to interfere with how the scientists design that. What we do is we ask them questions and they determine the most appropriate way to answer that. So, while there is a degree of us being able to negotiate or provide additional funding or determine how the funding is split up through a variety of processes, I don't think it's necessarily our role to be telling scientists how to do their job.

Ms FINLAY - That wasn't what I was suggesting. I was just clarifying whether you were saying that there wasn't a role in agreement on the types of tasks, not how they do it or what determinations they come to, but what sort of tasks they might focus on given how precious the fisheries are and, importantly, we have the right information, because you've said that there's a lot of uncertainty because we have a lack of information.

One of the things that I'd like to ask is: there was quite a significant decision made in 2023, and that was based on science, and we're saying that this is based on science. I'm just wondering, technically, has there been enough time to report changes from the 2023 decision? What data are you relying on to report changes beyond what was expected from that 2023 decision?

Mr JACOBI - As I outlined before, one of the key pieces of information was around compliance. One of the things that we wanted to institute back in 2023 was landing fish whole. We did not proceed with that particular measure because there were significant concerns expressed by local governments around potential waste issues at boat ramps and how that would be addressed. We don't believe that that was actually a reality - that people could have taken fish home, they could have disposed of them appropriately, and the boat ramps were not

necessarily going to be subject to a significant waste issue as a result of that landing whole requirement.

What became very clear between 2023 and now is that we are experiencing significant levels of under-compliance. That alone is a compelling reason to take a more precautionary approach and to simplify the compliance rules that everyone has to abide by. Now, because we've gone down to two-fish bag limit, where do you go from there? You know, if you're down at two fish - with a slot size rule, you are virtually restricting the take to a very, very small size of fish and number of fish.

Ms FINLAY - Which would suggest not increased pressure.

Mr JACOBI - Well, there is still pressure, because people are not following the rules, and there's a compliance issue emerging. The simplicity around a simple rule that everyone abides by, particularly in the south-east, was absolutely fundamental to the decision.

Ms FINLAY - If there's a compliance issue emerging, as you stated just then, isn't the response actually then about improving compliance measures and communicating the expectations of what needs to be complied with?

Mr JACOBI - Communication was something we have focused on very, very hard for the last three years - in fact, longer than three years. But we have had a concerted effort around our communications on these rules. Communications are not the be all and end all and, as you suggest, a much heavier compliance presence is a solution - but imagine trying to enforce compliance of every individual fisher on every boat on the entire foreshore of Tasmania, let alone Storm Bay and the D'Entrecasteaux Channel. It is just not feasible or practically possible. I can attest, even anecdotally, to seeing time and again recreational fishers pulling in undersized sand flathead. Time and again.

Now, catch-and-release is a solution but, you know, there are fish that will not survive a catch - that regardless of how quickly they're released, they will not be in a good state or a good condition. All of those factors come into play when you're considering how to impose rules which will actually have a real and meaningful effect.

Ms FINLAY - So was personal -

CHAIR - Sorry. I'll just go to Mr Jaensch next.

Mr JAENSCH - Thank you. You mentioned that the objective is to have recovery of the fishery within meaningful timeframes. I think in your submission you talked about the issue of making sure there's not a generation that misses out on the experience of getting into the flathead, and I think that's commendable. You mentioned this, a timeframe of five years. You've also talked about 5 per cent of the unfished biomass. I suppose I'm trying to understand: if 5 per cent is the trigger for the action that we're taking now, how do we know when we're at a sustainable level that means that we have recovery and we can turn this experience back on for fishers, so that we can bring them on the journey? That people know that this is a repair process, not a ban forever, and it makes sense to them and they can see where we're going and why? So how do we know we're going to get there? And you said five years? How do we know how we're going?

Mr JACOBI - So in my opening statement, I mentioned five years or less. I'm hopeful that it will be sooner, but that is just an indication of the timeframes that we are looking at. But I'll get David to talk further about the science.

Dr MIDSON - Importantly, in some of the advice that was given to us in 2023 was that there was an urgent need to increase biomass above 20 per cent of the estimated unfished biomass. Then in 2025 - so the trigger for reviewing the management framework was the 2025 stock assessment - IMAS said that female spawning potential depleted in most regions down to potentially just 5 per cent of unfished levels in the south-east. So, we are continuing to see that; we're seeing no evidence, or very limited evidence, of any recovery with current management settings.

We do know from the work that IMAS has done on the importance of recreational fishery that actually a lot of the negative impact, so the loss of amenity that recreational fishers receive from a fishery, comes down to the poor quality of the fishery rather than the management measures that are put in place. So, it is really important that we work hard to recover a fishery quickly. We would want to see a number of - so, we review our management measures every year when we get a stock assessment, as you would expect. We get the advice from the independent scientists and then we review if the management measures are appropriate. We would look to see things like getting the spawning potential back above 20 per cent, so back above that critical limit. Very worryingly, in the south-east and around other areas of the state we have seen that recreational - there is indications that recreational fishing pressure is changing the phenotypic make-up of the stock; so, fish are not getting as big as they used to. Reversing that is the main aim of the stock-enhancement program, and we would want to see evidence of that size structure changing, because we do know recreational fishers want to catch bigger fish, and it is very worrying to see those type of changes. So, we will be led by the science, but the decisions that are being put in place will allow the recovery in the fastest-possible timeframe and hopefully allow us to address some of those phenotypic changes.

Mr JAENSCH - So, when you say 'the fastest-possible timeframe' is that what your less than five years, ideally, is based on? What's the alternative and what's the timeframe for that?

Dr MIDSON - The IMAS stock assessment said that, without strong action, sand flathead may not recover or could take an unacceptably long time to recover. So, without the additional measures that are being put in place, their assessment is that there would be either no recovery or an unacceptably long time to recover. So, that's -

Ms FINLAY - But did they recommend closure?

Dr MIDSON - It's not part of their role to recommend management measures. What they're - I'm just quoting what they said: without strong action, sand flathead may not recover or could take an unacceptably long time to recover.

Ms FINLAY - But they didn't recommend closure? It doesn't say close the fishery?

Dr MIDSON - They recommend strong management measures if we want to recover. It's the professional role of fisheries managers to determine what those management settings should be, for a whole variety of reasons, not just the scientific.

Mr Di FALCO - You stated earlier that normally - just for clarification, just so I've got it right - they close officially once it gets down to 20 per cent. Why wasn't this, the actions we're taking now, pursued back in the day? Also, I have a question in relation to non-compliance: was it determined that that was an issue prior to 2023?

Mr JACOBI - I thank the member for the question. In terms of why wasn't this done earlier: the approach that my Department has taken, over many years and over decades, has been a consultative approach. There have been recommendations that have been made through fisheries advisory, recreational advisory councils, to take stronger measures that have not been observed for a variety of different reasons, and I don't think there's much value in going back over that, but everybody holds particularly strong views about this fishery.

As I mentioned in my opening address, it is almost viewed - well, it is viewed as a tradition, as a culture in Tasmania, to fish for flathead. We have done the best that we believe is possible to introduce measured action after measured action over time, based on the information that's been available to us. As you would have seen from the history of this, we've gone from depleting - which doesn't mean, necessarily, that the stock is unrecoverable - but we've gone from depleting to depleted. As each piece of data and information has led us to a worse condition, we have done our best to respond.

Now, in 2023, I was involved in those decisions, and I believe that they were substantial and significant measures: we reduced the bag limit from 20 down to, I think it was, two in the south-east. We significantly reduced the bag limits across the rest of the state, but we didn't go so far as to the landing-whole requirement, and that was always going to be a gap, and we knew that was going to be a gap. The next obvious step, as I mentioned before, Mr Di Falco, was there really wasn't much room for reducing the bag limit in the south-east. The south-east is a unique state where fishing pressure is so extreme and so significant across the whole of the south-east area that compliance - no matter how much compliance you put in place on the water or on land, I don't believe you would be able to be - it would be impractical in terms of - and not cost effective.

Ms FINLAY - Does that mean you could never reopen it, though, if compliance is never possible?

Mr JACOBI - No, it means we have rules in place now which are absolute. You know you cannot take a sand flathead and fillet it and take it home in the south-east, and that provides very clear compliance measures and an understanding in the broader community about what can and can't be done.

Ms FINLAY - But my question is: how does the compliance change now versus when it reopens; the compliance will be the same, so why does that mean closure now and not ongoing closure, because that won't change?

Dr MIDSON - Just to go back to Mr Di Falco's question briefly: Professor Tracey might be able to provide some more information, but there has been a significant investment in the science around sand flathead in recent times, and that is reducing our uncertainty; but as that uncertainty has reduced, we've actually found that things are worse than we previously thought. So the increased science, the reduction of that uncertainty, has led us to know more about how depleted this fishery is, so that is one really important aspect. In terms of compliance, there are no fisheries where we have 100 per cent compliance; the ability of a fish stock to be resilient

to fishing mortality depends on how healthy that stock is. So we have to be much more cautious when fish stocks are depleted, particularly where they're depleted so low as this one.

So where you have really depleted fisheries, you do have to be much more cautious about designing rules that can be effectively enforced. As you recover a fishery there is more wriggle room. You don't need to be as precautionary. One of the really - being a fisheries manager is a difficult job because when you're trying to reduce fishing mortality, which is what we need to do, so IMAS has said that fishing mortality is unsustainable, that means too many fish are being taken out of the system. What you're trying to do is have less fish be taken out of the system. So it is a really difficult decision, but we are trying to reduce the amount of sand flathead being caught to allow it to recover.

Ms ROSOL - I've just got a couple of questions to follow up on a couple of different things, but you talked about considering closure in 2023 and the pushback from the local councils because of waste management. Did you experience any other pressure at that time not to close the fishery?

Mr JACOBI - So just to be clear: the points that council were raising were in relation to landing whole; they weren't about closure. So the conversations that we were having with local governments, particularly those around the south-east, was that, you know, everyone would have to bring their fish back to boat ramps and they'd be filleting their fish at boat ramps and there'd be a waste issue, and that's a legitimate concern which we took notice of. Through our better fishing grants program, we supported councils where it was appropriate, to do upgrades to existing boat ramps and facilities; but a lot of it was around compliance and it was around education of the community and what they could and couldn't do. To the second question, which is around closure, I think in 2023 we were really faced with two decisions around closure: one is to either not close and endure a longer period of recovery, or to close and get a faster recovery.

Ms ROSOL - I guess I'm asking at that point, was there pressure - were you experiencing pressure to not close?

Mr JACOBI - I think it would be fair to say that no fisher wants closure. You know, they were always prepared and in most cases would like to see other management measures rather than closure. Whilst we did get feedback and we did have advice from the community that people were prepared for that, I think at that point in time we did not think that was a measure that was absolutely necessary and it was worth trying the alternative.

Ms ROSOL - Thank you. Just to my second question: you've mentioned a couple of times the word 'unsustainable' and there's some criticism of the use of that word, particularly the phrase 'highly unsustainable' in media releases about the closure of the fishery. Was this intended to be a common usage of the word 'unsustainable', rather than saying any sort of technical or official designation? What was the way you were using the word?

Mr JACOBI - I will go to David, but it is always challenging in this space to find language which communicates the severity of the issue, and David might have more to say about that.

Dr MIDSON - So the language used in fisheries stock assessments has changed over time as the policy around definitions changed. IMAS themselves used the term 'highly

unsustainable' in the 2024 stock assessment, the 2023 stock assessment. In their advice to us in 2023, they talked about depletion below critical levels, and we always have a challenge in how we communicate quite difficult fisheries management concepts to the community, and we do try and use language that conveys information in plain English, and our comms are really about trying to inform the community about what's happening with the fish stock. We're not normally doing those comms in mind of an inquiry or something like this, where we are talking about very - we're talking to an audience that has a technical understanding or has the benefit of briefs and things like that. So, really, those usages are around conveying it.

Particularly in this case, we have the difficulty that sand flathead is depleted around most of the state, but the south-east is facing the most pressure. That's where the most fishers are; that's where the biomass is depleted the most. We have had to try to use language to convey the difference in severity of different parts of the fisheries that are depleted to different levels. That's not really considered in the SAFS stock assessment framework. All these fisheries are depleted, but we need to communicate exactly what's happening in the south-east because there are differences here.

Mr GARLAND - To my understanding, we've got a depleted stock, but we've got good recruitment. But the depletion is fast to grow and quicker genetics - they reach size quicker and they're plucked out of the water and then you're left with the stunted genome, which is the problem. I believe we are planning to introduce quicker-growing genetic fish, so it just makes common sense that, if there's non-compliance and you're looking to reintroduce quicker-growing genetics into a fishery where they're still open and the compliance is in there, it'd be a waste of time, money and effort. Victoria, for instance, I think their size limit's 27 centimetres there and they've got fish that are 24 years of age and not reaching size, and that's what we're trying to avoid with this, I believe.

Mr JACOBI - Agreed. For the stock enhancement program to be truly effective, a closure guarantees or is the highest guarantee of success.

Dr MIDSON - Just to go back to your point on recruitment. The designation as 'depleted' means that there is a risk of recruitment impairment. IMAS are of the view that there is a risk to recruitment. A really fortunate thing is that flathead are a very fecund species, so they breed really well, and that does give us some hope of a more rapid recovery and helps us recover a stock. But we are dealing with a stock at a spawning potential at 5 per cent. So, there is still a risk of recruitment impairment. Professor Tracey will be able to describe that more for you.

Ms FINLAY - You talked heavily about communication. I'm just wondering, how much effort in communication was applied to compliance and informing rec fishers of the concern around non-compliance?

Mr JACOBI - I can't speak specifically to the communications on compliance. David?

Ms FINLAY - Has there been any?

Dr MIDSON - There has. We have a very regular program of social media and things like that. But I would also draw your attention to the last rec fishing guide, where the Minister for Fisheries at the time, Minister Abetz, very clearly laid out the risk around non-compliance.

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Ms FINLAY - How many fishers do you think read the introductory statement by the Minister in a fishing guide?

Dr MIDSON - I can't say how many -

Ms FINLAY - Is that a communication strategy?

Mr JAENSCH - How many of them get it? How many are published?

Dr MIDSON - A very large - I think we've got that in our submission, but it's over 10,000. So, a large number of people get it, and we do actually have a really good reach with our social media and with our newsletters and things.

Ms FINLAY - Do you ever use your direct database to communicate directly around compliance issues? I suppose the purpose of the question is saying: prior to the decision being made, were there intentional efforts to communicate with rec fishers a concern that non-compliance could lead to closure?

Mr JACOBI - Well, I think you can also refer to the previous Minister for Primary Industries and Water, who openly came out in a public press release and announced that one of the next measures might, in fact, be closure.

Ms FINLAY - In a press release? I suppose communication -

Mr JACOBI - Yes, but I'm not referring to that being the only mechanism. I was aware of a whole range of different mechanisms and our partnership with TARFish, I think, is a key - TARFish have been a key partner in the communications messages as well.

Ms FINLAY - Would you be willing to take a question on notice to table the communication strategy targeting non-compliance?

Mr JACOBI - Absolutely. In fact, I think we could, if you give me a minute, actually provide it here.

CHAIR - Speaking of compliance, is there any other documents that you'd like to table at this time?

Ms FINLAY - And while are you going through your folder -

Mr JACOBI - I'll table the flathead compliance evaluation consultation.

Ms FINLAY - Can I ask one other question? In the decision brief that came up, were there options provided or a single closure recommendation?

Dr MIDSON - I can't recall it, so I'd have to go back and have a look.

Ms FINLAY - Are you happy to take that on notice?

Mr JACOBI - I think we're already looking at the information that would -

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Mr JACOBI - Yes, I think you asked for a -

Ms FINLAY - I did. This is a very particular question and I would have thought given the preparations for today, knowing whether there were options recommended or a single option for closure, that would be something that I would have thought would have been front of mind.

Dr MIDSON - What I can say is that following the stock assessment in 2025 being released, the fisheries management team obviously consider all the options. They look at the stock assessment. They consider whether the management measures are appropriate and we work through what the appropriate management settings would be and, in this case, that has led to the landing-whole and a closure. I just can't recall in the specific document.

I'm not completely removed from the fisheries managers. We discuss fisheries management -

Ms FINLAY - Were there other options discussed outside closure?

Dr MIDSON - When we get a stock assessment, we look at all the options, including leaving the settings as they are, so it's a process of getting the science in - getting the independent stock assessment. We don't have a closed mind on what to do with the information in that stock assessment. We look at it from the basis of what is best for the fishery.

Mr JACOBI - Can I respond to the question about media and communication?

Ms FINLAY - Sure, thank you.

Mr JACOBI - There's a whole suite of engagement activities. I note in social media with sand flathead there are 40 reels/posts across both Facebook and Instagram relating to flathead rules, flathead identification, alternative species to catch, the Mixed Bag program, flathead research, flathead science, responsible handling. The reach was 521,290-plus people.

Ms FINLAY - Is compliance in that list?

Mr JACOBI - You didn't ask me about compliance; you asked me about social engagement and -

Ms FINLAY - My specific question was, what communication program did you have about compliance and the connection to that, to a potential closure. It was a very specific question.

Mr JACOBI - Communication about compliance is a very specific thing. I could refer to the flathead rules -

Ms FINLAY - Correct. That's why I am asking.

Mr JACOBI - which were embedded in those social media posts and the flathead rules would be communicating to people what the compliance requirements are.

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Ms FINLAY - My question specifically is: were recreational fishers ever directly communicated with to say that there was a concern about compliance and that could lead to closure?

Mr JACOBI - Well, we don't take a big stick to compliance. One of the first -

Ms FINLAY - Closure is a big stick.

Mr JACOBI - Yes, but in the pyramid of compliance activities, the first premise is about education and making people aware of the rules. That is the fundamental first thing. We don't go, 'If you don't do that, then we're going to do this'. That would be a fairly punitive approach to communication.

Ms FINLAY - But in the absence of informing them that continued non-compliance means closure.

CHAIR - We'll go to Mr Jaensch.

Mr JAENSCH - Thanks, Chair. I will refer the member to the Minister's message in the Recreational Sea Fishing Guide 2024-25 which goes directly to the point that you're making.

My question is: you made reference to the role of the recreational fishers groups in consultation and communications. Who is the official representative body that you engage with and what has been their role so far?

Dr MIDSON - In terms of recreational fishing, TARFish is the certified body. Under the LMRMA there's a process for the Minister to certify fishing bodies as being representative of a particular sector, so TARFish is that for the recreational fishing sector. We have a very productive relationship with them. TARFish receive a number of grants around various things, including fisher stewardship. We engage with them quite regularly on how they do that and they've been heavily involved in the preparation for a rebuilding plan on sand flathead, for example. We continue to meet with TARFish very regularly and we work together on a range of engagement activities, including communicating about how we're going to engage, how they're going to engage in the different messages that we will be sharing.

We also have a more formal process of consulting with them and other certified bodies on management changes. For scalefish, the certified bodies are TARFish and Seafood Industry Tasmania (SIT) from the commercial sector, and we have an engagement policy that's up on our website that explains how we engage, and we engage with them very regularly. There wouldn't be many weeks that we're not engaging with certified bodies on a particular management measure.

Mr JAENSCH - Do they have a role in communicating out to their constituency? Or is it between you and TARFish, or does TARFish also have a role in communicating out to fishers generally?

Dr MIDSON - TARFish have their own engagement program where they communicate, but in general, I would say for recreational fishing we have a very strong direct engagement approach as well, through our Fishing Tas website, the Fishing Tas social media, and newsletter, which goes back to that database of recreational fishing licence holders - of course,

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that's for abalone and rock lobster and some various other things. But we engage very heavily directly. We also get a number of queries in. We do also support TARFish to have that engagement with fishers. Sometimes it will depend a little bit on the message as well. Sometimes the message is best placed in partnership with TARFish or others, sometimes it's best direct from government and sometimes it's best for TARFish to take the lead.

CHAIR - Thank you so much for your appearance today. That is the end of our time. Thank you so much for being here. What you have said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that privilege does not attach to the comments you make to anyone, including the media, even if you are just repeating what you've said to us. Do you understand that?

WITNESSES - Yes.

CHAIR - Excellent. Thank you so much for your time.

The Committee suspended from 11.51 a.m. to 12.00 p.m.

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Tasmania Police

CHAIR - Welcome to today's hearing of the Government Administration B hearing into the sand flathead. If you could please state your name and capacity in which you are appearing before the Committee.

Mr OOSTERLOO - Yes, I'm Assistant Commissioner Doug Oosterloo. I am here representing the Commissioner and Tasmania Police. Bit of context is I have responsibility in my portfolio, the Marine and Rescue Services Division sits in my portfolio, as one of many others, and to my left I have Acting Inspector Paul Johns, who is the current officer in charge of Marine and Rescue Services.

CHAIR - Excellent. Can I confirm with you that you've received and read the guide sent to you by the Committee Secretary?

Mr OOSTERLOO - Yes, I have.

CHAIR - This hearing is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place out of parliament. This protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside of parliamentary proceedings. This hearing is public. The public and media may be present. Should you wish aspects of your evidence to be heard in private, you must make this request at the Committee at this time. I will introduce members of the Committee: so we have Mr Garland; Ms Finlay; Ms Rosol; Mr Jaensch, Mr Di Falco will be with us; and I'm Ms Brown. Can you please both make the statutory declaration.

ASSISTANT COMMISSIONER **DOUGLAS CHARLES OOSTERLOO**, and ACTING INSPECTOR **PAUL MICHAEL JOHNS**, TASMANIA POLICE, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Thank you so much. Do you wish to make an opening statement?

Mr OOSTERLOO - I'm happy to, Chair, if that's okay. I guess just for context, Tasmania Police, we support the NRE, the Department of NRE, in terms of the enforcement and compliance with the fisheries legislation. We do that through a number of forums, but the capability is more broadly provided by our Marine and Rescue Services. Marine and Rescue Services is a division, as I say; it has 33 full-time officers, all stationed in the south, with a further 11 marine officers stationed around the state, in the north-west, north, east and west. So there's 11 officers dispersed around the state, but the main capability is provided by our southern-based team, which is overseen, as I say, by Acting Inspector Johns.

We've got 33 vessels coincidentally as well, including four large vessels: the *Van Diemen*, the *Wickham*, the *Vigilant* and the *Dauntless*, which I'm sure you're aware of. So our patrols and our enforcement and compliance activities are undertaken using those vessels, 29 other trailer vessels around the state, to conduct patrols and inspect boat users, recreational boat users and commercial vessels as well, mainly through our large vessels. We also, through supporting our dedicated marine police, our frontline police receive training and are encouraged to conduct enforcement activities at boat ramps, particularly, around the state, making sure to check catch and monitor compliance with the legislation.

In terms of our relationship with NRE, the act requires the secretary of NRE to hold four meetings per year in terms of consultation with police, and the Act spells out what we must do in those consultation meetings. Practically the attendance of those meetings are delegated, so the secretary of NRE delegates to an officer within NRE and the delegation in Tas Police sits with the inspector in charge of Marine Rescue to attend those meetings. At those meetings police will present statistics, data around our enforcement activities, and provide statistics around what we're seeing in terms of enforcement. So that is the main vehicle for consultation with Tasmania Police and that is the main, I guess, forum where we will provide feedback and statistics on those enforcement activities. In terms of sand flathead, that has been the main source of feedback from Tasmanian police to NRE to guide their decision-making around closures and rule changes.

If there aren't questions - if I'm talking too much, please tell me - but I can talk you through the statistics that we've had if you'd like, to start things off, and let you know what our enforcement has seen over the last few years. Probably as a bit of context - I've encouraged Mr Johns to correct me if I get something slightly wrong - prior to 2023 our infringement-notice system for fisheries offences, we didn't have a specific offence for flathead-related offences, we were simply counting them as scalefish offences, but after 2023 we've had a specific category for sand flathead which has allowed us to properly track what that looks like; the point of that being we don't have reliable figures on sand flathead offences prior to 2023.

For the last three years, so I will give you 2023-24, then I will give you 2024-25 and also then up until 31 March this year; there are three types of offences we've been tracking. One is take excess sand flathead in the southern sand flathead region, and then the two others are take, buy, sell or possess either oversized sand flathead or undersized sand flathead. In 2023-24 in the southern sand flathead region we detected nine people taking excess sand flathead. In 2024-25 that was down to six, and in the 2025-26 year up until 31 March, it's six offences of taking excess sand flathead. In terms of the other two, which were take, buy, sell or possess oversized sand flathead and undersized sand flathead: in terms of oversized, 2023-24 there were 19 offences detected; in 2024-25 there were 31 offences for oversized sand flathead detected; and to 31 March this year, there's been nine oversized sand flathead offences detected. Moving to the final category, undersized sand flathead: in 2023-24 76 offences detected; in 2024-25 there were 72; in 2025-26 up until 31 March there have been 45 offences.

We will talk quickly to the consultation, the feedback we've provided to NRE in our regular meeting. So those statistics are regularly provided. The quarterly meetings, our team will prepare a report and will attend the meeting and say, this is what we're seeing across a range of fisheries, but including sand flathead, we will provide these are the offences we've detected and these are our activities that we've undertaken during the last reporting period. That information is regularly provided at those meetings. Our main thrust of feedback in relation to our ability to effectively enforce this particular fishery has been around the filleting of flathead at sea. So we will certainly provide statistics. This is what we're seeing, these are the offences we're seeing on the water, but one of the biggest challenges our police have had is in terms of the filleting at sea. Prior to the new rules coming into play, it was permissible to fillet the flathead at sea, so our police would intercept the boat and find someone in possession of fillets, and it was very, very difficult - if they've disposed of the intact frame and tail, very difficult for our police to determine the species of that flathead and also the size of the flathead. The main thrust of our feedback has been filleting at sea is causing significant enforcement issues and we advocated to have the rules changed to prevent that from happening to better support

enforcement activities. Probably that's the main thrust. Other than that, as I say, we've provided regular statistics at those section 21 quarterly meetings for many, many years. Happy to answer any questions.

Ms FINLAY - Thank you for those numbers. You were in the room earlier when I was asking questions about communications and education information. It appears to me that, although small numbers, the numbers seem to be reducing, particularly in the taking of the undersized, and of the oversize and the actual number of people that have had excess. In my interpretation of those figures, the people having oversized or undersized, there were only nine, six and six who had oversized or undersized at an excess number. Is that how I would interpret that?

Mr OOSTERLOO - No, they're three different types of offences. So, the excess is the number of flathead that can be the oversized or undersized. A person can be charged with possession of an oversized flathead and also taking flathead in excess - one or the other or both. So, if they've got more than the bag limit for flathead, they'll be charged with taking excess, whatever that number over the limit.

Ms FINLAY - Yes, that's what I was thinking. So, there hasn't been, for instance, 76 examples of people taking undersized fish in excess?

Mr OOSTERLOO - No, that's right. Yes.

Ms FINLAY - Okay. Thank you. Given that there seems to be a reduction in the number of offences as the years progress, do you think that communication efforts have improved the understanding of recreational fishers of the rules - of the new rules?

Mr OOSTERLOO - I wouldn't like to say - to surmise an answer to that, other than to say the rules have changed; each of those years the rules have changed, so we're talking about a different environment for the fishers and different environment for our enforcement people. It's not necessarily comparing apples with apples each year. I wouldn't say that the numbers have reduced significantly. In fact, we've only got data up until 31 March of this year. Those numbers are, at the moment, lower than the final figure for 2024-25. But certainly, for 2023-24 to 2024-25, we saw an increase in detections.

If I try to answer your question around whether people understand the rules - is that effectively?

Ms FINLAY - Yes.

Mr OOSTERLOO - Look, and I will throw to Acting Inspector Johns, as he's someone that's out on the boats regularly interacting with fishers and can probably speak to, anecdotally, what we're seeing and hearing. But it is really that - around anecdotal evidence from just talking to people.

I think we've - I said this in budget Estimates to a similar question last week - that certainly people will say that they don't understand the rules. If they're found with a particular size flathead, they may say, 'I didn't realise that was the rule'. We get that a lot. But it's hard for us to determine whether or not that's true or whether there's a legitimacy to the misunderstanding. I guess that's the answer. But I'll throw to Acting Inspector Johns.

Mr JOHNS - Pretty much said it all, but there are some people you speak to who genuinely, as you speak to them, you realise that they haven't understood what was going on. Other people will say 'I don't understand the rule', and you're pretty confident that they do. It's very variable as to whether people do or don't. I think, in the most part, most people we speak to do understand the changes as they go, as much as they have been many and complex over the last few years. The biggest one that seemed to trip people up was that oversized number; having the top end of a slot limit because we don't have that for many fish species. That seemed to be the one that, I guess, confused most.

Ms FINLAY - The numbers would indicate that as well, that that's more heavily where the offences have been. Could you help me understand, of the offences and the compliance that happens, how much of that has happened in the south-east area?

Mr OOSTERLOO - I would say the majority. I don't know if we have that information to hand around locations of offending, but I would suggest, off the top of my head, it's the majority - I might throw to Acting Inspector Johns.

Mr JOHNS - We have a small snapshot which only relates to 10 boats that were checked in April and May 2025 and that just had that 90 per cent of fishers had already filleted their fish. They were right to do so.

The people who had checked them were concerned that about a third of them may have been undersized, based on the size of the fillet and during that time only three legal-sized sand flathead were actually observed still whole or as fillets and frames.

Ms FINLAY - Out of 10 boats.

Mr JOHNS - Out of 10 boats. It's not a very big snapshot of people.

Ms FINLAY - No. Just one other question to close out this round. I had heard anecdotally - and a lot of this is anecdotal, right - that there'd been rumours that police had made comments that it was difficult to enact the rules to do the compliance. Would that be a fair summation?

Mr OOSTERLOO - I think in my opening comments I partially addressed this. The feedback that we've provided to the Department of Natural Resources and Environment Tasmania (NRE) consistently is about how to make enforcement easier -

Ms FINLAY - Shut the fishery that makes it -

Mr OOSTERLOO - so, we haven't tried to influence those sorts of decisions but we've explained what we're seeing from an enforcement perspective and what would make it easier.

When we have different rules operating for different fisheries in different zones, different sizes, those sorts of things, it can be quite complex, so our feedback has been the simpler we can make the rules, the easier it is for people to understand, the easier it is for our people to enforce it.

The filleting at sea was the main issue, and that's been the main feedback, so that might be what you're hearing which is our police saying it is difficult for us to determine species and size when flathead are being filleted at sea.

Ms ROSOL - Thank you for those statistics about offences. Do you know how many checks would have been conducted to get those statistics, please?

Mr OOSTERLOO - We do count vessel inspection, but not necessarily specific to sand flathead. I can get that information. I don't have it here to hand.

Ms ROSOL - I'm just curious because that's around percentages and proportions.

CHAIR - Are you happy to take it on notice?

Mr OOSTERLOO - I'm more than happy to take that on notice. We'll be able to get the information. I wouldn't try to do it now. Acting Inspector Johns is trying to bring it up. We just need to make sure we check the data against this data to make sure we give you the accurate answer.

Ms ROSOL - Great. Thank you.

In the NRE submission, they said that advice provided by Tasmania Police identified a range of evasive and exploitative activities employed by a number of recreational fishers clearly intent on not complying with the new sand flathead rules. I'm wondering if you could describe what those activities are and how Tasmania Police assessed that they were clearly intent on non-compliance.

Mr OOSTERLOO - I'll answer that and I'll throw it to Acting Inspector Johns if I miss something out. That's about the filleting. The word 'exploitative', I understand was used. The feedback that we've provided is when people are filleting at sea, that was a legitimate activity under the old rules.

If we ask that person, 'Is that sand flathead? Are those fillets sand flathead?' we don't know whether we've been told the truth. The person might say, 'No, that's tiger flathead,' or some other species of flathead, that isn't covered by the same rules.

Certainly, the advice from our police who are enforcing this on the water is that it is suspicious in some cases that those people are not telling the full truth about the species of flathead that they're catching in terms of being able to avoid prosecution.

Mr JAENSCH - I have a similar interest to Ms Rosol in terms of understanding the difference between the actual numbers of offences or non-compliance versus the sample size or the compliance regime that you're operating, and we will stand by for you to deliver us some numbers, but you would have a feeling about what proportion of fishers you are seeing and what proportion of fishers appear to be non-compliant in various ways. Can you speak to that in terms of compliance being an important part of the picture here. The numbers that you've given us are not very helpful to us if we don't know what they are a sample of and what they're indicative of, so can you speak about how you perceive compliance based on the numbers that you gave us?

Mr OOSTERLOO - Yes. Well, probably the easiest way to answer that question is to give an example of an operation that we did specifically looking at sand flathead. So between April and May of last year, we undertook, our police conducted statewide activities with a focus

on sand flathead, recreational sand flathead fishing. We specifically counted the number of boats that we were stopping and checking for sand flathead offences and then, obviously, the level of compliance from those boats - over that very short period, I must add. Eighty vessels were checked at various locations around the state, and one in four - so a quarter of those vessels - were detected to have some sort of flathead offence, had been committing some sort of sand flathead offence.

But, you know, this was a time when filleting was permissible. Only a quarter of the fish that we detected in those vessels were retained whole. The rest had been filleted. So, a very high number of filleted - 75 per cent of all those boats found with flathead had already filleted the fish before our police intercepted them. I guess what that sort of tells you is we don't, you know, we have difficulty with fillets, understanding whether they were in breach or not. Obviously excess is a bit different, but species and size. So, yes, one in four of those vessels out of 80. We did find a level of non-compliance in terms of those offences.

One of the things we did notice, and I guess this is anecdotal, is the fillets - the advice from my officers is numerous fillets during that operation seemed to be undersized, seemed to be not at the right size. But proving that when you don't have the full fish is quite difficult.

Mr JAENSCH - Just on your sampling as well, were you intercepting boats on the water or were you at the ramp?

Mr OOSTERLOO - It's a bit of both. Mostly on the water this would be, because this operation was specifically boats out intercepting vessels on the water, but there would have been both.

Mr JAENSCH - What about shore-based fishers? Are they a big part of the sand flathead recreational fishing pressure? Or how do you -

Mr OOSTERLOO - I will probably ask Acting Inspector Johns.

Mr JOHNS - We don't have statistics that separate boat-based and shore-based fishing.

Mr JAENSCH - Okay. So we would expect that the volume is in the boats because they can go to where the fish are and they can move around and -

Mr JOHNS - Well, I guess in the south-east it's very accessible to everybody. There's lots of places you can fish from the land, and there's lots of places you can get out on the boat and fish, so to put a number on what's where, I'd be remiss to do that.

Mr JAENSCH - Fair enough.

Mr GARLAND - How many times a year would you be on the water in the south-east? Is it sort of a regular patrol you do? I'm interested to see the statistics to go with the number of prosecutions.

Mr OOSTERLOO - I can start by giving you our vessel patrol hours. Now, we haven't got this broken down by vessel. I'll tell you our large vessels are on a regular schedule, so they will have planned operations, which costs - it costs a lot to run our large vessels and there's a bit of planning. We need crew and skipper and, you know, it's five to six days at sea, usually,

the larger vessels. So, we plan those, and they're roughly a monthly to six-weekly basis on a rotation.

In terms of our vessel patrol hours, we've got some statistics around that if you want to know numbers of hours. I'll start from 2023-24, which is the flathead statistics I gave you earlier: 5223 hours. It dropped back in 2024-25 to 4729 hours, and it's increased again up to 31 March this year to 4858. Now, the 2024-25 years, mainly one of our vessels there during the changeover from the *Van Diemen*. The *Van Diemen* was available for a large portion of that year, so that explains the drop in those hours. But around 5000 hours, or just under 5000 hours per year we're on the water. Again, I don't have that broken down for you in terms of location and types of vessels.

CHAIR - I'm going to jump in with a question. So you just mentioned there's quite an expensive cost to running these ships. Do you have the amount per ship?

Mr OOSTERLOO - We have counted those costs. I don't have them; I haven't prepared that information for here today. I don't know if anecdotally or off the top of your head, Acting Inspector Johns, you could give us a figure for one of the vessels as a guide or -

Mr JOHNS - A very ballpark figure - they're about \$3500 an hour to run.

CHAIR - Excellent. Thank you. Ms Rosol.

Ms ROSOL - Just a question around - if the fishery wasn't closed and the 2023 management measures stayed in place, do you think there are any additional measures that could be taken by the government or by Tas Police to increase compliance?

Mr OOSTERLOO - If the rules hadn't changed, were there other things that could have been done? Is that the question, as I understand it?

Ms ROSOL - Yes.

Mr OOSTERLOO - Well, obviously having an increased enforcement presence would help. Our police are doing a number of things and a number of enforcement activities across a range of fisheries, but I'm sure there would be other measures that might be possible. I guess we really haven't focused on those options. That's a matter for NRE to answer and we've really just enforced the rules as they are. That's probably all I can really say.

Ms FINLAY - So with those four meetings a year that you have, that's not a to-and-fro, where you might make recommendations or suggestions about how to improve compliance?

Mr OOSTERLOO - Absolutely it's a consultation. So NRE may ask us in a meeting, 'What do you think?' Usually how it works, and correct me if I'm wrong, Inspector Johns, is NRE might say that, 'We're looking to change the rules, so in these particular rule changes we are considering closing the south-eastern region for sand flathead. What are your views on that?' And we will obviously contribute to that discussion.

Ms FINLAY - Can you indicate when the NRE first indicated to you that they were considering closing the fishery?

Mr OOSTERLOO - I don't know if I have exactly when. I suppose my answer to that, without looking through my notes, would be that the conversation's ongoing. Every year for many years, we talk about the current rules around all different fisheries, including sand flathead. As I say, the bag limits have changed, so every time we're talking about bag limits, quotas and size restrictions on sand flathead, we're talking about closures as well. So those conversations have been going on for many years is, I guess, what I would say.

I can tell you that we were consulted in - July 2025 is when we provided the statistics I just provided around the operation in April and May. We provided those statistics to NRE in our consultation meeting in July 2025. Really, from that point on is where we've been involved in discussions around closure, and we were formally consulted on the proposal in late 2025.

Mr JAENSCH - Given the closure and the simplification of the rules there for the south-east and, I understand, an increase in the budget for marine compliance in the Budget which is making its way through Parliament at the moment, what is the regime that you would be planning for to ensure compliance with a closure, you know, over the year ahead?

Mr OOSTERLOO - The enforcement of this particular fishery is in line with all our usual - it's routine enforcement activities. We haven't increased our marine capability. We are just making sure we're focusing on the right areas. It's really about targeting specific areas in accordance with intelligence that might be received and making sure we're getting a presence out in those areas and checking the areas of vulnerability. So, it's really quite easy for the southern region where it's closed. Anyone found with flathead at all is in breach, so that's quite a simple activity for us now. We would be making sure we maintain that enforcement focus.

Mr JAENSCH - Do you think that visibility of the enforcement effort is part of the communication of the rules?

Mr OOSTERLOO - Visibility?

Mr JAENSCH - Yes.

Mr OOSTERLOO - Yes, I guess I can speak on - I'm not throwing to Inspector Johns on everything, because I've been out on the patrols on the vessels and we've done inspections of vessels, and I can speak with some confidence around how we operate. It's a very polite - I'm sure Mr Garland and others have potentially been spoken to on vessels before by police - it's a very polite interaction -

Mr JAENSCH - That's a bit of a backhander, Mr Garland.

Mr GARLAND - No, they're very good with me.

Mr OOSTERLOO - When we are intercepting a boat on the water, it's a friendly wave and a hello. Then it's a stop, and the fishers are all usually very accommodating in terms of showing us the safety equipment, opening up the catch and most fishers are very used to having a police interaction. In that interaction, as Mr Johns alluded to earlier, there's an opportunity for a bit of education. We have had people that didn't understand the rules; quite clearly, legitimately haven't understood a change in the rules and we're able to educate at that time or if people are not found in breach, we can remind them of what the rules are at that particular time.

Mr JAENSCH - You referred earlier to that particular campaign of where you checked 80 vessels in a limited period; is that a routine thing or is it a one-off? Do you have more blitzes like that planned to police a closure of the fishery?

Mr OOSTERLOO - That was a dedicated operation, so it wasn't just core business. We specifically focused on that sand flathead fishery for that period of time. We will do those operations from time to time. They're simple, short-term operations, but when our - I suppose I'm trying to think of the best way to explain - if a vessel goes out on patrol, it's checking all the fisheries. So, it will go through the channel and it will check all boats, and you will find some people are fishing for sand flathead - not now - some people are dropping pots, and we're checking all fisheries during those operations. Our team is really good at responding to intelligence and information that's coming in around potential offending and, where that happens, we're usually pretty responsive in terms of doing a target operation in a particular area; but obviously for operational reasons, we wouldn't want to telegraph that or publicise that too much in advance.

Mr GARLAND - Drones, they seem to be used everywhere now. Have you ever thought about using them? As far as we get quite a big build-up of boats in certain areas and there's always a few in there doing the wrong thing, I just thought, well, if you flew a drone in with a big police sticker on the side of it and popped it down in front of them, prevention - they'd be - yes.

Mr OOSTERLOO - It's a nice idea. I know we have used drones in the marine environment - at least experimented with the idea. I'm happy to say that Inspector Johns is actually a drone operator as well. So, he can probably speak with some confidence around what that capability looks like.

Mr JOHNS - Look, on the water, it's somewhat restricted. The ability to actually fly the drone is the downside, with maintaining within the CASA regulations. These are quite tight and we do hold some exemptions around that, but not to a point where I would see that it's viable to be able to go and use them to drop them in front of a boat showing there's the police about. We don't hold the regulations and the exemptions to be able to go and fly them that far from where we would be launching them from to deal with that. Certainly, a good tool to use and we do use them, but not so much in a 'here we are' sense: more so as an evidence-gathering tool that we have.

Ms FINLAY - I've just got a set of questions around compliance. I was asking before about, I think I must have seen it on social media, I heard somewhere that there had been police commentary around not being able to enforce the rules. So, I was wondering whether you think that - fishers are well connected, if it got around that police were finding it difficult to enforce the rules, then that might relax people's - do you have any anecdotal evidence on concerns expressed by police about being able to enforce the rules and, therefore, fisher behaviour?

Mr OOSTERLOO - You give the anecdote, and I will go back to that we've absolutely - our feedback to NRE in the past has been to simplify the rules to make it easier for enforcement. No doubt that information's made its way out into the public and there might be a perception around that. I'm happy to hear from Inspector Johns. I would probably say, though, that if that influences the recreational fisher behaviour, I'd be surprised, because I think they're taking a bit of a risk if they think they're going to offend and take the risk of a police officer

coming across them and maybe or maybe not being able to prosecute them. I think the filleting at sea is probably the key one. So, I guess, for quite a while now, and like I said before, we don't know whether people are catching size fish and filleting them and those fillets coming from size fish or not, or whether they're undersize or oversize fish that they're filleting and then avoiding the detection, and avoiding the prosecution as a result of that, and has been the main area of vulnerability that has obviously now been closed.

Ms FINLAY - That was going to be my second question: given that rule change now, had the fishery not closed, would that increase your capacity to check, and therefore compliance would be more absolute? Do you think that would help change fisher behaviour in terms of that non-compliance, or in fact make the datasets more real in terms of understanding? Could the fishery have stayed open and that compliance measure been introduced and had a positive impact?

Mr OOSTERLOO - Again, the closure of the fishery wasn't something that Tasmania Police had responsibility for. It is pleasing that the filleting rule applies across the state, so that helps us with enforcement.

Ms FINLAY - Have you seen any improvement elsewhere?

Mr OOSTERLOO - It's only been a very short period of time. We haven't really got statistics from that, but I think I'm hearing from our marine people that it's absolutely helped them in terms of enforcement.

Ms FINLAY - Just on your comment there, I was surprised to read in the NRE submission - I don't know whether you had a look at the other submissions, there was a bucketload of them, but the submission that they made on page 20, with that advice set that you gave them in July, they suggest that you provided advice about the closure of the fishery. I'm reading page 20, about halfway down. It just follows on from some of the quotes that Ms Rosol raised. Finally, paragraph 3, the big thick paragraph says:

The advice also noted that enforcement outcomes would be maximised by implementing a closure.

Mr OOSTERLOO - I don't know. The advice - those meetings are verbal meetings. They're minuted, but my reading the minutes doesn't reflect that that advice was specifically provided, but I am quite confident discussion about closure would have occurred in those meetings, and our position would be it's a matter for NRE if you want to close the fishery or not; their team is collecting the science and getting the expert advice. From an enforcement perspective, absolutely our position is that closure makes it a lot easier for enforcement. I don't want to sound like I'm being difficult. I don't want to sound like we would have professed to understand the fisheries -

Ms FINLAY - Fisheries management.

Mr OOSTERLOO - and fishery management to be able to inform a closure. What we absolutely would have said, and continue to say, is that closure of a fishery is a lot easier to enforce than different rules for different fisheries. If we find anyone with flathead in that area, they're in breach.

Ms FINLAY - Sure. Final question on that: you might have heard earlier in the room I was asking, also Mr Jaensch might have asked about reopening. Obviously, the expectation is that the fishery will find Department - you know, measures that it can reopen. Are you continuing to provide any advice about any other compliance activity, so not closure, that would improve the fishery, that would be required as a measure to reopen the fishery? Do you need any other decisions made that you would recommend makes your compliance possible because, obviously, currently you're complying with those rules everywhere else except for here, and it appears that the government has heavily weighted their decision to close on compliance; I'm wondering what else you would need to see to support the reopening of the fishery.

Mr OOSTERLOO - Again, I'm loath to step out of my lane too much in terms of what that advice might look like. I think what we will do is, and what we have tried to do in the past, is provide the facts at our regular meetings. At our consultation meetings we will provide what our statistics are, what our police are seeing; any decisions around closure or reopening would be a matter for NRE, noting that they are the responsible authority and are getting the other information from other sources that I understand will be presented to the inquiry.

Mr JAENSCH - You said in your opening that there were not sand flathead-specific offences before 2023. Is that correct?

Mr OOSTERLOO - No, we didn't specifically capture them in our infringement notices, if I didn't make that clear.

Mr JAENSCH - Okay.

Mr OOSTERLOO - So we weren't - I can't go further back than 2023 and tell you what sand flathead offences we were detecting, in terms of the infringement notices issued, which is the main vehicle of prosecution or -

Mr JAENSCH - But since then you have been?

Mr OOSTERLOO - Yes.

Mr JAENSCH - And so what was the trigger for you starting to record those offences specifically?

Mr OOSTERLOO - It was around the fact that we couldn't do it. There's obviously discussions with NRE and discussions around the fishery itself and issues with enforcement, issues with compliance led to more and more questions around what are we actually seeing in this space. So, we made the decision to add that as a specific category that we could start to count so that we can provide information to people like you, I guess.

Mr Di FALCO - If you've done an inspection on a boat coming into the jetty and they've got flathead fillets on board, how can you differentiate whether they're a sand flathead or there's another different species?

Mr OOSTERLOO - The new rules prohibit filleting of any species of flathead. So, that's one of the things we probably didn't make that clear earlier, sorry, Mr Di Falco. But yes, the new rules prohibit filleting of any species of flathead, which is one of the things that we

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advocated for to make it easier for us. We don't need to determine the species; if they've got fillets, they've breached the new rules.

Mr Di FALCO - Also, you said before - I'm sorry, I missed the first part of your evidence - you said there was three categories you normally prosecute. The first one was excess fish and I don't think you disclosed what the other two categories were.

Mr OOSTERLOO - The other two that I provided the statistics on were the oversize or undersized - so taking, possessing, buying or selling either undersized sand flathead or oversized - are the two different categories that we're counting. There are other offences that we will detect and prosecute, they're just the main ones that we've, I guess, reported on today.

Ms FINLAY - When will you do your next sand flathead-focused assessment of these new rules so that we can see whether there's been an impact on compliance?

Mr OOSTERLOO - I'm happy for Inspector Johns step in if I don't articulate this properly, and I'm not sure where our next consultation meeting is, but in the lead up to those meetings, we'll be providing those statistics to NRE at our consultation meetings, and the activities are ongoing. Our enforcement is every day, every weekend. We consciously don't tell people when we're out and about and we try to keep a few things up our sleeve, but those enforcement activities are ongoing. We're capturing the data, we provide that to NRE to our consultation meetings, and that data is - I guess, one part of it is what we are seeing from an enforcement perspective. Now, ideally, we're going to that meeting and saying, since the new rules were implemented, we've found no-one in breach of the flathead - that would be the ideal situation. But I'm sure we'll be - we'd aim for 100 per cent compliance, but I don't think we would achieve it, unfortunately.

Ms FINLAY - And because it's useful information, in terms of understanding whether rule changes have had an impact, what are the timings of the next meetings? When are those next meetings with NRE?

Mr OOSTERLOO - I don't know. I don't know if you could -

Mr JOHNS - Should be around July.

Ms FINLAY - Yes, okay.

Mr OOSTERLOO - July will be, I guess, a time where we'll provide updated statistics.

CHAIR - Any more questions? No? Excellent. As we are just about time, I'd like to thank you both for your appearance. What you've said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that that privilege does not attach to your comments you make to anyone; that includes the media, even if you're just repeating what you've said to us. Do you understand?

WITNESSES - Yes.

CHAIR - Excellent. Thank you so much for your time.

The witnesses withdrew.

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The Committee was suspended from 12.44 p.m. to 1.30 p.m.

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Minister for Primary Industries and Water - Mr Pearce

CHAIR - Minister, welcome to today's hearing of the short inquiry into matters relating to the closure of sand flathead fishery in south-east Tasmania. Thank you for your submission. If you could please state your name or the capacity of which you are appearing before the Committee.

Mr PEARCE - Gavin Pearce. I'm the Minister for Primary Industries and Water and for Veterans' Affairs.

CHAIR - Excellent, and I can confirm that you have received and read the guidelines sent to you by the Committee Secretary.

Mr PEARCE - Yes.

CHAIR - Excellent, and so I'll go over a couple of those points: This hearing is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place out of parliament. This protection is not accorded to you if statements that are made be defamatory are repeated or referred to by you outside of parliamentary proceedings. This hearing is public. The public and the media may be present. Should you wish aspects of your evidence be heard in private you must make this request to the Committee at this time.

Mr PEARCE - I understand.

CHAIR - I'll introduce members of the Committee, but I'm sure you're aware: Mr Garland, Ms Finlay, Ms Rosol, Mr Jaensch. Mr Di Falco is online, and I'm Ms Brown.

If you would like to make a short opening statement?

Mr PEARCE - Thank you, Chair, and thank you, Committee. As members of the Committee, I want to thank you for the opportunity to appear today. It's important. Recreational fishing is important in Tasmania, and particularly sand flathead. It holds a special place in the hearts of Tasmanians. It's part of our lifestyle, it's part of our community, and it's a shared identity. I recognise that this issue, for many Tasmanians, is one that they care very deeply about - and I mean that - and that there's a diverse and a sincerely held view on how to best manage that fishery.

As Minister, however, my role is distinct. I am required to make decisions consistent with the purpose and objectives of the *Living Marine Resources Management Act 1995*, and that is: to ensure the sustainable development of our marine resources, taking into account environmental sustainability, as well as the needs and interests of the Tasmanian community now and in the future.

Now, in that context, it's important to note that concerns about the state of the south-east sand flathead fishery, including stock depletion and compliance challenges, were clearly identified prior to this decision. Advice to fishers in the 2024-25 Recreational Fishing Guide highlighted significant compliance issues, particularly in the south-east, where stocks were most depleted, and foreshadowed that more direct measures, including the potential closure, may be necessary for the continued management of the fishery, and if those issues persisted.

The decision to close the south-east sand flathead fishery from 1 March 2026 was not taken lightly. It followed a long period of management changes and increasing investment in scientific understanding of the stock. That science, including the independent advice from the Institute for Marine and Antarctic Studies (IMAS) shows the south-east stock is critically depleted - with around only 1 per cent of fish above the legal size limit and breeding potential reduced significantly to very low levels. Now, while there is always some uncertainty in fisheries, in fishery science, the weight of that evidence was clear, and pointed to a declining stock under continued fishing pressure. The advice indicated that without stronger action, recovery could not be achieved with sufficient certainty or within reasonable timeframes.

Now, in that context, the closure represents a precautionary and targeted response, a necessary step to materially reducing fish pressure in the most depleted area and support recovery of the stock.

Now, I acknowledge that not everyone will agree with this decision. Everyone has a view on how fisheries should be managed, and I respect those views. But as Minister, I have a responsibility to act, to make decisions grounded in science, consistent with the act, and focusing on the long-term sustainability of the resource. It is in that context, with a clear obligation to our future generation of Tasmanian fishers, that this decision was made.

I'll invite any questions.

Ms FINLAY - Thanks, Minister. Prior to the date that you publicly announced the closure of the fishery, what specific engagement did you have with recreational fishers about the impending closure of the fishery?

Mr PEARCE - Okay. Engaging with the broader Tasmanian community included a wide and various program of communication and on-ground outreach to support the flathead rule changes. So there was communication around the rule changes.

During 2025, the Department released new fisheries public engagement and consultancy policy and outlined how marine resources conducts public engagements. Engagement activities with seafood industry included things like project working groups, consultative group meetings, presentations at port tours and conferences, and day-to-day fisheries management liaison. We have a Fishcare volunteer program that connects the Tasmanian community with a range of interactive, practical ways of managing the fisheries. In terms of engagement activities, we've also built a two-way relationship with communities to provide informal opportunities for the Tasmanian community to give feedback back to us.

Ms FINLAY - Sorry, I think I didn't ask my question well. Specifically about the decision to close, from the time that you internally made the decision to close until you publicly announced it; what specific engagement did you have with peak bodies or others around your intention to close a fishery?

Mr PEARCE - I understand - so a chronological timeline?

Ms FINLAY - Yes.

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Mr PEARCE - Okay, so upon me being appointed as the Minister, I received government briefings and one of those, obviously at the front of the list, was sand flathead. In November 2025, in fact on 13 November, IMAS published its 2025 stock assessment for sand flathead, and that went out publicly. As that went out, so too did verbal briefings from NRE Tas on the ramifications and fallout, and invited questions on that particular paper.

In December 2025 I received formal advice from NRE Tas, and on 3 February, TARFish were advised of government policy position - that was on 3 February 2026.

On 4 February 2026, government announced its policy position to, firstly, close the south-eastern zone as of 1 March and, secondly, that all species of flathead landed whole statewide from 1 March.

On 5 February, TARFish met with NRE Tas. At that meeting was - the CEO of TARFish - there were others, obviously, but these are the key personnel - the CEO of TARFish and Manager Marine Resources, David Midson. On 11 -

Ms FINLAY - Sorry, Minister, thank you. I was just interested in that engagement before the public announcement. You talk about the policy. Is the policy a document that's publicly available? Is there a public version of the policy?

Mr PEARCE - Policy as in?

Ms FINLAY - You use the word policy a lot in that. I'm wondering whether your policy around sand flathead is a published document that's online?

Mr PEARCE - Well, it went out - yes.

Mr JACOBI - I'll take that on notice, and come back with when it was published and how it was published. You're referring to the public engagement and consultation policy?

Mr PEARCE - That's how I'm reading it.

Ms FINLAY - No, I am talking about the - you indicated that you announced your policy on 4 February and, obviously, the decision has been - there was a public notice about a decision. I've asked previously about a statement of the reasons for a decision and we've taken on notice to get the decision brief. But what I haven't yet been able to find is actually a policy document.

Mr PEARCE - Okay. So, you said the fifth - it actually went out on the fourth.

Ms FINLAY - Sorry, my error. Still, the question remains: the policy that informed that announcement that you've referred to - I'm just wondering where I can find that?

Mr PEARCE - Okay. All that was our intention to close the south-east fishery - sand flathead fishery and the landing-whole provisions.

Ms FINLAY - Right. So, they're the only two elements of the policy?

Mr PEARCE - Yes.

Ms FINLAY - When you made the decision to close the fishery in the south-east, were you presented with options to make a decision or were you only presented with one option?

Mr PEARCE - The advice that I received was, firstly, around the science and obviously there were steps forward. Once the questions go backwards and forwards and I'm able to prosecute from our scientific experts as to their technical opinions, I can try to eliminate options that are not optimal in this particular case. In our particular case, I was left in no doubt, in absolute certainty, that the decision that I subsequently made and went out to the public with, was, indeed, the right one.

Ms FINLAY - Thank you. From the list of options that you were provided that you made the decision from, can you outline what those options were?

Mr PEARCE - I don't think I need to go through all of those options here today, suffice to say.

Ms FINLAY - Interestingly, it's part of the purpose of the terms of reference of the inquiry to understand what alternatives might have been considered. So, I'm just asking you what options.

Mr PEARCE - There were many. I can say to you that there were many alternatives considered, however, none as viable as the closure.

Ms FINLAY - Are you willing to table for the Committee a document of the options?

Mr PEARCE - No, that's a working document between the Department and I.

Ms ROSOL - Minister, your submission said the following:

In considering the latest IMAS advice, it is apparent that the 2023 changes did not provide the required level of certainty that the fishery will recover in a reasonable timeframe. The government notes that IMAS stock status assessments assume full compliance with the relevant regulatory settings.

My question around that is: does that mean that, leaving aside the compliance issues, IMAS's most recent stock assessment still found that the 2023 management changes would not recover the fishery?

Mr PEARCE - To answer your question, the evidence from that stock assessment was very clear, and that is: without decisive action, the sand flathead fishery may not recover - was the advice that I was given.

Ms ROSOL - And that was last year's stock assessment?

Mr PEARCE - Or recovery would take an unacceptably long period of time.

Ms ROSOL - To your knowledge, was closing the fishery proposed in 2023 and, if it was, why was that option not taken in?

Mr PEARCE - I can't really - obviously, before my time and I don't mean that as a throwaway statement. However, I know anecdotally, and the advice that I've been given, is this is not a new proposal. This is not a new option. I understand the gravity of the option. I understand that many may not like that option. However, it's the most viable option for the future of sustainability of that fishery.

Ms ROSOL - I guess I'm just asking: if it was an option that was considered in 2023 and was proposed at that that time, why the decision wasn't made then to do it? I understand you weren't the minister.

Mr PEARCE - Yes, and I understand the question, but I wouldn't like to comment on the thought processes of a previous regime, I'm sorry.

Mr JAENSCH - Minister, there's a statement in your submission that you made to the inquiry which - there's many statements - but one of them is that:

The current critically low abundance of legal-size fish means that the 'catch and keep fishery' for legal-size fish was already almost unavailable to fishers even before the formal closure.

That sort of follows a discussion about 99 out of every 100 sand flathead are below the minimum legal size limit in the area. I've read through a lot of the submissions; it would seem that there is a general acceptance that that fishery was almost gone for legal-take purposes, and question is not if you need to do something, but which option and how quickly we can get it back to a healthy situation, so that we can resume our fishing that we love. So is that accepted do you think in the fishing population in the community?

Mr PEARCE - Yes, I think I can put my hand on my heart and say beyond reasonable doubt that I think we're all in a furious agreement of the state and the numbers and the critical mass. It's not just simply the critical mass of those harvestable species; it's also the breeding critical mass that they have. Obviously if you remove those stronger certain-sized species from the gene pool, the reproduction pool, then they start breeding smaller ones that will start breeding smaller ones, and the evidence that I've been presented with, the advice that I've been given, is that it is having an effect on the genomic sustainability that we're seeing smaller fish. Then you end up in a self-licking ice cream situation where these smaller fish are taking longer to get to catch-limit size and that exacerbates the entire problem that you're trying to fix. So that, in fact, makes things worse.

What we've done - and let me make this very clear, this is not simply a close and forget about it. That is not what we are aiming at. That's not what we want. What we want is the sustainable fishery. What we want is for future generations of young Tasmanians to have the ability and the opportunity to go and catch sand flathead easily and sustainably. What we want is for that reproductive biomass to get to the certain trigger level where it's self-sustaining and we can put marine management, adaptive management protocols in place where we can keep it at a level and we don't have this critical up and down and incident sort of response. That's why - the translocation program, that's why we've worked hard with IMAS and they're working on brood stocking. That's why all that reproductive genomics is being looked at. That's why we're looking at our scientific base and a scientific outcome for something that is a community expectation. I think most of the community, and when you look at the polling around the place, most reasonable people have accepted that.

Ms FINLAY - Thank you, Minister. In 2023, when the science gave a series of recommendations and the decision was taken at that time, the science said that a two-bag limit would support stock rebuilding. I'm wondering if now there's a thinking that maybe the science was wrong then?

Mr PEARCE - I think that's, in my opinion, and don't take this the wrong way, I think that's a fairly simplistic way to look at it. I think those managers, that minister at the particular time, given the circumstances around that time, was probably the best science, best outcome what they had at that particular time.

Fast forward a number of years and circumstances change. I don't think we should be too critical of what's happened in the past because those ministers, those managers, were operating with the data and the science that was available, the best science available to them at the time. Obviously, it is what was probably, I would imagine, an escalative type, 'We'll try this and see what that does to the population. We'll try this measure to see whether that has any effect on the long-term biomass,' that I talked about, that reproductive biomass. Obviously, that didn't work. Now hindsight is always 20/20. It's perfectly clear, and I, you know, I have certain considerations to those on the ground who were trying to do the right thing with the best available science given to them at the time.

Ms FINLAY - What you mentioned was that it didn't do the right thing. So my question would be more that in 2023 when that decision was made, there was clear information associated with that decision that indicated how much time would be required to see improvements, do you think there's been enough time to measure the improvements of that decision?

Mr PEARCE - You raise an interesting question, and it's a question that I had of the Department and of IMAS, of the experts. The response that I've been given is that we have seen, and that they are convinced beyond scientific reasonable doubt, that there hasn't been an improvement. If we were going to see an improvement, then we would have seen certain indicators move and they haven't. When I've got Professor Sean Tracey, who is an eminent expert, probably in Australia, if not the world, on sand flathead almost pleading with me: 'Minister, you need to listen to this, the gravity of this', then I took notice.

Ms FINLAY - Well, that's interesting. So can I just check that then: is it that IMAS plead with the Minister and a Department about what to do with the fishery? Did he plead with you to shut the fishery?

Mr PEARCE - No, he told me the scientific state of the fishery, and I listened to my Department on the management of that.

Ms FINLAY - I just thought it was interesting that you put on the record that he pleaded with you. You did mention -

Mr PEARCE - No. No, don't verbal me.

Ms FINLAY - I'm just referring about what you said.

Mr PEARCE - I said he pleaded with me to listen to the science, is exactly what I said.

Ms FINLAY - That is different but it's not quite what you said.

Mr PEARCE - Please don't verbal me.

Ms FINLAY - You mentioned that they outlined decisive action, and Ms Rosol asked whether they recommended a closure in that. What were the suggested decisive actions that they presented to you?

Mr PEARCE - Can you speak to that?

Mr JACOBI - Thank you. Through you, Minister: There were a whole range of conversations over a period of time with IMAS about the research that they conducted and particularly the 2025 stock assessment. It was clear from the 2025 stock assessment that things were not working and that the response was not as rapid as we would have liked. Despite our hopes that the compliance would work, it was clearly not working to the extent that we would like. IMAS did not come to us with any specific recommendations per se; the recommendations that were made to the Minister were made by myself and my Department. Our recommendations were considered a whole range of different policy options that we thought were available to us, and as I outlined in my appearance this morning, the policy options and the responses that were available to my Department to recommend to the Minister had become so limited because we had tried everything. The only policy responses that were genuinely left and available to us were: the landing-whole, which dealt with the compliance as best as we possibly could, and the closure, and the closure for both the simplicity of communicating what needed to happen but also to give the stock enhancement program, funded by the government through IMAS, the best possible chance of success. Again, this was only in the south-east. We have not recommended any closures anywhere else in the state because we remain hopeful that the resilience of those fish and the lesser fishing pressure across the state will enable those stocks to become sustainable.

Ms FINLAY - Are there any other regions in Tasmania where there's similar fishing pressure? I'm thinking close to home.

Mr PEARCE - I don't know, I mean, anecdotally, I would say that that's probably our most popular -

Ms FINLAY - I'm after science and information. I'm wondering if there are other regions in Tasmania that've got similar fishing pressure?

Mr JACOBI - There are. Through you, Minister, there is fishing pressure on sand flathead all across the state. That is clear from the evidence. The only place in the state that is not demonstrating the fishing pressure that we're seeing elsewhere is in the Furneaux Group of islands.

Ms ROSOL - Thank you, Chair. Just a question that I think gets back to around the consultation that was undertaken. How regularly do you, as Minister, meet with TARFish, and/or with the Seafood Industry Tasmania? Would you say you were well aware of their position on the sand flathead fishery prior to its closure?

PUBLIC

Mr PEARCE - The first part of your question: regularly. The second part of your question is: yes, I believe we were aware of their position.

Ms ROSOL - Thank you. Are you able to put a frequency on the 'regularly'? Like is that mapped out for the year or is it as one of you gets in touch with each other?

Mr PEARCE - Well, in the last week, I've spoken to TARFish CEO and actually both organisations in the last four days. So, that gives you some example, if you like.

Ms ROSOL - So, there's regular meetings and informal communication outside of those meetings?

Mr PEARCE - Yes. As well as that, I'll also direct, through the Secretary, to the Manager of Marine Resources that that meeting - and often, it's technical. At that operational level they'll have certain meetings as well, which I'm probably not physically there, but I'm the one that has instigated that, in many cases. Does that answer your question?

Ms ROSOL - Mhmm. Thank you.

Mr JAENSCH - Minister, in your understanding of the recreational fishing community, is it made up of people who only ever fish just for sand flathead in the south-east? Or are there other species available to them with similar equipment, similar locations, that we could encourage or educate them more about to mix the bag up a bit?

Mr PEARCE - Yes, and you raise an excellent question. That mixed-bag fishing is what we're talking about there. Tasmania and the south-east zone are loads of fish species - spoiled for choice - some well-known, others sometimes overlooked. Catching a mixed bag is really positively being promoted by, not only us, but also TARFish has picked up on this - and good on them for doing that. It's about more abundant species like mullet. Australian salmon is another example. Mackerel - in a better position to handle fishing pressure than depleted species like sand flathead. Tides, water conditions, water temperature, the time of the year can affect when different species are more active and less active.

But learning the patterns, that knowledge comes from your local store, and this is something I spoke at meeting with owners of fishing shops and tackle shops. That was one of the things that we discussed was, instead of doom and gloom, there's a whole opportunity set there in terms of selling different tackle and also educating fishers because - and I want to recognise this very genuine, very seriously about - those fishing shops, those tackle shops, those boat shops, they're not just there to sell boats and clip the ticket; they actually act as educators as well. It's important we have the right message in there. The mixed-bag fishing - incredibly important in this argument, and the other thing is it provides a staple for those businesses that are dealing with this particular issue all the time.

Ms FINLAY - Just going back to my previous question, I was hoping that it might be included that it's recognised that there's fishing pressure; it's recognised that the stock is under pressure. The question here is the process of making the decision and what best to do to recover the fishery either in a slow or a faster way. But is it not true, close to me in the Tamar, that that has got evidence where it's reported that the fishing pressure there is similar to the south-east?

Mr PEARCE - The most critically pressured region is the south-east: 57 per cent of Tasmania's sand flathead are caught in that zone - 57 per cent in that one zone. As well as that, you're dealing with a depleted breeding stock, so the fish that you've got there are taking longer to get to reasonable - to minimum size. We're keeping an eye on all of those fisheries. They've all been downgraded. You're right what you're saying. We're hoping and you would - I don't know whether - I think you've already heard from Tas Pol, marine police, on enforcement. That decision to land whole, that decision to not fillet at sea, we thought about that long and hard, but I listened to the advice given to us by marine police, and it's the only possible way, otherwise they had nothing to enforce that compliance.

Ms FINLAY - Did you contemplate that rule being implemented without a closure to give opportunities for compliance to improve?

Mr PEARCE - Well, we have, so that's statewide.

Ms FINLAY - Without a closure: in the south-east zone did you contemplate, with the introduction of that rule that could improve compliance in the area, the suggested non-compliance?

Mr PEARCE - Well, we've introduced the landing whole with heads and frames attached, non-filleting at sea, that's statewide, to give those other regions that you talk about a chance. In terms of options, let me tell you that a number of options were - we didn't do this at the flip of a hat. This was a big decision. We knew the fallout of this decision. We knew that some people would understand, others wouldn't. We knew that this was an emotional issue. We knew the severity of it and we didn't rush into this easily. We did talk about all options that we could think of, and I'm dealing with some experts here: hats off to them. The advice that I was given - not only was I given an option or a suggestion, but they would tell me the advantages and the disadvantages of that particular course of action.

Ms FINLAY - Wowzers. Is it true with the 2025 outcome of the assessment that it wasn't necessarily that there was evidence of ongoing problems, but there was a lack of evidence of recovery; so, actually that the data is not there to measure recovery because catch effort isn't reported?

Mr PEARCE - IMAS and my Department and those scientific managers provide me with data, and if I question the data that they provide me based on a scientific basis, we go round and round in circles and no decisions are made.

Ms FINLAY - I'm not questioning the data but the kind of data.

Mr PEARCE - I would protect the validity of that data and the credibility of that data, yes.

Ms FINLAY - Sorry, Minister, just so that it's on the record: I'm not questioning anybody's interpretation or the quality of the data they provided. My question is: is it true to say, because recreational fishing effort isn't recorded or reported, is it true to say that there's actually an absence of recovery data as opposed to evidence of an ongoing problem? That's not a -

Mr PEARCE - You deal with enforcement every day.

Mr JACOBI - There was a lack of evidence that compliance was working. There is a lack of data. We have acknowledged that, and as I mentioned in my appearance earlier, this is not like a commercial fishery where we have catch data. I, absolutely - my Department and I have considered a whole suite of different policy options. In providing advice to the Minister we considered lots of different policy option scenarios: one on its own, one without the other.

Ms FINLAY - You're going to table those for us?

Mr JACOBI - In conversations with IMAS, it was very clear that given the fact that there was no evidence of recovery, and no evidence of the stocks recovering at any speed, and given the investment that was being made in the stock enhancement program which is a significant investment, I was presented with advice that the stock enhancement program would be far more successful without - if the south-east was closed. If people were unable to fish the south-east for a short period of time while that stock enhancement was underway, it would give all of those fingerlings the greatest likelihood of success, and it would -

Ms FINLAY - I think in your answer just then you confirmed what I was asking. It's not that there was evidence to say that recovery isn't happening; it was that there isn't data on that because we're not reporting it. My question then would be: have you considered, or are you considering catch reporting from recreational fishers which would help remove the gap?

Mr PEARCE - Yes. You raise an excellent point, and we only spoke about this not that long ago, Secretary, in terms of the app and -

Mr JACOBI - Yes. Well, I talked this morning about the citizen science application that we've put in development, which will be voluntary, it wouldn't be mandatory. Again, this is about taking an educative approach to enforcement. With that app people will be able to report their catch voluntarily along with a whole range of other different species. I think the citizen science piece that Mr Garland raised is really important to capturing the best possible data. To introduce - I don't know if you're suggesting this, but to introduce a mandatory catch reporting requirement -

Ms FINLAY - I'm only asking questions; I'm not making suggestions.

Mr JACOBI - But the only other option would be to make it mandatory, to have every recreational fisher obligated by law to report their catch. I think that would be an unnecessary and overly bureaucratic response. The best outcome would be for fishers to voluntarily [reporting their catch], and the location where they caught them and the size, so that we get the best possible data, because the gaps in data are something that we acknowledge and that is an important part of having a better understanding about the fishery.

Mr Di FALCO - Obviously, without compliance there's a real possibility that we may end up in this position again, even if the stocks start improving. Is there any strategy that we can - to change the culture of non-compliance amongst some of the fisher folk?

Mr PEARCE - I thank you for the question. In my opinion, and this is my opinion only, this closure is pause for thought in many people, just ordinary folk that just go fishing every now and again. So people will now see - and this is not why we did the closure, believe me - but people will see the effects that fishing pressure have, and it is real and it does mean if we

don't do anything about it, it will mean that we don't have a sustainable fishery for the next generation. That's the first point I want to make.

The second point I want to make is: you will notice that we haven't said anything about putting an arbitrary time or date on reopening, rather than that's what we're focused on. We're not focused on the closure, we are focused on the opening, but until we have the opening, we need - in order to get to that opening, we need numbers to be, and biomass to be where it needs to be. It needs to be based on science. I think we need to get away from that mindset of putting an arbitrary number on it: are we there yet? Are we there yet? It's almost childlike. Science doesn't think like that. Science works on empirical data. That's exactly how we need to approach this, in a scientific way, and IMAS will be - their task in all of this is the translocation and the stock enhancement program. As part of that, they will also do monitoring, so the numbers that they will get, the dataset that they will be able to build up after they go through that process will be incredible. This is going to be based on science rather than an arbitrary number or an advent calendar where we get to a certain date and yippee.

Ms FINLAY - You just said the dataset will be incredible; what will make the dataset incredible? Different way to -

Mr PEARCE - In terms of IMAS doing all that, that broodstock work and the translocation work, they're not just simply turfing those fish into the drink. They're monitoring all sorts of things, all sorts of data inputs. Data is going to be incredibly important. This will give them a medium by which they can do that. They can look at the difference in those genetics that come from different places, different fishing zones throughout the state, and they can monitor the difference that they have and the impact that they have on - because it's not just putting those fish into the water down here; it's how those fish change that reproductive biomass. All of this are the things that IMAS talked to me about, which will be invaluable for them moving forward.

Ms FINLAY - Is the translocation the entire zone, or is it just in one targeted area?

Mr PEARCE - I don't understand the question.

Ms FINLAY - It sounds as though, and when it was spoken about this morning as well, that this program is going to be across the full zone. I'm just clarifying whether that's correct or not.

Mr PEARCE - Again, it'll be scientifically led, but that's probably a question - I'm sure that you've got IMAS in, have you?

Ms FINLAY - I'm asking you, because it sounds like you're saying that there will be a full zone coverage of new fish.

Mr PEARCE - Well, it'll be scientifically targeted. Have you got any more information on the specifics of that?

Mr JACOBI - At this stage, through you, Minister: my understanding is, at this stage, the initial target and rollout of the program will be in the D'Entrecasteaux Channel.

Ms FINLAY - Yes, so just in a small area of the zone.

CHAIR -Ms Rosol, next.

Ms ROSOL - Thank you, Chair. I just wanted to pick up on something, because there seem to be some questions around the evidence that the decision to close the fishery was based on. Ms Finlay was saying there's not been any catch surveys, so we don't really know what's happening. But my understanding is that you've already said, and we heard this morning, that there were survey assessments done last year that show no improvement. So, I'm just clarifying that - that I've heard that correctly?

Mr JAENSCH - Stock assessments.

Ms ROSOL - Stock assessments, thank you.

Mr PEARCE - Stock assessments, yes. In terms of this being a new thing that just suddenly snuck up on us, well, it didn't. The data - the stock assessment - go way, way back. This has been evidence for a long period of time.

In terms of future monitoring of populations and particular parts of the population, that's important also. But this is not a new thing that's -

Ms ROSOL - And your decision now is still based on evidence, even without the fisher catches?

Mr PEARCE - A hundred per cent. This is not a political - I mean, people try and politicise a decision. This, in my case, and hand on heart, this is not based on politics. The easy way forward for a politician would be to take no action, to just accept the status quo. Everyone's happy, happy, happy - until the day when we are listed as an extinct zone in terms of sand flathead. And that's where we were looking. So, as far as I'm concerned, this -

Ms FINLAY - Wow.

Mr PEARCE - I'm referring to Ms Rosol.

Ms FINLAY - Where's the scientific evidence for that statement? What's the scientific evidence for 'extinction'?

CHAIR - We'll just keep going with this question, Janie.

Ms FINLAY - That's a Minister on the record.

CHAIR - You can come back to that in your next allotment.

Mr PEARCE - Thanks, Chair. This was not political for me. This was based on science and the future survival of that species in that zone.

Ms ROSOL - Thanks, Minister.

CHAIR - I'll go to Mr Jaensch.

Mr JAENSCH - Minister, you referred to the stock enhancement program in a couple of those recent answers about bringing the different genetics down and where they're going to go, et cetera. Where is that up to now? What stage is that at, and what happens next?

Mr PEARCE - In terms of what IMAS is doing, there's certain spawning periods that they've got to work in with, so obviously you can't - and translocating stock needs to happen at certain particular times, to lessen the impact and to increase the survivability of that translocated animal. In terms of the brood stock, then again, that gets back to spawning periods. I'm happy to give the entire parliament, once we get a little more clarity around that, to give them a brief on where we're at, maybe invite them out to IMAS, if you like, once we get some more granularity around that.

CHAIR - Mr Garland.

Mr GARLAND - I can't remember when, but commercial fisheries were banned for taking sand flathead. Was that in 2023?

Mr PEARCE - Yes, I believe that's correct.

Mr GARLAND - And we always advocated that - or the commercial sector did - that we catch sweet bugger-all or nothing as far as flathead goes. So, was that decision just another area to sort of help get the fishery back to sustainability?

Ms PEARCE - Yeah, and I'll go back to an answer that I gave previously. It was something about, you know, something that had happened in previous years. So, again, I can only refer to that answer and that is: those ministers and those managers were making adaptive management calls and decisions based on the science that they had at the time. Now, it's all very well and good that we sit here and we look at that and judge it on what we know today, but at the time, they don't. That's all I can say about that.

Mr GARLAND - Right. And if I remember rightly, the professional sector didn't make a big song and dance about it, because they understood that -

Mr PEARCE - No, they didn't - a hundred per cent. And to that end, the feedback that I get from the commercial fishers has been extremely positive.

Ms FINLAY - Tasmanian Scalefish Fishermen's Association's (TASFA's) position says that it came as a shock and that it stopped locals being able to eat tiger flathead as a local product on local plates in Tasmania, and that we've got now much greater imported foods where locals can't eat that on there. That's what the TASFA submission says. I want to go back to -

Mr PEARCE - Tiger flathead? That's not tiger -

Ms FINLAY - Out of the commercial catch. It might not be tiger, then, but whatever is not the sand flathead. Out of the commercial catch, the 2 per cent that commercials were catching, they were actually surprised by not being able to -

CHAIR - Do you have a question to the Minister?

PUBLIC

Ms FINLAY - I do. Minister, in your answer to Ms Rosol previously, you said that it was a choice of extinction or not. I'm just wondering what scientific evidence you have for that statement, because the question before us is actually: how fast the fishery will recover. It's not been about whether it becomes extinct; it's been about whether there's a fast or a slow recovery. Have you got evidence on your comment about had you not closed the fishery it would've become extinct?

Mr PEARCE - And again, don't mix my words up. 'That's where we were heading' is what I said, and have a look on the *Hansard*, because that's how I said it. If you can't get your head around the numbers -

Ms FINLAY - Well, that's what I'm asking. I'm asking for -

Mr PEARCE - if you can't understand the data -

Ms FINLAY - Minister, Minister - I'm asking the question -

Mr PEARCE - If you can't understand the stock assessment and that, you know, we've gone from - we manage at this at 40 per cent. We get down to, you know, we're in trouble at 20 per cent. We're at 5 per cent. There's a one-in-100 chance of catching a size flathead. If you can't understand that, then something is wrong. You cannot -

Ms FINLAY - Could you outline for the Committee who advised that without this decision the fishery would become extinct?

Mr PEARCE - You cannot argue with the fact that this is critically depleted and we need to take grown-up, practical steps.

CHAIR - Minister, I will bring it back to the question if I can, please.

Ms FINLAY - I'm asking who -

Mr PEARCE - And I'm answering it, Chair.

CHAIR - Minister, I will bring you back to the question.

Ms FINLAY - I'm asking who provided you advice that if you didn't close it that the fishery would become extinct?

Mr PEARCE - I'm saying that based on the way that it was going.

Ms FINLAY - But you must have had advice to make that statement.

Mr PEARCE - I said we are looking at - that it is heading to that.

Ms FINLAY - I'm asking who gave you that advice?

Mr PEARCE - I made that advice. I made that assumption.

Ms FINLAY - Oh, you made the fisheries advice that it's going towards extinction? So, as Minister, the decision you made was -

Mr PEARCE - If you cannot get your head - if you're trying to argue the facts around those numbers being critically depleted, then I suggest this Committee talk to the most eminent scientists that we have in this country, who provided me that advice that these numbers, if we keep going, we won't have any flathead.

Ms FINLAY - So that is my question to you: was your decision to close the sand flathead fishery in the south-east a decision between the fishery becoming extinct or not?

Mr PEARCE - Again, you're verballing me. I make decisions based on the advice that I'm given, and the management advice that I'm given from my Department, and that's exactly what I did.

Ms FINLAY - So, as I understand it, the options -

Mr PEARCE - I've just clarified my position there.

Ms FINLAY - As I understand it, the decision taken in 2023 indicated that there would be recovery at a certain pace and, as I understand it, the reason behind the decision for closure is that would increase the pace. I'm not aware of any advice where without closure we would be heading towards extinction. That's what I was just seeking to understand, because you've said in your opening statements that you take this decision really seriously and it's a really important decision. I'm just trying to understand, you said you gave yourself that advice that we're heading towards extinction. I'm just really keen to understand whether that's actually what was front of mind for you at the time. Did you take this decision based on a concern that if you didn't close the fishery, it would become extinct?

Mr PEARCE - We are heading in that direction. We are heading, as I said, we're under 20 per cent. We're down to five, one in a 100 chance of catching a size flathead.

If you're sitting there and arguing with the fact that you don't believe that it's as bad as what the science is telling us, then I'm here to remind you that it is.

Ms FINLAY - I'm just seeking to clarify that the difference between the management action in 2023 and the management action that you've taken is not one about pace of recovery, but it's about pace of extinction. Is that correct?

Mr PEARCE - Those things were considered in the decision: pace of recovery.

Ms FINLAY - But is it not the difference between the two decisions?

Mr PEARCE - No. It's not like we flip a coin. We lay everything out on the table. All these scientific options, all the advantages and the disadvantages, all the knock-on effects that one particular decision will make, and we come up with an optimal decision and the safest decision and a decision that I stand by based on the science, and that was the temporary closure and rebuilding of that fishery.

PUBLIC

Ms FINLAY - Thank you. And just to confirm from all of those options that you considered with the pros and cons, that's something that you've taken on notice that you'll provide to the Committee?

Mr PEARCE - Say that again, sorry.

Ms FINLAY - The options that you just outlined then that you had pros and cons for - it sounds like that's a documented advice that outlines options with the positives and the negatives, and I'm just inviting you again to confirm that you'll provide that to the Committee?

Mr PEARCE - No, I don't think that needs to be provided. If you come up with a decision, I don't expect you to write everything that you thought about prior to that decision. That is unreasonable.

I think, with respect, those decisions and conversations that we have, that war gaming, that SWOT analysis that we do, I think is between our Department, our scientific managers and myself.

Ms FINLAY - But you have heard from the community that there are concerns that there weren't alternatives considered. So, trust in decision-making, it would be useful for you to provide an outline of alternative management measures that were considered.

Mr PEARCE - I'm convinced beyond reasonable doubt that we've taken the optimal, safest decision to ensure the long-term -

Ms FINLAY - Are you aware of calls from people in the community, bodies and individuals to understand what decision-making you went through in terms of considering any alternatives?

Mr PEARCE - Everyone's an expert.

Ms FINLAY - It's one of the terms of reference from the Committee for us to explore alternative decisions.

Mr PEARCE - The optimal decision, course of action, that was in front of us at the time was the temporary closure of the south-east zone and the landing-whole to allow Tasmania Police to ensure compliance was followed.

Chair?

CHAIR - Yes?

Mr PEARCE - Can I get the Secretary to clear up a comment on tiger flathead, if you wouldn't mind?

Mr JACOBI - I want the Committee to be really clear about tiger flathead. These rules and these changes in management measures do not apply to tiger flathead.

Ms FINLAY - Thank you because I'll correct that. I was referencing the 2 per cent of commercial catch. There was concern about the announcement that that 2 per cent would no

longer be available of the commercial sand flathead. I misspoke, because they weren't pre-communicated about that, and there's been expression of concern that now it's difficult for locals to eat local flathead and there's an increase in 'imported' in that submission that was tabled.

I misspoke. Thank you for clarifying that.

CHAIR - Does anyone have further questions to go to the Minister?

Ms FINLAY - Yes, I have. Minister, you announced the decision on the 4th, from memory, but I'm interested in the date that you made the decision. You will have internally made the decision at a point in time and then started taking actions to prepare for the decision, prepare for the announcement, prepare for communicating. I'm wondering on what date you made the decision?

Mr PEARCE - That was under delegation. Did you want to?

Mr JACOBI - I don't have the exact date in front of me, I apologise; I'll have to take that on notice for the exact date.

Ms FINLAY - The reason why I asked that is because there was an advertising campaign prepared to advertise the decision. I'm wondering when the brief was provided to the person preparing the advertising. I'm curious because I don't think the advertising campaign was done from the Department; it was done from the media unit. So I'm wondering when the brief went to the media unit to prepare the advertising campaign?

Mr PEARCE - No, we wouldn't have that with us today. I'm sorry.

Ms FINLAY - Is that something that you can take on notice?

Mr JACOBI - Through you, Minister. I'm absolutely confident that we would not have commenced the advertising campaign until after the decision was made. My Department did lead that campaign in terms of providing information and advice to the team that developed the campaign. We did that in consultation with the government media office. But we led the comms around that in partnership with the media group.

Ms FINLAY - Thank you. I wasn't suggesting that you started advertising before the decision. It was more, how far in advance of the decision was the advertising campaign prepared?

Mr JACOBI - I'll have to take that on notice.

Mr JAENSCH - On a similar topic, and we did discuss this with Mr Jacobi earlier today about the communications around the policy. What is the pathway for communications over this next period, which is the recovery period, the monitoring, the development of the plans to reopen the fishery? Can you speak to us about that communication piece?

Mr PEARCE - Yes, and the instructions that I've given the Department were that we need some milestones. The Tasmanian people, local communities, they need to see footage of those first load of translocated fish go into that fishing zone. We need to show people the great

work that IMAS are doing out there in broodstock. I want to get the point very loudly and very clearly, and I want to thank the Committee for your part in this - that this is a positive thing. This is not about the closure of a fishery, but the opening of one. That is our focus; that moving forward positivity is what we've got a really ooze out.

We're always going to get the negativity. You're always going to get the naysayers. There are people in this world that believe the Earth is flat, goodness me. You're always going to get that. What I'm saying is: this is a positive thing. It's a decision that was made on science for the long-term survivability and strategic outcomes of a fishing species in a very concentrated fishing-pressured zone. Fifty-seven per cent of all flathead caught in Tasmania are caught in that one zone. Incredible when you consider that. It is little wonder that we're seeing numbers critically depleted like we're seeing.

We didn't make that decision based on emotional politics. We made that hard decision, that hard call, based on science. These are the things that I want to get across and these are the lessons that I want to show people that we're taking very seriously, because we do take it seriously.

Mr JAENSCH - You've given the Department some guidelines regarding that. But is there a strategy that's forming that has stages to it?

Mr PEARCE - I haven't sent a formal one back. I don't know where we're at with that, Secretary.

Mr JACOBI - Through you, Minister. We've gone out for consultation on the rebuilding plan. As I mentioned this morning that is a key part of the stock enhancement program. The harvest strategy is the next-most important document that we need to develop to provide the certainty around the trigger points and the measures that would gradually and incrementally enable the fishery in the south-east to be reopened.

Mr JAENSCH - Then you're going to be able to keep people informed of where you are in that sequence of events so you can see what to rebuild.

CHAIR - With that, I'm going to thank the Minister for making an appearance. What you have said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that privileges does not attach to the comments you make to anyone, including the media, even if you're just repeating what you've said to us today. Do you understand that?

Mr PEARCE - I understand.

The witnesses withdrew.

The Committee suspended from 2.30 p.m. to 2.32 p.m.

PUBLIC

Dr Jeremy Lyle

CHAIR - Thank you, and welcome to today's hearing into the short inquiry into matters relating to the closure of sand flathead fishery in the south-east of Tasmania. Thank you for your submission. Could you please state your name and the capacity of which you are appearing before this Committee?

Dr JEREMY LYLE, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you, and just the capacity of which you're appearing before this Committee.

Dr LYLE - Okay. I'm an adjunct Associate Professor with IMAS, which means I'm basically retired. I'm also a board member of TARFish and a scientific member on the South East Resource Assessment Group, which is a Commonwealth management committee. I'm here, however, as a private citizen, so basically my thoughts and information is actually my own. I'm not representing TARFish or IMAS or any other organisation. So, very much built, I guess, on the experience I've had, which is over sort of 40 years as a fisheries assessment and management scientist.

CHAIR - Thank you, Doctor. Can you confirm that you have received and read the guide sent to you by the Committee Secretary?

Dr LYLE - Yes, I have.

CHAIR - Lovely. This hearing is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place out of parliament. This protection does not accord to you if statements that may be defamatory are repeated or referred by you outside of parliamentary proceedings. This hearing is public; the public and media may be present. Should you wish aspects of your evidence to be heard in private, you must make this request of the Committee at this time.

Dr LYLE - That's fine.

CHAIR - As you've already read the statutory declaration, we don't need to do that again - or should we? No, all good. Excellent. Would you like to make a short opening statement, or straight into questions?

Dr LYLE - Possibly straight into questions, although I suppose I would say the basic information that's underpinning the current stock assessments, and has really brought this to a fore, was a program that I implemented in 2012 and basically managed and ran until I retired, which was in 2021. It then has been expanded and further works have occurred since then. So, I've got a good understanding of the background, the kind of information that's going into the assessment, what has changed, what hasn't changed. I think it's important to note that there clearly is a problem with sand flathead, and we established that right back in 2012. The main reason that we did that was it was evident that there were no significant commercial catches of sand flathead. So, traditional stock assessments, you'd be using catch and effort, catch rates, that sort of information from commercial fisheries. So, we really needed to look towards

alternative approaches to get that basic information and build an assessment of sand flathead. That was really the impetus for implementing that program.

I might add that it was very much implemented as a cost-effective or low-cost program, at a time that was always a struggle getting finance and funding for these sort of projects. It's been really comforting to see that it has continued. What we've seen since about 2021-22, a significant additional investment and, obviously, we are where we are now, where there's a lot of Fisheries Research and Development Corporation money and government money put into trying to address the problem; but, as I mentioned, the problem was apparent back in the early 2010s, so this isn't a new situation.

CHAIR - Thank you for that statement. We will move into questions.

Ms FINLAY - Thank you for that. It's good to have the background of the depth of involvement and knowledge that you've got. You talked about there being changes - there are a lot of thoughts around this, but everyone is agreed that it's a fishery under pressure. So that's agreed and established; but then there are a lot of thoughts now about the management actions that are being implemented and the data within which that's based on. Do you have any observations around that?

Dr LYLE - I think the really significant management change in 2023, the increase in the size limit, that had a substantial protective value, if you like, for the spawners. We have for sand flathead, for instance, effectively, and particularly in the south-east area, probably five or six years of protection between achieving maturity and actually entering the fishery. Obviously we hear concerns about compliance and I think, personally, that move to require landing of whole fish, or at least the frames with fillets attached, is actually a really positive step to allow police to ensure that we do have compliance in this fishery. The other thing, too, was the very significant reduction in bag limit - and I'm talking about the south-east here - to two. That's equivalent to what you're allowed to take for rock lobster, for instance.

So, we've seen two very significant management measures just recently implemented. This is also the back of an earlier one, which really came from a recommendation of the work that we did initially, and that was the increase to 32 centimetres. That provided at least another year or so of protection to the females, and there was also a reduction in bag limit, but certainly not obviously clearly enough. I think there have been a number of significant management changes that are really acting to see recovery. I guess the disappointing thing is that the recent 2023 measures really haven't had time to have impact and a decision has been made to close the fisheries.

Ms FINLAY - That's a critical point, isn't it: time, the time since the 2023 -

Dr LYLE - Yes, I think the other thing, too, is - and it's been mentioned a few times - we don't have contemporary information about what the actual catch is. But what we do know, and if you look at the surveys, the statewide fishing surveys that have been done since 2000. In fact we - the earliest ones that I ever did were back in the mid-90s, about 1995 or so, 1995-96, which clearly demonstrated the significance of sand flathead to the recreational fishery.

I effectively designed and implemented and managed those surveys right up until the last one. I'd retired by then and that was sort of followed using exactly the same methodology. But what we've seen is over that period a decline in the recreational landings, if you like, or retained

catch. At the same time as we're implementing management changes which are really about providing protection to the spawning stock, and trying to reduce catch, those catches were actually declining or reduced - I'd say reduced - whether declining because the stock wasn't available is another question. But certainly there's a lot of evidence, and there's a lot of evidence subsequent to 2023, and even before 2023, that catches were reducing. Recreationals were actually being encouraged to look to alternatives. If I was to talk personally, I effectively stopped fishing and targeting flathead before those recent management changes because I was looking for alternatives. We talk about mixed-bag fishing: I think a lot of experienced recreational fishers were already doing that. By the time you got to, you know, 35 minimum, 40 max, many people in the south-east were probably either saying it's just not worth my while to go for just two fish or, certainly in my case, getting spiked handling so many undersized fish, it just wasn't that enjoyable. Definitely looking to those alternatives and there are a number of alternatives, and we kind of, we're seeing that, you know, play out, definitely.

Ms ROSOL - Thank you. Chair, apologies for interrupting you earlier. You've talked about since the rule changes were made in 2023, there's been changes to fishing habits that you've observed, and that's observed and that's anecdotal because we don't have the fishing surveys. On the other hand, we've got evidence from the government that there's credible anecdotal evidence that indicates that compliance with the 2023 rules is low, and so reductions in catch and fishing mortality aren't being achieved.

I'm making a broad point here that there's credible anecdotal evidence on either side of the debate, and one shouldn't necessarily be prioritised over another. Do you think that's a fair statement to make about the different evidence that different people are seeing where they're sitting?

Dr LYLE - There seems to be quite a lot made about the non-compliance. The extent of that is really unclear. Yes, there is always non-compliance, and the reality is that once you've closed the area, which we have done now, there is no necessity for compliance monitoring, yet non-compliance I'm sure is still occurring. There's a little bit of a risk there that if you're fishing in the south-east knowingly as a non-compliant fisherman, you're not likely to be caught because you certainly won't be landing fish whole, and that has always been a real concern.

Mr JAENSCH - It still applies to all the other species.

Dr LYLE - Sorry?

Mr JAENSCH - Still applies to all the other species, the rest of the mixed bag?

Dr LYLE - It does, but I think you'll find that, and certainly my experience and having done surveys of recreational fishers talking about compliance and I guess interaction with enforcement, they tend to be very minimal. It's a very low chance of being encountered.

Most, and going back to my time with IMAS and on advisory committees; and Craig's [Craig Garland] been involved in those as well. I've been on the recreational advisory committee, the scalefish and commercial advisory committees. Most of the enforcement success, if you like, from Tasmania Police has been targeted operations, and it's usually because of advice that something is going on.

Ms FINLAY - So that could skew the numbers in that way because it's targeted?

CHAIR - We'll go to Mr Jaensch.

Mr JAENSCH - Can I start, Dr Lyle, by thanking you for your career and your work and your service to Tasmania and to fisheries.

What we're told is that the closure of the fishery together with the other measures, the things that have been in place that have led to, perhaps, a shift in trajectory but also initiatives like the stock enhancement initiative that's been spoken about, that the addition of the temporary closure of the fishery will mean that we can get to recovery of the fishery faster. We don't quite know how fast 'fast' is, or how many years or generations that involves, but are you able to make any comment on how much faster, with a temporary closure, we could expect recovery to be happening, compared to without the closure?

Dr LYLE - I don't think I can answer that, honestly. You're right, a closure will result in a faster recovery. There's no doubt about that.

One of the challenges is - if you have the closure - is actually knowing, being able to monitor and assess the recovery. That's clearly one of the weaknesses, and I'm talking as a stakeholder here. We have closure, it's an indefinite closure. Where we've had recovery plans, for instance, say for rock lobster, there was a clear timeframe with goals, targets and performance indicators. We don't have any of that yet. What we have is an indefinite closure and obviously this work needs to be done.

I would have preferred to have seen that sort of discussion already had, in place to have a harvest strategy, a clear recovery plan. That's where you can then bring the stakeholders and recreationalists on board.

One of the issues of not having fishing is you don't have any means of monitoring what's actually going on. If the only means we have at the moment is the fishery independent surveys, which, again -

Mr JAENSCH - Is that what they refer to as the 'stock assessment program'?

Dr LYLE - Basically, it's fishing for two or three days in the Channel, two or three days in Great Oyster Bay, catching around 100 or 150 fish, maybe 200 fish, and then saying that is representative of what's going on in the stocks. As I mentioned, that particular program was developed as a low-cost. It was providing what we call 'weight of evidence information' about what was going on. It clearly demonstrated there were issues there, told us something about growth, told us something about year class variability and importantly we were using sort of catch rates as a measure to say, 'Are things trending up, down, or pretty much unchanged?'

Mr JAENSCH - If there's a sort of a prima facie temporary closure will assist the recovery effort and assuming that involves some years in which - and we've heard from the Minister and the Department that a recovery plan and the harvest strategy will be built in the intervening time - is there any reason, from the fisheries point of view - is there any benefit to the fishery of not proceeding to get it recovering as quickly as possible?

Dr LYLE - I think that becomes a management and possibly a social decision. How quickly do we want things to get better? How much are we prepared to forgo to get those sort of benefits?

Mr JAENSCH - You mentioned before that with the limitations and the sizes and the spikes in your hands - and I've had them, they hurt - you've moved your focus to other species or to a different bag. If we have, effectively, an ineffective fishery because there's so few fish in the allowable range that it's not worth it anymore, a longer, more gradual return to the health of that fishery means that there's a point there which people aren't going to be targeting these fish anyway. I'm just trying to sort of read, in terms of a fisheries management - which is not my area - where's the tipping point of benefit in assessing those different curves?

Dr LYLE - As I say, I think it comes down to almost a social decision. You know, what are you prepared to forgo?

Mr JAENSCH - And that might mean another generation of people who don't get to catch any flathead for the reasons that you're not going fishing for them, because it's taking longer to get back to it being worthwhile.

Dr LYLE - The reality is, you will catch flathead. If you're putting out lines in these inshore areas, they are abundant. They're highly abundant. It's whether you're actually actively targeting them. There's places that I go fishing where I'll move if I start catching a flathead, because that's not really what I'm trying to catch. What I would say, though, is that most of the catch is actually bigger than the 32 centimetres, which was the old size limit. We're now starting to see some of these larger fish come in. I've certainly caught oversize fish. I've caught legal-size fish, but obviously not retaining them because I'm not - we're in the south-eastern zone and I'm not actually seeking to catch them.

There's a kind of assumption, that because of the fishery-independent survey, they said there's very few - within the sample, let's be honest, it's within the sample - very few legal size, therefore there are no legal size. I think if you were to put it out there - I mean, I hear reports, a lot of people saying they're catching some of the biggest flathead they have - whether it's true or not - for many years. They are there - they're just obviously not that abundant relative to the small ones.

Just back to the assessment. There were two components to the assessment. One is the overfishing, so the stock's overexploited. The other is actually the recruitment impairment. I would say, if you look at the independent surveys and things like that, that even during the period of heaviest fishing pressure there is no clear evidence of recruitment failure, which, when you talk about - I heard in some of the previous presentations - about potential extinction, we would start to see clear evidence of recruitment failure as an indicator that this stock is really in dire straits.

Mr JAENSCH - And so is there a principle that you avoid failure?

Dr LYLE - Oh, yes, of course -

Mr GARLAND - In your time, how many times has the precautionary principle been applied, like it has with this?

Dr LYLE - To this extent? Very few. I'd certainly accept that this has been a very precautionary management response. I would also argue that the 2023 measures, particularly that reduction in bag limit to two, from 20 to two, that substantial increase in size limit - and that was a substantial increase - that was, I would have said, a highly precautionary measure. Understanding concerns from Tasmania Police that without the requirements about landing size fish, it perhaps was not as effective as it would've been in terms of the enforcement side of it.

Ms ROSOL - Dr Lyle, I'm just trying to reconcile two things in my head here because, on the one side, there's research that shows that the spawning biomass is 5 per cent, recognising that 20 per cent and below is considered to have the species at risk - but you've said, 'There's plenty of fish oversize here. There's an abundance of fish out there.' Are you able to explain that difference between what the research and the surveys have shown and what you're saying here, to us in the Committee, today, please?

Dr LYLE - I'm not saying there's an abundance of legal-size fish out there. Clearly, that is an issue. What I'm saying is that the current management, if it was actually followed, with the minimum size limit set at what it is, it is providing significant protection to early reproductive females. So, in that regard, it is actually a very conservative approach to managing this stock.

Yes, it has been subject to very significant and heavy fishing pressure for many years. That's kind of driven things like the population trait changes, where we're seeing the suggestion that we are now dealing with a stock that is primarily slower growing. Slower growing, in this case, is providing greater protection to those fish. It's actually a population adaptation to heavy fishing pressure. And it's not unusual in fisheries to see these sort of changes.

I guess my concern is that we've put in place an assessment that is acknowledged to have some serious limitations - that's clearly acknowledged, and appropriately so. It's something that is not because of the - it's kind of an equilibrium-based model; it's assuming that things don't change, you know, dramatically. It's saying that we don't really know what's happening now, even though - again, if you read the reports - there is evidence of some recovery already. They're able to detect that. Is it fast enough? That's another question, and that's where I'll say I think that becomes a question for managers and the social - how fast do we want to recover this?

Ms ROSOL - Do you think it's reasonable for the government to act based on the information that they have at hand? I guess I'm curious as well, if 5 per cent of spawning biomass you're saying we can keep going, what per cent do we stop at and say, actually, this has gone too far, we have to do something now?

Dr LYLE - That's a good point. I think if it was truly 5 per cent, as I say, we would have started to see some clear evidence of population crash, not just decline, and certainly evidence in recruitment - the young fish coming through. Really, it's not at all clear. Now, that could be an issue with the fishery-independent surveys, and I guess that's my real concern, they were developed for a different purpose. They were really to provide weight of evidence to look at how things were trending through time. Now they are the prime input into a quantitative stock assessment model and, from what I can see, apart from extending the area - so we're now covering other areas of the state - there's been no increase or no change.

PUBLIC

I'm really concerned that they may, at this stage, not be fit for purpose. I would be advocating for a truly independent, professional review of the assessment, and also the data that's going into that, you know, could we do anything better? We've had a lot of money put into this fishery and into this issue, but that core component really, from what I can see, hasn't changed, and that I think is a real alarm bell; that's what I'd say.

Ms ROSOL - If that's all we've got, shouldn't we be acting on it?

CHAIR - I will just go to Ms Finlay now.

Ms FINLAY - I think what you've said is really powerful there, and it will be good when we reflect back on these transcripts in terms of our findings and our recommendations. I just want to go back and touch on the social element: by having this effective closure of the fishery in this area, you have the expertise and capacity to consider and target other fish, but for little kids that are just starting out fishing, it's an entry-level fishing experience, what impact do you think having a closure will have on that young person's experience of entering recreational fishing and then being able to grow into someone who can make informed and targeted choices?

Dr LYLE - I think the reality depends on your own situation. If you are have access to a boat or something like that, and adults to sort of show you alternatives, yes, then great, you will get into it that way; but if it's really a case of fishing off the jetty, the shore, then there are really are not that many alternatives. There are alternatives, but it's certainly, to catch a fish, flathead is probably the easiest fish to catch. It really is.

CHAIR - Thank you for making appearance in front of the Committee today. What you've said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that privilege does not attach to your comments you make to anyone, including the media, even if you're just repeating what you've said here today. Do you understand that?

Dr LYLE - I do.

CHAIR - Excellent, thank you.

The witness withdrew.

The Committee suspended from 3.02 p.m. to 3.15 p.m.

PUBLIC

Professor Caleb Gardner

CHAIR - Welcome today to today's hearing. It's a short inquiry into matters relating to the closure of the sand flathead fishery in the south-east of Tasmania. Thank you for your submission. Could you please state your name and the capacity of which you're appearing before the Committee?

Prof GARDNER - My name is Caleb Gardner and I'm just appearing as an individual before the Committee.

CHAIR - Can you confirm that you have read and received the guide sent to you by the Committee Secretariat?

Prof GARDNER - Yes, I have.

CHAIR - This hearing is covered by parliamentary privilege, allowing individuals to speak with freedom without fear of being sued or questioned in any court or place outside of parliament. This protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside of parliamentary proceedings. This hearing is public. The public and media may be present; should you wish aspects of your evidence to be heard in private you may make the request of the Committee now. With me I have Mr Garland; Ms Finlay; Ms Rosol; Mr Jaensch; Mr Di Falco online; and I'm Meg Brown. Please take the statutory declaration.

PROFESSOR CALEB GARDNER WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Would you like to make a short opening statement?

Prof GARDNER - Yes. I wasn't quite sure what to say here, but I thought I might as well start with the way I normally start all classes when I do a course on fisheries management, which is just to say: what do you think is the most important part of fisheries management? I mean, you don't need to answer that, but normally when I get people to say that, they normally say it's sustainability. All right, and sustainability is very important. I've never done this, but I think if I ask the same question of business people, they wouldn't say the most important part of my business is to stop it going bankrupt. They normally aspire to do something more. It would be something like, I don't know, to make my business more profitable, to expand or to make the best product I can.

So the point is, in fisheries, it's not the major, the most difficult part of management is not just being sustainable - which is stopping a stock collapsing - it's about trying to make the fishery, you know, really perform the best that it can. So, you know, that can be important. It's a really important point, because it can change the way that you will deal with problems like we have here in flathead. So what we're faced with in flathead is not a sustainability problem, we've got lots of juveniles coming through, but clearly we have a fishery that's performing really badly in terms of giving a great recreational fishing experience. So if you focus on sort of the aspirational goal, which is to have a really outstanding recreational fishing experience, you can just change the way that you will deal with some of the decision-making.

The big decision you've got here essentially is that, you know, in 10 years time, 15 years time, this will all be forgotten, the stocks will have recovered. We've got a sustainable stock here. We know that because we have such large numbers of juveniles coming through, you know, that's unequivocal, there's no concern about numbers of juveniles; but what we do have is very poor quality of stocks, and how do we get from where we are now up to where we want to be? Your choices are, at the extreme: cut the fishery, close it completely and let it rebuild really fast, or do we do it a bit slower, you know, allow some fishery to happen and rebuild slower? So in terms of sustainability, they're both equivalent, but in terms of your aspirational goals for this fishery, you get different choices. It's exactly the same issue we face with abalone and lobsters and calamari. It's a really common dilemma in fisheries: do you want to get to a better state and do you make changes that are really fast and extreme, or do you rebuild slower?

I was involved in lobsters mainly and the choice on lobsters which we made was to - we had the stocks down lower than what the production is for - very similar, actually, to flathead. We had good levels of recruitment of lobsters, but levels of egg production were down very low. This was - I'm talking 15 or 20 years ago now - we're down below 10 per cent level of egg production in lobsters; and so exactly the same, we're faced with this choice: do we make dramatic changes to the lobster fishery or do we leave it ticking along, and we made the choice of just trying to allow some fishing for sort of obvious reasons. We wanted to allow some employment to continue and some recreational benefits; but catches were wound right back again, you know, we've had success, so now levels of egg production of lobsters are back up above the threshold. That's a story we want from flathead, obviously, but more to the point is just how are those decisions made? It was around that choice between the best outcome over the long term. I will finish there.

Ms FINLAY - From that summary - thank you very much - are you saying that, had the 2023 decision been maintained, it wasn't putting the fishery at risk because sustainability is there, it was actually just about the speed at which recovery would occur?

Prof GARDNER - Yes, I've brushed over that. I mean, there was a couple of points there, but certainly I did want to emphasise the sustainability is not at risk. We've got -

Ms FINLAY - So, you weren't in the room, you may not have been online, but the fishery is not at risk of extinction?

Prof GARDNER - It's definitely not, unequivocally no risk of it being at extinction. It is depleted; it is not unsustainable.

Ms FINLAY - Thank you. As a fisheries person, in your introduction, you talked about the quality of the experience of recreational fishing. So, in your mind, if the 2023 decision was maintained, and there may have been the compliance rule change about landing whole, does that, in your mind put - I'm asking the same question a different way - but would that put the fishery at risk or would it allow for people to continue to have the experience of fishing for sand flathead?

Prof GARDNER - The 2023 decision to cut the bag limit down to two, that was based on excellent science. There were concerns in 2022-2021 about the levels of the stock, scientific research modelling was done, large changes needed to happen, and that change to the bag limit down to two was made not just - that number was not plucked out of the air, it was based on really good modelling. Was that adequate? We don't know. The jury's still out. We're still

waiting for data to come in. We would assume, at the moment - I've got no reason to doubt the quality of science behind that decision. Like I said, it seems excellent to me, so I would fully expect it to lead to recovery. Was it fast enough? Would people like it to be faster or slower? That's a choice about values, and that's where my point about aspirations are important.

Ms FINLAY - But there has been to date some amount of evidence that there is recovery - some recovery happening?

Prof GARDNER - There's a tiny amount, but it's - you just - it was effectively 18 months since that change was brought in. There was some sampling done. Was there a change in that? Maybe, if you squint and look at it. Would you have expected there to be a change in length frequencies? Not at all. And this is one of the difficulties with this data - well, this fishery - is we've had some change, everyone's very interested in it, we would all love to know what's happening the stock, we just don't have any data on it yet to assess the effectiveness of that bag limit change. There was a couple of reasons why we don't know, just there wasn't much time since the change happened before any sampling happened.

The other thing is just the methods which we have are not really suitable for picking up short-term changes. All the assessment is really strongly based on just length frequency data. What I mean here is just the distribution of sizes of fish and the numbers in different sizes. So, you can imagine if we went out today and just measured a whole bunch of flathead - the fishery's now closed, so this is an unfished population - but that size structure will reflect all the fishing that's happened over the last decade. Just size structures just don't change very fast. It would be great if we had some other source of data. If it was lobsters, we would have commercial catch rate data or something else to tell us if things are changing. We just happened to have a situation here where the data we've got is actually just really poor data for picking up the sort of thing we want to know, which is: has there been a recovery?

Ms ROSOL - I do want to get to a question around the evidence of depleted, and that, but just picking up on what you said there about not having enough evidence following on from the 2023 bag limits and restrictions that were put in place there and taking time for the impact of that to come through in the data; I understand all of that, but I think what we're hearing from the government that compliance was low, so their assessments - the compliance balanced with the assessments indicated that if the rules weren't being followed, that the rules wouldn't have an impact on the fishery because they weren't being followed sufficiently. So, given the trajectory of the population prior to the 2023 rules, wouldn't it be reasonable, then, to take this step now? If compliance is so poor, things were heading down, there's not enough compliance to change things. We don't have evidence. Isn't this a sensible decision, a reasonable decision to take urgent action in that case?

Prof GARDNER - I just got back from Indonesia a day ago; I was talking about fisheries management there. We talked all the time about compliance there, also. Fisheries management is hopeless if you don't have compliance; no question. You have to have good compliance.

If we want to have a good fishery for flathead in the future, we have to have good compliance. That's got to happen whether the fishery's closed now, or whether it's open at some time in the future. That to me just seems a problem which we have to solve.

If that can be solved by getting fishers to land their fish whole then that's what should happen.

If we're closing the fishery because we don't think we can enforce compliance, that sounds like we're kicking the can down the road to me. If compliance really is such a problem, it needs to be solved.

The other thing I'd say on compliance is I like seeing data on things. To me it sounds a bit anecdotal at the moment. I don't like anecdotes. I like hard data. If police have concerns about compliance, that's great, they're experts. That's an issue, but let's see some data -

Ms ROSOL - So, you didn't have data when you made your submission?

Prof GARDNER - On the compliance? I still haven't seen any data on the actual levels of compliance from police. There is none available that I'm aware of.

Ms ROSOL - They shared some this morning.

Prof GARDNER - Did they? Okay.

Ms FINLAY - They wouldn't table it publicly though. That's the problem, that's it's not publicly available.

Prof GARDNER - Alright. I would think a police officer, I'm speculating, if they went out and, say, found 20 per cent of people were not being compliant, I would think they would feel that's a real problem.

From a stock assessment level, that's fine. If one fisher in five was taking three fish rather than two or so, that would sound like a compliance problem but in terms of would it delay stock rebuilding, that's a completely different question.

Compliance, at the moment I hear is an issue, but I'd like to see some numbers and I'd like to see some analysis to know is the compliance of such a concern that it'll prevent stock rebuilding with the bag limit of two?

Mr JAENSCH - Professor, thank you for our earlier discussion as well. It was sort of a bonus one we snuck in there.

When you were talking about the different trajectories of recovery or intervention and you used the example of the rock lobster fishery before - a harder intervention with a faster recovery, a more gradual glide path with a softer touch - with the lobster one that you referred to, you opted for a slower recovery with a continuing but reduced commercial activity.

Prof GARDNER - Yes.

Mr JAENSCH - So, in that case your continuing fishing effort would have been in a regulated industry where you know who's getting what, who's taking what, you can count them, lots of data, so that's very knowable and controllable.

Similar, I think, to Ms Rosol's angle: apply that to the fishery we're looking at now where you don't have a regulated take or a population, you don't have their names or you don't know how many boats or hours or fish that they're taking and you're relying on being able to measure

the take through a range of inadequate proxies of various kinds, that's perhaps another reason why you might take a more precautionary or a more interventionist approach.

What I want to know is, from a fishery management perspective, is there any downside to getting there faster?

Prof GARDNER - Yes. That's spot on.

You're right. There are vast differences in the amount of data between those two fisheries, but this decision is usually much harder in commercial fisheries than what it is in recreational fisheries. Although we don't have much data, there are elements of this fishery that make it easy and they are about the economics.

In a commercial fishery, if you don't fish lobsters for five years, you can still take that those lobsters are alive, so you can catch them again in five years' time and the revenue, the price per fish, is still usually the same or hopefully even higher in five years' time, so you haven't had a loss. If you start modelling this stuff to try to find the best choice, it comes down to things like your discount rates and inflation and stuff but it can be tricky in commercials.

The big difference about recreational is this term, 'diminished marginal utility'. The thing about what that means is a recreational fisher gets a lot of pleasure out of the first fish they catch, and it's sort of a disaster if they catch nothing that day. The first fish is really great. That's the one that they take pictures of and high-five. The second one, not so much. By the time they get to the thirtieth fish, they're sick of it. Whereas, for commercials, it's the same price for the first fish versus the last fish.

What that all means for recreational fisheries is it is much better to have recreational fisheries that have got really high levels of stock. That's why it's all good that we're rebuilding, because then people don't have days where they don't catch a fish. But it's also really good to have fisheries where people can at least catch one fish or two fish, rather than zero fish, because that's where they get this really high marginal utility. That's what we're managing this fishery for, is fun. It's not the price, which we would have in a commercial fishery. It's about that fun, that enjoyment, so you maximise that on that very first fish.

Right to the nub of this issue: you would maximise the utility to the Tasmanian community by allowing this fishery to continue having a very small catch. At least people can catch one fish, get their photo and their high-five and the kids are happy, and to allow rebuilding continue for several years rather than you have this certain loss of utility for several years while stock rebuilding occurs.

Mr JAENSCH - Don't you have a compounding effect though of a reduced bag limit and a reduced window of size, and depletion of those so that there are hardly any of those there to get in the first case. So that when you're doing the modelling or the value analysis of that, is there a point where you're better off to restore the fishery to a point where you can take you kid fishing and get a keeper, you know, on flathead? In the meantime, teach him to catch whiting or leatherjacket or something like that.

Prof GARDNER - Yes, but we're there already. People can catch flathead now. It just takes an hour and it should be taking five minutes. We need to rebuild the stocks and people need to - as the stocks rebuild that hour is a cost of fishing, so you get more enjoyment if you

can catch that fish quicker. But we're there already. People can catch a fish, it just takes longer than it should.

Mr GARLAND - We've got the closure now. We're not getting data coming in. We talked to NRE this morning about citizen science and getting the community involved. How many times would you have to go out - so she's closed for the year - to get the right data for you to ascertain where we are? How many days a year would you have to go out to catch fish and get samples to have a better ascertaining of what is actually occurring? Because, we had a spawning closure for calamari last year - blew for seven weeks. We didn't protect anything.

Prof GARDNER - We probably don't need a whole lot more data. The data is fine, it's just a bit noisy, so it's one problem. If I had perfect control, I would increase the amount of data just so I was a bit more confident in it. There's two bigger problems though, and we just can't get around those easily. One is the sort of data we're collecting is not suited for picking up fast changes. There's nothing we can do about that. You just have to be patient and not expect the stock assessment report now to pick up fast changes. It almost wasn't worth doing a stock assessment report this last year. There's been no survey of recreational effort, so we've got no way of knowing whether the two-bag limit or how much it reduced effort. That's something which should be done more frequently. It's pointless now because it's closed, but that would have been good.

The other one was perhaps more frequent timing as well. But still we can't get around the fact that it's link frequency data and the methods we have for link frequency data are not designed for picking up changes on year to year. They're designed for picking up long-term trends over many years. That's just the way it is. It'd be nice if we had a commercial fishery then we would have good catch-rate data.

The other issue is - I get this in towards the end of my report and my submission - I'm not sure if you really understood the issue, but we're really uncertain on growth in this fishery. We're uncertain on a lot of things, but our understanding of growth has a profound impact on all the subsequent estimates of fishing mortality in biomass and spawning biomass. All that stuff is influenced by the parameters that we put into growth. We don't have good estimates on growth because it's quite hard to get growth on fish. First of all you have to tag them and recapture them, so that's always very difficult. Or you can dissect a whole lot of them and try to look at their ear bones, and we've done that, IMAS has done that, but they don't have access to big fish. Why not? Because the fishery's been overfished for so long, and you just can't catch big fish and age them. There's just no data. So in the absence of that, IMAS has done the right thing, they've tried to do their best and they've had to use modelling methods to sort of extrapolate, but we're just extrapolating out into the wild unknowns, and it just means we're so uncertain on growth. Now, Craig, you'd know this. Sand flathead versus tiger flathead: which do you think would grow faster?

Mr GARLAND - I reckon tiger, wouldn't they?

Prof GARDNER - Most people, they would think tiger. Tigers, people aren't aware, just do get a lot bigger. Their size at maturity is much larger. But this is one of the reasons I'm sort of a bit unsure about, or nervous perhaps, about the growth data at the moment. When we estimate growth data on sand flathead at the moment we're getting the same L infinity, the maximum length, on sand flathead as we do from tiger flathead. There's been nothing wrong with the analyses. I just don't believe those, to be honest. I think just because, you know, the

gut feeling is from anyone who's familiar with these two species, they just seem vastly different. I just think it's a symptom of just having not much data.

Now, what does that mean? It means that we could probably keep, you know, if I'm right, that sand flathead do grow to smaller L infinities - like your gut feeling was as well - it would mean that our L Infinity estimates on growth are less than what they should be. You work that all the way back again, it means our estimates of spawning biomass are probably less than what they really are, and our estimates of fishing mortality are probably less than what they are. So, things that the stock is perhaps a little bit better, and it also means when we keep the fishery closed, I reckon there's a good chance we might keep it closed and it'll still keep saying that the stock is overfished just because our growth parameters are not perfect.

You asked about data. What does all this mean? I reckon it would be great to have some more work put into trying to get better growth estimates, and that would just mean closing one part of the stock somewhere - Frederick Henry Bay, or some part that's not too important, just don't fish them - and let the fish grow, and then we've got a population which we know has got some larger fish. So, that's kind of a detail, in some ways, but it's also really important because there's so much uncertainty here. It would just be nice to tighten things up.

Mr JAENSCH - Don't you recommend against that sort of approach, though, in your marine reserve analogy?

Ms FINLAY - Time-limited, he said.

Prof GARDNER - I don't like - well, and also allow other species in too. I mean, marine reserves are a whole other topic, but there's been problems with - people get quite emotional about marine reserves and there's a lot of downside to them as well, and sometimes they get put in place for all sorts of fairly silly reasons. So, for example, we might close an area and prevent bluefin tuna fishing occurring. The tuna are swimming in and out, it makes no difference. And so they can sort of get out of control a bit, but that can also be really valuable. I've done a lot of my research in the reserve down at Taroom. It's not a marine reserve, but it's closed for lobster fishing. Incredibly valuable, because I've access to large lobsters that haven't been fished. That's the sort of thing we need for flathead as well.

Ms FINLAY - Thank you. You've said a couple of things along the way - one is that having some more data, so fit-for-purpose data, around the growth data, but also perhaps having slightly more numbers in the dataset as well, could be more relevant. So I'm interested in that going forward. But in 2023 when that decision was made, and there was an expectation that it would be measured over time, what did that decision say in terms of when you are likely to do assessments and see outcomes of improvement?

Prof GARDNER - That wasn't defined. We don't have a document saying, you know, what do we expect to see and when do we expect to see it change, and if it doesn't do what we want the stock to do, then what will the next action be? What you're describing is a harvest strategy.

Ms FINLAY - Yeah, and we don't have one of those.

Prof GARDNER - We don't have one of those, and we should. That would be another great recommendation. It just removes the - you guys shouldn't have to be spending your time

on this, the Department shouldn't have to be doing it. We should have a document that says 'This is all the things we're going to measure. These are the indicators. These are the reference points we have. If the stock doesn't meet its reference point, then this happens.' No debate, no argument. That's a harvest strategy. It's been incredibly successful with the recovery of a lot of species. Southern bluefin tuna, you know, a great example where we had terrible levels of egg production of southern bluefin tuna 20 years ago. Harvest strategy was brought in. It's taken all the debate and the argument out of it. The stocks have recovered well. That's the sort of thing we need across more of our fisheries. It's been key to the success and recovery of so many stocks in the Commonwealth waters and we need more roll-out in the states.

Ms FINLAY - Thank you, and just clarifying a statement that you made earlier. What I interpreted from what you said is that if, in fact, this fishery reopened, but there was a dedicated area of research for growth that had a time-limited application - so it wasn't a permanent marine park - I think that's how you described it in your -

Prof GARDNER - And also allow other types of fishing. You know, tuna or something like that.

Ms FINLAY - Yes. So, it's just for the sand flathead. That would be a reasonable way to test where we're actually at?

Prof GARDNER - I would recommend that. I like the sound of that, yes.

Ms ROSOL - Aren't we effectively doing that?

Prof GARDNER - Well, you are -

Ms ROSOL - On a bigger area, though?

Prof GARDNER - But the problem is - I mean, you are. So, do we wait for 10, 15 years just to get good growth data? That would be a benefit for science but, of course, the downside would be you've then locked out recreational fishing. So, normally, in the same way with lobsters, again, having one area that's been closed for a long period of time - and the Tarroona Reserve has given us access to lobsters that are long-lived and we get good growth data - that would be a good thing to do for flathead.

Ms FINLAY - I can't remember from your submission if you identified an area for research?

Prof GARDNER - I think I might've just said Frederick Henry Bay. I don't know particularly why.

Mr JAENSCH - Professor, your parting comment in your submission includes that:

The government should not be obliged to survey the community on all management changes.

I think that links to the comment you just made about the role of a harvest strategy.

Prof GARDNER - That's right.

Mr JAENSCH - So, looking forward from here, as to where we go, and this question of who was consulted when and all the rest, is the idea do proper consultation, agree on what the rules are going to be, and then deliver on -

Prof GARDNER - That's right. Agree on your objectives. I'd also say, seeing as I've got this audience, as well, I think the objectives should really come from elected representatives of the community, because we often have quite conflicting objectives. So, things like in the lobster fishery or abalone fishery, we have reduced employment. We've had management strategies to reduce employment for the sake of maximising economic yield. Is that what the community wants? I don't know, but it's what we've decided to do as managers. So, some of these choices, there's often some difficult trade-offs. So, it should be -

Mr JAENSCH - We live in a world of difficult trade-offs, in our roles.

Prof GARDNER - And most other jurisdictions in Australia or overseas, as a fishery scientist, you get guidance from looking at the objectives of the *Fisheries Management Act*. Tasmania has got some of the worst, vaguest objectives, so it means it's really hard to have guidance on what we should be doing. So, if you start with those - good, clear objectives in legislation - and then build a harvest strategy from that. And that just, you know, it takes out this debate: should we be closing it? We shouldn't be surveying fisheries every time - waste of time.

Mr JAENSCH - Correct.

CHAIR - Any final questions? Mr Di Falco.

Mr Di FALCO - You said that it was unlikely, or there wasn't going to be a catastrophic collapse of the flathead. We've already gone from 20 per cent of flathead being legal-size down to 5 per cent. Then the police also said that one-in-four vessel checks resulted in flathead offences. Surely, there'd come a time where you would get to that collapse?

Prof GARDNER - Well, yes, you could keep fishing any stock down low enough and you'll get to collapse at some point. But in flathead, they've been given a good thrashing, but recruitment is still just fine. You can go out fishing and get good numbers of juvenile, small flathead, no problem at all. That's not just anecdote, that's in the data from IMAS. Remarkably, even though egg production is very low, recruitment is just fine. It's risky, and we should be rebuilding the stock, no question. But there's not the urgency around sustainability, because recruitment is fine.

CHAIR - Thank you, Prof Gardner. Thank you for your appearance today. Just before you run off - sorry, I've got to say this. What you've said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that the privilege does not attach to the comments you make to anyone, including the media, or even if you're just repeating what you've said to us today. Do you understand.

Prof GARDNER - Understood. Yes.

CHAIR - Excellent. Thank you so much for your time.

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The witness withdrew.

The Committee suspended from 3.44 p.m. to 4.00 p.m.

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Global Marine Resource Management Pty Ltd - Dr Paul McShane

CHAIR - Welcome to today's hearing, which is a short inquiry into the closure of sand flathead in Tasmania's south-east. Would you please, for the Committee, state your name and the capacity in which you join us?

Dr McSHANE - My name is Paul McShane, I'm a self-employed marine biologist.

CHAIR - Thank you. Can you confirm that you've received and read the guide sent to you by the Committee Secretary?

Dr McSHANE - Yes.

CHAIR - This hearing is covered by parliamentary privilege, allowing individuals to speak with freedom and without fear of being sued or questioned in any court or place out of parliament. This protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside of parliamentary proceedings. This hearing is public. The public and media may be present, should you wish aspects of your evidence to be heard in private, you must make this request to the Committee at this time.

I will now introduce members of the Committee. We have Mr Craig Garland. Ms Janie Finlay, Ms Rosol, Mr Jaensch, online we have Mr Di Falco, and my name is Meg Brown. Would you like to make a short opening statement?

Dr McSHANE - Yes, you have my submission. It notes that the closure of the south-east fishery is a disproportionate response to the actual status of the fishery. I note in my submission that in 2023 there was substantial management changes: not only was the daily bag limit drastically reduced, but importantly the size limit was increased to 35 centimetres. The size limit of 35 centimetres, if nothing else were done, that would confer adequate protection for the stock going on into the future, if complied with, of course.

CHAIR - Great. Thank you for that statement. Just before we move on to questions, please take the statutory declaration that is in front of you.

Dr PAUL McSHANE, GLOBAL MARINE RESOURCE MANAGEMENT PTY LTD, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

Ms FINLAY - Thank you. I appreciate your opening comments, and it's very clear to start right off the pack to say that the response in your mind is being disproportionate, and that, in fact, the size limit changes alone in 2023 would have been enough to provide protection, and that language has been consistent in the submissions that we've received today. In your mind, has there been enough time passed since those 2023 management actions were applied to be able to demonstrate?

Dr. McSHANE - No, there hasn't, because the approach that's taken in the stock assessment - the published stock assessments by IMAS - are necessarily retrospective; they're based on the size of flathead that are sampled in independent surveys in a number of locations around the state. Importantly, the three major locations including the south-east, which is currently closed, Great Oyster Bay, which is where I'm from, I live in Coles Bay, and Frederick Henry and Norfolk Bays: they've had independent surveys undertaken there for the last 10 or

so years, and they show a fairly depressing story. We all realised that historically the sand flathead fishery has been overfished, and I say historically because there has been substantial fishing effort, even with bag limits there's been compliance issues. There has been a commercial fishery, but it's important to note that the commercial fishery has had very little to do with the present status of the sand flathead fishery. So no, there hasn't been sufficient time.

Ms ROSOL - Chair, could I ask a follow on that please? Just a note on page 6 in your submission, you said the data is inadequate to monitor recovery. Could you comment on whether the data is also inadequate to monitor lack of recovery? If it's a lack of data, how can we conclude either way? You've made this conclusion that it's all good, we don't need to close the fishery, but the data's not there either way really, I'm assuming. If you could comment on that, please?

Dr McSHANE - Well, in 2012, when they started the fishery independent surveys, this is just using normal angler effort like rod-and-line and then looking at the catch rate that you get at certain times of the year, if those - and that was designed to provide some index of abundance. You have an index of abundance in commercial fishery, which you can then relate to the biomass of the stock, and that gives you some sort of yardstick to compare over time. So, you can say, 'Okay, well, in 2012 when I went out for those surveys, I caught 20 flathead. Now, I'm catching two, so there's been a reduction'. Similarly, if you expand those surveys in the area that's currently closed you could monitor whether or not the management changes that were introduced in 2023 have had any effect in terms of the catchability of sand flathead.

But necessarily, the changes are going to be slow. Because of the current size limit - 35 centimetres - it takes between 10 and 15 years for a flathead to grow that size. Males never reach that size, so you're excluding most of the population of sand flathead from the fishery with that size limit.

Ms ROSOL - Can I follow up, then, can you comment on what you think of the precautionary principle? NRE have emphasised the importance of the precautionary principle. I'm interested in what your thoughts are on it.

Dr McSHANE - Yes, well, I'm well aware of the precautionary principle because I used to teach it. That's where there are threats of serious or irreversible environmental damage, don't let scientific uncertainty postpone remedial measures. But on the basis of the available evidence, in terms of what we know about the stock, in particular the trajectory of small, young flathead coming through, there aren't any threats of serious, irreversible, i.e. extinction or inability of the population to replenish itself. There aren't those threats.

Ms ROSOL - So, you're saying there's plenty of small fish around, small sand flathead at the moment. We know that the spawning biomass is 5 per cent, which is recognised, I think, broadly as being critical level. But because you've seen, or people are seeing lots of young flathead around, it's all fine and so we don't need to apply the precautionary principle?

Dr McSHANE - I'm saying on the basis of the available evidence there's no threat of serious or irreversible environmental damage. The estimate of egg production is an estimate only. You have to consider the broader biology of flathead; they're a very resilient species, they're very productive. In other words, they have capacity to recover very quickly from fishing, quite clearly, because even though the fishery has been overfished for many years, there's still abundant young flathead coming through. What we're keen to see is a set of

management measures linked to a performance indicator that you can measure in real time - that is, like an abundance index - to see whether or not those changes which have been implemented, in particular, the size-limit changes are having a beneficial effect on the recovery of the population.

Ms ROSOL - The 5 per cent spawning biomass that's been talked about as a critical figure - well, 20 per cent is the critical figure, but we're at 5 per cent - how much importance do you place on that figure?

Dr McSHANE - Well, there's a number of fisheries around the world, like the Maine lobster fishery, which is like half-a-billion-dollar a year lobster fishery, has egg production which is less than 5 per cent. These are just yardsticks that you have to correlate with what we know about the biology of the species. I keep on coming back to the evidence that we have, bearing in mind the annual assessments which are done, which are based on fishery independent surveys at eight locations around the state, on a very small number of fish - we're talking 100 fish per site - and then basing the whole assessment of the status of the fishery on that relatively limited information. I'm not blaming the science; they've probably got funding constraints and there's probably other issues which affect their ability to forecast the recovery of the fishery. But in terms of looking at the status of the fishery, in terms of the number of fish below that size limit of 35 centimetres - which I said males will never reach that, they're lucky to reach 32 centimetres.

That's particularly the case in the channel, because if you look at the state on the east coast, there's a latitudinal gradient in the maximum size of a flathead. Where I live, in Coles Bay, I go out fishing in Great Oyster Bay - and I'm not a very good fisherman - the fish there are larger than they are in the channel. That imposition of that size limit is particularly - makes it very, very difficult for anyone to catch a fish. For every 20 fish that you catch on a given trip, you're throwing back maybe 19 or maybe 20. It's not a very satisfactory experience. In fisheries management terms, a recreational fishery doesn't seek an economic benefit, it seeks a benefit in satisfaction going out with your family, with your friends, and catching a fish to eat or just for the enjoyment of fishing.

The current management arrangements, particularly closing the fishery, but even if you open the fishery with a 35-centimetre size limit, you're going to make it very difficult for anyone to catch a legal-sized fish, so statements saying, 'Oh, well, we went out, caught and sampled 100 fish, only five of them are over the size limit', well, that doesn't surprise me at all, because they simply don't grow that large.

Mr JAENSCH - Dr McShane, you said in your submission and you reiterated again that an appropriate size limit alone would confer protection for the population or for the fishery if complied with; and given that in this fishery, it's not a commercial, regulated fishery, it's a recreational fishery, we don't know how many people are doing what and we've had evidence even today that compliance is understood to be poor or problematic, in that situation the size limit alone, perhaps, wouldn't be sufficient as a protective mechanism. You go on to say that combined with better data and a harvest strategy, that might be the balance that we need - I think that's the sort of thing that's been talked about - in between to stabilise the fishery or to recover it. Is there a downside to doing that as quickly as possible?

Dr McSHANE - A downside to -

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Mr JAENSCH - For the fishery itself - you've mentioned just now that with the 35-centimetre limit there's very few fish legally to catch.

Dr McSHANE - Yes.

Mr JAENSCH - Therefore, the experience of the fishery is poor. What's the difference between closing that fishery for a shorter period of time to get a maximum recovery, or continuing on with effectively a depleted fishery and not very satisfying for a longer period of time to get there?

Dr McSHANE - At the moment we have no means of monitoring the recovery. If we continue with the same approach, we're not going to be able to reassess the status for, perhaps, another 10, possibly 20 years because the growth of fish over that 35 centimetres is so slow, many, many fish aren't going to get there. The issue of compliance, well, of course, if that size limit is disregarded and there's widespread fishing mortality as a result of catching undersized fish, and we know this from the published data, so if you go back some 20 years, they did a creel survey in the channel. You turn up at the fishing ramp, someone's there to measure your fish. The size limit there was 30 centimetres; 30 per cent of those fish caught were below the size limit, so it's critical that the compliance is meaningful.

A lot of that can come from peer pressure. I know in the recreational fishing community, and you may hear this from TARFish tomorrow, that if there's positive peer pressure, there are education programs, children are taught that if you're conservative now, then you have fish for the future. You don't need to have 30 flathead. You don't need to have small flathead. It's much better to have a larger flathead because you get better fillets off the fish. I actually quite like the fact that I can catch a 35-centimetre flathead off Coles Bay. It just takes me a lot of fish that are thrown over the side of the boat before I catch one that I can take home.

Mr JAENSCH - Yes, okay, but there's - in terms of the population of fish themselves, is there any - if having a closure of the fishery, together with these other measures that we've talked about, will recover that population faster than not having a closure of the fishery -

Dr McSHANE - Well -

Mr JAENSCH - If the closure of the fishery will get us there quicker, is there a downside to that?

Dr McSHANE - I just think that you're denying the 50 per cent of Tasmanians that go to those areas that are currently closed the experience of catching a flathead; and at the moment we've got absolutely no idea whether or not those substantial changes - reduction of a bag limit from 20 to 2, increase of a size limit from 32 to 35 - have had any material difference. We can assume, assuming compliance, that the fishery now will be better off than it was in 2023. That's just logically evident, but in terms of saying, 'Okay, well, we'll close the fishery and then some point in time in the future we will reopen it' - how are you going to do that?

Ms FINLAY - Well, they don't know.

Mr JAENSCH - Is that the question for the - sort of the recovery plan and the harvest strategy that follows that, that you referred to?

Dr McSHANE - Yes, and I make some recommendations in my submission, like you have a harvest strategy which is linked to a performance indicator, a yardstick. It doesn't have to be expensive; just expand the surveys that you're already doing, you know, using hook-and-line methods at a certain time of the year that are standardised, and say, 'Okay, well if that catch rate goes below this reference point then we'll either reduce the bag limit or increase the size limit or close the season'. Like, for example, we have a scallop season, which is open and closed. We have a rock lobster - there's all sorts of measures. I think it would be really useful as a recommendation coming out of this inquiry to have a review: what's the best combination of bag limit, size limit, season and that sort of thing?

I just think that a closure is a very blunt instrument which denies an opportunity to many Tasmanians to go out and catch a feed of flathead. I think that, on the basis of the available evidence and the changes that have already been made and looking at the science - and if you go into those scientific reports, they qualify it, they say, 'Look, we don't really know what the fishing mortality is. We have some concerns that natural mortality might vary. We have some concerns that the assumptions that we're making might be invalid' - fishery science is an uncertain science but we do have a lot of evidence before us based on the known biology of sand flathead that gives us some comfort that if we reopen the fishery, with appropriate management arrangements, with appropriate compliance, and we expand the science to come up with a performance indicator based on an index of abundance, linked to a harvest strategy, then that will give the community comfort that that resource is being managed for the future.

Mr JAENSCH - How long do you think it might take to get those things in place, realistically?

Dr McSHANE - Well, you're the ones in the driver's seat.

Ms FINLAY - You're the Government.

Mr JAENSCH - You have experience of these things - to build a harvest strategy, to institute a new program for developing more reliable data.

Dr McSHANE - I think that it would come from, and I make this recommendation in the report, that you'd review the science. There's nothing fundamentally wrong with the science in that I'm guessing that it is constrained by the available resources. I'm guessing that. I know many of the scientists at IMAS and they're excellent scientists. I have absolutely no concerns about their ability to do the science. It's just that we don't have an index of abundance. We don't have an opportunity to hindcast the biomass and then say on the basis of that historical biomass, this biomass is now greater or smaller based on the management changes that have been made; that needs to be done. It's not expensive. It's a lot less expensive than spending \$1.2 million on a stock recovery program.

Ms FINLAY - Thank you. We're capturing some great content on your transcript from those comments, particularly that last one, 'What are you willing to invest in the work that needs to be done that you've already committed to?' The Government had committed to doing a review in this year, in fact, but has chosen to close before they've done the review. The government knew that they needed to have a harvest strategy and these things in place, but we don't have them. My question to you is: is it unusual, or have you seen in the past where a fishery like this, where it's a recreational fishery, has been closed without the information or without a harvest strategy, without the abundance measure, without reviews being done? Does

it seem like a bit of an extraordinary decision to do that without that other work having been done that was committed?

Dr McSHANE - Yeah, again - and I make this point in my submission - is that it's customary to have a consultative project process whereby you get members of the recreational fishing community, get members of the conservation community, you get the scientists, you get the fisheries managers, and they all get together and say, 'These are our objectives, we want to have a satisfactory and sustainable sand flathead fishery. We can entertain all these measures, but there are issues of compliance and other constraints'. You usually work these things through before you come to a decision like closing a fishery. They've just closed the recreational fishery in Western Australia. More significantly, they've closed a commercial fishery as well, you probably would have heard about that. They've got some concerns about the snapper fishery in in South Australia, they've closed part of that. There's certainly precedents for closing fisheries. It is surprising that closing a fishery without consulting stakeholders has been made. I can understand, based on the concerns of historical overfishing that's, no one's saying that the sand flathead fishery hasn't been subject to overfishing, I think that's quite clear. No one's disputing that. Certainly, I'm not disputing it.

Ms ROSOL - I'm just wondering if we could zoom out a little bit, because in your submission you refer in a couple of places to climate change and the impacts of climate change and the warming waters on sand flathead biology. What are the impacts of climate change and warming waters on sand flathead?

Dr McSHANE - There's been a lot of work, and it's ongoing work, by CSIRO, and I was also involved in advising the Commonwealth on fisheries management, and we now have information on the status of the stock alongside information on the trajectory of climate change. We're in a region which is warming four times greater than the international average, and we've got some serious concern about fish now. On the basis of the available information on flathead - not sand flathead, but flathead, so tiger flathead, because that's a Commonwealth fishery - it doesn't appear that climate change is going to have a substantial impact compared with other species of fish which are now not only overfished, but aren't recovering even though there have been drastic management changes. We think that's because of climate change. Superimposed on all the things that we have to consider, particularly fishing mortality by people overfishing a fishery and then the management instruments that we have to control that, we have to contend with climate change.

In terms of flathead, we know that there's a difference in the growth rate and the size at maturity that will be influenced by water temperature. We expect that the biology will change. Growth rate maybe natural, mortality rate, and this will have implications for fishery modelling, but we don't really have a very sophisticated model for flathead. But on the basis of the available information, I wouldn't be worried as much for sand flathead as I would for other species like John Dory or eastern gemfish or blue wahoo or redfish in particular, which are on the verge of being CITES-listed (Convention on International Trade in Endangered Species).

Ms ROSOL - It's unknown, but seems to not be to -

Dr McSHANE - Certainly plausible.

Ms ROSOL - Is it plausible that it will have an impact that adds to the overfishing impact or makes it harder for the fishery to recover from overfishing, but you're not too concerned about it?

Dr McSHANE - We're not certain. We're not as worried that sand flathead will be exposed to a deleterious impact of climate change as we are for other species based on their - flathead are opportunistic ambush predators that basically occur everywhere where there's sand out to a certain depth of water. They're a very resilient species and that's why we're not as concerned about the sustainability of sand flathead as we are for other species.

Ms ROSOL - And that includes reproduction capacity? Is it affecting, I don't know, spawning and that kind of thing, the water temperatures?

Dr McSHANE - We don't know. Sand flathead are serial spawners; in other words, they keep on spawning from spring to summer so they're putting out a lot of reproductive material and that's why they're so resilient. If you compare that with, say, school sharks, which might only have reproductive events every couple of years, then the capacity to recover is much lower than they are for the sand flathead. But sand flathead are very, very resilient.

Ms FINLAY - I'm interested in your comments in response to questions before about the difference on the fishery between closing and maintaining the 2023 management actions and, I would say, with the addition of the compliance measures now with landing-whole and the experience of the fishery. We've clarified today that the fishery's not at risk of being unsustainable; that it's actually now a decision about how fast we rebuild. I'm interested in sand flathead being an entry fish for young fishers - you know, it might be one of the first fish you catch and that gives you an a taste for recreational fishing, which you might then advance. What impact do you think closure versus a two-bag limit has on young fishers - early fishers being sort of enticed into the recreation?

Dr McSHANE - My children grew up catching flathead because they're easy to catch - you don't need any particular skill. You can catch them from the wharf, you can catch them from the beach, you can catch them from the boat. It's just nice to be able to take your kids out and catch a flathead and take them home and say, 'Oh, look, I caught that'. My grandson, who lives in the United States, came out and he caught his first fish and he was delighted that he could take it home and have it for dinner. So, two fish per person - that's enough for dinner.

Again, I keep on coming back to my opening statement that it is a disproportionate response, given the evidence that we have in front of us to close a fishery which, yes, has been historically overfished, but there are management measures in place, supported by, hopefully, effective compliance that will allow the population to recover and continue to provide generations of fishing experience for all those kids that would like to catch a flathead.

Ms ROSOL - Just a question, kind of a refrain throughout your submission was assuming compliance. We've heard evidence from Tas Police today that there are problems with compliance and they, based on the checks that they've been doing, believe non-compliance is sitting around 25 per cent. Just wondering if you can comment on that as a non-compliance level. Given that all of your comments and recommendations are based on assuming compliance, we've heard evidence that there's not compliance. So, how would you respond to that?

Dr McSHANE - I think you're more likely to have non-compliance when you've got perceived draconian regulations in place. A size limit of 35 centimetres - I keep on coming back to this because it's such a drastic measure that, in order to get to 35 centimetres, a flathead has to be in the water for 10 to 15 years and it will be a female flathead. It's just that approach - it requires that people are aware of their responsibilities to conserve the fish. If you can't catch a 35 centimetre flathead and you're throwing away 34, 33, 32 [centimetre], fish that were previously legal-sized fish, then there's going to be temptation to keep those fish because they want to bring something home for dinner. I'm only assuming that, but compliance has been a problem in the past and will no doubt be a problem in the future unless supported by appropriate education programs, peer pressure and effective compliance.

Ms FINLAY - Landing-whole makes an improvement on capacity to - there have been suggestions earlier today that it has been difficult for Tas Police to apply compliance.

Mr JAENSCH - Compliance is one thing, the ease of policing is the other.

Ms FINLAY - That's right. Also it was suggested after Tas Pol represented that their compliance data was targeted when there were areas identified where there were non-compliance. So they're sort of a non-compliance targeted set of data.

Mr JAENSCH - Can I just confirm when you've referred in here to the size limits being sufficient themselves to protect the species, are they the same limits that you are now saying a draconian and unlikely to be complied with?

Dr McSHANE - Well, yes.

Mr JAENSCH - So you need something else?

Dr McSHANE - Well, I think that I've suggested, you know, for argument's sake, a size limit of 32 centimetres, which - in setting a size limit, you've got to trade off the weight with the probability that the fish is going to live for that long to reach that size. If you've got a situation where fish are dying of old age before they reach the minimum size, then you're in effect wasting that fish. But if you have the size limit too low then you're affecting the reproductive potential of the population. In the present situation, you've got at least seven years of reproductive potential before that female enters the fishery. Males never get to that size, so again, I think a review where you examine the management tools and the objective of rebuilding the fishery linked to those management tools is a sensible way to go.

Mr JAENSCH - We could do that while the closure is in place. It's got a protective value of its own while we hammer out these other issues, so that we reopen with a regime that people can comply with easily, and a stronger fishery as well.

Dr McSHANE - Yes, well, you have an education program that's linked to a harvest strategy that's linked to some performance indicators that are appropriately resourced that give you some signals that can assess the rate of recovery. The problem with assessing a rate of recovery of flathead going over 35 centimetres is you've got to wait for 10 to 20 years. You're not going to have the information available to reopen the fishery. You simply say, 'Okay, well, based on the available evidence, we're not concerned about the sustainability'. There's already been a program in place which we can expand to come up with an abundance indicator that can

then link to a harvest strategy. We'll go out with an education program to say that if you're not complying with these rules which allow a reasonable amount of flathead to be taken, then you're not allowing that resource for the future, and I think that's a shame. I think most Tasmanians would want to see a viable flathead fishery. In the past, taking 30 flathead, not complying, I'm sure there's going to be a lot of goodwill in the fishery promoted by the recreational peak bodies to ensure that those that do the wrong thing are going to be in the minority, not in the majority.

Ms FINLAY - Can I just confirm from what you've just said then and submitted to the Committee, on the back of the question, those things are all important, but in fact they would have more usefully been done before making a decision to close.

Dr McSHANE - Well, yeah. Because there were questions about the science, you know, should we go small bag limit, large bag limit, higher size, slot limit. We haven't talked about the slot limit. The slot limit is probably not a bad idea. That's a good idea because you're protecting those large, fecund females. Presumably it'll be hard for someone to throw back a big flathead, but look, that's for the future.

Mr JAENSCH - They're the ones online that I see most flack over, when someone's holding a big flathead everybody piles on with, you know, 'Make sure you put it back, they're the important ones'. That peer pressure that you're talking about is alive and well there.

Dr McSHANE - That's been really successful in Port Phillip Bay. The Victorian Government's had this big campaign, one million fishers, unfortunately that's coincided with the closure of the commercial fishery in Port Phillip Bay, denying Victorians opportunity to get that sort of unique seafood from Port Phillip Bay. But their focus has been on recreational fishing, and it's coincided with a recreational education, fishing and education campaign, which again, uses peer pressure because, you know, practically speaking, you're just not going to have the compliance resources up and down the east coast to be able to enforce that. So you have to rely on people doing the right thing. The fish frames is probably a good weapon in the armoury, but then again you've got the issue of discarding the fish frames and the fact that the fish frames might shrink a little bit once you take the fillets off them, but that's all manageable.

Mr GARLAND - Just one quick question. Victoria's size limit is 27 centimetres. If we reduce our size limit here, is it a slippery slope to end up where they are?

Dr McSHANE - Well, completely different biology. The maximum size of flathead in Port Phillip Bay is 28 centimetres. So, they take, from memory, nearly 300 tonnes of flathead from Port Phillip Bay every year. They think that the flathead there are so dense that they don't grow to a large size. There's obviously a genetic component to that as well. But it's interesting to compare the strategy for Victoria compared with, say, Western Australia. Western Australia, the focus is on catching a big, large snapper, whereas in Port Phillip Bay, the emphasis is on allowing people to catch at least one snapper. So, 28-centimetre size limit in Victoria, compared with a 50-centimetre size limit in Western Australia. So, different objectives, different biological consequences. The bag limit of a flathead in Port Phillip Bay is 20.

Ms FINLAY - Our objectives here aren't clear, are they?

Dr McSHANE - Well, they could be clearer. They could be clearer.

Ms FINLAY - That's a kind way of saying it. I love it.

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CHAIR - Great. With that, thank you for your appearance in front of the Committee today. What you've said to us is protected by parliamentary privilege. Once you leave the table, you need to be aware that that privilege does not attach to your comments that you make to anyone, including the media, even if you're just repeating what you've said to us today. Do you understand?

Dr McSHANE - I understand.

CHAIR - Excellent.

Dr McSHANE - Thanks for the opportunity to present.

CHAIR - Thank you so much.

The witness withdrew.

The Committee adjourned at 4.36 p.m.