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Commissioner Melinda Cilento
Australian Marine Fisheries and Aquaculture
Productivity Commission
GPO Box 1428
CANBERRA CITY ACT 2601
Via email to: fisheries.inquiry@pc.gov.au

21/10/2016

Dear Commissioner Cilento

Re: Productivity Commission's Draft Report into the Regulation of Australian Marine Fisheries and Aquaculture Sectors

The Australian Marine Conservation Society (AMCS) is a leading Australian NGO working towards the conservation of Australia's unique and diverse marine environment.

Thank you for the opportunity to make a submission regarding the Productivity Commission's draft report into marine fisheries and aquaculture.

General comments

We refer the Commission to our previous comments submitted as part of this process and request that this submission should be considered in conjunction with that response.

AMCS is supportive of many of the recommendations outlined in the draft report but has concerns over some aspects, many of which are addressed in detail in the sections below.

Overall there is a concern that there is no clear implementation strategy for many of the recommendations as they rely on agreement between Governments that is far from guaranteed. Outlining of process options and a 'path forward' to achieve these agreements and implement recommendations would be a welcome addition to the final report.

AMCS strongly supports the Commission's consideration "that fishery management authorities should not be accredited with approval functions with the EPBC Act" because of the perceived conflict of interest and potential perceived and/or actual diluting or removal of a clear check and balance to fisheries management.

We welcome and highlight our support for recommendations in the draft report that call for increased transparency and publically available information regarding fishery management including bycatch and threatened species interaction reporting.

As outlined below we are concerned at the lack of support for improved seafood labelling laws in the draft report.

We are disappointed by the lack of reference to and acknowledgment of the importance of management of fisheries at scales appropriate to both the stock, societal and environmental parameters. This is not about creating new jurisdictions but instead about managing fisheries in a way that recognises the biological characteristics of target and non-target species as well as the geography and demographics of those who fish for them (see our April submission for further detail).

AMCS is also disappointed by the lack of reference in the report to ensuring real and transparent Ecosystem Based Management (EBM) becomes the standard in all Australian fisheries management. We strongly believe that this would increase productivity in not only the fishing industry but across Australian society in the long term. The aim of fishing laws in this country should be achieving real EBM to the economic, environmental and social benefit of all rather than merely striking “a balance between exploiting and maintaining the value of fish resources for the benefit of current and future users”. We recommend inclusion of specific recommendations in the final report addressing this.

Recommendations and findings fully supported by AMCS

Draft recommendation 2.1 – AMCS supports the use of harvest strategies in conjunction with robust bycatch management and reduction policies. Harvest strategies should also provide support to the implementation of species specific recovery plans.

Draft Finding 2.1 – AMCS agrees that there is a need for more comprehensive and current data on the participation and take of the recreational and customary fishing sectors.

Draft recommendation 3.2 – AMCS supports regular review of commercial fishing regulations against clearly articulated EBM based policy objectives.

Draft recommendation 3.3 – AMCS supports the recommendation that State and territory governments should take into account any impacts of proposed planning and land/marine use developments on the commercial fishing sector as well as the environmental impacts.

Draft recommendation 4.3 – AMCS supports more research on the survival rates of catch and release methods in deep water fisheries. This should include research on the survival rates of non-retained commercial and recreational bycatch as well as target species, and also include studies into cryptic mortality of non-landed species impacted by fishing gear such as trawl nets.

Draft recommendation 6.4 – AMCS supports the prioritisation of stock assessment and reform of the east coast pink snapper stock and fisheries management, noting that the current ‘undefined’ status for this stock is not acceptable.

Draft recommendation 6.5 - AMCS supports the development of a formal policy outlining reform principles for cross-jurisdictional fisheries with an ongoing annual reporting requirement on the proviso that management is not diluted to the 'lowest common denominator' or weakest fisheries management arrangements. This policy will need to be developed in consultation with all stakeholder groups from across the country to ensure that the policy adequately addresses, not only fisheries biology, but also incorporates social, economic and environmental considerations associated with the reform strategy's implementation.

Draft recommendation 7.1 – AMCS strongly supports greater transparency in reporting including the publishing of fisheries agencies' responses to the EPBC "Guidelines for the Ecologically Sustainable Management of Fisheries Version 2". Furthermore we recommend strengthening the enforcement of imposed conditions and adherence to recommendations including commitment to actually closing export opportunities to fisheries that fail to meet the requirements of imposed conditions, until such time as they do meet the conditions.

Draft recommendation 7.2 – AMCS supports the use of explicit mortality limits for fisheries that interact with threatened, endangered and protected species. The establishment and monitoring of limits must be done in a publically transparent manner with high regard for the population status of the TEP species. Existing industry based reporting schemes like the Queensland SOCI logbook are not adequate because of the low reporting rates by industry.

Draft finding 8.1 – AMCS supports the use of spatial planning to identify suitable sites for aquaculture in line with EBM principles. Such spatial planning should not be allowed to override or bypass laws set up to protect environmental values and should have regard to existing spatial planning processes such as the objectives of Marine Parks.

Draft finding 8.3 – AMCS supports the separation of aquaculture (and wild fisheries) regulation and industry promotion functions in order to remove actual and perceived conflicts of interest and to increase public confidence in the proper regulation of environmental and other impacts.

Draft recommendation 9.3 – AMCS supports in principle ensuring that licence and accreditation fees for seafood processors reflect the costs of regulating these facilities.

Draft recommendation 10.4 – AMCS supports the provision by fisheries agencies of easily accessible channels through which the public can share information on illegal fishing. We emphasise the importance of the recommendation that Governments ensure their fisheries agencies are sufficiently resourced to enable timely and proportionate follow-up action on information supplied by the public.

Recommendations and findings supported by AMCS with some qualifications

Draft recommendation 2.2 – AMCS supports the implementation of allocation of fisheries stock between sectors however this must be done in accordance with ecosystem based management principles and should formally and explicitly allocate to the environment and non-extractive uses as well as fisheries. Allocations should prioritise the recovery or maintenance of stocks at an ecologically sustainable level (not simply at MSY levels) using an optimum ecological yield approach which achieves maximum economic yield as the absolute

minimum standard. Resource allocation should consider and cover not only target stocks but also both retained and non-retained bycatch species.

Draft Finding 3.1 – AMCS supports the finding that in most cases individual transferable quota systems (ITQs) represent a more efficient and effective management regime than input controls. We wish to emphasise (as noted in the report) that input style controls on gear and special management will still be required to ensure environmental protection and to control and prevent impacts on non-target species and threatened, endangered or protected species (TEPS). When setting ITQs it is important that they are set on a regional basis that is biologically appropriate to the species in question rather than (for example) only state-wide ITQs that could allow localised overfishing. AMCS also recommends that in moving to ITQ systems specific consideration be given to both the impacts that changes might have on gear and location of fishing (e.g. potential localised depletion resulting from consolidation of effort into fewer hands or larger boats) and the social impacts on regional communities.

Draft recommendation 3.1 – See above comments on finding 3.1.

Draft recommendation 4.4 – While there is a case for strengthening of compliance penalty regimes in many cases this must not be considered as the only or best way to increase compliance. Improved and expanded education programs, increased visibility of compliance activities (either on the water or using electronic media campaigns to foster an increased perception of being intercepted), stronger compliance laws, and greater community education of the impacts illegal fishing causes to Australia's unique aquatic resources are equally or more important approaches.

Draft recommendation 4.4 – AMCS agrees that there should be national coordination of recreational fishing surveys and that costs should be shared. 5 years is a long gap between surveys and there is a need for more regular and potentially ongoing monitoring of recreational fishing catch and effort including the ability to understand regional and seasonal variation.

Draft recommendation 7.3 – AMCS strongly supports better and timelier public reporting of interactions with not only protected species, but all TEPs species and other bycatch including shark catch reporting to species level. Currently fisheries social licence to operate is negatively impacted by widespread actual and perceived underreporting of interactions by commercial fishers. Independent verification of interactions is crucial as well as timely and thorough public reporting. The results of reported interactions should be linked to defined management responses in real time to address the decline of threatened species.

Draft recommendation 10.2 - AMCS supports in principle the development of decisions rules by all fisheries agencies that remove Ministerial or Government involvement in the administration of operational decision making processes. These operational decision making processes should be entirely transparent, developed in consultation with all relevant stakeholders (not just industry, Government and fishing representative groups), subject to public scrutiny and established in line with EBM principles and policy that ensures that there is only improvement and no weakening of management arrangements to protect fisheries and ecosystem sustainability.

Draft recommendation 10.3 - AMCS supports non-regulatory co-management arrangements to improve the performance of Australia's fisheries operations. These arrangements should

supplement, rather than replace the fundamental management arrangements required for responsive fisheries management provided by appropriately developed harvest strategies.

Draft recommendation 10.5 – AMCS supports appropriate cost recovery that is fair across the board removing disparities in levels of cost recovery across different jurisdictions. Priority should be given to resourcing the information gathering and management costs for good management of all fisheries regardless of their economic value/ability to pay. This means that in cases where the ability to contribute adequately to required management and science does not exist these fisheries must be considered economically unviable and not allowed to continue without adequate management and research.

Recommendations and findings not supported by AMCS

Draft recommendation 6.1 – In reforming cross jurisdictional fisheries risk to target and non-target species should inform prioritisation rather than financial value. We support in principle identifying and responding to the potential benefits of transfer of management responsibility to a single government or better aligning management arrangements.

Draft recommendation 9.1 – AMCS strongly disagrees with this recommendation. We contend that comprehensive labelling is an essential element in providing consumers with the information they need to make informed choices when purchasing seafood. Approximately 70% of Australian seafood consumption comes from imported products. Yet according to industry surveys, most Australian consumers believe they are purchasing Australian seafood when in fact they may not be. The discrepancy between public perception and fact shows all too clearly that Australian consumers are not adequately or accurately informed. Proper labelling laws would increase recognition and uptake of sustainable and in particular Australian sustainable seafood products. AMCS strongly recommends that nationally agreed and consistent mandatory seafood labelling laws be adopted specifying species, origin and fishing/farming method at point of sale and is traceable through the supply chain that encompass both the food service industry and details available to consumers at the retail level.

Draft recommendation 9.2 – AMCS is strongly of the opinion that use of the Australian fish names standard should be mandatory, not voluntary, in line with the recommendations on seafood labelling outlined above.

Requests for further information

Information request 2.1 – When considering what factors should guide government decisions on take limits — in particular, target reference points, AMCS advocates a broader approach than simply considering the stock status of the target fish species, but instead assessment of the overall ecological sustainability of the fishery as well as the societal values associated with the fishing activity. Truly sustainable fisheries are ecologically sustainable when the stocks of target species, non-target species and their surrounding ecosystems are maintained over the long term. A truly sustainable fishery meets the long-term needs of fishermen, seafood consumers, other users and society as a whole, and the environment together. Specifically we recommend a move away from the current and long standing MSY (Maximum Sustainable Yield) model, which typically allows for running a particular stock down to 20% to 40% of estimated unfished bio-mass.

Currently in more progressive fisheries the MSY model is being replaced with a MEY (Maximum Economic Yield) model (often calculated at 40% to 60% of unfished biomass). This

approach has both environmental and economic merit and represents an improvement on the MSY model. However, some applications of the MEY model may not properly take into account all social values (e.g. non-fishing recreation), community benefit / non-fishing economic interests (e.g. tourism sector), and environmental outcomes (e.g. ecological support for non-target species, climate change adaptation).

Moving to an OSY (Optimum Sustainable Yield) model which carries more emphasis on social values/community benefit/environmental outcomes, would deliver productivity, community and economic benefits beyond just (but including to) the fishing sector. This should become the long term goal for fisheries management in Australia. Retaining 60% of unfished biomass of target stocks is often considered as an approximate starting reference point for OSY. Such a reset of fisheries management policy could of course mean significant periods of reduced catches as stocks recover, but would deliver long term benefits to fishers, the community and the environment. Such an approach would represent a key platform for genuine Ecosystem Based Management.

Information request 7.1 – AMCS does not consider fisheries not assessed under the Environment Protection and Biodiversity Conservation Act 1999 (Cwlth) as subject to adequate environmental management. Nor indeed are some assessed fisheries adequately managed due to poor reporting to inform assessment and a lack of compliance with conditions and recommendations.

AMCS recommends EPBC Act assessment for all fisheries and improvement in the reporting, transparency of reporting and compliance with conditions and recommendations imposed by the process in line with Draft recommendation 7.1 and our comments on that recommendation.

Information request 7.1 – AMCS has concerns regarding the thrust of this information request and seeks clarity on what is meant by this. The concept of ‘native pest species’ must be rethought as while fishery interactions with species such as Australian Fur seals are not desirable to fishers or the general public, they are a natural part of the ecosystem and should be managed as native species only, not as pest species.

AMCS thanks the commission for the opportunity to comment on the draft report and hope that our feedback will be well received and acted upon.

Further input / clarification in relation to this submission can be accessed in the first instance by contacting Josh Coates, AMCS Fisheries and Sustainable Seafood Campaigner

Yours sincerely

Josh Coates
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