

## **WAFIC Submission to Productivity Commission Inquiry into Marine Fisheries**

### **Overview**

WAFIC is the peak body for Western Australian fishing and aquaculture industries. Its primary focus is on State issues, but also represents fishers at a Federal level, including but not limited to its participation in National Seafood Industry Alliance (NSIA).

WAFIC makes the following comments:

- There is no true national approach to fisheries management, this is a result of the OCS and there appears to be no appetite for a national policy. Arguably, with a number of jurisdictions has meant that innovations from one can spread to the others. There has been widespread recognition of the importance of rights based management to superior outcomes.
- That there is no overarching national policy, should not relieve states and the Commonwealth of their obligation to co-operate to reduce regulation and costs, rather than compete for higher levels.
- For Western Australia regulatory duplication is a concern in areas of environmental regulation. This duplication is increasing with Federal and State action on marine parks and 'biodiversity'. The latter is a particular concern in Western Australia with the introduction of a new Biodiversity Protection Bill in State parliament in late 2015. Practical measures might include ensuring regulatory impact statements better take into account duplication and shifting of costs and impacts on other jurisdictions.
- There has been progress in recognition of the high standards achieved by many Australian fisheries, for example MSC certification. Federal and State regulation should be reviewed to extend this recognition and support non-regulatory approaches to achieve standards higher than the minimum required.
- There are obvious areas for co-operation, for example VMS systems. Specific commitments should be made to pursue these. Policies should be adopted to support and encourage co-operation. We recommend that all agencies write off sunk costs/IP in current systems as it appears this is a barrier to action.
- Indigenous participation in fisheries is a major topic itself. WAFIC sees this as beyond the reasonable scope of this inquiry. Noting the complex legal, social and economic factors a separate inquiry could be made. We note that a comprehensive rights based framework would provide the best foundation for indigenous participation.

## **Background to Western Australian Fisheries Management**

Western Australia has adopted a number of measures that are different to other jurisdictions in part or whole.

These are:

1. Formalised resource share arrangements, including use of a standing expert Committee (see below) to advise on them. (Adopted prior to 2010, reaffirmed by Government in 2010).
2. Adoption of the New Zealand model of fisheries distinguished by full separation of annual use entitlements from an enduring underlying fishing right.
3. Move away from cost recovery, with responsibility for management on government, but with unclear arrangements for industry self-governance and payments for services over and above 'core' activities.
4. Formal adoption of a policy to encourage fisheries to seek third party certification where possible and cost effectiveness. This reflects demands by the community for better management and consumers for best quality practices. This cannot be satisfied by a purely regulatory approach.

## **The Changes**

Following the 2008 State election the Hon Norman Moore MLA was appointed Minister for Fisheries, a position he held up to 2013.

During this period he instigated a range of major reforms to fisheries legislation, governance, policy, and fee setting and associated matters

(see [http://www.fish.wa.gov.au/Documents/ministerial\\_policy\\_guidelines/fmpg021.pdf](http://www.fish.wa.gov.au/Documents/ministerial_policy_guidelines/fmpg021.pdf)) for a summary of some of his initiatives.

These include:

- The abolition of the cost recovery model for annual fee payment by the major fisheries in WA. Under the cost recovery model different fisheries paid varying fees for services ranging from low % of GVP to moderate % of GVP (see [http://www.fish.wa.gov.au/Documents/occasional\\_publications/fop074.pdf](http://www.fish.wa.gov.au/Documents/occasional_publications/fop074.pdf) for deliberations of Government/Industry Working Group- note that the recommended option was not proceeded with by the Minister)
- The replacement of these fees by a flat 5.75% of GVP by all managed fisheries in WA. The 5.75% was allocated on the following basis: 5% to the Department of Fisheries; 0.5% to WAFIC for industry representation and; 0.25% for the State's contribution to the Fisheries Research and Development Corporation.
- Accompanying the abolition of the cost recovery model was the abolition of the Fishery Management Advisory Committees and their replacement of, initially WAFIC undertaking consultation on amendments to management arrangements for the State's fisheries. Subsequently whilst consultation on major matters (usually those matters which are cross sectorial) remain with WAFIC, fishery specific consultation was handled by a new body.

- The new body set up to instigate fishery specific consultation is known as the Industry Consultation Unit (ICU). Its operation is governed by a service level agreement with the Department of Fisheries (as the funder) and WAFIC (as the service provider). It is an independent body housed in the WAFIC offices, with its operations subject to a governance committee (WAFIC Chief Executive Officer and Department of Fisheries Director General and an independent chair), with two staff members. Its responsibilities are as follows:
  - Statutory Consultation: consult with and provide advice on, licensee views on proposed amendments to management plans, including summary of views (including minority views).
  - Licence Holder Engagement (as per agreed schedule): convene management meetings and provide advice via summary of the meetings (including record of attendance) within 4 weeks of the management meetings. Advise on fishing priorities (management and research) within 4 weeks of meeting.
  - Specific Purpose Consultation (as required).
- A Western Australian Government Fisheries Policy (see [http://www.fish.wa.gov.au/Documents/corporate\\_publications/wa\\_govt\\_fisheries\\_policy\\_statement.pdf](http://www.fish.wa.gov.au/Documents/corporate_publications/wa_govt_fisheries_policy_statement.pdf)). This contains significant policies on resource access and allocation, and marine planning.
- New fisheries legislation- Aquatic Resources Management Bill currently before Parliament (see <http://www.parliament.wa.gov.au/parliament/bills.nsf/BillProgressPopup?openForm&ParentUNID=1D103914B411A4CF48257DF6001BBBD6B> for the bill, second reading speech and explanatory memorandum)
- Stronger access rights for the State's managed fisheries (see [http://www.fish.wa.gov.au/Documents/occasional\\_publications/fop102.pdf](http://www.fish.wa.gov.au/Documents/occasional_publications/fop102.pdf)), with most recommendations incorporated in the Aquatic Resources Management Bill currently before Parliament
- The decision to move the Western Rock Lobster fishery to a quota based fishery (see <http://www.fish.wa.gov.au/About-Us/Media-releases/Pages/archive/Historic-start-to-western-rock-lobster-season.aspx>). This represented a major reform to the management of this fishery and fisheries generally given its dominant value to commercial fisheries production in WA.
- The allocation by the WA Government of \$14.5 million to facilitate third party (subsequently Marine Stewardship Council) certification of the State's fisheries. (see [www.wamsc.com.au](http://www.wamsc.com.au) for explanation and progress)

In summary the period of 2008 to 2013 laid the foundations for the legislation and policy settings for the current management of fisheries in WA and represent the biggest reforms since the adoption of formal resource sharing arrangements following the Toohey Report in 2002 (see below). These reforms are still being bedded down. We do not propose to revisit the various debates and deliberations that lead to these reforms, these can be ascertained by examining the various documents referred to above.

Instead we make the following selected comments to some of the matters canvassed in the Productivity Commission issues paper:

### **Allocation of Access to Fish Stocks and Resource Sharing**

The current policy governing resource sharing and allocation is known as Integrated Fisheries Management (IFM). The policy settings for IFM stem from an inquiry into Integrated Fisheries by a review committee chaired by former High Court Judge Justice John Toohey in 2002 (see Appendix 1).

*The history of fisheries management around the world has shown that a process to resolve inter sectoral allocation issues, which has widespread acceptance by user groups is fundamental if Western Australia's fisheries are to be sustainably managed in the future.*

(ibid)

The findings and principles above have been endorsed by WAFIC as providing a basis for good public policy decision making incorporating independence, transparency, accessibility, inclusiveness, flexibility, effectiveness, efficiency and accountability. Importantly it recognises existing shares of fish stocks and provides for a fair means of adjustment if it is determined that shares should change. Importantly it reduces the “politicisation” of Government decision making in determining access and shares to marine resources.

The existing manifestation of IFM and its application is set out in the following link <http://www.fish.wa.gov.au/Sustainability-and-Environment/Sustainable-Fisheries/Sharing%20our%20fisheries/Pages/default.aspx>

An alternative approach to resource sharing has been trialled with mixed success through the use of mediation or alternative dispute resolution techniques. Several disputes between commercial and recreational fishers have been resolved using this technique which places the resolution in the hands of parties in dispute with the assistance of an independent mediator.

See [http://www.fish.wa.gov.au/Documents/ifm/Using\\_Mediation\\_to\\_Solve\\_Fisheries\\_Issues\\_in\\_the\\_Guidelines\\_for\\_Voluntary\\_Resource\\_Sharing\\_Process\\_2000.pdf](http://www.fish.wa.gov.au/Documents/ifm/Using_Mediation_to_Solve_Fisheries_Issues_in_the_Guidelines_for_Voluntary_Resource_Sharing_Process_2000.pdf)

Despite the above, on occasions, Government have intervened, usually under the circumstances of overfishing on particular fish stocks. Clearly Government should act in these circumstances, however some decisions have been made that, whilst effectively curtail fishing and address stock rebuilding, have also resulted in resource reallocation regardless of equity between sectors.

### **Major Challenges & Opportunities**

- To provide confidence to the Australian community that the activities of the commercial fishing industry are responsible in harvesting a public resource and that the community gain benefits from that activity.
- It is clear from a number of community surveys that the public are unsure of the sustainability of fish stocks harvested by commercial fishers and whether those harvesting activities are responsible
- Government gives mixed messages in regard to the commercial fisheries depending on which portfolio is commenting and depending upon the particular public issue. For example, many decisions resulting in fish stocks being reallocated from the commercial fishing sector to the recreational fishers have been justified on the basis of ensuring sustainability of stocks rather than straight political considerations. Some marine reserve planning decisions resulting in the commercial fishers losing access to fishing grounds have been justified without any real objective evidence of their need for this purpose.
- Similarly some of the NGO advocates of marine no take zones justify their need on the basis of protecting fish stocks and the marine environment for overfishing and destructive fishing

practices. The recent “Save our Marine Life” campaigns have been very effective in promoting that view. See recent extract below taken from “Save our Marine Life” website requesting follower to sign a petition to this effect.

*Dear Minister Morrison and Minister Hunt (CC my MP),*

*It's been more than two years since the Abbott Government suspended Australia's world-leading national network of marine parks and sanctuaries, and put them under review before their management arrangements had even commenced.*

*I am deeply concerned that the government process to implement the network has stalled – that our marine life remains unprotected and at risk of expanded commercial fishing, while adjacent businesses and communities who seek to benefit from their new parks, as the Great Barrier Reef communities have these last 40 years, still have no certainty.*

*This is despite 15 years of science, work by all sides of politics over two decades, and extensive consultation showing overwhelming support, including from the vast majority of recreational fishers.*

*I call on you to retain, increase and implement our national network of sanctuaries as soon as possible, including our Coral Sea Sanctuary. To do so, it is critical that you reinstate the line item in the 3 May 2016 Federal Budget which will fund the implementation and management of Australia's national network of marine sanctuaries.*

*Yours sincerely*

It is worth noting that a number of Government and non-Government members of Parliament and Cabinet Ministers have supported the campaign by this NGO. It is therefore unsurprising that the public are unsure of commercial fisheries practices.

- Polling by WAFIC and others have consistently revealed that the community is unsure of the sustainability of the fishing industry and its practices, and Government stewardship of public resources.

*It is acknowledged that the community are not unanimously convinced of the industry's desire to manage the natural environment in a responsible manner, nor of its ability to adequately self manage its obligations to achieve this.*

*As if to add complexity to this situation we would note that the whole industry has got to 'walk the talk' each and every day with the preference that industry sets its own standards ahead of those being demanded by retailers today.*

*It is a sobering thought that in many sectors of the primary economy, each farmer and producer relies on their peers to maintain the reputation of the industry.*

*The result is that the industry's credentials as a sustainable producer of food must be robust and auditable to meet increasingly stringent customer requirements.*

*In looking to reach this positioning the industry will need to carefully define what constitutes sustainable production by engaging the wider population in a conversation around its aspirations as Australians.*

(Hearts & Minds community conversations “sustainability and the fishing industry”  
Intuitive Solutions)

#### **Conclusions and Strategic Directions:**

*☐ Sustainability is the key and getting the sustainable management of WA fisheries into general knowledge is an important goal. This will be a long term process and require information and reinforcement from many directions including Government, industry, retail, and education.*

*Be part of the solution – it is very important to always acknowledge the central importance of the industry being sustainable, and protecting fish stocks and the marine environment. People believe that if the fish stocks run out there will be no industry – do not allow the parallel with logging to be drawn where the industry body is seen as arguing for unsustainable practices in the face of reality. Themes and elements that people consider important and are interested in are:*

*WA Fisheries: Sustainably managed - Providing fresh local seafood for WA families now and for the future*

*Key message to communicate: Sustainable management of WA Fisheries*

*Strong supporting themes:*

- *Fresh local seafood*
- *Jobs for West Australians*
- *Jobs for local communities*
- *Food security – protecting the WA industries that supply healthy local produce*

Also:

- *Working co-operatively with scientists, Government, and environmental authorities; professionalism to produce quality seafood sustainably using environmentally friendly methods to reduce by catch.*
- *Innovation for our future – development of aquaculture and environmentally friendly fishing practices to reduce by-catch and protect breeding grounds for wild caught fish and increase supply of farmed seafood.*
- *Images of science – measurement, management, innovation • Imagery of family business, small business, businesses in regional communities, business with a face*

*Currently there is something of a 'blank canvas' because very little is known about what fisheries we have (apart from rock lobster) and whether they are sustainably managed. People believe that a healthy local fishing industry and a healthy marine environment are both important and should both be achievable.*

(Australian Community Research "Focus Group Research-commercial fishing in WA", Report to WAFIC, July 2011)

See also <http://www.agriculture.gov.au/SiteCollectionDocuments/fisheries/market-research-report.pdf>  
[http://www.frdc.com.au/research/market\\_research/Documents/2013%20Community%20Perceptions%20Australian%20Fishing%20Industry.pdf](http://www.frdc.com.au/research/market_research/Documents/2013%20Community%20Perceptions%20Australian%20Fishing%20Industry.pdf)

- It is clear that for the commercial fishing industry to reposition itself in the eyes of the community as a trusted custodian of public resources it cannot solely rely on Government support nor can it rely on its industry bodies to promote that view simply because both the Government and the industry are not seen as objective sources of information.
- Combined with this gap has been the growth of the need for industry to respond to the expectation of demonstrated corporate social responsibility to address community cynicism of the public good arising from economic activities generally and in particular those accessing public resources.
- There is no one size fits all in addressing the above. Some smaller inshore fisheries have been very successful in engaging with their local communities through the supply of fresh local seafood and have built up considerable local support. Other fisheries have addressed this need (not only for community trust but also market demand) through third party certification such as the Marine Stewardship Council, and recently one of Australia's leading seafood company has taken the extra step of becoming carbon neutral.
- The two major retailers in Australia- Coles and Woolworths, have both announced seafood procurement decisions based around Marine Stewardship Council and Aquaculture Stewardship Council certifications for access to their stores. Aldi has a similar requirement. Fisheries and aquaculture enterprises will need to respond to these supply chain pressures they wish to maintain or gain access to these retailers.
- A recent emerging issue that has taken root in some European and North American supply chains is the requirement for harvesters to demonstrate that labour practices are ethical and crew are treated responsibly. This has been driven by recent reports of slavery in the Thai fishing industry, and mistreatment of crew in Scottish and Irish fisheries. Advice from our European colleagues indicates that this matter is moving rapidly in some supply chains. It is highly likely that this issue will arrive in Australian supply chains and require appropriate response by the fishing industry. Considerable work has already been done by the UK based

industry body, Seafish, in developing an auditable third party standard governing crew treatment. We are aware from one major Australian fishing company supplying US and European markets of requesting assurances covering crew conditions and investors requiring similar assurances.

There is strong case for the Commonwealth to provide seed funding to the commercial fishing industry to encourage fisheries to enter into credible third party certification schemes to provide assurance to both markets and the community that fish harvested are sustainable and practices not harmful to the environment. Government will benefit by demonstrating that it is a responsible steward of public resources. Use of credible third party certification schemes have the potential to apply consistent application of sustainability, ecosystem impacts and governance measures across jurisdictions resulting in efficiencies, effectiveness and cost reductions.

### **Accreditations (overlap, alignment and value) - Marine Stewardship Council \$14.5m Initiative example**

Minister Norman Moore/WAFIC announced the \$14.5m third party certification initiative in March 2012.

In September 2012, after a due diligence process, Minister Moore announced that the Marine Stewardship Council certification program was chosen as the provider of third party certification for the State's fisheries.

Objectives for this initiative are:

- Provide public confidence that WA's commercial fisheries deliver sustainable seafood
- To meet the retail trend to only serve fish from fisheries either independently assessed or in a fishery improvement project
- To assess WA's commercial fisheries against a credible, third party, science based standard

Policy Drivers behind this initiative:

- Polling showing industry either poorly regarded or not understood by the community. Also community does not believe industry or Government. Community wants independent credible validation.
- Desire by Governments at both a State and Commonwealth levels to put in place large Marine Protected Areas.
- The increased political activity of some of the NGOs publically promoting marine reserves, and demonizing the commercial fishing industry, as justifying large no take reserves
- Retail trend for responsibly and ethically sourced seafood and other primary industry products.

Minister Moore/WAFIC were extremely concerned about the position of the commercial fishing industry in public debates surrounding these drivers. We wanted to provide the industry with a powerful tool in which the industry could reposition itself and respond positively to these pressures.

What is the initiative broadly?

- All fisheries in WA will be subject to MSC pre-assessment. Pre-assessments provide an appraisal of individual fisheries to determine whether a fishery could successfully pass a full MSC assessment. The pre-assessment report will be provided to licensees and will be

confidential to the fishery.

- For those fisheries that have deficiencies that would prevent them successfully achieving MSC certification, a Fisheries Improvement Program will be offered. FIPs are a transparent, accountable and disciplined program which sets out a work plan to remedy these deficiencies. This is voluntary
- For those fisheries identified as being ready, Government will provide funding to those fisheries that wish to proceed into full MSC assessment. Important to note that this is a **voluntary** step, not mandated.
- In addition, the Government will pay the costs of the first annual audit of the fishery following MSC certification
- MSC certification lasts 5 years and annual audits are required each year
- To take up this offer a fishery must commit to sourcing funds for remaining 3 annual audits and commit to seriously appraising whether to enter into re-assessment at the end of the 5-year certificate.

### Governance

Carriage of the project is through a Certification Advisory Panel made up of Department of Fisheries, WAFIC, Recfishwest and the MSC representatives.

### Extension

WAFIC has secured a sizeable FRDC project to have carriage of extension and chain of custody initiatives through the supply chain.

### MSC Support

The MSC has appointed a WA based outreach officer for an initial 2-year term. This officer will be responsible for increasing the awareness and support for the MSC program across a broad range of interest groups including the supply chain and the community. He will also work with participating fisheries as they develop plans to pursue MSC certification including access to markets and is based in the WAFIC office.

### Website

A website - [www.wamsc.com.au](http://www.wamsc.com.au) -has been launched to provide background to the State Government's \$14.5m initiative to give WA commercial fisheries the opportunity to be assessed by the Marine Stewardship Council's independent 3rd party certification program and to report on progress.

### Fisheries in the program so far

- Western Rock Lobster (see <http://wrlc.com.au/wp/wp-content/uploads/2015/06/WRL-Fishery-MSC-Cost-and-Benefit-Review-2015.pdf> for recent publication "An independent cost and benefit analysis of the Marine Stewardship Council (MSC) certification for the WA rock lobster industry")
- Exmouth Gulf and Shark Bay prawn fisheries
- Mandurah crab (jointly with Recfishwest – a world first)
- Mandurah mullet
- Deep Sea Crab
- Pearling
- Abalone



- Kimberley trap
- Pilbara trap

Collectively these fisheries account for over 80% of the annual production by value for the State's fisheries.

Harmonisation

Fisheries Management Arrangements

- The WAFIC/Government MSC initiative will, over time, result in realignment of Department of Fisheries internal organisational arrangements, reporting and research to closely mirror MSC assessment and audit requirements, and address conditions resulting from assessments. This represents a jurisdictional reform to the management of fisheries in WA.

This shift has already begun through the inclusion of MSC assessment requirements in Fish Plan. In addition *State of the Fisheries*, in which the status of WA fisheries are annually reported is being amended to specifically report on relevant matters consistent with MSC assessments (for those fisheries certified or in assessment).

Over time as more and more fisheries are certified this will become more evident and will eventually flow on to those fisheries not yet certified.

The new fisheries legislation *Aquatic Resources Management Act* with the provisions for Aquatic Resource Management Strategies (ARMS) and Aquatic Resource Use Plans (ARUPs) are completely consistent with MSC assessments and certification. Thus certified fisheries will easily satisfy the legislative provisions that underpin ARMS and ARUPS and will move into these statutory arrangements relatively seamlessly.

The MSC initiative is an ongoing intuitive stretching out into the foreseeable future, assuming market demand intensifies and community expectations remain high for the performance of the State's fisheries. With ongoing Government funding, the reality is that this is at least a 10-15 year program.

All fisheries in WA will be affected by this initiative. All fisheries have had their management pre-assessed against the MSC standard. A number of fisheries will wish to take up the opportunity for Government funds to facilitate MSC certification. A number of fisheries, will proceed albeit slowly, and a number of fisheries will choose not to proceed.

The Government objectives for this initiative include, over time, amending management arrangements for all fisheries so that they are in a position to enter full MSC assessment if they choose to proceed.

Due to the need to demonstrate to Government that the industry fully supports the initiative (and thereby maintain financial commitment) it is imperative that both WAFIC and Departmental resources are prioritised to support those fisheries that wish to enter the MSC program, including those requiring improvements prior to entering into assessment. Those fisheries not yet convinced of the benefits of MSC certification but open to argument will be lower in the priority order and, those fisheries that have no interest will have their management improved to a point that they could enter MSC assessment, but this will be a low priority until resources are freed up.

- Recent advice from The Department of Environment in regard to ongoing environmental approvals under the *Environmental Protection and Biodiversity Conservation Act 1999* has pushed out the timeframe for EPBC Act approvals from 5 years to 10 years for twenty WA fisheries based, in part, on “recent developments made in response to the Marine Stewardship Council pre-assessment recommendations”. This is a significant development towards achieving recognition that EPBC Act requirements can be met by MSC certification obviating the need for duplicate assessments. This will result in considerable cost savings and reduce duplication.

## Risk Management

There are risks for both the industry and Government in aligning with a private third party certification organisation such as the Marine Stewardship Council in the event that the organisation veers away or takes an extreme view of its fisheries management standard.

Whilst the MSC standard adheres to the FAO Guidelines on eco-labelling of marine capture fisheries, given our investment in the MSC we need to be in a position to ensure that the MSC standard and its application remain in accordance with best practice and science.

To ensure that this remains the case, WAFIC was a co-founder of an International organisation- the Association of Sustainable Fisheries. The membership of the Association is made up of MSC certified fisheries from around the globe. Through this organisation WAFIC (and the WA Government) can participate in debates and development of policies and methodology in regard to the MSC standard.

In addition WAFIC has membership of the MSC Stakeholder Council a formal body made up of various interest groups that advises the MSC Board on policies and related matters. The governance arrangements and membership of the Stakeholder Council can be found at <http://www.msc.org/about-us/governance/structure/msc-stakeholder-council>

Recently, given the growth in third party certification schemes and claims of adherence to FAO Guidelines, the formation of the Global Sustainability Seafood Initiative (GSSI) was established by a mix of seafood industry interests, NGOs, fisheries scientists and governments who have determined a benchmark which will measure the adherence of the various third party certification standards against FAO guidelines. This will provide an independent measure of the integrity of third party certification schemes and their claims (see <http://ourgssi.org/>). The MSC has submitted its standard for benchmarking.

## Marine Reserve Planning

The reservation of waters off WA for marine conservation reserves follow two different processes and have different implications for commercial fishers depending upon which jurisdiction their activities occur.

At a State level (out to 3 nautical miles) planning is conducted under State statutes. At a Commonwealth level (3 nautical miles out, sometimes to the 200 nautical mile limit of Australia's exclusive economic zone) planning is conducted under the EPBC Act.

These processes are not aligned and have led to perverse outcomes. For example in the State's Ningaloo Marine Park some zones permit commercial fishing. Abutting those same zones in the Commonwealth Ningaloo Marine Park commercial fishing is prohibited and offshore of this park commercial fishing is again permitted. Commercial fishers are therefore faced with a mosaic of

marine waters in which they can and cannot fish due, to different government objectives for waters abutting each other.

With the proposed network of Commonwealth reserves (if adopted by the Minister) similar outcomes will result, for example in Geographe Bay in the State's south west.

In addition the consultative requirements for planning under both jurisdictions are not aligned and commercial fishers are faced with participating in a plethora of forums with no certain outcomes, subject to the ebb and flow of political considerations. For example the Commonwealth Bioregional Marine Planning initiative has been in the planning process for close to 10 years with a similar time frame for planning for the State's Capes to Capes marine reserve. Commercial fishers caught up in these processes are suffering from consultation exhaustion, shifting goalposts and uncertainty as to their future resulting in great social stress and financial instability in their businesses.

At a State level, compensation for the impacts on commercial fishers for loss of access to fishing grounds is addressed through the *Fishing and Related Industries Compensation (Marine Reserves) Act 1997*, which provides for compensation to affected fishers for the loss in the value of their entitlement due the effects of marine reserves. No such statutory scheme exists at a Commonwealth level. Addressing the impacts on commercial fishers is left to policy positions of Government.

The opportunity in respect to aligning planning processes and methodology has probably been lost. It would be helpful if the issue of displacement and compensation is consistently applied across jurisdictions.

### **Surveillance & Compliance**

A number of jurisdictions run electronic surveillance and compliance programs. These are separately funded and vary in their quality. Given the fast development and increasing sophistication of these tools there is a strong case for surveillance and compliance technology to run through a single service provider. Reducing duplication and spreading the costs over all jurisdictions has the potential to increase effectiveness and efficiency, whilst laying the foundation for a provider that can adjust and build into its systems improvements in this quickly developing technology.

## Appendix 1.

### Toohey Report

Toohey, John et al, 'Report to the Minister for Fisheries by the Integrated Fisheries Management Review Committee: Fisheries Management Paper 165.' (Fisheries Department of Western Australia, 2002)

The inquiry findings and recommendations, and the initial response by the Minister can be found at [http://www.fish.wa.gov.au/Documents/management\\_papers/fmp165.pdf](http://www.fish.wa.gov.au/Documents/management_papers/fmp165.pdf)

The recommendations from the inquiry broke new grounds in addressing this complex issue. These are reproduced below:

#### RECOMMENDATIONS OF THE COMMITTEE

1. The Western Australian Government introduce an integrated management system for the sustainable management of Western Australia's fisheries.
2. The development and funding of a comprehensive research and monitoring program encompassing all user groups is essential to provide the necessary information for sustainability and allocation issues to be addressed under an integrated framework.
3. The Department of Fisheries investigate standardising catch information at five nautical mile grids to provide comparative information across all user groups.
4. The integrated management system must be open and transparent, accessible and inclusive, flexible, effective and efficient.
5. The following nine principles be recognised as the basis for integrated management decisions and, where appropriate, incorporated into fisheries legislation. More specific principles to provide further guidance around allocation decisions may also be established for individual fisheries.
  - (i) Fish resources are a common property resource managed by the Government for the benefit of present and future generations.
  - (ii) Sustainability is paramount and ecological requirements must be accounted for prior to any allocation to user groups.
  - (iii) Decisions must be made on best available information and where this information is uncertain, unreliable, inadequate or not available, a precautionary approach adopted to minimise risk to fish stocks. The absence of, or any uncertainty in, information should not be used as a reason for delaying or failing to make a decision.
  - (iv) A sustainable target catch level must be set for all fisheries and explicit allocations designated to each user group.
  - (v) Allocations to user groups should account for the total mortality on fish resources resulting from the activities of each group, including bycatch and mortality of released fish.
  - (vi) The total catch across all user groups should not exceed the sustainable target catch level. If this occurs immediate steps should be taken to reduce the take within prescribed levels. Management arrangements for each user group should aim to contain their catch within the level set for that group.

- (vii) Allocation decisions should aim to maximise the overall benefit to the Western Australian community from the use of fish stocks and take account of economic, social, cultural and environmental factors.
- (viii) Allocations to user groups should generally be made on a proportional basis to account for natural variations in fish populations. This general principle should not however preclude alternative arrangements in a fishery where priority access for a particular user group(s) may be determined.
- (ix) Allocations are notional – they are not “owned” by a group – however management arrangements must provide users with the opportunity to access their allocation.

6. A working group comprised of representatives from the Department of Fisheries and relevant interest groups be established for each fishery, to undertake widespread consultation and develop a draft sustainability report for each fishery.

7. The Executive Director, Department of Fisheries, approve a Sustainability Report for each fishery, which includes a clear statement on the sustainable target catch level.

8. An Integrated Fisheries Allocation Council be established by statute and be responsible for investigating resource allocation issues and making recommendations on optimal resource use to the Minister for Fisheries

Including:

- (i) Broad allocations between groups within the sustainable catch limits determined for each fishery;
- (ii) Strategies to overcome temporal and spatial competition at a local/regional level;
- (iii) Allocation issues within a sector as referred by the Minister for Fisheries;
- (iv) More specific principles to provide further guidance around allocation decisions for individual fisheries; and
- (v) Other matters concerning the integrated management of fisheries as referred by the Minister for Fisheries.

9. The Integrated Fisheries Allocation Council comprise a chairperson and four Members, not representing sectoral interests in any fishery.

10. The Minister for Fisheries be required to explain publicly any departure from the Integrated Fisheries Allocation Council’s recommendations or advice. This obligation should extend to any matter referred to it by the Minister.

11. The Integrated Fisheries Allocation Council be responsible for determining the process and timeframes for resolving allocation issues in each fishery.

12. The Integrated Fisheries Allocation Council’s recommendations or advice to the Minister for Fisheries should become public at the time it is submitted to the Minister.

13. Where a reallocation of resources from one user group to another results in demonstrable financial loss to an individual, in principle there should be an entitlement to compensation. Compensation may take various forms and does not necessarily involve the payment of money. No compensation should be payable where allocations are reduced for sustainability reasons.

14. Appropriate management structures should be introduced for each user group which will allow for the catch of each group to be contained within its

prescribed allocation.

15. Management arrangements for each user group should incorporate predetermined actions which are invoked if that group's catch increases above its allocation.

16. In recognition of the need for more effective management of finfish fisheries:

(i) Regional recreational plans for the West Coast and Gascoyne regions be implemented as soon as possible, and planning commence for the North and South Coast regions, to provide a more effective framework within which to control the recreational catch; and

(ii) Specific management arrangements be introduced for the commercial wetline fishery, based on the four regions adopted for recreational fisheries, which provide a framework in which the commercial catch can be contained. One of the key access criteria for the wetline fishery should be fishing history prior to the benchmark date of 3 November 1997.

17. Each user group within a fishery should continue to be managed within existing catch ranges until a formal assessment under the new allocation process is undertaken.

18. A baseline of existing catches should be determined for each fishery by the Department of Fisheries based upon the best information available.

19. For integrated management to proceed, the State Government must ensure that sufficient additional funding is made available to:

(i) Provide the necessary levels of research, management and compliance for the sustainable management of fisheries; and

(ii) Ensure the effective operation of an integrated management system.

20. To embrace the principles of integrated management, the required funding package should take a multi-tiered and multi-user approach and be equitable across user groups and include:

(i) Increased contributions from commercial users, including an increase in the level of contribution to the Development and Better Interest Fund;

(ii) Increased contributions from recreational users, including the introduction of a general recreational fishing licence; and

(iii) Additional State Government contribution from the Consolidated Fund to ensure required funding levels are met, in acknowledgement of the significant social and economic values associated with sustainable fisheries.

21. The State Government establish a separate review to determine the basis for the introduction of a general recreational fishing licensing system. This review should include an analysis of social equity considerations (such as applicability, cost, concessions and exemptions) and applicability of the system to provide information on recreational effort, and possibly catch.