



Commissioner Melinda Cilento  
Australian Marine Fisheries and Aquaculture  
Productivity Commission  
GPO Box 1428  
CANBERRA CITY ACT 2601

Dear Commissioner Cilento

**Great Barrier Reef Marine Park Authority comments on the Marine Fisheries and Aquaculture draft report**

The Great Barrier Reef Marine Park Authority (the agency) welcomes the opportunity to provide comment to the Productivity Commission's Marine Fisheries and Aquaculture draft report.

Proposed corrections to the draft report regarding approvals for aquaculture within the Great Barrier Reef and adjoining catchments

The agency respectfully requests that the Productivity Commission consider the following proposed corrections to its draft report:

1. Pages 215 (paragraph 5) describe industries' views on a license condition placed on the Guthalungra prawn farm approval by the Australian Government's Department of the Environment (not the Great Barrier Reef Marine Park Authority). To ensure accurate reporting on the conclusions made by the Joint Parliamentary Select Committee on Northern Australia (2016), the following statement must also be included: 'The Committee accepts that the zero net discharge condition placed on the Guthalungra project was never intended as a standard to be applied to all new aquaculture developments'.
2. Page 216 Box 8.4 paragraph 1 makes the following opening statement: 'Pacific Reef initially proposed a 200 plus hectare prawn farm at Guthalungra between Ayr and Bowen in North Queensland in 2001. The project finally received a permit from the Great Barrier Reef Marine Park Authority to discharge into the Great Barrier Reef Marine Park (Marine Park) in 2015'. Whilst unintentional, this statement makes it appear as though the agency took 14 years to approve this project, which is not factually correct. An application for approval from the agency was only received on 21 December 2011 following approval and reissue of the *Environment Protection and Biodiversity Conservation Act 1999* approval. Details of the proposed environmental offset program that satisfied both Environment Protection and Biodiversity Conservation Act and Marine Park approvals were only received by the agency in January 2015 with approval granted later that year. The agency respectfully requests that the second sentence be removed and that a new sentence be added that more accurately reflects the actual time taken to

receive a Marine Park permit. The addition of this new sentence would further provide context for the statement that follows in the last sentence of paragraph 6 ('In addition, proponents would no longer be able to apply separately for Environment Protection and Biodiversity Conservation Act and Marine Park permits which had further lengthened the process').

3. Page 216 Box 8.4 paragraph 4 makes the following statement: 'In its evidence to the Joint Parliamentary Select Committee in 2015, the Great Barrier Reef Marine Park Authority rejected that there had ever been a regulatory standard for a zero net discharge for all new aquaculture projects'. In evidence provided to the Joint Parliamentary Select Committee on Northern Australia (2016), it was the Australian Government's Department of the Environment and the agency that rejected that there had ever been a regulatory standard for a zero net discharge for all new aquaculture projects'. Further, the Joint Parliamentary Select Committee on Northern Australia (2016) also concluded that 'The Committee accepts that the zero net discharge condition placed on the Guthalungra project was never intended as a standard to be applied to all new aquaculture developments'. The agency respectfully requests that the existing statements be modified to more accurately reflect the submissions received by, and the conclusions of the Joint Select Parliamentary Committee on Northern Australia (2016).

#### Ecologically sustainable fisheries in the Great Barrier Reef Marine Park and World Heritage Area

The agency considers that the highest priority objective for fisheries management must be given to environmental and fisheries resource sustainability. The agency recognises that fishing and the collection of fisheries resources in the Marine Park and Great Barrier Reef World Heritage Area (World Heritage Area) are critically important social, economic and cultural activities. Ecologically sustainable fishing is a long established and legitimate use of the Marine Park and World Heritage Area. Viable and productive commercial fishing industries depend on a healthy marine ecosystem, just as Queenslanders rely on such a healthy ecosystem for recreation, cultural activities and as a source of local seafood.

Fisheries within the Marine Park and World Heritage Area are managed under Queensland legislation and the agency works collaboratively with Queensland to improve fisheries sustainability. Subject to meeting the requirements of the *Great Barrier Reef Marine Park Act 1975* (Marine Park Act)<sup>1</sup>, the Offshore Constitutional Settlement provides for fishing activities that occur within the Great Barrier Reef Region to be managed by the State of Queensland.

Within the Marine Park and World Heritage Area, as compared to other areas, higher standards of demonstrable ecological sustainability are expected by all levels of government, the Australian public and international community. The Marine Park has a special status, as it is the substantial part of a world heritage area and a separate matter of national environmental significance in its own right under the Environment Protection and Biodiversity Conservation Act.

The Queensland Government recently released a green paper on fisheries management reform. The agency considers that implementation of reform proposals detailed in the green

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<sup>1</sup> The main object of the *Great Barrier Reef Marine Park Act 1975* is to provide for the long-term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region.

paper are essential to ensure ecologically sustainable fisheries operate in the Marine Park and World Heritage Area and all adjacent Queensland managed waters.

The most important reform proposal in the green paper is setting biomass target reference points of at least 60 per cent of the unfished population. This is a necessary and responsible approach to managing target stocks, especially in the face of increased uncertainties and adverse environmental conditions caused by climate change and other pressures such as coastal development. It is also likely to contribute to increased resilience of the target stock and broader marine ecosystem in the face of severe changes and pressures that are already being experienced<sup>2</sup>. The maintenance of fish stocks at this conservative biomass level is consistent with the higher standards of conservation and protection of biodiversity expected in the Marine Park and World Heritage Area.

The [\*Great Barrier Reef Outlook Report 2014\*](#) identifies that the Great Barrier Reef ecosystem has a poor and worsening outlook with cumulative impacts diminishing the ecosystem's ability to recover from disturbances. Some threats are increasing, driven mainly by climate change, economic growth and population growth. Fished resources and supporting habitats are under pressure from fishing and non-fishing pressures, and are vulnerable to climate change and extreme weather.

The agency advocates that all fisheries operating in the Marine Park and World Heritage Area should be managed in accordance with the Commonwealth Government Guidelines for the Ecologically Sustainable Management of Fisheries. Though some mitigation of fishing risks in the Marine Park and World Heritage Area is occurring through proactive and collaborative fisheries and marine park management, more concerted efforts to address fishing risks are required. The reforms proposed in the green paper are critical in mitigating and reducing these risks.

The agency contends that many of the draft recommendations and findings of the Productivity Commission review into Australian marine fisheries and aquaculture are directly relevant to and supportive of fisheries reform required in the Marine Park and World Heritage Area. These include draft recommendations 2.1, 2.2, 4.1, 4.4, 4.5, 5.1, 5.2, 7.1, 7.2, 7.3, 10.1 and 10.2.

#### Agency comments and views with respect to selected recommendations in the Productivity Commission Draft Report

### **Chapter 2: Access to Fisheries Resources**

The Agency recognises and strongly supports the use of fisheries harvest strategies to provide a transparent, proactive and defensible means to manage and monitor fisheries. Appropriate time frames for harvest strategy evaluation and review should be determined and explicitly stated within any Fisheries Harvest Strategy Policy.

The agency contends that a Fisheries Harvest Strategy Policy and any subsequently developed harvest strategies should give explicit consideration not only to the main target species, but species, stocks and habitats that have been deemed as high risk. A fisheries harvest strategy should give highest priority to broader ecological and fisheries resource sustainability considerations, both of which should be over and above any social, cultural and economic objectives. Noting reservations discussed later in this submission, regarding

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<sup>2</sup> Recently most tropical regions across the world have experienced the most severe mass coral bleaching ever recorded, including within the Great Barrier Reef Region during 2016..

the sole use of total allowable catches (TACs) and individual transferable quotas (ITQs) in the Marine Park, the agency considers there is benefit from a more strategic approach to allocating and managing access to its fisheries resources.

The agency is concerned that because of its contentious nature, the development of a fisheries resource sharing policy could become an extended, resource intensive activity that diverts already limited resources from addressing other priority fisheries management reforms. It therefore advocates moving forward with a full allocation process as quickly as possible, basing initial allocation on contemporary and historical precedence, using best available data. It is suggested that dependent on the management history of a fishery, a minimal amount of historical data be considered in such an allocation, as otherwise additional allocation complexities not pertinent to contemporary fisheries resource use may arise.

### **Chapter 3: Commercial Fishing**

It is likely that reductions in commercial fishing effort and harvests for several species will need to be implemented to arrive at the desired biomass target reference point of at least 60 per cent of the unfished biomass.

Whilst TACs and ITQs may be appropriate for lucrative, large-scale fisheries, based on a small number of target species, most commercial fisheries which operate in the Marine Park and World Heritage Area do not meet these criteria. As such any harvest strategy policy should allow managers and fishery stakeholders to utilise a range of fishery access controls, including TACs and ITQs. Such a policy should also recognise the imperative contemporary need for anticipatory management, where in times of rapid environmental or resource availability change, past trends may not necessarily be predictors of the future.

The agency strongly believes that the implementation of an electronic position reporting system on all commercial fishing vessels operating in the Great Barrier Reef Region is the highest priority commercial fishing related compliance initiative that should be pursued. The agency is greatly appreciative of on-going discussions with the Queensland Government in this regard and looks forward to cooperatively progressing this initiative in the near future. Additionally, the agency considers that reinstatement of a statistically robust independent fisheries observer program, or the use of new technologies that would fulfil the same objectives, is critical to enable appropriate monitoring of each major commercial fishery.

Given the relatively low level of financial support by the Queensland commercial fishing industry to fisheries management, the agency believes there is capacity for increased commercial fisheries contribution to support management reforms, on-going management and monitoring of commercial components of fisheries in Queensland.

The agency considers that the current situation in Queensland where commercial fishing licences and endorsements allow broad east coast or state-wide roaming, though providing flexibility of fisheries access to commercial fishers, hinders the ability of managers and fishers to appropriately manage regional stocks and address environmental risks.

### **Chapter 4: Recreational Fishing**

As with commercial fishing, it is likely that reductions in recreational fishing harvests for several species will need to be implemented to arrive at the desired biomass target reference point of at least 60 percent of the unfished biomass.

The agency is supportive of the introduction of a general recreational fishing licence in Queensland which would significantly bolster the ability for fisheries managers to more accurately quantify recreational fisheries catch (including discards) and effort data. In the absence of a recreational fishing licence in Queensland, the agency supports maintenance of regular Queensland wide recreational fisheries household telephone and diary surveys, but believes that such surveys can be considerably enhanced by increased sample frame size and on-site and boat ramp surveys, validating the quantity and sizes (i.e. lengths) of recreational catches. The agency is supportive of efforts for Queensland recreational fishing surveys to be integrated with national and other State and Territory recreational fishing surveys as appropriate.

The agency is supportive of a review of the system of gear restrictions, seasonal closures, size and in-possession limits applying to recreational fishing. It believes that the system of current restrictions applying to recreational fishing in Queensland has served its purpose well. However, increased threats to the Marine Park and World Heritage Area, improved fishing related technologies and the increasing human population living and accessing fisheries resources in the Great Barrier Reef Region, necessitate the need to review the ecological sustainability of current recreational fishing limitations.

The agency is supportive of further development of risk-based and intelligence-driven fisheries compliance programs with limited compliance resources are directed at areas of highest risk. It also supports strengthening of penalties relating to fisheries offences to ensure there are no perceptions that benefits may be derived from such offending. The agency supports stronger inspection and entry powers to combat illegal fishing activity, particularly, but not only for, combatting black-marketing of seafood.

## **Chapter 5: Indigenous Customary Fishing**

The agency is unsure how such catch and effort can be limited given right of access to resources under native title for Indigenous Customary fishers. Any limitation of catch and effort to as of right access under native title law would need to be considered under the Native Title Act.

The definition of Indigenous Australians as a posed to Traditional Owners needs to be clarified as the as of right access to the resource may be different for each definition (i.e. An Indigenous Australian fishing without a native title right would in affect be recreational fishing). The agency suggests that extensive engagement and endorsement with Traditional Owners is critical to for a successful management of this issue.

The agency suggests the draft recommendations in regard to Indigenous customary fishing should read:

### **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 the rights and interests recognised under native title.

### **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 the rights and interests recognised under native title.

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.

#### DRAFT RECOMMENDATION 5.3

The definition of customary fishing in fisheries laws should provide for fishing for commercial purposes, but only where consistent with the rights and interests recognised under native title.

### **Chapter 6: Fisheries spanning jurisdictions**

The agency agrees that 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 resource necessary to ensure the timely completion of the assessment. However, such an assessment process should not delay efforts to appropriately reduce fishing mortality on snapper in Queensland to support the rebuilding and recovery of this species. Snapper in Queensland has been classified as “overfished” for a number of years.

### **Chapter 7: Managing the environmental impact of fisheries**

The agency considers that all fisheries need to be demonstrably ecologically sustainable to maintain broader social acceptance of fishing practices, particularly in the Marine Park and World Heritage Area, where higher standards are expected. In order to achieve these higher standards a structured risk-based approach should be used to guide management of the broader ecosystem impacts of fishing. Fisheries management in the Marine Park and World Heritage Area needs to more strongly incorporate protection of the environment and a range of non-target species, and apply increased levels of precaution in decision-making.

Reforms in this area are especially pertinent for a number of reasons, including: the Great Barrier Reef’s World Heritage listing, reported and perceived interactions between fishing activities and the marine environment and non-target species, unfavourable conservation status of many protected species and conservation concerns about at-risk species, cumulative impacts on the marine environment, lack of knowledge of the status of many fisheries resources, and limited data available to assess ecological sustainability.

The agency strongly supports an ecological risk assessment approach and the development and implementation of risk mitigation plans to ensure timely actions to mitigate unacceptable risks. It is essential to put mechanisms in place to ensure that any identified ecological risks are mitigated in a timely manner.

Explicit management of the interactions with non-target species that are captured in or interact with fisheries must be integral in the management of all fisheries. This includes target, by-product, by-catch, and threatened, endangered and protected species, as well as habitats and ecosystem processes. Management arrangements in place for fisheries need to ensure that the risk of interaction, injury and fatality of all by-catch species and

threatened, endangered and protected species are acceptably low. The agency recognises that there have been valuable improvements over time across Queensland's fisheries operating in the Marine Park and World Heritage Area (e.g. bycatch reduction devices and turtle excluder devices in trawl).

The incidental entanglement and mortality of species, including dugong and inshore dolphins within the East Coast Inshore Fin Fish Fishery (ECIFFF), described in the 2014 Outlook Report as very high risk (Incidental catch of species of conservation concern), remains one of the highest priority areas of attention in the Marine Park and World Heritage Area. The agency believes that implementation of an electronic position reporting system on all commercial fishing vessels operating in the Great Barrier Reef Region is a critical initiative, which will assist in monitoring compliance with zoning and other spatial management restrictions (e.g. Dugong Protection Areas) and fishing gear attendance requirements will reduce risks to threatened, endangered and protected species.

The agency is supportive of regional and community based management arrangements, that, where appropriate, utilise local resource stewardship and knowledge to reduce inter-fisher competition and conflicts, and reduce risks to threatened, endangered and protected species (as local fishers often know where and how such species live and utilise the waters they regularly fish in). The agency is keen for fishery observations and reported data on threatened, endangered and protected species interactions and fate to be regularly published in the public domain and for there to be discussions on adopting species mortality limits.

The Coral Reef Fin Fish Fishery, because of the broad range of species covered by the Other Species ITQ category and which are also caught by the recreational fishing sector, also requires careful consideration in this regard. Additionally in this fishery, improvements in reporting of catch and release of protected fish species is required to better understand the population status of such species.

The agency strongly encourages the establishment and on-going funding of specific programs to monitor, assess and report on the broader ecosystem effects of fishing, not just the fished stocks. It is supportive of improved social, cultural and economic data and information on fisheries, but such data is secondary in importance compared to data on broader ecosystem effects of fishing, targeted fish and by-catch species (particularly threatened, endangered and protected species).

## **Chapter 10: Other areas for Improvement**

The agency considers the establishment of a new fisheries management decision-making framework in Queensland separating as much as practicable, strategic decisions that are the remit of government, from operational decision-making by fisheries managers, would enable more responsible fisheries management interventions. It is only by having such a decision-making framework and delegation at the level of the managing agency (e.g. Fisheries Queensland) that timely fisheries management responses can be delivered to avoid outcomes that place ecological sustainability at risk. Higher level government intervention or decision making should only be required when proposed management arrangements deviate from the government approved policy.

The agency supports inclusive and transparent fisheries stakeholder engagement processes which utilise advisory groups. It supports the recommendations of the Draft Productivity Commission report pertaining to governance arrangements of fishery advisory groups, and the basis of appointments and ability to dismiss advisory group members who breach the

terms of their engagement. The agency considers that advisory groups for fisheries operating in the Great Barrier Reef Region should comprise membership from the full range of fishing related stakeholder groups, including Traditional Owners, as well as the agency and appropriate environmental non-government organisations.

The agency has always been supportive and remains committed to empowering regional communities to be stewards and partners in regional and community based management of the Marine Park and World Heritage Area, including associated fisheries resources. It supports the development of clear policies with regard to fisheries such co-management as recommended in the Draft Productivity Commission report.

I thank you for the opportunity to make this submission to the Marine Fisheries and Aquaculture public enquiry.

Yours sincerely

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cc: Mr Scott Spencer, Deputy Director-General, Fisheries and Forestry, Queensland Department of Agriculture and Fisheries

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