



**Response to planned closure of the sand
flathead fishery in South-East Tasmania
and associated rule changes.**

1. Introduction

This submission provides feedback on the proposed closure of the South-East sand flathead fishery and the proposal to land sand flathead and striped trumpeter whole or with heads and frames.

We all share the commitment to rebuilding sand flathead stocks to a sustainable and healthy level.

However, the decision to close the entire south-east region from 1 March 2026 has been framed as an emergency measure, despite the absence of evidence demonstrating an emergency exists. The decision has been made without consultation, without a transparent evidentiary basis, without consideration of less disruptive alternatives and without any consideration of the social and economic impacts.

It is clear the Government attempting to dress up a strategy as an emergency. TARFish believes it may be an improper use of the *Living Marine Resources Management Act 1995* (the Act) to give effect to a policy decision. The proposed closure is an experiment not a necessity and one that is at the expense of recreational fishers.

The decision also demonstrates a broken promise to recreational fishers made less than 12 months ago that committed the Government to *“Review sand flathead management settings based on scientific advice and recovery targets in 2026.”*

This submission outlines why TARFish strongly recommends a pause of the closure and that a process of engagement and collaboration with TARFish, recreational fishers and the businesses that rely on them be undertaken. This would also then enable the Government to deliver on the commitment provided by the Premier.

There is a need for a transparent, evidence-based process to review sand flathead management settings because there is diminished trust in fisheries management amongst recreational fishers. The way this decision has been made and viewed together with the broken promise it represents, risks further undermining what is already shallowed trust. TARFish shares their concerns.

2. Consultation

We acknowledge the Minister has asked TARFish to comment on the 'decision' as required under section 50 of the Act but we do not accept the 'consultation' is genuine nor anticipate this response will be given any weight when the decision has been announced and advertised. Whilst we acknowledge that the Minister asserts that, technically, no decision has been made until public notice of the decision, there is in practice a decision made to close the sand flathead fishery.

The decision is evidenced by;

- The Minister's media release which states that, "In response to the science, the decision has been made to close the Sand Flathead recreational fishing zone in South-Eastern waters from 1 March 2026."
- The provision to TARFish of the draft public notice for comment.
- The General Manager (Marine Resources) rationale that states "whether or not there is an emergency is only relevant to some of the possible mechanisms for implementing this policy, not all" implying the intention is to use whatever mechanism necessary to give effect to the decision to close the fishery.
- The expenditure of significant public funds to advertise the closure.

1. Consultation is not genuine

It is our view that consultation with TARFish, as the government recognised peak body, is not genuine consultation, and that attempts to now consult, occurring after the decision has been made, is merely perfunctory, and cannot inform or impact on the decision.

Further, the Departmental "Public engagement and Consultation Policy" (September 2025) states under the principles that "we will listen with an open mind," and that "We will provide sufficient information in a way that helps stakeholders to know how to make meaningful contributions." It is difficult to see that it is possible to comply with these principles given the decision is already made and the most basic of information, was only provided, with a significant lack of detail, after repeated requests late on Friday.

2. Consultation based on an "emergency" being used to circumvent more fulsome and appropriate consultation

The decision has been made on the basis of an "emergency" as evidenced by the publication of the public notice on Wednesday 11 February that states the General Manager (Marine Resources) has acted pursuant to s.50 of the Living Marine Resources Management Act 1995. To act pursuant to s.50, s.49 must be satisfied.

The email received from the General Manager (Marine Resources) regarding his rationale for forming the view is on the basis of a precautionary approach and erring on the side of

caution because “stocks are at very low levels and there are risks of irreversible or hard to reverse changes.”

It is our view however that the rationale and information provided does not provide evidence supporting an “emergency has arisen, or is likely to arise, making it necessary or advisable to change the management plan”

Where is the emergency? The decision is based on historical data available and in existence in some cases for in excess of 12 months. I further note that the stock assessment on which this view is formed was released in November 2025 and is likely that earlier drafts and information sharing between the Department and IMAS existed well before then which also indicates that there is no “emergency,” as the decision would have been taken earlier.

The advertising campaign in particular leads us to the conclusion that this decision has been planned for some time and suggests that the decision is being branded an emergency without justification to ensure a streamlined implementation. More onerous alternatives include the review of the Fisheries (Scalefish) Rules 2015 (Tasmania) or the long promised harvest strategy, which must take place in any event and before 1 November 2026 when the Rules expire.

It is evident that the Minister shares the General Manager’s view given the strength of the language in the Minister’s media release that the decision has been made.

The Minister must therefore be satisfied there is an emergency on the basis of the approvals for the advertising campaign, the parliamentary briefings undertaken by the Minister, and the decisive language used in the media release.

There must have been months of preparation go into making this “decision” and at no point throughout that period was consultation undertaken.

On balance, it can be concluded that either:

- The Government believes there is an emergency and the government has failed to act in a timely way; or
- There isn’t an emergency and the Government is using the guise of an emergency to avoid more onerous consultation.

3. Short period of consultation

The Government initially provided 7 days to provide comment on the public notice issued under s.50 of the Act. This was extended by a further 4 days on request.

Seven days may be sufficient in the event of a real emergency, such as a disease outbreak or weather event, but as this is not one it is inconceivable that genuine consultation can be undertaken in that period to understand the potential impacts and consequences and to develop a view and position that could be consulted with our members and recreational fishers more broadly.

4. Absence of consultation does not allow for orderly transition for recreational fishing dependent businesses

Recreational fishing dependent businesses have not had any time to consider and adapt to the decision to close the fishery.

TARFish has been engaging directly with tackle shops and boat sellers to understand the potential impacts on these businesses and they include turnover and profit reductions and reduced staffing (job losses). Given the short period between announcement of the closure and making this submission, TARFish has not had the opportunity to canvas related businesses that may be impacted.

However, the impact of this change will be exacerbated by the short lead time and inability to plan adaption strategies. Time which could have been afforded to recreational fishers.

As a professional peak body we make this submission because we will always represent Tasmania's recreational fishers to our utmost but we are appalled by the misuse of process and total absence of genuine consultation.

3. Pause and review

TARFish recommends that the Government pause implementation of the South-East sand flathead closure and undertake a transparent, consultative review of the evidence, assessment methods, compliance data, and alternative management options. The outputs of this process would be:

1. A review report
2. A recovery plan
3. A harvest strategy

These are the necessary fundamental documents to underpin the sand flathead fishery.

Right now, there is no emergency that requires the closure of the fishery and a pause is a reasonable and responsible approach to allow a review to occur.

To support TARFish's recommendation to pause the fishery closure on the basis there is no emergency requiring immediate closure.

TARFish has formed this view based on the following.

1. The emergency provisions of the Act are being invoked without evidence of an emergency

The Government's rationale relies heavily on the precautionary principle and the "critically depleted" classification (TARFish notes here there is no such category in fisheries management). However:

- The stock assessment does not show imminent collapse.
- There is no evidence of recruitment failure.
- There is no evidence of immediate danger to stock viability.

Independent scientific review by Dr Paul McShane concludes:

“There is no immediate danger to the viability of sand flathead.”

“Strong recruitment is continuing and evident from recent surveys.”

In addition, the timeline does not support an emergency:

- The stock assessment was released last November and the Government was made aware of its content and conclusions well before it was released publicly. No action taken until February with planned closure of March which allowed for peak fishing over the summer months.
- The Minister was briefed by IMAS in early December
- The Government has developed and commenced an advertising campaign indicating the decision was taken some time ago.

Emergency powers require emergency conditions. Those conditions do not exist.

2. Stunting is being misinterpreted as evidence of collapse

The Government’s rationale treats stunting as a sign of irreversible decline. However, the management changes implemented in 2023 to increase the minimum fish size and introduce a maximum fish size (a slot) affords protections for the larger females when it operates in conjunction with the low bag limit of 2.

Stunting on its own does not constitute an emergency and require a fishery closure in response.

3. Compliance issues are being used as a closure justification incorrectly

The Government argues that low compliance necessitates a closure. However, the confidential compliance evaluation report received by TARFish does not support this conclusion.

Specifically:

- The dataset is too small
The entire statewide operation involved “Approximately 80 recreational boats... checked.” Eighty boats across Tasmania is not statistically meaningful.
- The checks were targeted, not random
Targeted operations always produce inflated offence rates. The “one in four vessels” figure is not representative of the broader fishing population.
- Offence types are not broken down to provide any insight into the types of non-compliance.

The report also states:

“A common theme... was that the fisher was unaware of the ‘new’ 35 cm size limit, or the 40 cm oversize limit.”

TARFish has continuously advocated for the Government to focus its communications efforts on compliance. However, since 2023, there has only been minimal communication to a large, diverse audience regarding the management changes and direct engagement efforts have been focussed on stewardship behaviours (e.g. use of dehookers and circle hooks and catching other species) when the focus should have been on understanding the rule changes and hence compliance.

Confusion about new rules is not deliberate non-compliance. This is a communications issue, not a biological emergency requiring fishery closure.

Both the stock assessment and compliance report provides no clear evidence that non-compliance is widespread enough to affect biomass.

The risk from non-compliance on the stock can be examined using the modelling used to guide the original decision to cut the bag limit to two fish.

Non-compliance is effectively the same as setting a higher bag limit, for example, a simulated bag limit of 3 is like a bag limit of 2 but with 50% of fishers non-compliant and taking 4 fish.

We have no recent data to assess recreational fishing effort and hence the effect of the 2023 management changes on catch.

We also have no clear information from the independent scientific surveys to know if the stock is responding because the sample was taken too soon after the bag limit changes to see an effect, plus the sample size was very small. Stock recovery was seen and reported but there is lower confidence in this observation because of the small sample size. What remains is anecdotal concern about poor compliance being the motivation for closing the fishery. Our only guide on the scale or risk from this issue is the simulation of higher bag limits. This tells us that an effective bag limit of three (ie 50% of fishers non-compliant) would still reduce fishing mortality close to natural levels so that stock rebuilding would still be expected. Poor compliance should be addressed but it is not catastrophic or cause for closing the fishery to all users.

Further, there are good reasons to expect better results than predicted from modelling of the bag limits.

One is that anecdotal and survey data indicate a trend to alternative species such as Australian salmon instead of flathead.

Secondly, these results are highly sensitive to the estimated maximum age of 15 years. In the South-East, there have been no fish caught at 15 years and only 1 fish caught at 14 years. If the maximum age parameter used in the bag limit modelling were reduced to 14 or 13 years, then even better stock rebuilding outcomes would be expected from bag limit settings of 3. This illustrates that the original cuts in bag limit to two fish was conservative and expected to be robust to moderate levels of non-compliance. Anecdotal reports of non-compliance alone is not sufficient to indicate a crisis in the stock and need for urgent closure.

More information and detail regarding non-compliance is needed before concluding compliance is a problem. We need information on the stock to see if it is recovering despite any compliance problems. We also need a much better understanding of what the non-compliance issues are so we can discuss how to fix them without shutting the fishery.

4. Unnecessary closure of the entire South-East to allow experimental breeding program to work in a smaller geographic area

The proposed area for the restocking and translocation program is the D'Entrecasteaux Channel. Not the entirety of the South-East.

5. No modelling has been provided showing that a closure will accelerate recovery significantly

A fishery closure is a drastic step. Based on available evidence- including the most recent stock assessment – there are already signs of stock recovery and with complete uncertainty as to how long the fishery would be closed and what targets or trajectories available to reopen it, TARFish is concerned that this sets a dangerous precedent for fisheries management.

It is TARFish's view that the Government has not demonstrated a need to close the fishery.

The only thing the Government has demonstrated is that they want to undertake a policy position of fishery closure as an experiment without a harvest strategy.

6. Reliance on closure due to depleted status (below 20% biomass)

Fish stocks are regularly below the 20% limit and have not been closed – recent examples in Tasmania include southern bluefin tuna and rock lobster on the east coast. Neither were closed under the guise of an emergency – rather a rebuild plan to reach that first critical step of 20% was developed and implemented without closure. In the case of east coast rock lobster, the rebuild to the interim target was 13 years.

The Government's web-based information and other forms of presentation about the status of sand flathead is using the term "highly unsustainable." This is wrong and misleading because:

- "highly unsustainable" is a made up category. It does not exist in the Australian status reporting process. It sounds catastrophic so it's hyperbole.
- the stock was categorised as "depleted". This does not equal "unsustainable".

It's common to have sustainable overfishing and sustainable depleted stocks. South Australian southern zone rock lobster for example have been depleted but sustainable for decades. Flathead is a textbook example. It's clearly sustainable because recruitment has not been harmed by fishing – there is high abundance of undersized fish.

- The term “depleted” was chosen very carefully when used to inform stock status to avoid the implication that it equals “unsustainable”.

“Respecting the science” means not putting spin on the assessment to claim it says something it doesn’t.

Additionally, there is a definition of depleted that is followed to classify stocks. For depleted stock that is “Biomass (or proxy) has been reduced through catch and/or non-fishing effects, such that recruitment is impaired. Current management is not adequate to recover the stock, or adequate management have been put in place but have not yet resulted in measurable improvements.”

In terms of sand flathead, sand flathead recruitment is not impaired, the only argument to sustain the depleted classification is the last term that adequate management have been put in place but have not yet resulted in measurable improvements. Despite there being some evidence of recovery even in the very short period that the current management measures have been in place (less than 18 months from the time of implementation to the time of sampling).

Need for review

We are not asking for a pause as a delaying tactic or political stunt but for important work to be undertaken. A review of sand flathead management settings is needed for the following reasons:

- 1. The decision bypasses the Government’s own commitment to a 2026 review.**
Based on TARFish’s engagement with recreational fishers there is a pervasive view that trust in fisheries management is at an all time low.
To make election commitments then break them in less than 12 months confirms to recreational fishers that this Government cannot be trusted.
- 2. IMAS recommended a review of a management settings**
IMAS advice in 2023 recommended “that a formal evaluation should be done after two and four years.”
- 3. No social and economic assessment has been undertaken**
To blindsides recreational fishers and the businesses that rely on them is poor governance and government.
It was confirmed by the Government that no assessment has been undertaken and there is no intention of doing so and that impacts “will be monitored” – this is cold comfort to businesses that are expecting significant business impacts including job losses and significant reductions in turnover.
- 4. Consideration of impacts on other highly consumptive species**
There is risk to other highly consumptive fish such as calamari and striped trumpeter from a South East closure. Whilst the Government has given an indication there is an intention to promote “mixed bag” fishing, our view is that it is unlikely to have any discernible effect on fishing behaviour in the short term.

5. Risk of losing recreational fishers – especially children who are at early stage of participation.

From the Report “A survey of recreational fishers focusing on perceptions of stock status and management of sand flathead” (Tracey et al, 2023), thirty percent of respondents indicated that they would not go fishing if they could not catch as many flathead. With no information on length of closure only estimates given by IMAS in 2023 that “recovery” is likely to be in the order of 4-6 years (which is very uncertain) we risk losing the current generation of children from participating in fishing – not just for sand flathead but all fishing.

6. There is a need for robust and clear governance around the State’s most important recreational fishery that involves recreational fishers.

Over reliance on a single source of information to inform what is now being presented as “a policy position,” in this instance by IMAS, fails the most basic policy development processes and procedures and opens the Government to policy risk from such a narrow frame of reference for policy development and decision making.

The following is needed:

1. A review that evaluates recent management changes and involves stakeholders and provides a report with recommendations
2. A recovery plan
3. A harvest strategy

7. Any decision to ban flathead for in excess of 3 months would be void.

If the Minister is purporting to act under the emergency provisions, then the order changing the management plan may only be imposed for a maximum of 90 days and possibly a second 90 days under s51. On the face it appears that an order to close the fishery for 2 years would be ultra vires the Act.

The preferred position of TARFish is a pause to:

1. Conduct a review that evaluates recent management changes and involves stakeholders and provides a report with recommendations
2. A recovery plan
3. A harvest strategy
4. Consultation on revision of the Fisheries (Scalefish) Rules 2015 expiring 1 November 2026

4. TARFish advocacy

TARFish has long advocated for recovery of the sand flathead fishery. We supported many of the changes that have been implemented since 2023 including the 35–40cm slot limit and a regional approach to bag limits.

We also flagged the risk from disenfranchisement of recreational fishers and that there would be risks to compliance and ultimately government reputation and that there was no plan to increase support and funding for compliance.

Our engagement with recreational fishers and the feedback received during the scalefish review showed that:

1. There are high levels of distrust that access (relaxation of management) will not be returned to recreational fishers, making them less receptive to more restrictive short-term management for rapid stock recovery
2. Management controls are seen as punitive or inconsistent with personal experience of the fishery and may result in reduced compliance with very restrictive management settings.
3. There was limited (low) support for landing fish whole or returning with frames for a variety of reasons including:
 - a. Not returning the frames from approximately where they are caught;
 - b. Putting waste into landfill unnecessarily;
 - c. Contamination of fish waste with other forms of waste such as household waste;
 - d. Attracting unwanted species to boat ramps/where fish are landed such as seagulls and other birds, sharks and stingrays; and
 - e. The smell.

TARFish priority for sand flathead

The priority for TARFish remains that maintaining some access to the sand flathead fishery, particularly in the South-East, and for a longer recovery period provided the current restrictions in place, properly assessed, will support recovery. TARFish does not support the assumption that a rapid recovery will support greater satisfaction. The priority for TARFish is for maintaining reasonable access to the sand flathead fishery while accepting a longer recovery period.

Supporting Tasmania's recreational fishery

For more than 4 years, TARFish has been advocating for greater investment in sand flathead.

In 2021, TARFish requested \$750k for a Recovery Plan for Flathead and to invest \$350k in a Flathead Fisher education program via a partnership between TARFish and IMAS.

In 2022, TARFish recommended establishing a \$5m Flathead for the Future fund that will provide for a 5-year recovery plan for the fishery including a \$1.2m investment deliver a fisher stewardship program for flathead as a partnership between TARFish and OzFish.

In 2024, TARFish recommended \$5m be invested in stock enhancement opportunities with over \$4m to be allocated to sand flathead.

In 2025, TARFish recommended a review of sand flathead management settings in 2026 and guarantee sand flathead restrictions will be relaxed once the stock reaches recovery targets.

TARFish also recommended authorising fisheries officers around the state to undertake compliance checks of fishers particularly at boat ramps, jetties, and known fishing/diving spots and increasing support for marine police.

5. Respecting and improving the science

TARFish strongly supports quality, robust science and we do not dismiss it when it provides information we would rather not receive.

In the context of the sand flathead fishery, we are concerned about the interpretation of the science and how it is being applied to management decision making in this instance as discussed earlier in this submission.

There is major investment in the science underpinning the recreational sand flathead fishery. Much of that expenditure is yet to deliver core requirements for the fishery including a model that can be used to predict stock recovery.

The report by Dr Paul McShane ([link to report here](#)) provided some specific feedback on the current assessment limitations, that are also acknowledged by the authors of the assessment report, and that are compromising capacity to provide scientifically robust advice for management.

Specifically,

- The current assessment (based on surveys) is limited by:
 - relatively small sample sizes (< 100 fish per location). This compromises generalisations of key parameters such as growth and mortality. It also erodes the credibility of spawning potential ratios presented as an index of reproductive output. Other Tasmanian research has shown strong regional variation in growth and reproduction including variation in the maximum size reached by sand flathead populations. Although samples provide useful biological data, particularly age at length, previous surveys measured up to 1,000 fish. These data, which could augment length frequency analysis, do not appear in specific assessments provided from 2023.
 - A lack of an index of abundance. Traditional fisheries stock assessments utilise commercial catch per unit effort (CPUE) data to index abundance and

to estimate biomass. Biomass dynamic models (typically length or age based) can then reconstruct the change in biomass over time allowing forward projections under various management scenarios (and backward projections to estimate unfished biomass). Such models also provide a more robust approach to biomass estimation than that of the present assessment approach. Biomass, typically as a proportion of an unfished stock, is commonly used as a performance indicator in fishery harvest strategies.

- A lack of power to monitor recovery. From each of 8 locations a total sample of < 100 fish from ~ 20 sites per location provides annual length at age data. This is inadequate to monitor recovery and barely sufficient to provide robust estimates of growth and mortality. The surveys need to be substantially expanded to conform to a robust design (stratified random sampling) that can provide an adequate baseline with sufficient statistical power to monitor temporal changes in relative abundance (e.g. CPUE) and size composition. A baseline from which to monitor recovery of sand flathead is a fundamental need given concerns of the current status of the stock. Together with improved estimates of growth (given evidence of spatial variation), such data could be used as input to biomass dynamic models. Given limited resources, a priority should be the three main locations most frequented by recreational fishers i.e. Great Oyster Bay, Frederick Henry Bays, and D'Entrecasteaux Channel.

TARFish also provides the following observations with regard to respecting the science.

The Government's web-based information and other forms of presentation about the status of sand flathead is using the term "highly unsustainable." This is wrong and misleading because:

- "highly unsustainable" is a made up category. It does not exist in the Australian status reporting process. It sounds catastrophic so it's hyperbole.
- the stock was categorised as "depleted". This does not equal "unsustainable". It's common to have sustainable overfishing and sustainable depleted stocks. South Australian southern zone rock lobster for example have been depleted but sustainable for decades. Flathead is a textbook example. It's clearly sustainable because recruitment has not been harmed by fishing - there is high abundance of undersized fish.
- The term "depleted" was chosen very carefully when used to inform stock status to avoid the implication that it equals "unsustainable".

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Additionally, there is a definition of depleted that is followed to classify stocks. For depleted stock that is "Biomass (or proxy) has been reduced through catch and/or non-fishing effects, such that recruitment is impaired. Current management is not adequate to recover the stock, or adequate management have been put in place but have not yet resulted in measurable improvements."

In terms of sand flathead, recruitment is not impaired, the only argument to sustain the depleted classification is the last term that adequate management have been put in place but have not yet resulted in measurable improvements.

And this is core to TARFish's argument that:

1. The fishery does not require immediate closure; and
2. That management controls need to be given time to take effect.

6. Recommendations

The priority for TARFish remains that maintaining some access to the sand flathead fishery, particularly in the South East, and for a longer recovery period. TARFish does not support the assumption that a rapid recovery that closes a significant part of the fishery indefinitely will support greater satisfaction.

It is TARFish's strong and preferred recommendation that

1. Pause the closure for a period of 1 year to:

- Undertake review that evaluates recent management changes and involves stakeholders and provides a report with recommendations
- Finalise a recovery plan
- Develop a harvest strategy
- Permit informed consideration and proper consultation before revising the Fisheries (Scalefish) Rules 2015 expiring 1 November 2026

The following combination of recommendations are an alternative to the government's proposals.

2. Alternative to the Governments proposals by:

1. Getting compliance right
 - a. Standardise management settings in the South-East by making entirety of area a bag limit of 2 and maintaining slot limit of 35-40cm
 - b. Landing of fish whole or with heads and frames. Support is conditional on Government investment in installation of cleaning stations and management of waste disposal at boat ramps.
 - c. Increasing investment in marine police and/or fisheries officers for more enforcement opportunities
 - d. Focussing government communication on ensuring the rules are well known and well understood
 - e. Reinstating the Fisheries Compliance Committee that includes Tasmania Police, Fisheries and the commercial and recreational peak bodies.

2. Pilot restocking experiment at much smaller scale
 - a. The proposal to translocate and restock hatchery bred fingerlings is novel, particularly for the purpose of reversing stunting. To better understand the effectiveness of this approach and given that sand flathead are highly resident, a much smaller area could be closed and studied. For example of smaller area closures could be:
 - i. The upper channel (an area from Dennes Point in the north to Three Hut Point in the south)
 - ii. the lower Huon (drawing a line across the bottom of the Huon estuary between Huon Point and Ninepin Point)
3. Increasing communication and stewardship amongst recreational fishers
 - a. Implementing TARFish's proposed sand flathead stewardship campaign.

The following are proposals to mitigate the impact of the Government's proposals

3. Mitigating impact of the Government's proposals

1. Support for affected businesses and fishers:
 - a. a plan for and investment in direct compensation of impacted businesses
2. Encouraging recreational fishing
 - a. a significant funded and sustained (minimum of 3 years with annual review) education and stewardship campaign developed by fishers for fishers and aimed at promoting fishing in Tasmania
 - b. Supporting the tackle shop sector with a kids tacklebox program
3. Significant uplift in breeding and translocation program through increased investment

Conclusion

TARFish supports sustainable fisheries and evidence-based management. However, the emergency rationale for the proposed closure of the South-East sand flathead fishery is not supported by the available science, the compliance data, or the principles of good governance.

A pause and review is the responsible, proportionate, and evidence-based path forward. TARFish stands ready to work constructively with Government, scientists, and the community to rebuild sand flathead stocks and ensure a sustainable future for recreational fishing in Tasmania.