pearl producers association
AUSTRALIAN SOUTH SEA PEARLS

# SUBMISSION:
# Productivity Commision Inquiry into the Regulation of Australian Marine Fisheries and Aquaculture Sectors

## 22 April 2016

**via email:**
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# 1. BACKGROUND

## 1.1 THE PEARL PRODUCERS ASSOCIATION

The Pearl Producers Association (PPA) is the peak industry representative body for the *Pinctada maxima* pearling industry licensees in Western Australia and the Northern Territory. PPA membership includes 100% of all pearl licensees, covering all licenses issued under the legislation that operate within the North-west Bioregion.

It is important to highlight that:

- The Pearling Industry is one of the longest continuing primary industries in Australia, and is now the largest aquacultural sector in Northern Australia
- The Australian South Sea pearling industry relies almost exclusively on the harvest of pearl oysters from the Eighty Mile Beach south of Broome, which is a unique environment where a number of different bio-geographical variables combine to produce unique living conditions that are ideal for *P. maxima* oysters. This fishery at Eighty Mile Beach "*is the only remaining significant wild-stock fishery for [wild Pinctada maxima] pearl oysters in the world*."[1] There are no alternative sources of wild stock that are significant enough to support the Australian Pearling Industry.
- Australian *P. maxima* stocks are a demonstrably sustainably managed, resource incorporating quota management system that is administered by the Department of Fisheries Western Australia (DoFWA)[2] and the Northern Territory Department of Primary Industries and Fisheries (DPIF).
- The Australian South Sea pearling industry has a long demonstrable history of responsible and beneficial environmental practices and is proven to be an industry with benign impacts on the environment.[3]
- The production of an Australian South Sea Pearl requires pristine environmental conditions;
- The Australian pearling industry produces Australian South Sea pearls that are of the highest quality and rarity in the world. Not only does the *P. maxima* pearl oyster that is reared in Australia produce higher quantities of pearl making nacre; to produce a quality Australian South Sea Pearl, a wild harvested *P. maxima* pearl oyster must be reared for at least two years in the clean, nutrient rich tropical waters of NW Australia, using reliable husbandry systems. Cultured pearls that are grown in other parts of the world are not able to combine all these variables to produce pearls of comparable quality or rarity.
- The quality of the environment in which they are harvested and grown, their limited availability and the rarity of the Australian South Sea pearl, results in Australian pearls being of the highest quality and commanding the highest prices in the world.

## 1.2 INQUIRY INTO THE REGULATION OF AUSTRALIAN MARINE FISHERIES AND AQUACULTURE SECTORS

The PPA notes that in the Inquiry into the Regulation of Australian Marine Fisheries and Aquaculture Sectors the "*Commission is to have particular regard to impediments to increasing productivity and market competitiveness of the Australian fishing and aquaculture industries*."

[1] A. Hart, D. Murphy and R. Jones. (2015). Pearl Oyster Managed Fishery Status Report. In: Status Reports of the
[2] Ibid.
[3] J.E. Jelbart, *et al*., (2011) An investigation of benthic sediments and macrofauna within pearl farms of Western Australia. *Aquaculture*. Vol 319: 466-478 (October 2011) http://dx.doi.org/10.1016/j.aquaculture.2011.07.011

Other than the listed Terms of Reference for the Inquiry, the PPA notes that although "*the primary focus of this review will be on Commonwealth, state and territory regulation of wild capture marine fisheries*" (notwithstanding previous inquiries and reports relating to the framework and practice of regulations applied to Australian aquaculture including the 2004 Productivity Commission Report *Assessing Environmental Regulatory Arrangements for Aquaculture*), the PPA notes that aquaculture is not outside the terms of reference of the inquiry. The PPA supports this approach, and surmises that within the pearling industry, which comprises both wild harvest and aquaculture, an inquiry that does not incorporate both components would be less robust.

### 1.3 THE PPA SUBMISSION TO THE PRODUCTIVITY COMMISSION'S INQUIRY

As the peak representative body for the Australian South Sea (*Pinctada maxima*) Pearling Industry, the PPA welcomes the opportunity to participate in the Productivity Commission's inquiry into the regulation of Australian Marine Fisheries and Aquaculture Sectors.

The PPA acknowledges the Commission's receipt of submissions from the Western Australian Fishing Industry Council (WAFIC), the National Aquaculture Council (NAC), Northern Territory Seafood Council (NTSC) and the Western Australian Department of Fisheries (DoFWA).

The PPA supports many of the points and issues raised in these above submissions including:

- Proprietary Interest Based Marine Natural Resource Management: The Western Australian Aquatic Resources Management Act [Bill] – the ARMA – when it is passed will formally provide for and recognize proprietary commercial rights to marine resources (such as *Pinctada maxima* pearl oysters) which traditionally have been managed as a public *res communis* type resource. This 'commons' proprietary approach has proven to be less effective in a resource management context than quota based systems that provide clear rights and obligations for all parties. The *P. maxima* pearling industry looks forward to the passing of this Act (which will repeal the Pearling Act 1990) and the subsequent installation of the clear proprietary rights based management system that it will formalize. Along with WAFIC and DoFWA, the PPA seeks formal National recognition of proprietary interest based marine natural resource management systems, that provide certainty and clarify proprietary rights, entitlement and tenure, and provide for an inclusive fisheries management framework that is flexible and certain enough to invigorate and apply management approaches such as the ecosystem approach and the ESD (Ecologically sustainable development).

- 3rd Party Marine Environmental Certification and EPBC Equivalency: The Western Australian Government has invested substantially in the Marine Stewardship Council (MSC) third Party certification of its fisheries, as a means of independently assessing and demonstrating its fisheries resource management and marine environmental stewardship against a globally accepted standard. The *P. maxima* pearling industry has embraced this opportunity and is currently undergoing assessment against the robust and science based MSC Fisheries Standard for our Western Australian and Northern Territory P. maxima stock, and upon certification will be the first 'gem' in the world to be certified sustainable by MSC. The MSC certification process, which is based on the demonstration of stock management outcomes, environmental stewardship and fisheries management and

governance, overlaps significantly with the EPBC certification framework and it may be argued that with respect to the environmental management component, the MSC process is more independent and comprehensive. Along with WAFIC and DoFWA, the PPA supports the development of an equivalency or partial equivalency that recognize some 3rd party certification determinations as being equivalent to similar determinations (such as MSC) made as part of the EPBC certification process pursuant to the Environment Protection and Biodiversity Conservation Act (EPBC) 1999.

- National Harmonisation: The PPA recognizes issues and challenges with respect to the tension between national legislative and regulatory harmonization and the danger of imposing 'one size fits all' rules. The PPA supports the movement by many Govt. Departments to ensuring that requisite flexibility remains within a harmonized management framework but setting outcome requirements, which embrace industry specific conditions, industry specific responses, management measures and industry specific innovation (e.g. Australian Maritime Safety Authority [AMSA] vessel safety systems and SafeWork Australia [SWA] OH&S systems such as the model work health and safety diving regulations).

In this submission the PPA will not discuss issues outlined above in any depth; rather, the PPA will provide discussion on issues and challenges with respect to marine environmental spatial management, including cross/multi jurisdictional environmental oil and gas legislation and marine reserve spatial planning processes.

# 2. PPA SUBMISSIONS

## 2.1 CROSS/MULTI JURISDICTIONAL ENVIRONMENTAL LEGISLATION

In recent years oil and gas activity (Especially in Northern and North-Western Australia) is interacting increasingly with other pre-existing interests (fisheries) and various marine ecosystems as oil and gas exploration moves more and more coastward.

Recently oil and gas exploration applications have been made for marine areas (even those outside released acreage pursuant to a Special Interest Authority (SPA)) coastward of the 50m isobath, in remote areas of significant ecological significance like Western Australia's Eighty Mile Beach. During 2015-16 the Pearl Producers Association opposed an application that proposed to conduct seismic surveying in waters as shallow as 30m, on top of *P. maxima* broad stock in the absence of agreed determinative science and an inclusive transparent risk assessment process.

In accordance with the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGSA) and the OPGGS Regulations 2009 (which are promulgated pursuant to the Act), an applicant does not have to include pre-existing affected parties (other than through a process of consultation). The PPA submits that this is sub-optimal and inconsistent with principles of effective natural resource management and ecologically sustainable development (ESD).[4]

The PPA submits that a review of cross/multi jurisdictional environmental legislation (especially in the marine environmental space) with a view to provide a more transparent, inclusive and environmental effects based process would improve environmental outcomes and improve interactions between the users of the same or overlapping marine space.

### 2.1.1 Environmental Regulatory Framework: Offshore Petroleum and Greenhouse Gas Storage (OPGGS)

The PPA submits that there is a clear need for a marine environmental regulatory framework that is transparent, precautionary and science based, where precaution is based on a transparent, inclusive, multi-party risk based assessment to ascertain the level of acceptability; and an environmental impact threshold that is greater than ALARP ('*as low as reasonable practicable*').[5]

Currently, the OPGGS regulatory framework is applicant centred; where the applicant (or Titleholder) is responsible for demonstrating ALARP and the Regulator (National Offshore Petroleum Safety and Environmental Management Authority or NOPSEMA) is responsible for denoting 'acceptability' based on information provided (including as a result of mandatory direct consultation on the part of the applicant) by the applicant. The framework is not effects based, it does not recognize pre-existing affected/impinged interests nor does it provide for affected parties to be a formal participant in the process other than as a consulted party.

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[4] See s3A Environment Protection And Biodiversity Conservation (EPBC) Act 1999

[5] R 13(5)(c). Offshore Petroleum and Greenhouse Gas Storage Regulations 2009 (Regulation 13 of the OPGGS Regulations provides for the assessment of the Environment […] (5) *The environment plan must include:* […] *(b) an evaluation of all the impacts and risks, appropriate to the nature and scale of each impact or risk; and (c) details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable and an acceptable level.*

It is the PPA's submission that the environmental threshold of ALARP is increased, and that 'acceptability' is determined according to an inclusive and transparent ecological risk assessment (ERA) methodology among other things, which makes determinations of environmental impacts, risks and effects through consensus.

### *Acceptability*

The PPA acknowledges that while such an open and inclusive impact and risk assessment approach maybe cumbersome and laborious in the beginning, where consensus at first blush may seem hard to achieve, examples in Australia and abroad show that these assessment processes provide increased confidence in assessment determinations (including information gaps) down the track, increased ownership by all parties involved of the outcomes, and exponentially improved environmental effects management.

### *ALARP*

Regulation 10A of the OPGGS Regulations 2009, requires an environment plan:

> *(a) [to be] appropriate for the nature and scale of the activity; and*
> *(b) demonstrate[-] that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable; and*
> *(c) demonstrate[-] that the environmental impacts and risks of the activity will be of an acceptable level*

The PPA submits that as a result of inadequate risk identification and without ascertaining with any scientific certainty the nature and scale of the risks and impacts it is not possible to reduce or mitigate any risk of adverse effects and reduce adverse impacts to '*as low as reasonably practicable'* with any degree of certainty as is a requisite component of any EP required by the OPGGS Regulations.

It follows that with a lack of understanding as to the nature and scale of any impact or risk as a result of an activity, it is simply not possible to produce or set measurable *environmental performance standards* or *environmental performance outcomes, or indeed manage to ALARP* just as night follows day. In order for OPGGS to be consistent with the EPBC[6] a precautionary threshold (e.g. '*as low as reasonably possible'*) would better serve environmental incomes without undermining sustainable use of natural resources.

### *Conclusion*

The PPA submits that a requirement for applicants to expressly include relevant stakeholders with pre-existing affected interests in the assessment of impact and risk, and in the determination of the nature and scale of that risk to underpin OPGGS 'acceptability' requirements, which is not only in line with OPGGS regulatory intent, it meets the requirements of s3A(a) and s3A(b) EPBC Act 1999 which outlines its principles of ESD.[7]

To date the lack of the implementation of policy that provides a meaningful environmental threshold and requires the inclusion of affected parties (that is best practice and inline with other Commonwealth and State Departments) in the

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[6] See section 3A EPBC Act 1999.

[7] S3A The following principles are *principles of ecologically sustainable development:*
(a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations; (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing; […]

determinative environmental effects process, especially in highly used coastal and ecologically significant environments is extremely noticeable, and increasingly questionable.

### 2.1.2 Environmental Regulatory Framework: Dept. of Industry and Science Offshore Petroleum Exploration Acreage Release Process

Each year the Department of Industry, Innovation and Science (the Department) provides areas that have been nominated for inclusion in the annual acreage release predominantly by industry participants, which have been vetted by GeoScience Australia and the Department for the Environment. This 'consultation does not formally include stakeholder comment.

Like NOPSEMA, the Department's administration of offshore petroleum operations beyond designated state and territory coastal waters are governed by the OPGGSA and associated Acts and Regulations. Furthermore within this legislative and regulatory framework, are a series of Joint Authority arrangements between States/Territories and the Australian Government.

As communicated on the Department's website:[8]

> "*The Joint Authority makes the major decisions under the OPGGSA concerning the granting of petroleum titles, the imposition of title conditions and the cancelling of titles, as well as core decisions about resource management and resource security*."

Within the OPGGSA legal framework and the Joint Authority, petroleum exploration is further governed by Offshore Constitutional Settlement (OCS) and the division of constitutional State/Territory and Australian Government responsibilities.

It is the PPA's submission that within this legislative/regulatory framework there is ample room to formalise consultation provisions with respect the denotation of marine areas that have been nominated for inclusion in the annual acreage release. We note that this year the Department shared their draft release with other users (including the PPA) and the first time we were able to communicate to the Department that the proposed draft acreage that was to be released for comment was situated on top of the World's last commercial *Pinctada maxima* beds. The department incorporated this information into the annual release and in addition allowed the PPA to post a special notice. This was a fabulous outcome, and an example of inclusiveness and consultation at work. However these arrangements are not formalised.

In addition and outside the acreage process, petroleum exploration may occur under a Special Prospecting Authority (SPA) for exploration granted at the National Offshore Petroleum Titles Administrator's (NOPTA).[9] This authority expressly provides the grantee with authority to explore (and even drill) in vacant acreage (that is acreage which is not covered by an exploration permit, a retention lease, a production licence, or a greenhouse gas permit or licence as defined under the OPGSSA) and therefore outside any formal or informal consultation obligations.

[8] http://www.industry.gov.au/resource/UpstreamPetroleum/OffshorePetroleumRegulatoryRegime/Pages/default.aspx

[9] Part 2.7 (ss 229-237) Offshore Petroleum And Greenhouse Gas Storage Act 2006 [also see S105 - Petroleum And Geothermal Energy Resources Act 1967]

The PPA submits that given the public acreage release process, the discretionary grant of a SPA that exists outside this process is opaque, problematic in a multi-users context and undermines stakeholder confidence in the acreage bidding process. In addition it provides a perception to other more regulated marine spatial users that some industries can 'just go where they want.' While the PPA recognises the need for flexibility, and the need for exploration to be undertaken to underpin the annual acreage process but even so, there is also a clear need for a SPA and its potential impacts on the operations of other interests to be subject to some of the obligations (express and implied) that are required within the OPGGSA framework, like consultation (especially with respect to a special notice and to other parties with an 'interest greater that that of the general public').

## 2.2 MULTI JURISDICTIONAL SPATIAL MANAGEMENT PROCESS

### 2.2.1 State and Commonwealth Marine Reserve Spatial Planning

The PPA supports the WAFIC submission with regard to disparate state and commonwealth marine reserve processes and outcomes. In Western Australia the Marine Reserve process differs markedly to the commonwealth approach, and it follows that the spatial outcomes of these processes also differ markedly, which have different implications operationally.

The WA State Marine Park process is undertaken according to state legislation and is administered by the WA Department of Parks and Wildlife (DPAW). This process is underpinned by wide engagement and consultation, and the expertise of a State Department applying local knowledge in the context of science and activity based assessment has produced acceptable marine spatial outcomes. This contrasts markedly with the Commonwealth Marine Reserve process.

The Commonwealth Marine Reserve process which is undertaken in accordance with the Environment Protection and Biodiversity Conservation Act (EPBC) 1999, is overly complicated, non-transparent, not-demonstrably science based, and political. Its terms of reference were retrofitted and don't fit the nature, scale and scope of the spatial outcomes.

### 2.2.2 Case Study: Eighty Mile Beach Commonwealth Marine Reserve

The recent (5 yearly) Commonwealth Marine Reserves review (CMRR) was undertaken by an Advisory Panel which was tasked with making spatial determinations in a bioregional context after a consultation road show and written submissions.

The CMRR Terms of Reference were limited in scope to the provision of the following:

- Options for zoning, and zoning boundaries, and allowed uses consistent with the Goals and Principles;
- Future priorities for scientific research and monitoring relating to marine biodiversity within the marine reserves, especially any relating to the understanding of threats to marine biodiversity within the marine reserves.
- Options for addressing, the most significant information gaps hindering robust, evidence-based decision-making for the management of the marine reserves.

As well as the provision of the following with respect to Bioregional Advisory Panels:

- Advice on areas of contention with the marine reserves
- Advice on options for zoning boundaries to address those areas of contention
- Recommendations for improving the inclusion of social and economic considerations into decision-making for marine reserves, with particular regard for their management
- Suggestions for ongoing engagement of regional stakeholders.

The determinations made by this Advisory panel for Ministerial signoff still pending were not put out for general consultation, rather they were released in an 'update meeting' where affected parties (all of them in the bio-region) learned in the same meeting in the space of 45 minutes what the draft spatial determinations were and what they meant to each affected party. The PPA expressed real concern with this method of release, the lack of consultation and the lack of capacity to respond. We wrote the Panel a letter:

> "[…]
>
> *The Pearl Producers Association (PPA) appreciated the opportunity to meet with the Panel (30 July 2015) and discuss the Panel's initial determinations with respect to the Commonwealth Marine Reserves in the North West Bioregion.*
>
> *We are disappointed that apart from the meeting there is no other opportunity for affected parties such as the PPA to reasonably consider the effects and ramifications of the Panel's determinations and express our concerns. As I advised, notwithstanding the notes taken by the panel at the time in today's meeting, the PPA would like to provide the panel with a letter that outlines our additional concerns after having the luxury of a few hours to consider the panel's proposals.*
>
> *The Panel's determinations with respect to two of the three Commonwealth Marine Reserves that expressly affect pearling (the Eighty Mile Beach and Roebuck Bay Marine Reserves that initially were both zoned as IUCN Category VI 'Multiple Use Zones') have raised a number of issues that affect the Pinctada maxima (pearl oyster) resource and the pearling industry.*
>
> *The PPA notes that pearling activity has been undertaken in these areas continuously since the 1800s, and it follows that there is a legitimate expectation for both the continuation of pearling activity as it always has in those areas, and due recognition of pearling by the Commonwealth Marine Reserve Network as an activity of national significance and the dominant activity within those areas. Currently pearling is afforded this recognition by the network. The PPA submits that the environmental credentials of pearl producers as a result of the 'harvest by hand' fishing method, demonstrable sustainable fisheries management and low risk ecosystem and habitat effects demonstrates how well placed the pearling industry is to co-exist with the objectives of the Commonwealth Marine Reserves in the North-West region.*
>
> *The PPA notes that other sectors (including ports and the demersal trawl sector) and their activities have been provided with due recognition by the Commonwealth Marine Reserve Network, with IUCN Category VI Special Purpose Zones that provide for the continuation and protection of their activity*

*vis-à-vis the activities of other marine users. The PPA asks that the Panel consider the same for the pearling sector and the activities that are associated with pearling. We note that IUCN Category IV Habitat Protection Zones, while providing enhanced protection to the P. maxima resources within their natural habitat, do not expressly recognize or provide for pearling as the dominant, continuous activity within the marine reserve, nor does the designation guarantee the practice or continuation of pearling activity and ancillary activities. The PPA submits that in fact a Category IV Habitat Protection Zone actively moves away from the purpose provision of pearling and makes the primary purpose of the zone about protecting representative habitat*."

With respect to the Eighty Mile Beach Commonwealth Marine Reserve (EMBMR) (which partially covers the Pinctada maxima resource at Eighty Mile Beach), the advisory panel advised that their initial attempts to re-designate the EMBMR as an IUCN Category IV Habitat Protection Zone were unsuccessful due to the presence of the Pilbara Trap Fishery, and the need to compensate them if they were to be displaced.

We reiterated that during the consultation process, (in a meeting with the Panel and in a clear written submission) that we didn't even seek IUCN Category IV Habitat Protection Zone, rather the PPA proposed that the current IUCN Category VI Multiple Use Zone designation be changed to an IUCN Category VI Special Purpose Zone (Pearling). We submitted that because exclusion is confined to high impact activities, a special Purpose Zone (Pearling) would not affect other users such as those taking resources according to customary, recreational or low impact fisheries (e.g. Pilbarra Trap fishery). We further explained that an IUCN Category VI Special Purpose Zone (Pearling) would exclude only the high risk and high impact activities of demersal fishing, oil and gas and mining.

We note that the Panel had already designated a number of areas as IUCN Category VI Special Purpose Zones (e.g. scallops, demersal trawl, ports) after balancing the specific requirements of some entities and the needs of other marine users. We noted the unique commercial significance (e.g. including that it is the only area in the world that supports the world's only commercial *P. maxima* pearl oyster fishery) of the Eighty Mile Beach, including a West Kimberley Heritage listing, and its ecological significance as outlined in the DPAW-WA EMB Management Plan which notes:[10]

"*Flatback turtles are endemic to northern Australia. The waters of the proposed park are important to support foraging flatback turtles, and nesting occurs on Eighty Mile Beach in November-December. Eighty Mile Beach is also regarded as one of the most significant areas in Australia for migratory shorebirds within the East Asian-Australasian flyway and is listed as a wetland of significance under the Ramsar Convention. Birds in the flyway migrate from breeding grounds in northeast Asia and Alaska to Australia and New Zealand. Ninety-seven different species of shorebirds have been recorded, including 42 species listed under international conventions for the protection of migratory species. Many of these feed almost exclusively in the vest intertidal flats of the proposed marine park. The plan proposes management actions focusing on key biodiversity values, including marine turtles, shorebirds, and intertidal sand and mudflat communities*."

[10] DPAW (Western Australia) Eighty Mile Beach State Marine Park Indicative Plan (Sept 2011. Page iv).

In the PPA's letter to the panel we pointed out that indeed "*a sizeable IUCN Category VI Special Purpose Zone (Demersal Trawl) was designated north of the Rowley Shoals within the Argo-Rowley Terrace Marine Reserve to provide for the scampi fishery*." The PPA also submitted that the pearling industry had a legitimate expectation to have the same or greater recognition provided to our industry after years of continuous environmentally responsible and sustainable pearling activity in Roebuck Bay and Eighty Mile Beach, a unique and iconic Australian species located in one location only (Eighty Mile Beach). We also demonstrated that along with the Pilbara Trap (a small fishery that would not be affected), and oil and gas prospecting/exploration, the *P. maxima* resource was the only sizeable industry in the area and that given its importance socially as well as environmentally, required express protection and provision.

With respect to the inclusion of low impact activities (Pilbara Trap fishing and pearling) and the exclusion of high-risk activities (Demersal Fishing, Mining and oil and gas activity) with a proposed IUCN Category VI Special Purpose Zone (Pearling) Commonwealth Marine Reserve, the PPA wrote:

> "*Given the ecological significance of the region, it would seem that the designation of the CMRs as multiple use is inconsistent not only with the [CMRR] objectives of biodiversity and habitat protection, but also with the risk assessment framework that unpinned their establishment. IUCN category VI Multiple Use Zone CMRs prohibit demersal fishing but permit mining and oil and gas extraction. The PPA notes that where the former was never a feature of any of the NW Region CMRs and therefore of low consequential risk, Oil and gas activity poses substantial risk to the biodiversity of the CMRs and yet is expressly provided for. This would seem counter-intuitive*."

For the record the PPA reiterates the point raised in the WAFIC submission that illustrates that in a State context, compensation for commercial fishers for displacement and loss suffered as a result of diminished marine access [to fishing grounds] is available pursuant to the Fishing and Related Industries Compensation (Marine Reserves) Act 1997.[11] The PPA submits that no such Commonwealth statutory compensation framework exists for those affected parties who can demonstrate real and consequential loss due to displacement and preclusion from exercising the benefit of their entitlement.

## Upshot

The opportunity to align spatial management processes that optimise spatial outcomes, which are based on science, historic use patterns, resource access priorities and the results of meaningful engagement and consultation, still stands.

[11] See s 4 Fishing and Related Industries Compensation (Marine Reserves) Act 1997 - which provides an entitlement to compensation under this Act with the (b) coming into operation of an order under section 13(1) of the [Conservation and Land Management (CALM) Act 1984] constituting or adding to a marine nature reserve or marine park; […] (d) the classification of an area of a marine park by notice under section 62 of the CALM Act as — (i) a sanctuary area; (ii)a recreation area; or (iii)a special purpose area which, or that part of a special purpose area which, the CALM Minister has declared in the notice to be an area where a commercial activity specified in the notice would be incompatible with a conservation purpose specified in the notice.

## CONCLUSION

The PPA supports the Inquiry into the Regulation of Australian Marine Fisheries and Aquaculture Sectors and asks that our following submissions be provided with due consideration.

The PPA is happy to enter discussions on several issues raised in our submission or in response to any matters raised in this submission, should it be helpful.

Yours sincerely,

Aaron Irving
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