



Commonwealth Fisheries Association

Submission to

Productivity Commission

On

Inquiry into regulation of the Australian Marine Fisheries and
Aquaculture sectors

Marine Fisheries and Aquaculture
Draft Report Overview & Draft Recommendations
August 2016

14 October 2016

The Commonwealth Fisheries Association (CFA) welcomes the opportunity to comment on the Productivity Commission's draft report (overview & draft recommendations August 2016) from the Inquiry into Marine Fisheries and Aquaculture.

The CFA is the peak body representing the collective rights, responsibilities and interests of a diverse commercial fishing industry in Commonwealth regulated fisheries. The CFA was formed in April 2002 as a non-profit organisation, and is committed to ensuring the commercial fishing industry is recognised for its contribution to Australia's economy, society and environment. This recognition is achieved through promoting and advocating the value of the industry and the healthy seafood it provides to the community.

The draft report and overview was well written, and provided a great background to marine fisheries and aquaculture in Australia. In respect to Commonwealth managed fisheries, it is noted and highlighted in the draft report that in less than a decade overfishing has been effectively eliminated from fisheries that are solely managed by the Commonwealth. This is a testament to increasingly effectively fisheries management techniques.

It is somewhat disappointing however, that though the draft recommendations do address the major issues in the commercial fishing sector (shared arrangements, cross jurisdictional matters and environmental approvals), CFA believes the review has often missed the opportunity to present practical solutions to these problems.

The Productivity Commission (PC) had the opportunity to streamline several matters of significance within Australian fisheries regulations, however the CFA fails to see how the draft recommendations aim reduce the regulatory burden and increase productivity. There has been no consideration of how Australia might expand the sustainable use and increase productivity of its wild-capture fisheries resources.

CFA comments to the draft recommendations are presented below. This response is also supported by our members, which include;

- Austral Fisheries;
- Australian Longline;
- Petuna Deep Sea;
- Australian Southern Bluefin Tuna Industry Association;
- Great Australian Bight Industry Association;
- Northern Prawn Fishery Industry;
- South East Trawl Fishing Industry Association;
- Southern Shark Industry Alliance;
- Sydney Fish Market;
- Small Pelagic Fishery Industry Association;
- Sanford Australia;
- 4 Seas;
- Australian Wild Tuna;
- De Brett Seafoods;
- MG Kailis;
- Mures Fishing;
- P&M William Enterprises;
- Seafish Tasmania;

- Richey Fishing;
- Sao Pedro; and,
- Tasmanian Seafoods.

ACCESS TO FISHERIES RESOURCES

DRAFT RECOMMENDATION 2.1

The New South Wales, Victorian, Tasmanian and Queensland Governments should develop and implement a harvest strategy policy. Harvest strategy policies should be developed with regard to the National Guidelines to Develop Fishery Harvest Strategies.

CFA supports.

DRAFT RECOMMENDATION 2.2

The Australian, Victorian, Tasmanian and Queensland Governments should develop a policy to guide the allocation of access to fisheries stocks between different sectors.

The allocation policies of all governments should seek to promote the best use of fishery resources and provide certainty in relation to the processes involved in determining resource shares. At a minimum these policies should outline:

- triggers for review of existing allocations between sectors
- the review process, including how consultation will occur
- key considerations that will guide decisions

These policies should be publicly available.

CFA supports the need for the policy, however it is important to note the lack of data and information in the recreational and indigenous sectors to inform allocation decisions. Any form of allocation must also recognise the existing fishing rights, and the explicit recognition of the need to pay compensation if/where there is resource re-allocation from the commercial fishing sector to another sector.

COMMERCIAL FISHING

DRAFT RECOMMENDATION 3.1

The Northern Territory and all state Governments should move each of their fisheries to an individual transferable quota management system unless it is demonstrated that this is technically impractical or not cost effective. If individual transferable quotas are not used, fisheries should be managed using individual transferable effort systems. The Australian Government should complete the move of its fisheries to either individual transferable quota or individual transferable effort systems. Governments should publicly release reasons for the approach taken to each fishery.

CFA is supportive of all fisheries being moved to a system of either individual transferable quotas or individual transferable efforts units in recognition that quota management does not necessarily suit all fisheries. An example is the Northern Prawn Fishery where the fishery is best managed by setting the total amount of gear (ITEs) that can be used in a season along with adjustments to the length of the fishing season. This is different to many other fisheries managed by AFMA where the fishery is managed by setting the total amount of allowable catch for each target species. CFA notes that the Commission recognises that quota management is generally not suitable to short

lived species with highly variable recruitment due to the problems with setting robust TACS. ITQs are also often problematic in multi-species fisheries and as such each fishery should be assessed according to their characteristics to determine which type of management system is most appropriate.

DRAFT RECOMMENDATION 3.2

The Australian, state and Northern Territory governments should ensure that commercial fishing regulations are reviewed regularly to ensure they remain 'fit for purpose' against clearly articulated policy objectives. At minimum, reviews should occur when harvest strategies are revised.

CFA is supportive.

DRAFT RECOMMENDATION 3.3

State and territory governments should take into account any impacts of proposed planning and land/marine use developments on the commercial fishing sector

CFA is supportive, however there needs to be a broader understanding of the impacts of land based developments such as urban runoff, water allocation, water diversions and reduced water flow on the productivity of commercial fisheries and the marine environment.

RECREATIONAL FISHING

DRAFT RECOMMENDATION 4.1

Within the next three years:

- the Queensland, South Australian and Northern Territory Governments should introduce licensing for independent recreational marine fishing, and the Victorian and Tasmanian Governments licensing for marine fishing charter boat operators
- governments should minimise license exemptions.

CFA supports the introduction of licencing for recreational marine fishing. This should also be applied to the Commonwealth fisheries; i.e. a Commonwealth recreational fishing licence should be issued for fish caught by the recreational sector in fisheries managed by the Commonwealth.

DRAFT RECOMMENDATION 4.2

Governments should consider implementing harvest tagging management systems for valuable at risk species when conventional management controls (such as bag and size limits) are ineffective in achieving sustainability goals.

CFA is supportive, again this should be implemented for recreational activity in Commonwealth managed fisheries.

DRAFT RECOMMENDATION 4.3

The Australian, state and Northern Territory Governments should sponsor more research on the survival rates of catch and release methods in deep water fisheries.

CFA is supportive, with this research to be cost-recovered from the recreational sector.

DRAFT RECOMMENDATION 4.4

State and territory governments should review and strengthen penalty regimes for recreational fishing to deter regulatory non-compliance. Penalties should be proportional to the level of risk posed.

CFA is supportive.

DRAFT RECOMMENDATION 4.5

The Australian Government should conduct a national survey of recreational fishing in 2017-18, using a comparable approach to the 2000-01 national survey. The cost of the survey should be shared by all governments.

From 2022-23 all governments should undertake five yearly surveys of recreational fishers, whether at the national level or on a coordinated basis. Surveys should be consistent across jurisdictions and focus on participation, catch and effort, identification of species important to recreational fishers and information on the value of recreational fishing.

CFA is supportive.

INDIGENOUS CUSTOMARY FISHING

DRAFT RECOMMENDATION 5.1

Customary fishing by Indigenous Australians should be recognised as a sector in its own right in fisheries management regimes. The definition of Indigenous customary fishing should be consistent with native title.

CFA is supportive however the definition of customary fishing should be clearly articulated.

DRAFT RECOMMENDATION 5.2

The Indigenous customary fishing sector should be afforded a priority share of resources in fisheries where catch or effort is limited. This allocation should be sufficient to cover cultural use by the local Indigenous community in accordance with proven traditional laws and customs.

Customary fishing rights should not be tradeable or transferrable, recognising the unique characteristics of the associated cultural benefits and that these benefits are exclusive to the community concerned.

Customary allocations and any controls over customary fishing activities should be developed in consultation with Indigenous communities.

CFA is supportive, however wish to reiterate that there should be no re-allocation of resources from the commercial sector to other users. Commercial access to fisheries must be obtained in the usual way (i.e. through purchase or lease of existing fishing entitlements) except where jurisdictional arrangements already apply (e.g. Torres Strait PZJA.)

DRAFT RECOMMENDATION 5.3

The definition of customary fishing in fisheries laws should provide for fishing for commercial purposes, but only where consistent with traditional laws and customs.

CFA is supportive, however wish to reiterate that there should be no re-allocation of resources from the commercial sector to other users. Commercial access to fisheries must be obtained in the usual way (i.e. through purchase or lease of existing fishing entitlements) except where jurisdictional arrangements already apply (e.g. Torres Strait PZJA.)

FISHERIES SPANNING JURISDICTIONS

DRAFT RECOMMENDATION 6.1

In reforming cross-jurisdictional fisheries, Australian, state and Northern Territory Governments should:

- focus on fish stocks that are of higher value/risk and subject to inconsistent management arrangements
- consider whether transfer of management responsibility to a single government or better aligning management arrangements would produce the greatest net benefits.

CFA is strongly supportive. State and Commonwealth fisheries agencies may have similar management objectives, however cross jurisdictional and multi-jurisdictional regulatory regimes need consistency in the administration of those objectives.

Centralising the control and management of many species would provide better results, including consistency of management, better focus on research, and improved sustainability.

DRAFT RECOMMENDATION 6.2

The Australian Government should set allowable catch limits of southern bluefin tuna for all fishing sectors (including the recreational sector). Sectoral allowances should be in place in advance of the southern bluefin tuna fishing season commencing on 1 December 2018.

In consultation with fishers, the Australian Government and state governments should negotiate the nature of, and responsibility for, the day-to-day management of recreational fishers targeting southern bluefin tuna.

CFA is supportive

DRAFT RECOMMENDATION 6.3

The New South Wales Southern Fish Trawl Fishery should be absorbed into the Commonwealth Trawl Sector of the Southern and Eastern Scalefish and Shark Fishery by the end of 2018.

The CFA is supportive, provided that realistic landing history is used to generate realistic quota in line with amounts currently debited to Commonwealth quota.

DRAFT RECOMMENDATION 6.4

The New South Wales, Victorian and Queensland Governments should make the joint stock assessment process for the east coast biological snapper stock a reform priority and provide the resources necessary to ensure the timely completion of the assessment.

CFA is supportive, however this process must also take into account the Commonwealth trawl sector.

DRAFT RECOMMENDATION 6.5

Australian, state and Northern Territory Governments should make the reform of cross-jurisdictional fisheries a collective priority and issue a joint reform strategy within 12 months of the release of the Commission's final report. Progress against the strategy should be reported annually over its term.

CFA is supportive.

DRAFT RECOMMENDATION 6.6

The management arrangements for cross-jurisdictional fisheries and supporting memoranda of understanding should be reviewed regularly by governments to ensure they remain fit for purpose. At a minimum, they should be reviewed as part of any revision of the harvest strategy for the relevant species.

The task of reviewing and developing reforms to reduce the costs of cross-jurisdictional fisheries should be the subject of a joint Ministerial direction to agencies.

The Principles Guiding Revision of the OCS Fisheries Arrangements should be amended to include an intention to limit the extent of shared jurisdiction over expanses of water wherever possible.

CFA is supportive

MANAGING THE ENVIRONMENTAL IMPACT OF FISHERIES

DRAFT RECOMMENDATION 7.1

The Australian Government should publish online the annual reports that fisheries produce as part of their accreditation requirements under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

CFA is supportive.

DRAFT RECOMMENDATION 7.2

The Australian, state and Northern Territory Governments should expand the use of explicit mortality limits for fisheries that have a high risk of interaction with threatened, endangered and protected species.

Limits should be used in conjunction with controls on fishing methods and equipment that have proven effective in minimising the impact of fishing activity on protected species.

CFA notes that limits currently are too restrictive for interactions with threatened, endangered and protected species. Limits should be set taking into account Potential Biological Removals of TEPs.

DRAFT RECOMMENDATION 7.3

Governments that do not already do so should make summaries of information on interactions with protected species publically available (online).

Summaries should be provided on a fishery by fishery basis and at a minimum include:

- the species with which there was an interaction
- the gear type used
- whether the specimen survived, was injured or died as a result of the interaction
- the total number of fishing days undertaken in the fishery across the duration of the reporting period.

CFA is supportive.

DRAFT RECOMMENDATION 7.4

The Australian Government should clarify the purpose of the List of Marine Species established in Part 13, Division 4 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) and provide further information on the criteria against which species are added to or removed from this list.

CFA is supportive noting that in the CFA submission, the streamlining of the EPBC Act was addressed and a solution was provided to merge Parts 10, 13 and 13a into a single assessment to reduce red tape and duplication. It is a sure way to reduce regulatory burden. Fisheries that are managed under the Fisheries Management Act or have achieved third party accreditation that is equivalent (or higher than) the requirements of the EPBC Act should not require WTO. These are two simple solutions to streamline the environmental regulations.

DOWNSTREAM PROCESSES

DRAFT RECOMMENDATION 9.1

Governments should not extend mandatory country of origin labelling to seafood sold for immediate consumption.

CFA supports the principle that consumers are entitled to make an informed choice when making purchasing decisions. The introduction of country of origin labelling for seafood sold through restaurants and catering outlets would allow the consumer to make this informed choice with respect to the country of origin provenance of their purchases.

DRAFT RECOMMENDATION 9.2

The Australian Fish Names standard should continue to be used on a voluntary basis. Further development of the Standard by Fisheries Research and Development Corporation should continue to reflect the needs of industry and the preferences of consumers.

CFA's position is to see the Fish Names Standard legislated to ensure a common naming approach is adopted throughout Australia. Without this the opportunity exists for species confusion which can have either food safety or fisheries management implications.

DRAFT RECOMMENDATION 9.3

Australian, state and Northern Territory Governments should ensure that licence and accreditation fees for seafood processors reflect the efficiently incurred costs of regulating these facilities.

CFA is supportive.

OTHER AREAS FOR IMPROVEMENT

DRAFT RECOMMENDATION 10.1

Australian, state and Northern Territory Governments should ensure that operational decisions are delegated to the relevant fishery management authorities to the extent possible.

CFA is supportive.

DRAFT RECOMMENDATION 10.2

The governance arrangements of advisory groups formed under fisheries laws should include: clear terms of reference; a conflict of interest policy; clear role descriptions for members; fixed membership terms; performance assessment regimes; and reporting arrangements.

Members of advisory groups dealing with technical matters should be appointed based on their expertise.

Ministers or departments should have the power to dismiss advisory group members who breach the terms of their engagement.

CFA is supportive.

DRAFT RECOMMENDATION 10.3

Australian, state and Northern Territory Governments should have clear policies on comanagement in fisheries. These policies should provide practical guidance to stakeholders on the types of activities where governments are willing to collaborate or delegate responsibilities. The policies should include details of the capability and governance standards that are expected of stakeholders seeking to enter into a co management arrangement.

CFA is supportive.

DRAFT RECOMMENDATION 10.4

Fisheries agencies should provide easily accessible channels through which the public can share information on illegal fishing. Governments should ensure their fisheries agencies are sufficiently resourced to enable timely and proportionate follow-up action on information supplied by the public.

CFA is supportive.

DRAFT RECOMMENDATION 10.5

State and the Northern Territory Governments should implement best practice cost recovery arrangements where cost-effective. Where indirect methods of obtaining sectoral contributions towards costs are used, governments should set fees with reference to efficiently-incurred costs for essential services. Governments should transparently disclose the services or regulatory activities for which costs are recovered, and the amount and extent of costs recovered.

CFA is supportive of cost recovery arrangements incorporating a percentage of public benefit. CFA are of the strong view that there needs to be a level of consistency across fisheries in terms of the application of public good funds. CFA strongly advocates that the public has an expectation that Australian fisheries are effectively and efficiently managed and that there is an obligation by the Government to ensure that adequate support funding is provided.