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Presiding Commissioner
Marine Fishery and Aquaculture
Productivity Commission
Email: fisheries.inquiry@pc.gov.au

Dear Commissioner

Please find attached the Tasmanian Government submission to the Australian Productivity Commission inquiry into the Regulation of Australian Marine Fisheries and Aquaculture.

Yours sincerely

 Jeremy Rockliff MP
**Deputy Premier
Minister for Primary Industries and Water**

Encl:

Tasmanian Government Submission
Australian Productivity Commission
Australian Marine Fisheries and Aquaculture Draft Report

Marine Fisheries

Overview

The comments provided in the initial submission from the Tasmanian Government to this inquiry remain relevant to the draft report released by the Commission.

The current management arrangements in place for each fishery and each jurisdiction have a long and complex history through developments in the fishery and management planning processes including the introduction of legislation, allocation of commercial rights, and potentially a range of other management measures. Thus, each fishery (and jurisdiction) has its own unique aspects that must be considered in any potential proposals for future change.

Any proposals for changes to fisheries management arrangements must be considered on a case by case basis in terms of the costs and benefits that may be realised. Caution must be exercised in relation to the idea that a “one size fits all” range of high level recommendations can be developed for all fisheries across Australian jurisdictions.

Tasmania will consider recommendations and changes to management that might be progressed in light of the specifics of any fisheries involved, the objectives and competing priorities of the Government and the resources available to support fisheries management. National high level overarching recommendations will inform but not override such considerations. This should be taken into account in the framing of the Productivity Commission's report final recommendations.

In Tasmania, the final recommendations from the Productivity Commission will be considered in light of Tasmanian Government priorities and work programs developed within the budget process noting that the Tasmanian Government must meet its statutory obligations with respect to established fishery management processes. Change management processes can be costly, and there needs to be a realistic evaluation that the benefits and cost savings will be realised and will outweigh costs on a case by case basis.

The following comments are provided with respect to specific Productivity Commission draft recommendations.

Harvest Strategies Rec 2.1

Tasmania has been and continues moving towards better documented and enunciated harvest strategies. These processes will continue in close consultation with stakeholders and through the consultative processes in place under Tasmanian legislation. Progress will depend on work programs in each fishery and competing and evolving fisheries management priorities.

Resource allocation Rec 2.2

Access rights provided by commercial licences are (quite reasonably) strongly protected by legislation and valued by the commercial sector as a cornerstone issue. Similarly, the apportionment of access rights between the sectors is a fundamental issue for all involved. The objective enunciated in the Productivity Commission draft report, relating to fisheries resource allocation being based on clear

guiding principles founded on the highest value of use amongst competing parties, while intuitively attractive and rational, has proven difficult to implement. It presupposes that a methodology can be developed and most importantly agreed to by competing interests as to how the "value" of the resource should be measured for often completely dissimilar sectors.

Great care should be taken in making any recommendations of this nature to ensure that they have some realistic chance of being applied in the real world. If not, there is great risk that considerable resources will be directed to processes that, due to a flawed underpinning methodology, will fail.

Recreational survey Finding 2.1

Tasmania has been at the forefront of developing and implementing techniques for measuring the take of recreational fisheries through structured surveys conducted by the Institute for Marine and Antarctic Studies (IMAS)). Funds have been allocated to conduct such surveys, targeted most regularly for key and important fisheries (e.g. abalone and rock lobster). However, future surveys remain reliant on the necessary funds being available.

Participation in any national processes for surveys will depend on alignment of timing and priorities. Surveys must deliver the information that is required to support fisheries management decisions in Tasmania, which may be different in other jurisdictions.

Commercial fishing rec 3.1

Each fishery has different aspects that need to be considered in determining the appropriate management options for the fishery (e.g. area, timing, species, gear, number of participants and importantly value). Each fishery may have significant, or indeed subtle, variations which need to be considered.

As such, no single fisheries management measure, such as output controls, can be implemented for all fisheries. The statement that input controls are necessarily "outmoded" is naïve. That they may not be appropriate in some cases is certainly accepted given the ability for output controls to directly control and limit catch. However, in some Tasmanian fisheries, for example calamari, input controls will remain an appropriate and viable option given that the value of the fishery, or its specific characteristics, make quota management unviable.

In Tasmania, high valued species (rock lobster, abalone, giant crab, scallop and banded morwong) have been managed via output controls the development of which was over a long period and involved difficult and resource demanding adjustment processes. The benefits of such quota arrangements for high values species are recognised. However, given the value of the remaining fisheries there is limited scope in Tasmania for implementing management of additional fisheries through output controls.

Individual Transferable Quota systems must be supported by appropriately rigorous processes to administer quota operations and assure appropriate compliance and regulation. Such costs should not be underestimated, and will vary from fishery to fishery.

Therefore there are no plans to extend Individual Transferable Quota management systems beyond the current fisheries in which this system of management has been implemented.

Recreational Fishing Rec 4.1 & 4.2

Tasmania considers that the *Living Marine Resources Management Act 1995* has a rigorous and effective penalty regime for both the commercial and recreational sectors, with strong mandatory penalties through a demerit point system.

Licences are required by recreational fishers in Tasmania for high value and/or sensitive fisheries. Review of that system will depend upon developments in the sector and future needs. The Tasmanian Government has a clearly articulated policy that it will not be implementing a "saltwater rod and line licence". A recommendation to that effect is not supported by Tasmania. Any further management for the charter sector will depend upon State priorities and resources available.

It is recognised that most recreational fishery management tools are blunt by nature. However, the adoption of other novel techniques needs to be very carefully assessed for efficacy, cost and administrative processes. For example, the use of catch tags to support a seasonal limit for the east coast rock lobster fishery in Tasmania has not been progressed as the assessment process determined very significant issues in their implementation, operation, efficacy, rigour and cost – particularly compared to other simple and far lower cost options.

Indigenous Customary Fishing Rec 5

The *Living Marine Resources Management Act 1995* recognises Aboriginal cultural activities and administration of the Act facilitates Aboriginal persons in engaging in Aboriginal fishing activities. The Government is currently in the process of resetting the relationship with Aboriginal Tasmanians at a whole of Government level. Any changes to arrangements will depend upon the outcomes of these wider processes.

Fisheries spanning jurisdictions Rec 6.1

Tasmania has entered into several offshore constitutional settlement (OCS) arrangements for jurisdiction over several key species. Fundamentally, these arrangements work very well in some cases and are more complex in certain fisheries, due to the complexities of the distribution of target species and adjacent jurisdictions' fisheries. These arrangements are a central and important part of the management arrangements in place in Tasmania. The high value fisheries have already been addressed through these arrangements.

Any review of current OCS, or consideration of further arrangements, can be undertaken bilaterally within existing process, although there are no Tasmanian issues being progressed at this time and no work programs towards any such activity. Impetus for exploring any revised/new arrangements should be as a result of a need identified by two jurisdictions and not as a result of a recommendation by the Productivity Commission. Other jurisdictions are not required in such discussions. Again, OCS arrangements can be a means to an outcome but do not resolve hard and/or complex management issues in themselves.

Tasmania has no major outstanding issues with current OCS arrangements and sees no reason to enter into a large overarching national process/initiative, requiring appropriate resourcing, for other jurisdictions to resolve their issues.

Delegated Responsibility Rec 10.1

The *Living Marine Resources Management Act 1995* (the Act) provides the regulatory framework and head of power for the management of Tasmania's fisheries. The responsibility and roles of the Minister and the Departmental Secretary are prescribed in that Act. The Act provides for delegation

of certain decisions to the Minister's or Secretary's delegate. Such delegations are utilised on day to day basis as required. However, certain decisions made by a delegate may be appealed and then must be reconsidered by the Minister. The Act is not under review.

Therefore, Tasmania can confirm the benefits of delegating operational decisions to relevant fisheries managers to facilitating the efficient and effective management of fisheries.

Governance of Advisory Committees Rec 10.2

The management planning process in Tasmania involves strong cooperation and engagement with the commercial and recreational sectors supported by prescribed statutory processes. Organisations can be formally recognised by the Minister under the provisions of the Act as "fishing bodies". When so recognised, the body must be consulted when certain relevant actions and decisions are made under the Act. In practice, the Minister recognises each fishing body as providing the key input for that sector. A fishing body is certified for each major fishery and also for the recreational sector.

Fishery advisory committees are also formed under the Act to provide the Minister with advice in relation to the management of a fishery. In practice, the fishery advisory committees are the key vehicle for assessing and progressing management issues and proposals. Certified fishing bodies are also provided membership upon the relevant advisory committee.

The terms of reference for Fishery Advisory Committees, including processes for declarations of interests, are explicit and are contained in a public document. Members are generally appointed for their expertise, and whilst the governance rules provide some guidance where membership may be terminated (e.g. criminal issues), the Minister can dismiss or appoint any person at any time.

Thus, in Tasmania the different sectors have strong, structured, clear and transparent input into fisheries management processes and decisions. However, these committees are not decision making bodies but advise the Minister on decisions that are ultimately made by the Minister. In practice, a coherent and organised fishing body can have a strong role in fisheries management together with transparent input working within the advisory committees.

The advisory committee process is considered to be a powerful and successful management process and appears superior to some other processes observed. Similarly, this co-management model is not under review.

Channels for public to share information on illegal fishing Rec 10.4

There are a number of avenues for reporting illegal activity, including avenues for anonymity in Tasmania. A dedicated "hotline" which enables informants to deliver information directly and anonymously to the Marine Police is in place to receive calls which is advertised through the education communication processes in place. This has proven highly effective.

Aquaculture Finding 8

It is noted that the primary focus of the review is on regulation of wild capture marine fisheries.

Tasmania has a statutory marine farming development planning process integrated within the State's overarching Resource Management Planning System. Planning processes are prescribed in the *Marine Farming Planning Act 1995* (the Act). These processes provide for the identification of marine farming zones within marine farming development plan areas in which defined marine farming is a permitted activity.

These processes have delivered certainty and regulatory predictability to industry and the community since proclamation of the Act in 1996 and formed a platform which has seen the development of successful marine farming industries within this State.

Marine farming development has at times proven contentious within Tasmania due to the activity occurring in State waters which are a community resource and for which there are diverse competing interests and values. This is understandable as it involves the allocation of parcels of a highly valued community resource for private use and access.

The Government has recently transferred responsibility for the day to day environmental management of the salmonid marine farming industry to the State's Environment Protection Authority (EPA) leaving the marine farming development planning function within the Department of Primary Industries, Parks Water and Environment. This new management arrangement took effect as from 1 July 2016.