



**Australian Government**  
**Productivity Commission**

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**PRODUCTIVITY COMMISSION**

**INQUIRY INTO MARINE FISHERIES AND AQUACULTURE**

**MS M CILENTO, Presiding Commissioner**

**TRANSCRIPT OF PROCEEDINGS**

**AT BRISBANE**  
**ON WEDNESDAY, 12 OCTOBER 2016 AT 2.07 PM**

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5 **MS CILENTO:** Welcome to the public hearings for the Productivity Commission inquiry into marine fisheries and aquaculture. My name's Melinda Cilento. I've met most of you, I think. I'm the Presiding Commissioner for the inquiry. Can I start by acknowledging the traditional owners of the land on which we meet, the Turrbal people, which I hope is the correct pronunciation, and it would be remiss of me not to acknowledge, given today's topic, that they are fishing people who require - made their living, amongst other things, off the Brisbane River, so I think that's pertinent to what we're talking about today.

10 Matt? Where's Matt gone? Emergency evacuation procedures? Do we know?

15 **ASSISTANT:** (indistinct) I assume. (indistinct)

20 **MS CILENTO:** I'll work - I'll keep going. Do you want to just ask the front desk? As most of you would be aware, the inquiry started at the end of last year with terms of reference issued to us by the Treasurer, Scott Morrison, which were issued on 23 December 2015. The draft report was released in August and the purpose of these hearings is to seek the views of the public and others on the Commission's work and the recommendations as outlined in the draft report.

25 Following these hearings, we will be conducting hearings in Canberra later on this week, on Friday, and we'll also be conducting hearings in Fremantle on Monday next week. The final report is due to be presented to the government in December of this year, and those of you who have registered an interest will be automatically advised when the final report is released by the government, which may be up to 25 parliamentary sitting days following our presentation of it to the government.

30 I will come back with our safety evacuation procedures in a minute. These hearings we like to conduct in a fairly informal manner, but I should remind you all that there is a full transcript that is being taken of today's proceedings, and therefore comments cannot be taken from the floor. Sorry, would you like to just - - -

35 **ASSISTANT:** Yes, sorry. I'm (indistinct) before we start, I guess, on the evacuation procedure here at the property. Should we need to evacuate, we've actually got a hard-wired fire panel, which will give either two tones: an investigative tone, which is just a dim beep, roughly 10 seconds in between with a voice that will say, "We are investigating the problem, remain calm," or we have a full-scale emergency evacuation tone. If you hear that, best thing to do is head back up to reception, up the stairs here if that exit is clear. If the hazard is in that immediate area you can proceed

5 directly out through this exit here (indistinct) or out here and around to your left (indistinct) and immediate right through the next double doors, and that will take you to our fire assembly area, which is as you come around to the front of the reception, straight across the road there's a park, and that's where we'll assemble.

**MS CILENTO:** Okay. Thank you.

10 **ASSISTANT:** Yes. Any questions? No? All good. Thank you. Enjoy your afternoon.

15 **MS CILENTO:** Thank you. So as I was saying, a full transcript is being taken, so there will be no - there's no opportunity for comments from the floor. You're not required to take an oath as a participant, but of course the expectation is that you will be truthful in your remarks.

20 Participants are, of course, welcome to comment on both the recommendations and findings of our report or any other submissions which have been made publicly available on the website. Transcripts will be made available to participants and will be available from the Commission's website following the completion of all the heroes.

25 So I think that's about all of the formalities out of the way. The first participant today is Stephan Schierer from Southern Cross University.

**MR SCHNIERER:** Up here, or - - -

**MS CILENTO:** Yes, please.

30 **MR SCHNIERER:** Okay.

35 **MS CILENTO:** It assists in recording. If you wanted to just introduce yourself, and then - given we've got a reasonable time, but these things always go longer than we expect, so I think the focus is very much on what you'd like to say in response to the draft report, if that's all right.

40 **MR SCHNIERER:** I'll watch their eyes when they're going. I'll try and remember. Is this one on? How's that? Can you hear me? Just there - there's okay, thank you. Get the glasses. I now have to wear them these days.

45 So yes, before I say who I am, I also too would like to acknowledge the Turrbal people as the traditional owners of this area, particularly the elders past and present, and acknowledge, as the Commissioner did earlier, the important role that Aboriginal and Torres Strait Islander people and

Indigenous Australians have played and still play in the management, sustainable use and sharing of the benefits that come from the exploitation of biological resources in the respective estuary, marine and freshwater country. And I would also like to acknowledge the presence of traditional owners from (indistinct) who are going to make a presentation after me.

I would like to congratulate the Commission on its efforts to address Indigenous cultural fisheries within the scope of the review, first and foremost because it serves to further raise the broader Australian public awareness to the existence of the Indigenous fisheries and the special nature and associated rights. For too long one of our problems with furthering any of these issues has been around the invisibility, so to speak, of Indigenous cultural fishing.

So yes, I'm Stephan Schnierer, Stephan Schnierer, adjunct position at Southern Cross University, where I work in the - I previously worked in the Environmental Science Management School teaching fisheries management, fisheries biology, that sort of thing. And currently I'm a member of the New South Wales Fisheries - sorry, the New South Wales Ministerial Fishing Advisory Council, the peak body in New South Wales, the New South Wales Aboriginal Fishing Advisory Council, the Indigenous Reference Group For Fisheries Research and Development Corporation, which invests in research into Indigenous fisheries, the - and a number of other committees. And have been on various committees over many years advocating for Indigenous rights in biological resources, particularly in aquatic environments.

So I have a long experience in seeing, in that space, the sorts of problems that we face in trying to further our rights. I think that's enough from me. What I would like to do is just move on to a couple of the issues that I wanted to talk about. Some of them are specific and some of them are broad, but in relation to the recommendations, in particular in section 5, I find that my views align with quite a few of those, but there are some that I think are problematic.

I think it's a very important move for customary fishing to be recognised as a third sector, or the first sector, actually, in its own right. This has been happening, and I'll say anyway, for a number of years, but through this inquiry, this further establishes that importance and emphasises the existence of the fishery.

The idea that the Indigenous sector should be afforded priority in any sort of sharing of the fish pie that's out there I believe is essential. It recognises the primacy of the first fishers in this country and the fact that for many, many years people accessed these resources in a manner that, as

far as we can see, didn't lead to the depletion of those stocks. It's a fishery that was here when Europeans first came, had been here for a long time, and it should be treated as the first fishery.

5 And it would be lovely at some point in the future to see that other fisheries in this country, non-Indigenous, say recreational and commercial fisheries, are proud to be part of that long fishing history through their support as stakeholders in the management processes in this country.

10 In terms of the recommendations around customary allocation and management approaches, I think the - what's recommended is good, but it needs to be developed in close consultation with Indigenous communities, the way allocations happen and how the management associated with those allocations unfolds.

15 And finally in terms of the recommendations that customary fishing be allowed for commercial purposes, I think Akiba has shown the way and we're going to see more examples of this across the mainland, so it's about time that that one came in from the cold, and I fully agree with the  
20 Australian Law Reform Commission's recommendation that the Native Title Act should be changed to reflect this and that Indigenous use of biological resources should have a commercial component to it.

25 One issue that's a little problematic for me, in relation to linking the definition of customary fishing to native title, is the potential for those - a fairly substantial proportion of people out there who are going to have difficulty either - or not be able to show that they do have native title or part of a native title determination. And if you can remember back to the days when the legislation came in, there was - the package that came to  
30 address the Mabo was three pronged, and one of those prongs was a social justice package to address those very people who had sought but did not have access to native title.

35 So I think that's an issue we need to think about if we're going to try and couch any definition of customary fishing purely in terms of native title. It's important for native title owners, mind you. In terms of entitlement, how should they show their entitlement? I think this has to be through internal governance processes at the local level. People - communities need to determine what they believe - who is entitled in their area to fish.

40 In relation to tradability and transferability, I think that's - it's problematic to say it shouldn't be tradeable or transferable. I mean, from my understanding, our communities always had arrangements with near neighbours and people afar to be able to share the resources that they were  
45 harvesting with other communities, and so the ability, perhaps, to trade

and transfer any sort of commercial allocation is important for communities.

5 The last point, I think, that we're still dealing with a fishery where there's  
a real lack of data or information. Our mobs would probably say, "We  
don't need it, we know what we're doing, we're doing it right." In the real  
world, we are dealing with fisheries agencies, the broader public, who  
want to see more than just that assertion, so we have to come to terms  
10 with the need also to generate that data, and I can see some importance in  
making sure that we have, where it's needed, quantitative data on catch  
and those sorts of things.

**MS CILENTO:** Just on that last comment, have you got any suggestions  
or views about how best that might be done? I mean, we've proposed a  
15 survey which would be broader than just touching on Indigenous  
communities, but as regards specifically the Indigenous take, I mean, have  
you got views on how that might be managed?

**MR SCHNIERER:** It has been attempted in 2001 when there was a  
20 national recreational and Indigenous survey. But that was problematic. It  
focused pretty much on the north - - -

**MS CILENTO:** Yes.

25 **MR SCHNIERER:** - - - of the country, and the methodology that was  
used doesn't necessarily match with the way people do business, but there  
was some data that came out of it, and I see that data actually being used  
around the country and other places to inform the development of fisheries  
management strategies when it is very northern-focused. So that's an  
30 issue.

I believe that - the kind of research that needs to be done has to be more  
than just, "We are collecting data from communities." It has to be a two-  
way process so that we engage communities, so we can get this kind of  
35 information, but also help to build capacity, and at the same time learn  
from communities about the fishing that's happened.

So the type of research, it's complicated, it does take time and resources.  
I have completed a research project in the Tweed where we went out to  
40 explore what's the best way to collect some data like this. It was  
incredibly intensive. We are now - when I say "we", the Indigenous  
Reference Group, the FRDC, is looking at prioritising that this year,  
coming back and saying, "Right, we need to maybe run some workshops  
to see how we can do quick surveys and they're not too resource intensive  
45 compared to the sort of research we've been doing," which is on the

ground, face to face, lot of negotiation, and work out whether somewhere within that space there is a way of trying to collect some broad level data initially, and then using that as a launching pad to go and drill down and do further research.

5

It is a - it hasn't left our agenda, it's just a very tricky one, because it does - if you want to do it properly, it does require quite a bit of resources. And we've done one at the Dee where we just go into communities and take stuff and then generate something that comes back to haunt them in the form of, you know, management tools or whatever that strip their catch. This thing keeps falling down.

10

**MS CILENTO:** What's the capacity - I mean, one of the things that we sort of explored in the report was - or referenced was the role that ranger programs can play in facilitating that sort of two-way knowledge flow, if you like, including trying to use those programs as a means of more systematically incorporating traditional customer knowledge into fisheries management practices.

15

Is it able to be used also - would those programs be able to be used effectively in a data collection sense as well?

20

**MR SCHNIERER:** I think there's potential. I mean, up in the north again the rangers have been supplied with electronic devices now to record species that they see, so there is data collection going on. My only worry with it is that you're bringing together a range of activities in the fisheries management space which is - they're a bit involved with compliance and that kind of thing. They're also now looking at - we get them to collect data. We end up adding more and more things to what their tasks are, and it does - and it sort of might make sense to us from the outside, but I wonder what the impact is on individuals and their workloads, and I think that has to be thought about if we're going to go down that path.

25

30

I mean, as a person that's been out and collected data, I find that just a full-time job in itself without also - but because that's in place it's something we should actually look at and explore. And it has been tried, from what I've heard, by the NAILSMA did some tracking stuff with sea rangers where they were collecting data. But it needs to be made easy to do, I think, and manageable.

35

40

**MS CILENTO:** Well, one of the things that it won't surprise you to know is - I'm sure you're aware of it is already, is that, you know, when we were talking to people and there was - particularly around the issue of priority of allocation for customary fishing, one of the issues that does

45



come up is how people identify or are able to be identified as having a right to access fisheries for customary purposes, and I think we're agreeing - we agree with you in the sense that it needs to be a process which is managed by community.

5

Are there examples that you could point to where you think that is being well done?

**MR SCHNIERER:** Well, I mean, I'm not familiar with all of Australia. But I think we've explored this idea in New South Wales through the project we're doing in the Tweed where compliance officers were faced with Indigenous people on the beach with a larger bag limit than allowed to have saying that they were Aboriginal cultural fishers but they were not recognisable to compliance officers in that area because they were pretty much familiar with most of the community, and they had to come to the local land council to ask if they knew of these people.

So when we were doing our research, we explored this whole idea that if you had the ability to develop your own fisheries management plan and perhaps play a role in implementing it, what would be - how would you address this? And it was difficult. I think the community didn't come to a final conclusion on it other than they would need to just discuss it further, how would you manage that.

Because in New South Wales we have cultural fishing as well as native title fishing as well as (indistinct) some who are recreational Indigenous fishers and some who are commercial Indigenous fishers, so that they are classified in all sorts of ways, and how would you identify, you know, someone coming from over the range to fish on their country, should they have the same rights as the local people have in terms of the bag limits?

The New South Wales approach has been to have a one size fits all cultural bag limit, which makes it easy, and then anyone can fish at that limit anywhere, but it potentially creates problem for native title owners that someone does come into their area and fish at a much higher level than the recreational fishers.

But - I'm sort of losing my train of thought here. But coming back to, I think, that validation of who is who in the (indistinct) needs to be done through mechanisms developed by local communities, let them discuss it. They may come to the conclusion that you don't need something like that, or they may be even harder on it, so I can't give you an answer right there.

**MS CILENTO:** No, that's fine.

45

**MR SCHNIERER:** Maybe the mob over here have got some ideas on that.

5 **MS CILENTO:** I can pick them - pick their brains later. One final question, if I can. I think in some of your correspondence with the Productivity Commission, one of the issues that you'd raised with us was the concept of value and how we ought to think about value, and I was wondering whether you just wanted to sort of put your thoughts on that on the record.

10 **MR SCHNIERER:** Yes. I'd like to. I've got a couple of other ones too, other than value, but - - -

15 **MS CILENTO:** Sure, yes.

20 **MR SCHNIERER:** And I think the - apart from the recommendations and what's been there, what I wanted to just briefly touch on were a couple of things that I think are about - I mean, regulation's the pointy end, perhaps, of fisheries management, and it's the overarching structures and institutions leading to those regulations that I think we need to do a lot of work on, because it's one thing to think about how can we fix regulation up to make it easier and do whatever, but if the overarching system generates those kind of regulations then we're always going to have those kinds of problems, and so those overarching structures which are informed by things like concepts like value need to be looked at and taken note of.

30 So - and I know we've spoken about the Commission's approach is to look at value rather than dollar, the dollar value, but I still think out there in the real world in agencies and that type of thing the default is back to that quantitatively measurable value, which is the dollar value, and Indigenous mobs, as you have mentioned in the review report, do hold other values in the - in fish stocks other than a dollar value.

35 So if you sit down in a decision-making process as an Indigenous person to argue over the development of whatever, could be allocation, where you have commercial rights are going to drop their numbers on the table and the reccies can do that too a little bit, when it comes down to us doing that it's not so easy. For a start we don't have the data, necessarily, on the catch to say we're catching what, but we're also saying it's not just the eating of these things or the selling of them that's important, it's the fact that we're out there doing this, and we're connected - that makes us feel good, and - when we're looking after country. And there's a whole range of other values that come into play.

45

How we do capture those and give them the strength to help us prioritise strategies a little higher than what's happening now in relation to protecting Indigenous culture fishing rights is the trick, is the problem. I don't think that Indigenous cultural fishers necessarily face this. I think other stakeholders do, commercial and recreation.

But I - so if I - did I make myself sort of clear there?

**MS CILENTO:** Yes.

**MR SCHNIERER:** Okay. A couple of other things I just wanted to talk about was the - in fisheries management over the years, it's evolved. It's moved from, you know, open access right through to ITQs these days. The concepts behind how we manage and move from single species population dynamics based models that work on maximum sustainable yield or maximum economic yield et cetera et cetera through to now what's called ecosystems-based management.

This is a global trend, and it's a trend that's come about particularly in the last 20 or 30 years as we've become more aware of the impacts we're having on the environment, and I think - I personally think it's a good thing. It's been hard for fisheries managers to come to terms with how do you deal with ecosystem based management, and you're stuck with just estimates (indistinct) and that type of thing.

But I - you know, I know that in Australia we are moving in that direction. I think that's a good thing. But one thing that's being left out of that equation, I personally believe, is the fact that in the ecosystems-based management it's the - it - at the international level, anyway, when the concept was being developed and unfolded through various workshops, some of which I was involved in, was the full understanding that ecosystems-based management actually supports Indigenous presence and centrality in fisheries management.

You know, when we think about - ecosystems-based management is about dealing not only with the species that we're targeting, but the habitat and the ecosystem and making sure that the impacts on the ecosystem are minimised. What needs to be realised in this country is that in that ecosystem for many thousands of years were Indigenous cultural fishers, so they were actually part - a very important part of that ecosystem, and so - but what tends to happen is when - and this is my personal view, but from on committees is when people look at it they take our mob out of that and put us over with stakeholders, saying, "Right, we're all part of the problem," and but we in fact - you need to be managing that ecosystem and ensure that those cultural connections are maintained and the

traditional knowledge is maintained, because they are part of the system.

5 And this has been recognised internationally in things like the UN  
Convention on Biodiversity and slowly now within FAO this realisation is  
dawning. So I think that we'll need to - I think that that lack of having  
Indigenous people in that understanding of ecosystems-based management  
formally in Australia has, in my view, led to insufficient assessment of  
impacts on Indigenous cultural fishing in this country, and it does leave us  
10 exposed a little bit, I think, to international criticism that we are not  
achieving sustainably managed fisheries yet fully. It's only partial until  
we actually do that.

15 But we've come a long way, and we can stand up and argue we are  
addressing all these things, but we still haven't got that one right yet, and  
it's - I think it's a small step but it needs to be done and it hasn't been  
done. So that's all I'd like to say on that one.

20 I'd just like to at the same time mention this, that I think - I'm not sure,  
the Commissioner can tell me, whether there was any emphasis placed on  
small-scale fisheries and the need to address the way fisheries  
management has been evolving towards, say, prioritisation and individual  
transferable quotas and that sort of thing does have an impact on small-  
scale fisheries, and the light lifters versus the heavy lifters.

25 And we have leapt on this sort of thing and we are going down that path.  
FAO has a set of guidelines on responsible fisheries management which  
we are signatories to, and it does in those guidelines talk about Indigenous  
people as fishers and the need to ensure that when you're developing  
fisheries management and that sort of thing you should be talking to  
30 Indigenous people and engaging.

35 So there's the guidelines there on responsible fishing, but now attached to  
those are some guidelines on the protection of small-scale fisheries in  
terms of food security. And we've signed to it. We've agreed to it. We  
were the part of the negotiations of the thing. We need to go back and  
have a good, hard look at this and think about it, and I'll argue particularly  
from the point of view of Indigenous cultural fishing, which is the small-  
scale fisheries, but I'm sure there's probably commercial fishers that can  
possibly argue this too.

40 I wanted to just briefly mention ITQs.

**MS CILENTO:** Yep.

45 **MR SCHNIERER:** Indigenous transferable quotas? No, individual

transferable quotas. And I know that - I see that within the report it is sort of put up there as maybe this is what we should be striving for, and I could be wrong in that assertion, but I put a note of caution on that. I think they are potentially incompatible with social justice objectives, particularly for  
5 Indigenous communities, and there is some research and work coming out now out of South Africa and Alaska and places like that that show where this introduction, this privatisation, has impacted the ability of Indigenous communities, particularly in a commercial sense, to access their marine resources. And I can forward you some references if you like.

10  
**MS CILENTO:** Sorry, just so I'm clear on this, so it's specifically in respect of commercial opportunity, and I'm assuming that the link is that ITQs end up with quota being unaffordable for smaller-scale Indigenous fishing operations?

15  
**MR SCHNIERER:** Yes, yes. There's probably other components to it, but - - -

**MS CILENTO:** If you've got - I mean, any - - -

20  
**MR SCHNIERER:** I haven't. I can send it to Matt if you want.

**MS CILENTO:** Yes.

25  
**MR SCHNIERER:** Last two. I just wanted to - again, I'm talking about these things because they are the - they are here in the institutions and the ways we approach and the regulations that finally end up adhering and knock our mob around from their rightful place to be able to go out, practice their culture, keep their knowledge systems alive, and get a  
30 decent feed and, you know, all things that go with that.

Latent effort - this is another one as a person who is trained in fisheries management, you know, this an evil thing, and we should do everything we can do to get rid of it. I have sort of changed my views on this a little  
35 bit. The particular that comes to our mob, how latent - the concept of latent effort has led to pressure on Indigenous commercial fishers to be pushed out of the system because they're seen as the light lifters as opposed to the real heavy - few heavy end lifters in the commercial industry who should be given all the access and benefit.

40  
Our mob don't necessarily fish at that maximum level all the time. They fish according to how they feel they want to fish, and that may mean they're not fishing at that - up here at that level, and they have a right to be able to do that, and to fish - if we label any of the effort that they're not  
45 using as latent and then it can be taken away from it because it's this issue

of being reactivated at some point in time, I think we need to think about latent effort, and I've seen in New South Wales recently with the structural - sorry, the structural adjustment process down there that a lot of - and I can refer you to the project that we did on Aboriginal commercial fishing in New South Wales. If you haven't seen that report, have a look at it. The impact that the structural adjustment was going to have on them because they do tend to be in the area of the light - what's called the light lifters compared to the heavy lifters, and so the changes that are coming in to squeeze those are going to have a big effect on the few commercial fishers that we - few Aboriginal fishers that we have in the commercial industry. They'll be squeezed out unless we take some special measures to try and keep them in there.

**MS CILENTO:** All right.

**MR SCHNIERER:** And the last one was about the - it comes back to the environmental component that you did mention, and there's a link to our move towards ecosystems-based management. The EPBC Act in its objectives recognises the role of Indigenous people in the conservation and sustainable use of Australia's biodiversity, including fish, in its objectives. It recognises that role, and promotes - seeks to promote the use of Indigenous knowledge, traditional fishing knowledge (indistinct) with the involvement of and cooperation of those owners.

Now, they are two objectives within the peak national environmental legislation, and that legislation is connected to the fisheries through the fact that fisheries now to be able to sell overseas have to - what's the word?

**MS CILENTO:** Get EPBC approval.

**MR SCHNIERER:** EPBC approval. And so that's one element, but also the fact that, you know, the EPBC reaffirms the presence of Indigenous people in the ecosystem and environment with certain rights to be able to access their biological resources and to keep the traditional knowledge alive.

And that has implications in terms of the use of protected areas on terrestrial, but certainly in marine, areas. When a marine park gets set up, I believe that not enough diligence has been paid in relation to these objectives in allowing Indigenous people in those marine protected areas to access their resources. They're treated as everybody else. And I would go further to say that includes to the point of them not just using it for personal but also commercial use, because internationally now under the CBD there is quite a bit of work being done around this space to ensure

that when protected areas are being set up the Indigenous people still have access to those biological resources, and not only for personal use but for commercial.

5 It's an evolving space that's happening internationally. And again, I just re-emphasise, there is a link between that EPBC and fisheries legislation, and I think it's about time that the sorts of objectives there are also in fisheries legislation, the recognition of Indigenous people, either through recognising, say, customary fishing, whatever.

10 And I'll just finish with, you know, the recent review of the EPBC Act included its interaction between fisheries legislation. The environmental minister should continue to have a strong role in promoting continuous environment improvement in fishing management through assessment of whether management arrangements are ecologically sustainable. And again I say, to be ecologically sustainable the recognition of the centrality of Indigenous people in the ecosystems needs to be addressed through that process.

20 And I'll finish there.

**MS CILENTO:** Thank you.

**MR SCHNIERER:** Thank you for listening to my blather.

25 **MS CILENTO:** No, no, that's fine. It's very much appreciated, and there's a number of issues that you've touched on that there areas of further work to close the ground, so - - -

30 **MR SCHNIERER:** And I think some of them, the general ones, can give more framework argument to some of the things that we are arguing for down here. They are actually in place, they just need to be aligned in a way that you can be seen to support what we're trying to say.

35 **MS CILENTO:** Well, thank you for your time today.

**MR SCHNIERER:** Thank you for listening. And you.

40 **MS CILENTO:** I've got Karen McFadden's name down here, but I suspect there may be others who would like to also represent the Quandamooka Yoolooburrabee - - -

**MR COSTELLO:** Close.

45 **MS CILENTO:** Close?

**MR COSTELLO:** Yoolooburrabee.

5 **MS CILENTO:** Burrabee. All right, thank you. Would you like to come forward and introduce yourselves and - (indistinct). So I might just ask you to introduce yourselves, if that's all right.

**MR COSTELLO:** Sure.

10 **MS CILENTO:** And I don't think we received a submission, so you might like to spend a bit of time just talking through perhaps a bit of your sort of background, if you like, as well as focusing on reactions to the draft report itself.

15 **MR COSTELLO:** Yes. Sure. For the record, my name's Cameron Costello. I'm the Chief Executive Officer for the Quandamooka Yoolooburrabee Aboriginal Corporation.

20 **MR NALDER:** My name's David Nalder. I'm the principal ranger with the Quandamooka Yoolooburrabee Aboriginal Corporation.

25 **MR COSTELLO:** Commissioner, thanks very much for allowing us to present today. Firstly I want to acknowledge the traditional owners of the land that we're meeting on, the Turrbal people, and also acknowledge our neighbours, the Jagera, Gubbi Gubbi and the Koolamarri and even up to the Butchulla of Fraser Island, all coastal people who all have marine resource interests. I want to acknowledge that.

30 Quandamooka Yoolooburrabee Aboriginal Corporation, "Quandamooka" means "Moreton Bay", and "Yoolooburrabee" means "people of the sand and sea". Our totems are the Kabul, carpet snake, and Buangun, the dolphin. So for us, we are sea country people, and our estate goes from the mouth of the Brisbane River across to (indistinct) Moreton Island, down North Stradbroke Island, South Stradbroke Island, to Southport, and  
35 then up the coastline from the mouth of the Logan River up to the mouth of the Brisbane River, taking all the southern bay islands and the coastal area.

40 It is extremely important for us as part of our identity, and fisheries and aquaculture have always been a part of our identity as well, and it's part of our - a lot of our dreaming stories linked to the sea country, and a lot of our stories and dance, cultural performance, specifically relate to how we manage our marine resources.

45 I want to briefly discuss about Quandamooka country and if there's ever a



case study for the impact of high density population on an Indigenous community then we are a case study. Minjerribah, which is North Stradbroke Island, we're on the doorstep of the capital city, and throughout since colonisation there's been many industries come and go, many of those marine industries.

We've had - started out there is - there's been dugong industry, oystering, there's been whaling through Quandamooka country. There's always - we've always been fishermen with nets, we've always done fishing with nets, and we continue to do that today, so even today it is - you are able to go over to Quandamooka country and see our fishermen with their nets out there.

And on top of that, you've got other resource extraction that's been quite challenging for the Quandamooka people: sand mining on North Stradbroke Island and water extraction which still continues today. So we're no strangers to the taking of resources from traditional lands and waters.

Against that background, it was 4 July 2011 that after 16 years of negotiations that the Quandamooka people met with the Federal Court of Australia on North Stradbroke Island where their native title rights were recognised to over 50,000 hectares of land and sea on and around North Stradbroke Island.

So we have over 20,000 hectares of native - non-exclusive native title rights over Moreton Bay waters adjacent to the island. From that, we are - we have also made another claim over Moorgumpin, Moreton Island, and there are more claims to come over the sea country area.

So for us, we've always staunchly asserted our rights to take marine fisheries and aquaculture, be a part of that, and in fact I would say that in those previous industries that it was Indigenous knowledge and Quandamooka knowledge that helped inform those industries and in most cases the knowledge exploited.

So with the - with native title and the overturning of the concept of terra nullius, the Quandamooka people now are looking towards nation building. So moving forward and looking at how we can build a glad tomorrow for our children's children.

The closure of sand mining is bringing a new stage of economic transition, and that includes for us looking at fisheries and aquaculture as the basis for moving beyond sand mining.

We look to the decisions of the courts up around the Torres Strait, the Akiba decision, and we look to the Torres Strait and say the Quandamooka people rights and interests are no different. We see the Torres Strait position as being the benchmark that should be applied to the Quandamooka people. Our rights and interests are no different, and our aspirations are no different to what happens up there. So from our perspective, we believe that in terms of fisheries and aquaculture part of our role as a native title body and the cultural heritage body as well for many of the bay islands is that we have a statutory obligation to respond to section 24 native title notifications, many of which are about fisheries permits.

And it is often dismaying at the number of blanket fishery permits that apply to Quandamooka country with no benefit flowing back to our community. And it's based on those sorts of activities that are occurring on Quandamooka country that we believe strongly that there needs to be licensing provisions for Quandamooka people to have some empowerment and control over the licensing that goes on in their fisheries areas, or look at indeed royalties and economic flowback to the traditional owners, which currently doesn't occur.

We also believe we have a very strong ranger program on the island. That's growing rapidly as part of the economic transition process for the island, and we believe strongly in the capacity building and indeed the role that the Quandamooka people and our rangers should play in terms of research of Moreton Bay fisheries and aquaculture.

We've been historically economically displaced from both the land and sea, and we have had no role in the planning and management of our traditional waters, and it's our strong belief that that must stop, that that needs to change.

Prior to colonisation, the bay was in perfect condition and we've had to see, in terms of not only the resource extraction from the bay from fisheries and aquaculture, but also fire management, land management practices, where we are now - with the powers and rights and responsibilities under the Native Title Act are now going back and looking at how we can get the conditions back to what they - as close as possible to what they were. That may take us 100 years.

And so our Indigenous knowledge is being utilised in partnership now and in co-design for a lot of things in land management practices, and we strongly believe that should happen in the case of fisheries management and aquaculture management.

**MS CILENTO:** Is that starting to happen at all, or - - -

5 **MR COSTELLO:** So we - as part of the native title claim, we're now the joint managers of the national park on the island, and it's more of a co-design model, a national park based on Aboriginal traditions and values, and we believe that the Moreton Bay area should be based on - also on Aboriginal values and principles about resource extraction.

10 **MS CILENTO:** Yes. Are you managing to play more of a role in the marine environment in terms of that sort of co-design or some other sort of input, or is it still - - -

15 **MR COSTELLO:** As part of the native title process, there's opportunities that are yet to be reached but are on the agenda for that. However, I would say that it's my experience through the last few years of - as being the CEO that we often hear the term terra nullius, but I actually say aqua nullius as well, for us. There's still a view that the sea belongs to no one, and it's - even though we've got a determination area over the waters, there seems to still be a persistent view that the traditional owners  
20 don't have the rights or are still displaced from having any real say at the table around that, and that's proving problematic.

In saying that, I have to cut some slack to the state government, because there was - a few years back, there was a south-east Queensland natural  
25 resource management review, and they stated that there's more visitation to the Moreton Bay Marine Park than there is the Great Barrier Marine Park, and that's purely because of the high density population of south-east Queensland.

30 So we're on the doorstep of a capital city, and there's a lot of people using the bay for recreational fishing and commercial fishing. So for us, it's a real challenge, and it just - for us it's appropriate that we are engaged in co-design and management, that we are part of not only the licensing arrangements and what licensing can do for our own economic  
35 development, but we should be involved in the research.

Currently there's not enough research happening about fisheries and aquaculture in the bay. We should also be, through our ranger program, part of compliance as well.  
40

**MS CILENTO:** Yes.

**MR COSTELLO:** And, like you were saying, co-design.

45 **MS CILENTO:** And is the ranger program currently involved in

compliance, data collection and research at all, or - - -

**MR COSTELLO:** No. To a degree?

5 **MR NALDER:** Yes, to a degree. I think currently the rangers are participating in a whole range of monitoring programs.

**MS CILENTO:** Yes.

10 **MR NALDER:** So seagrass - - -

**MR COSTELLO:** Seagrass.

**MR NALDER:** - - - monitoring, mangrove watch.

15 **MR COSTELLO:** Reef check.

**MR NALDER:** Reef check. There's been, through the Quandamooka Land Council, prior to the formation of CLIAC, there was a number of sea country management programs that were underway, and that involved, you know, getting community together to self-manage dugong take and stuff like that.

20 So there's been a history of work by the mob to manage sea country resources.

**MR COSTELLO:** Yes.

**MR NALDER:** But certainly I think it's fair to say that yes, we hadn't seen that same level of engagement in terms of fisheries management.

**MS CILENTO:** How are you funded? How's the program funded?

35 **MR NALDER:** Yes, so that's an interesting question. So at the moment we have a number of ranger teams that are funded from a range of different sources, with varying levels of security. None are recurrently funded, so they're all based on grants and agreements and things like that, so we spend an enormous amount of time trying to secure ongoing funding for our programs.

40 The programs achieve a range of objectives, you know? It's about addressing threats to the values of the country, but it's also about intervention with young people and giving people an opportunity to reconnect with country and the knowledge holders and (indistinct) wellbeing and stuff like that. So it achieves a whole range of objectives.

45

**MR COSTELLO:** And most of the rangers are primarily for land-based activities.

5 **MS CILENTO:** Yes.

**MR COSTELLO:** So - at the moment. But in terms of fisheries and aquaculture, there's not much of a role at the moment.

10 **MS CILENTO:** What sort of aspirations do you have around aquaculture as distinct from wild catch?

**MR COSTELLO:** Yes. Well, we're very keen to recommence. There used to be oystering in the bay and also there's beche-de-mer businesses.  
15 So they're key areas that we're very interested - in fact, we see them as integral in our transition from sand mining, so we're - the Queensland has put forward an economic transition strategy which has an Indigenous business development fund there, and out of that we hope to look at those industries being recommenced, and we - now that that's been announced,  
20 that \$20 million package, which covers a whole range of different things, it's a matter of us going to the Commonwealth to see if they will also play their role in terms of assisting the Quandamooka people to reach their economic development goals.

25 **MS CILENTO:** If I could go back to one of the recommendations we made in the report around the prioritisation of customary fishing and customary fishing rights, would you see your corporation as having responsibility for the allocation of rights under that - the rights to your community?

30 **MR COSTELLO:** Certainly - certainly do, yes. So we're the agent for native title rights and interests for the Qandamooka people, so we would see ourselves as logically playing a role in that allocation. The way our corporation is set up is that our native title claim is based on 12 family  
35 groups, and our broad structure is a representative member of each of those families. So we're pretty much the representative body for all the Quandamooka people, families, so we would see ourselves playing a strong role.

40 **MR NALDER:** If I may interrupt, I think a point we'd also like to make about custom is that custom has evolved, and I think, you know, Cameron touched on - and Steve touched on it as well, and that was really about the role that traditional knowledge played in the emergence of the fishing industry, and the fact that the participation of Aboriginal people in the  
45 fishing industry provided a means for survival, so that becomes part of our

customary story.

5 So unless we, you know, participated in mainstream fishing operations like oystering and crabbing and collecting other shellfish and things like that, we would have (indistinct). It's because of fisheries and fisheries industry that we are still here and that we are able to survive and live on country to get our native title. So it's all intertwined. So custom evolves and, as Cam said, you know, we netted with the dolphins to catch mullet and tailor back in the day, and we are still doing that now.

10 **MR COSTELLO:** And I guess the other thing too is that our connection with the environment and the animals of the bay were also integral in our techniques. So you know, we fished with the dolphins. They were part of the fishing ritual. And also the sea eagle. So there is a connection. They were our industry stakeholders, if you want to put it in a term, and they were integral to the process for us, and also the environment was integral in terms of identifying when the oysters were ripe, were ready to be taken, you know. The hot bush would flower. So there is a lot of interrelations there between that.

20 But I think in terms of customary fishing, the Quandamooka people always feel like they have the right to go and do it.

25 **MS CILENTO:** Yes.

30 **MR COSTELLO:** And we have - I've been approached by some of our commercial fishermen concerned about it, but they - as we have always believed, we haven't ceded sovereignty, and we have never stopped asserting our rights living on country, even when government said you can't live there. Government said you can't fish there, we've always fished, so we quite often have to enter into good relationships with the marine parks and to come up with arrangements that suit all parties.

35 **MS CILENTO:** If I can just go back to your opening comments about the ability to have more say in licensing and benefiting from permits that are issued to fish in waters - in your waters, effectively, what's the next step for you, and what's the process? And do you have any observations about that - you know, that process and how it might be improved?

40 **MR COSTELLO:** Yes, I had an interesting chat with Wayne See Kee from the TSRA a while back about the arrangements up there that they have, and I think the Commonwealth bought out all those licences, and the TSRA manage those licences, and I went, "Why isn't that happening with us?"

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5 So for us, we're - we just believe - and that might be through native title negotiations - that that has to occur, as we have our rights recognised over more of the bay, but for us that's the aspiration, is that we believe we should be front and centre of how the bay is utilised, because we've got an obligation to ensure that there's an environment that it's going to be sustainable for future generations, and that is our primary basis.

10 So making money is not the core of our philosophy, and at the end of the day it's about how we care for country, whether that's sea country or land country, and our connection to country, our relationship at a spiritual level, and then also the economic development that it brings for our children's children.

15 **MS CILENTO:** I didn't have any other questions. Did you have any other comments you wanted to make?

20 **MR COSTELLO:** It's been an interesting few years for the Quandamooka people in terms of after we had our rights recognised in 2011 we had a state government election where the state government tried to basically or overrun our rights without our consent, and there's always - now we're very wary of that, and so I think in terms of Indigenous fisheries and sea rights, I firmly believe that if we look into what has happened to the Quandamooka people, that I believe Aboriginal recognition in the Australian Constitution is something that needs to occur to ensure that Aboriginal people all throughout the country don't have to deal with what the Quandamooka people have dealt with in terms of their rights and interests of their land and waters, what we've had to deal with in that regard, so that - for me that I think is also - I'd be remiss not to mention that as well, because you know, there are great governments that come in and work for the benefit of Aboriginal people and have a great commitment to closing the gap, and there are others that unfortunately we have had a bad experience with, that don't want to basically stick to the promises that were made by them.

35 **MS CILENTO:** Thank you for that.

**MR COSTELLO:** Thank you.

40 **MS CILENTO:** And thank you for taking the time to come and be present today and to make your observations known to us and to engage in the process. It's very much appreciated.

45 **MR COSTELLO:** Thank you. We sent some maps through too of Quandamooka country.

**MS CILENTO:** Yes, I've got them here.

**MR COSTELLO:** So - yes. So if you want any other further information just let us know.

5 **MS CILENTO:** Okay, great, thank you very much.

**MR COSTELLO:** Thank you.

10 **MR NALDER:** Thank you.

**MS CILENTO:** Next on my list is Professor Colin Simpfendorfer.

**MR SIMPFENDORFER:** Very good.

15 **MS CILENTO:** Thank you. From James Cook University.

**MR SIMPFENDORFER:** Thank you, and thanks for giving us the opportunity to come and talk to you.

20 **MS CILENTO:** A pleasure.

**MR SIMPFENDORFER:** Just as way of background, I'm a Professor of Fisheries Science and Management at James Cook University, and I run our Centre for Sustainable Tropical Fisheries and Aquaculture, so I spent 25 odd years working in fisheries science and management, and we had quite a large team at James Cook who deal with these sorts of issues, so sort of trying to provide, I guess, a bit of an overview of some of our experience in our area for the Commission.

30 **MS CILENTO:** Great. Thank you very much.

**MR SIMPFENDORFER:** So some comments - and the report obviously - the draft report is - makes very interesting reading, it may actually become quite an interesting teaching tool for us as well because of some of the observations in it.

35 But a few observations. Firstly around the research sharing and allocation issues, the draft report recognises the need for clear principles and processes around allocation of resources between recreational, Indigenous and commercial sectors.

40 And some research that's been undertaken at JCU strongly supports this sort of approach, obviously. Allocation issues are one of the major sources of conflict between the different sectors, and can lead to a great

45



deal of problems and issues in fisheries management, and often leads to politicisation of the whole process, and that becomes quite unhelpful in terms of resolving the conflict.

5 The other thing that some of the research has shown is that in considering a resource allocation it's almost important to consider seafood consumers as part of the groups that are involved in this, and this - there are a number of issues involved in this, one of which is that in terms of valuing, you know, commercial fishers in particular who provide the consumers, we  
10 can sometimes think simply about gross value of production of those sorts of things, but having the availability of locally produced seafood is actually quite important for many people.

15 The other thing related to that is that when some of that seafood isn't available and imports are required to cover that availability, we don't always think about the environmental impact of that, the capture of those fish in overseas countries, and so there has been some work starting to go on now that has tried to demonstrate that the environmental cost to other countries from us importing their seafood obviously should be taken into  
20 account in how we value our own fisheries as well.

**MS CILENTO:** Can I just ask a slightly tangential question on that? You know, one of the things that people will say from time to time is that there is - they think there is additional value that attaches to the quality  
25 and sustainability of locally caught product.

I'm wondering whether, through the university or through your broader knowledge, you're aware of research that sort of has a bit of a proof point on that, if I can put it that way? Because it is one of the things we grapple with, because it's an assertion made, but we haven't seen a lot of evidence  
30 to suggest that there is product differentiation in play in practice that actually recognises some of the things which are sort of underneath what you were just referencing there.

35 **MR SIMPFENDORFER:** Yes. So a couple of points. One is - and you see this in the third party seafood certification sorts of things, where - and things like, you know, Marine Stewardship Council certification, for example, does provide, you know, quite often a price difference and a demonstration of sustainability that consumers will choose over and above  
40 other imported seafood.

There is some research - I can't recall exactly where it is - that does demonstrate some of this as well, that in some ways developed nations like Australia and the US, Canada, sometimes consider exporting their  
45 environmental problems because you essentially maintain your own

environment in a good state by controlling your fisheries well, but that requires you to import seafood from countries that don't - I can dig out - there's a couple of references that I - - -

5     **MS CILENTO:** I mean, I'd be interested in, if there is evidence to suggest that consumers do actually differentiate - - -

**MR SIMPFENDORFER:** Yes.

10    **MS CILENTO:** - - - and including differentiate in their purchasing rather than just intentions, if I can put it that way.

15    **MR SIMPFENDORFER:** Well, no, I think that's a - you know, it's a good thing, and I don't believe there's a lot of data around that, but I think it's - the third party certifications are starting to collect some of that sort of information, and there was a recent conference on that topic, so there's a whole list of journal articles that have come out of that, so I think I can send those through to you to have a look at.

20    **MS CILENTO:** That would be great.

25    **MR SIMPFENDORFER:** And it simply demonstrates that there is price differentiation which must be driven by consumer demand, obviously. So - okay, so the other thing the draft report talks about is recreational licensing, and it's one - a topic that a number of us at James Cook University have been pushing for for quite some time, partly from a research perspective, because as the report identifies, it gives you a frame of reference for the community, you know, who in the community is participating in recreational fishing, enables better collection of data, more accurate collection of data, and obviously that informs more appropriate management of recreational fisheries.

30    Well, I guess related to that, and still in that recreational fishing space, the report also talks about the surveys of recreational fishing, and we find these, you know, from a research and management point of view, we find these extremely helpful, and I think that recommendations around that are obviously very helpful, and I think we would certainly be very supportive of those sorts of approaches.

35    The one thing I guess I would note in relation to recreational fishing surveys is that it's good at collecting data about what people are up to, what they're catching, those sorts of things, but what they don't do is necessarily inform around the status of the stocks that they're catching. And so one of the issues that we have for some stocks, particularly those  
40    that are majority caught by recreational fishers, is that we struggle to  
45

sometimes actually understand how their status changes as catches change.

5 And so recreational fishing surveys are great, but they are not a panacea, necessarily for understanding the status of those stocks.

**MS CILENTO:** Yes.

10 **MR SIMPFENDORFER:** And that ultimately really means that, you know, in thinking about recreational fishing and actually assessing recreational fishing, there needs to be a plan in place to also understand the status of those stocks. So - the report also talks quite a bit about harvest strategies, and again, you know, this is an area that as somebody who deals with fisheries management, both in the teaching capacity but  
15 also in a scientific advisory capacity, I sit on a number of committees that advise around fisheries management issues, harvest strategies are a great tool, and I think they are becoming the norm, and the report obviously talks about the need to move in that direction, and we support that approach.

20 And I think, you know, living in Queensland where we don't have a really formal sort of harvest strategy policy, you know, we see some struggles in that area in terms of how we actually go about, you know, managing fisheries.

25 **MS CILENTO:** Just on that, I mean, it is obviously, you know, one of the things that we recommended, and I think you get perhaps slightly mixed views a little bit in terms of recognising the importance of harvest strategies but not necessarily the policy that sits over the top of it to drive  
30 consistency across the strategies in the jurisdiction.

**MR SIMPFENDORFER:** Yes.

35 **MS CILENTO:** So I take it from your comments that you would be supportive of the need for that overarching policy as well as the strategies themselves?

40 **MR SIMPFENDORFER:** Oh, absolutely, and obviously the policy development really precedes the strategy development so that you have the principles on which they are based. And having worked with the Commonwealth fisheries agency and AFMA quite a bit over the last six or seven years, you know, having that harvest strategy policy and those associated documents is extremely helpful just in terms of making sure that there's consistency in how you approach fisheries management. It's  
45 not so much sort of seat of the pants, it's okay, this is the situation we're

in, this is what the policy and the strategy says, so this is what we're going to do.

5 But the comments I'd like to make in relation to harvest strategies more relates to the information that you use to enable them, because the strategy in and of itself doesn't manage the fishery, necessarily. It's the information that informs them. It's about stock status, those sorts of things.

10 And so one of the things that I think we're increasingly struggling with in this country is how do we resource the monitoring and the research that supports harvest strategies? So how do we know what the status is? You know, and we've moved from, you know, if you - I guess in some ways the recent assessment of shark stocks in Queensland is probably a good  
15 sort of case study here. The stock assessment was carried out over the last couple of years by Fisheries Queensland. The assessment approach was technical, it was - you know, the methodology was quite good, but the data used in the assessment wasn't good enough to really inform the details of that assessment approach, and so you get to the end of that sort  
20 of process, you have an assessment that's not very well supported by the data, and so you've gone through all of this process, but because you don't have the appropriate data you don't actually get to a point where you can improve and operationalise a management, you know, sort of harvest strategy policy type approach.

25 And so if we - you know, the move to harvest strategy is reliant on having that information available, and so as part of that sort of process, there needs to be a plan around how do you monitor and research, you know, the status of the stocks so that you can actually appropriately implement  
30 that?

And I guess somewhat related to that, and drawing again on that Queensland example is that as budgets have become tighter for state agencies we've seen things like fishery observer programs removed, and  
35 so one of the things that would have helped improve that assessment of Queensland shark stocks would have been additional data from fisheries observers, but the cancellation of the program several years prior obviously meant that that was lacking.

40 And so as we see resources change, you know, that are available to agencies, we are having more and more challenges in terms of getting the data that will support those harvest strategies.

45 **MS CILENTO:** You know, one of the issues that obviously all governments are facing at the moment is how to do more with less,

effectively. Do you have - and the resourcing needs and that balance between how much you spend for the additional knowledge and data and all the rest of it is something that flows through this sector quite strongly.

5 Have you got a sense that there is capacity to improve the cooperation or collaboration around research in a way that would free up any resources? Or is it just a case that there's just a need for additional resources. There's not much to be had through better efficiencies, for want of a better description, but - - -

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**MR SIMPFENDORFER:** Yes. So there are success stories in the way this works, and you know, I've been involved with south-east - I forget what the - SESSF - the south-east trawling - trawl net and trap fishery. And they have a - every year they run a survey in that fishery, somewhat  
15 funded by industry, and they use industry boats to collect that data and those sorts of things, and so there are ways that you can approach this that will help do that, but ultimately there is a cost to these things, and you know, making sure that there's a sensible plan about what information is needed for the assessment so that you work - sort of you go, "Here's the  
20 assessment, this is the information we need, this is sort of - the sort of data that needs to be collected." So we're not collecting data that's - you know, sometimes you get into this habit, we just collect the data we've always collected, but making sure that there's actually a clear monitoring plan for a fishery that will inform what needs to be done I think is the  
25 important thing there.

**MS CILENTO:** Yes, okay. That's fine, thank you.

**MR SIMPFENDORFER:** Yes, okay. And then just my final comments  
30 around threatened and endangered species, the TEP issue, and the report - the draft report recommends obviously the collection of those data and the public reporting of those data, and I think that's actually vital to this area.

Obviously it's a topic that's become very much important to many sectors  
35 of the community, and I think open and transparent reporting of that information is the only way to make sure that that's acceptable to the community.

Now, I think it's become, you know, an expectation around fisheries that  
40 that will happen.

**MS CILENTO:** Yes.

**MR SIMPFENDORFER:** And I think that's obviously a good thing.  
45 Having been involved with fishery observer programs in Queensland,

having been on commercial fishing vessels, we know that there are some members of the fishing industry who are reluctant to report interactions with TEP species, and as a result, the reporting that occurs at least in Queensland and, from experience, in Western Australia as well, you don't necessarily always get the full picture, and so one of the issues that's important to consider in this is how do you validate the data around threatened and protected species interactions with fisheries.

And in Commonwealth fisheries, particularly in the southern gill net fishery currently where there's the interaction with Australian Sea Lions, they have gone to a very high level of video observation on commercial vessels to actually validate these, and they obviously have quite a complex system in place to actually manage that fishery and the interactions.

**MS CILENTO:** One of the things that we sort of talk to in the report is I think related to this, which is the sort of de facto zero tolerance approach that's taken, and I think some of the behaviours that possibly stem from that, so that in that environment it's maybe not entirely surprising that people aren't going to report anything, and I think there's some questions around the clarity of the objectives of the level of protection and whether we've got the balance right there. Do you have any views on that?

**MR SIMPFENDORFER:** I do, and I think - you know, and I think the report actually talks about, you know, accepted levels of mortality, and I think from a purely scientific point of view that's absolutely appropriate. You know, that there are acceptable levels. And you see, not only in Australia, but places like the US where there calculations that they do about acceptable levels of mortality of marine mammals, for example, under their Marine Mammal Protection Act.

So I think, you know, we know that all animal populations can sustain some level of take without them being reduced to really low levels, but I guess the counterpoint to that is that society is becoming less tolerant, sometimes, of any take - - -

**MS CILENTO:** I guess the question I'm sort of hoping you might have some thoughts about is that there's - I wonder there's a tension in the different systems around what's actually happening and what's getting reported. So when - and I understand the societal views very clearly, but sometimes there is a risk, I think, that you get a perverse outcome where there is zero tolerance, there is no acceptance, and so it doesn't get reported, and yes, you can chase that through tighter and tighter monitoring and compliance, but that's a tough thing to do, and it's not without cost either, and so from your knowledge of what happens in New Zealand and the US as you've observed, do those systems work

effectively in actually enabling an outcome which doesn't see those targets breached, so they're treated seriously, they're respected.

5 Because I think there's - some here would argue that once you start saying, "Well, that level is acceptable, you know, this level of mortality is acceptable, therefore what about this level?" And they see it as demeaning the protection of the species, whereas I think there's a counter argument that says it may actually reinforce better reporting because there's greater clarity about what the target is and how you can meet it.

10 **MR SIMPFENDORFER:** Yes. No, I think that's exactly right, that having some level of acceptable mortality does enable fishers to actually more appropriately report, because they know that there isn't that zero tolerance. You know, zero tolerance is the main reason that fishermen  
15 will not report.

And we see that time and again in a whole range of fisheries, that, you know, making it okay for there to be some level of mortality at some scientifically acceptable level is a much more powerful tool than just an  
20 outright ban.

**MS CILENTO:** I think that in talking with some of my team you've mentioned some views on super trawlers?

25 **MR SIMPFENDORFER:** I may have some views on super trawlers.

**MS CILENTO:** Would you like to inform us of those views, or - - -

30 **MR SIMPFENDORFER:** So - and the super trawler comes up when I teach fisheries management. It's actually a really interesting talking point. And so, you know, the issues around the super trawler, you know, there is - and I guess in some ways it comes down to what we've just been talking about is that, you know, there is this - there are views that have developed in society around what's acceptable and what's not acceptable that are  
35 very removed from what is considered scientifically acceptable and justifiable under a sustainability sort of approach.

And so the super trawler is a fantastic example of that tension between environmental expectations from the community and what the best  
40 available science, you know, that Australia has fantastic capability in, can produce.

And so you know, I think what the super trawler taught a lot of people in the fishing industry is probably that you need to be much more aware of  
45 community expectations around environmental outcomes than you

probably had to previously, and in the aftermath of the super trawler issue there's been a lot more talk about - I've forgotten the term - social licence.

**MS CILENTO:** Yes.

5

**MR SIMPFENDORFER:** So you know, what - how do we make sure that we sell our industry as meeting those environmental expectations around, you know, what the community is expecting, and so - - -

10 **MS CILENTO:** So it was a slightly leading question, and now I'm going to tell you why.

**MR SIMPFENDORFER:** That's okay.

15 **MS CILENTO:** So I think - you know, one of the things that - so we've obviously heard similar from others. You're a scientist. I think one of the challenges is - and maybe there's not an answer and maybe it's just the challenge of social media and all the rest of it, but one of the things I've certainly grappled with is how do we do better at conveying the science  
20 around sustainability?

**MR SIMPFENDORFER:** I think that's a - that's actually one of the key questions in this whole sort of issue, and I think the government has been very poor at actually communicating that, and I think as a scientist I  
25 actually get frustrated when - and obviously the counterpoint is obviously often led by conservation groups, who provide, you know, a view of - their view of what may or may not be sustainable. But you don't hear the counterpoint from government, who really is the arbiter of what's really sustainable, you know, under Australian legislation.

30

And I think, you know, I - another example from Queensland from my experience in about 2009 a whole range of regulations changed around shark - the take of shark in Queensland, and at the time there was a number of conservation groups who had large campaigns around what  
35 was - what they thought should happen in this sort of space, and the government basically - there were answers, there were committees that provided answers to some of these questions, but the government never communicated them publicly, you know, in this debate. So you get this very one sided debate about what is sustainability. You sort of have the  
40 scientists who have their opinion, but you know, the government ultimately is the people who provide the regulation in that space, and it would be good to see a stronger presentation of actually what Australian regulations mean in terms of sustainability.

45 We're seeing it more now. I think there are the reports around the status



of Australian fish stocks. That's starting to provide the information, but it doesn't necessarily still provide the direct counter to some of the opposing views on sustainability from the conservation groups.

5       **MS CILENTO:** Did you have anything else you wanted to add?

**MR SIMPFENDORFER:** That's all I have.

10       **MS CILENTO:** Thank you very much.

**MR SIMPFENDORFER:** Not a problem, thank you.

**MS CILENTO:** Thanks for your time. Sorry?

15       **UNIDENTIFIED MALE:** I just thought it was afternoon tea time, Commissioner.

**MS CILENTO:** You can help yourself to afternoon tea whenever you'd like. Helen Jenkins?

20       **MS JENKINS:** Yes, that's right, that's me. I'm an Executive Officer for the Australian Prawn Farmers Association.

25       **MS CILENTO:** Helen, nice to meet you. Thank you for joining us today.

**MS JENKINS:** Thank you.

30       **MS CILENTO:** Now, we've had a submission from you, I think?

**MS JENKINS:** Yes, you have.

35       **MS CILENTO:** Submission. And I know you've been talking to the team in the lead-up to this, but why don't you just start off by giving us a background to your views, or straight into thoughts on the draft report?

40       **MS JENKINS:** Probably straight into thoughts on the draft report, but thanks very much for the opportunity to attend the public hearing. So I'd just like to probably address some of the issues under the section for aquaculture.

45       Number - and specifically 8.1, so I'll go through each one, but this one was in relation to access to suitable sites, spatial planning, which assists in the efficient identification of locations. So the Australian Prawn Farmers Association agree with this in principle. However, making it happen has

been very difficult.

5 The Queensland Government have only just started to address a recommendation from the Queensland Competition Authority review. This was finalised in September 2014, so the government here in Queensland have only just now started to get a taskforce together to look at it. And there was a huge area that got a look at, which is identified 450 hectares. So in the size - the massive size of Queensland, that's their grand target.

10 So even though it sounds very, very conservative in my opinion, we've had one meeting initially, and when they're doing the mapping overlays, to express how difficult it is to try and find land when you've crossed out all of the other sections that are there and that have been set aside for other purposes.

15 And of course, our optimal areas are beside the Great Barrier Reef, in the estuarine areas along the Great Barrier Reef, where there's limited capacity for nutrients entering the reef regions, and that's despite rigorous science that we've had done with CSIRO - with CSIRO mainly in relation to water quality, that have said all of our nutrients are absorbed into the estuarine environment two kilometres downstream. So in my non-scientific mind, our nutrients don't reach the reef, but there's still an issue as far as any new development.

25 And we've just had one farm - we haven't had a new farm since the year 2000. We've had one proponent. He's been - he got through the process, but after a 15 year wait. So that was for a 240 hectare farm, and then it had a strict condition of nil net discharge.

30 **MS CILENTO:** Yes.

35 **MS JENKINS:** Now, admittedly, that's a little bit different to our other ones, because our ones are discharged directly into the reef, but still, it's a restriction that, you know, other industries aren't expected to meet.

40 So in the APFA's submission I draw attention to the restrictive regulatory instrument called the Great Barrier Reef Marine Park Aquaculture Regulations 2000. The GBRMPA had the ability to turn on and off at any stage in relation to any new proposals that were put forward. Now, there's been some inquiries into development of Australia, and one of them, the scaling up inquiry into opportunities for expanding aquaculture in Northern Australia, the joint select committee released a February 2016 report, and in there, recommendation number 4, they recommended that GBRMPA, in accordance with the planned actions outlined in its

regulatory plan 2015-2020, I think it was, revoke this act.

5 So I was quite pleased to see that in there, and it certainly meant that that senate inquiry had listened to our issues and our concerns. So that's one in relation to 8.1. 8.2, this was very disappointing to hear. I know there was a big Productivity Commission that happened in 2004, because this inquiry then didn't see it as a significant impediment to growth, well, I just want to disagree.

10 And it recommended - the 2000 report recognised that Australia - the aquaculture industry in Australia was diverse and rapidly growing, and the report stated the aquaculture production was subject to an unnecessary complex array of regulations.

15 So I strongly appeal for change. Something has to change for aquaculture to be given more prominence as a secure food source for the future, and I think Colin sort of touched on an issue, that we're abrogating our environmental responsibility to the overseas country when we're  
20 importing the seafood from countries that don't have to meet the same strict environmental conditions that we do, and I think that comes from a research paper done by a Professor Rob Carney.

**MS CILENTO:** Yes. Can I just ask a follow-up question on that? One  
25 of the challenges for us - and I mean, I'm going to go back and just - and reflect again on the chapter that we've written in the report, and whether or not the wording of that recommendation is quite right in the sense that we devote a bit of time to talking about the land-based - the challenges for land-based prawn farming in Queensland, so - and we're quite up-front in the language that we use in the chapter about talking about the regulatory  
30 imposts as regards that particular part of the business, of the sector.

Beyond that, we really struggled to get any feedback anywhere else saying that regulatory - the regulatory burden was inhibiting aquaculture expansion or establishment. Now, which isn't to say there weren't  
35 barriers, but they weren't regulatory barriers. So they were either issues around social licence and getting access to more marine environment and where that happened, or issues around the accompanying investment in infrastructure that's needed.

40 But as regards regulation itself, we really didn't get much more in the way of feedback of people saying, "We would love to be establishing a business or an investment here but we couldn't because the regulatory burdens are too great."

45 Now, sometimes it's - they look at the regulatory burdens and might say,

- “That’s too hard,” and so they’re not even going to try, but so - I guess my question to you is, I think we’ve dealt with, fairly comprehensively, the example that you’ve cited today about the 15 year process, and there’s no way we would do anything other than chastise that.
- 5 But are there other examples that you can point to where you think regulation is the key issue that’s preventing - - -
- 10 **MS JENKINS:** Specifically regulation? For Queensland, I suppose, only was the Sea Dragon project, and that’s been well publicised.
- MS CILENTO:** Yes.
- 15 **MS JENKINS:** It’s a 10,000 hectare for the Northern Territory / Western Australia. They wrote to the Queensland Competition Authority and said that they wouldn’t consider Queensland simply because the regulations would be too difficult to get through, and that’s why they chose the area they did for their venture.
- 20 Now - and it’s not actually recorded, or I don’t have a lot of - - -
- MS CILENTO:** That’s fine. I think, as I said, when I went back and had a look at the chapter - - -
- 25 **MS JENKINS:** Yes, yes.
- MS CILENTO:** - - - we actually say Queensland is different.
- MS JENKINS:** Yes.
- 30 **MS CILENTO:** So I think one of the things for us to do is just go back and have a look at the rec and see whether perhaps the rec is - recommendation is worded correctly.
- 35 **MS JENKINS:** Yes. I do get a lot of enquiries from investors, particularly in Asia.
- MS CILENTO:** Yes.
- 40 **MS JENKINS:** But because - if they Google anything, the first thing they see is probably Guthalungra,, and if they look at the timeframe they think, well, what’s the point in trying to invest money if you’re going to have to wait that long?
- 45 **MS CILENTO:** And I’m not trying to downplay the challenges for - that

are involved in investment in the industry. It is quite a unique proposition, I think, in terms of the investment that's required up front in terms of proving up the science, if you like, and the commerciality of it and everything, before you even get to the point where you might start investing in the actual infrastructure of the venture itself.

Okay, thank you.

**MS JENKINS:** Yes, okay, so you know, I just sort of went on about 12 years ago, I just looked back and thought, what did we - what did happen 12 years ago? And we had plasma TVs that cost \$10,000, mobile phones had one megapixel cameras was a really big thing, Facebook was born, Friends ended, we downloaded music on iPods, and Skype was introduced. So you know, a lot's happened since in that 12 year period, but we haven't advanced.

And I think the National Agriculture Council in their submission, they highlighted again the 2004 had some issues in it in relation to - I think they had five issues that they could see that weren't resolved, and then they also offered three overarching solutions. So I'm not sure the - have you seen the solutions? Do I need to read them out, or - - -

**MS CILENTO:** Yes, you may as well.

**MS JENKINS:** I might read them out.

**MS CILENTO:** Yes.

**MS JENKINS:** So one was an Australian aquaculture policy and subsequent act to simplify regulation of aquaculture and promote aquaculture development. Federal government policy to support aquaculture as a significant contributor to agriculture development, regional development and to food production, addressing the challenge of food security and the seafood trade imbalance. And thirdly, a national harmonised framework for risk assessment, environmental approvals and regulation of aquaculture.

So you know, over the course of the last couple of years, Australian prawn aquaculture in particular, we've contributed to numerous federal inquiries, and each one has provided a comprehensive set of recommendations which are all sitting there and which haven't been, you know, implemented or acted upon.

So - and at the moment there's all the - this is a national aquaculture statement. There's a draft national aquaculture strategy. But again, it's a

far cry from a national policy.

5 So I'd like to see - I would like to see maybe a taskforce, a dedicated Commonwealth taskforce, that could sit there and look at all of those recommendations and see how the recommendations could be implemented nationally, and then aquaculture in Australia might be able to start to develop.

10 And again, the development or scaling up inquiry into opportunities for expanding aquaculture in Northern Australia, the joint select committee, their February release, they had - there are one, two, three other - four other recommendations for aquaculture. One was in their view to expand the science related to the environmental impact of aquaculture in areas adjacent to the Great Barrier Reef, that GBRMPA, and the Queensland  
15 Government develop special aquaculture zones, which I've talked about earlier.

20 That the GBRMPA revoke the Great Barrier Reef Marine Park Aquaculture Regulation Act 2000, and that the Department of Environment ensure the framework for development offset in the Great Barrier Reef is comprehensive, transparent and accessible for potential aquaculture investors.

25 Then under section 8.3 the Australian Prawn Farmers Association don't believe separate agencies would be functional because it's the separate agencies now that are causing the issue. You've got to deal with state and then you've got to deal with Commonwealth and you've got Environment, you've got State Development. Each one seems to frustrate - each process will frustrate and not help each one along the way, which I think is  
30 probably why - - -

**MS CILENTO:** So just to be clear, so you would like a one stop shop in terms of management plans and environmental approvals?

35 **MS JENKINS:** Yes.

**MS CILENTO:** So do you think that - so what - I mean, one of the challenges when you - you know, say, when you're in Tasmania and, you know, there's no doubt that the whole social licence to operate is a big  
40 issue, and you know, one of the things we heard there is that there is a sense, a perception of conflict of interest in a government that's trying to promote the sector but also then be perceived by the community as being, for want of a better description, the tough cop on the beat in terms of managing environmental risks and sustainability. So do you see a conflict  
45 in that, or - - -

5 **MS JENKINS:** No, I thought Tasmanian industry was well-supported because it's a - it provides a good - lot of jobs down there for the regional economy that otherwise wouldn't have jobs.

10 **MS CILENTO:** It is, but there are certainly some stakeholders, and reasonably vocal stakeholders - I mean, the industry itself acknowledges the importance of its social licence to operate, that there is a perception of strength in the regulatory arrangements which support sustainability and the like.

So I just wonder whether there's - whether that would be sustained under your proposed model?

15 **MS JENKINS:** Yes, I would like to think we were. I would like to be like the Tasmanian industry, worth \$540 million instead of 85. Yes, I believe, you know, we're totally different. We're land-based aquaculture whereas theirs are in the water, and I understand they've got an Aquaculture Act that does actually support their industry.

20 And they can't do anything with the environment. I mean, if they were upsetting the environment then they wouldn't be able to do what they do sustainably anyway, they wouldn't be able to grow their animals. I'm sure there's lots of scientific rigour underneath what they do, and I know

25 that I talk to them quite often, and yes, there's - they invite the public out to see what they do. They've got open days. They don't try and hide anything. They do - they're very supportive of everything.

30 **MS CILENTO:** Yes, I guess all I'm saying is that regulations do also, you know - - -

**MS JENKINS:** Yes.

35 **MS CILENTO:** - - - assist them to, you know, in demonstrating sustainability of what they're doing.

**MS JENKINS:** Yes.

40 **MS CILENTO:** And part of that is a sense in the community that those processes are independent and robust.

**MS JENKINS:** Yes. I would say so, yes.

45 **MS CILENTO:** Sorry, I interrupted.

5 **MS JENKINS:** Yes, so yes, I was just going to say that there is an MOU, as far as I'm aware, between the Commonwealth and Queensland Government to deliver a one stop shop, but I think that falls down. If there's any sort of aquacultural approval it's still got to go through that messy, messy stakeholder network again.

10 So we didn't see that as a good solution. Then I just want to touch a little bit on the 9.1, which is the country of origin labelling for seafood. And again, I thought it was maybe a disappointing draft recommendation and perhaps showed lack of understanding of the issue, because there's been numerous campaigns and submissions from many stakeholders over the last decade appealing for this to happen.

15 Legislation was introduced by Senator Xenophon into the parliament in March 2015 only to be squashed by 12 August 2015. And a consumer can walk into any major supermarket now and buy seafood confident that they know the origin of the food, the seafood that they're buying, and they've been able to do that since 2006, but the same consumer can't go to a restaurant and confidently where the origin of the seafood on any menu is  
20 unless they're eating out in the Northern Territory.

25 **MS CILENTO:** So my question on that would be, if there is such a strong value proposition in support of this, why would restaurants and other outlets not be doing it on a voluntary basis? If it was - if there's a demand for it from the consumers? To warrant the cost that would be involved.

30 **MS JENKINS:** Well, the Restaurant and Caterers Association says there's going to be a huge cost, but we sort of tend to disagree with that, and we feel that the Restaurant and Caterers - or restaurant owners are - not all of them, but some of them, are making profits by not having to label, so they're - I mean, you might go to a restaurant and order a \$40 piece of seafood on the meal, and you don't know whether you're getting a \$3 piece of bass.

35 **MS CILENTO:** But my question is, if it mattered to people - - -

**MS JENKINS:** Yes.

40 **MS CILENTO:** - - - and they were prepared to pay more for domestically sourced fish, and it did matter to them, why would they not ask, or why would there not be more pressure for this to happen on a voluntary basis?

45 **MS JENKINS:** I think the consumer doesn't understand where their



seafood comes from, not - when you talk to consumers and say, “We import 75 per cent of our seafood,” they say, well - - -

5       **MS CILENTO:** The same consumers are presumably shopping in the supermarkets, which you’ve pointed out actually have labelling. So presumably they would have a sense of where the different sources of fish are coming from.

10       **MS JENKINS:** They should.

**MS CILENTO:** So if it was important to them, why wouldn’t they expect the same visibility from their local restaurants and outlets?

15       **MS JENKINS:** I think - yes, I think we’ll have to look back there. There has been consumer research done, I think, that say that they would prefer Australian on the menu, but the push - the pushback again, the social media thing, a bit like the super trawler. Like, if they found out and knew, if there was a powerful social media campaign, then they might understand and there might be more backlash towards it, but at the  
20       moment there hasn’t been that backlash. But that’s the industry - - -

**MS CILENTO:** We did look at it, and we are aware of the arguments for, but also, you know, strong arguments against as well. And one of the issues which we have asked people about and tried to get a better handle  
25       on is if there is such an implicit or underlying demand for this to be occurring, we perhaps would have expected to see more pressure for it, or more evidence of it emerging on a voluntary basis, which we haven’t had much evidence of.

30       **MS JENKINS:** No. Well, probably a restaurant’s not going to do it voluntarily unless they’re a (indistinct) restaurant and they want to proudly display where their seafood comes from.

35       **MS CILENTO:** All right.

**MS JENKINS:** That would be my opinion.

**MS CILENTO:** So anything else?

40       **MS JENKINS:** Nothing, thank you.

**MS CILENTO:** Well, thank you so much for your time today, and I appreciate you coming to make your views known to us.

45       **MS JENKINS:** No worries, thank you.

**MS CILENTO:** Margaret. Welcome.

**MS STEVENSON:** Thank you.

5

**MS CILENTO:** You've provided us with a submission?

**MS STEVENSON:** Yes.

10

**MS CILENTO:** Okay. And Margaret, you're here in your capacity as - -  
-

15

**MS STEVENSON:** I'm a fisherman's wife. We're a small scale fishing  
- commercial fishing business, and - pardon me - I've also just recently  
been elected as the Queensland Director for the Women's Industry  
Network Seafood Community. That was two weeks ago, so - - -

**MS CILENTO:** Congratulations.

20

**MS STEVENSON:** I hope. But yes, I've been involved in trying to  
protect our livelihood for almost 20 years now, and have just produced a  
book that I'll give you a copy on a USB stick as well.

25

But today, what I was - one of the things to begin with that I was going to  
talk about was how always - and the Indigenous people that were here also  
reflected this, that the community has relied upon a few sea-hardy  
individuals to harvest seafood on their behalf. That's always been the  
case. And so I believe social licence is found in society's expectation of  
and demand for someone - pardon me - I must apologise for my throat  
today.

30

**MS CILENTO:** Did you have a glass of water?

35

**MS STEVENSON:** I did, but it's still giving me trouble. Anyway, yes,  
society has also - has always had an expectation and a demand for  
someone to catch a supply of sustainable seafood on their behalf. I don't  
believe that relationship between supplier and community should be  
ignored or undervalued, and I believe that that is what has happened over  
time.

40

Every restriction to resource access by commercial fisherman has resulted  
in a corresponding reduction in supply of domestic seafood - thanks - for  
the community, and I don't believe it's right to treat the community's  
share as expendable. And unfortunately that seems to have been the case  
over the past two decades.

45

5 Because that link between community and supply is so important, I do believe it is ethical - I don't believe that it is ethical to allow the community's share to become a commodity which is tradeable between the commercial sector and other sectors, which potentially could lead to no access for community at all if inter-sectoral transfers were allowed.

10 I believe it is inappropriate for the commercial sector to sell their commercial licences or quota to another sector, resulting in less available domestic seafood for the public. For the same reason, it's - I believe it is inappropriate to discount community demand for and their spending on seafood while acknowledging and emphasising recreational fishing expenditure. Both consumer activities are important and support industries but current focus on the importance of recreational angler expenditure has led to disproportionate access to fisheries resources for the community since whatever share of resource access is apportioned to the commercial sector must then be shared by the millions of seafood consumers while recreational anglers are a relatively small minority of the community, and at present in Queensland have majority access to fisheries resources, both in terms of spatial access as well as species for a lot of - in a lot of cases.

25 Since both recreational anglers and seafood consumers are the end users of the fisheries resources, competition over resource access is really between recreational anglers and seafood consumers. Commercial fishermen are not the end users of the product that they catch.

30 I disagree with the Commission's opinion that it is more efficient to purchase fish from foreign producers who can fish at lower costs, and that seafood self-sufficiency is a fruitless and inefficient objective. Firstly I think we should ask why the costs overseas are lower. Some significant costs and benefits are not always computed in strictly dollar terms. There is also intangible and perhaps unquantifiable benefits to being self-sufficient in as much of our food supplies as possible, simply because food is a basic need of everyone in our population, and Australia being an island nation, I believe it places even greater importance on our long-term food security for our population.

40 We live in a world of increasing food fraud, contaminated waters, varying food handling standards throughout the world, and I believe it makes sense to know the actual origins of our food, and it is much easier to trace our own domestic food than product coming from overseas.

45 And we don't know what upheavals, financial or climatic, whatever, you know, disasters may occur, or even where the next perhaps dangerous

conflict could break out, potentially impacting our supply or even our ability to pay for imported seafood - pardon me.

5 We also don't know that another nation may not claim access to our fisheries resources under the United Nations Convention on the Law of the Sea if we are not utilising our resources fully, and so I'm not suggesting we live out of fear, but just that we make a wise contingency plan, you know?

10 I believe it's economically wise to have a proactive plan for food security rather than having to hastily create a reactive plan in the midst of troubles. And I don't know who said it, but I thought it was a wonderful statement that said when the time of need arises, the time of preparation is over, and I believe that's true.

15 With our - I had some maps here as well that show that commercial access to resources in Queensland is getting very short, very small. We've got the Great Barrier Reef Marine Park Authority's zoning plans and so on, and we have enormous areas there that I can give you an idea of that are  
20 no-take zones at all that commercial fishermen are kicked out of.

But on top of that, we have yellow zones where we're also not able to fish, and then on top of that we have, you know, sort of other areas under state legislation where we're also not able to fish, and now our state  
25 government has a policy of introducing net free zones on top of that without acknowledging all these other areas that we already cannot use to fish. And it seems almost to be a process of filling in the gaps between closures so that access to certain commercial net fishermen is becoming extremely thin, and yet the government's own web page has a graph that  
30 shows that 95 per cent of the in-shore fish for the public is actually caught in nets. So by banning the apparatus they are taking the bulk of the public's supply of them.

35 With the approach to sustainability and the concern over that, we have also seen in recent years this report, I suppose, that Australia has extremely nutrient-deficient waters. I am not sure what research backs that up, but I have concerns that that response may be a kind of making excuses for the fact that Australia's fisheries production is so low in comparison with nations around the world.

40 **MS CILENTO:** I think it has - if I can put it - I'm not a scientist, but I think as someone's explained to me, it's directly parallel to the productivity per acre of our land.

45 **MS STEVENSON:** Right.

**MS CILENTO:** So we don't - we are a very old country.

**MS STEVENSON:** Yes, yes.

5 **MS CILENTO:** Our soils are limited in their nutrient content.

**MS STEVENSON:** Right.

10 **MS CILENTO:** And as a result the run-off into the waters doesn't have the same nutritional content - - -

**MS STEVENSON:** Right.

15 **MS CILENTO:** - - - to support the marine environment that you might get in other places.

**MS STEVENSON:** Okay, yes. I know our fisheries used to be a lot more vibrant than what they are now, and I have concerns considering, you know, if that is the case, that our fisheries - our waters are nutrient deficient, then it makes me wonder why there is such a concern about farm fertiliser run-off. One would think that that would actually add nutrients to the water. Perhaps it may be it's the composition balance that might be the concern there.

20

25 **MS CILENTO:** Yes. I suspect it's that, and the concentration of it.

**MS STEVENSON:** Yes, quite possibly, yes.

30 **MS CILENTO:** As distinct from what Mother Nature might impart.

**MS STEVENSON:** Yes, that's true, and I accept that. I know our - I came across some little map here that - it's - pardon me - a depiction of the 2000 to 2004 catch levels around the world, and Australia's catch level is shown to be consistent with uninhabited Antarctica.

35

**MS CILENTO:** Yes.

**MS STEVENSON:** And I thought, well, you know, it just raises questions to me because that was 2000 to 2004. We have since had the introduction of the Great Barrier Reef Marine Park zoning plan, and the Moreton Bay Marine Park zoning plan, the Great Sandy Marine Park zoning plan, with all these areas that are closed to commercial fishing, and so you know, our catch levels would be even lower still.

40

45

And so at what level is it - you know, are we under-utilising our resources, I suppose I'm getting at, and I wonder about that. Our fisheries were highly productive - well, much more highly productive than they are presently in the past. And so - pardon me - it's - but at the same time, I'm  
5 also concerned that there's been other impacts, other anthropogenic impacts upon fisheries productivity that have not been considered, have not even attempted to have been corrected or mitigated.

10 The area that I live in has numerous examples of activities that have had dramatic impact upon fisheries resources, and there's never been any political will to actually rectify any of those. For example, just one example, we have the Ben Anderson Barrage. I mean, we have the Burnett River, and the Burnett River has over 30 dams and barrages on it. And when the Three Gorges Dam was built in China, and it's some 1,500  
15 kilometres upstream, they found that there was a 95 per cent reduction in the downstream fish eggs and larva within the first two years, and so if that's the kind of impact that barrages and such impediments upon, you know, on freshwater flows, that's the kind of impact that they can have on fisheries resources, then it would make sense to me that in a country with  
20 as poor nutrient content in our water as we have that we should be looking at perhaps other ways of harnessing water that doesn't impede river flows and things like that.

And - but with the Ben Anderson Barrage, it was actually placed right within the tidal reach of the river, and so it's severely impacted the amount of brackish water that's in the river and - but we have the barrage, which was built supposedly to allow the highest tide to be able to go over, but then they put what they call hungry boards on top, and turned it almost  
25 into a dam, and they're there consistently. They're kept there. They built a fish ladder, which for years was kept padlocked shut because they didn't want to waste any water going down to the sea.  
30

And that concept of water making it to the sea being wasted I think has been a big problem in Australia. But as far as seeking a policy of having  
35 the hungry boards taken down to allow the tidal flows to go over periodically, there's been no political will to do either that or any modification that would allow the river to be healthier.

And so, you know, it's - there's - I see a lot of hypocrisy, you know? It makes me wonder, are governments and environmentalists not really as  
40 concerned about our fisheries resources and fish habitats as they insist that they are when they're dealing with the commercial fishing sector.

**MS CILENTO:** Can I just ask a question on that?  
45

**MS STEVENSON:** Sure.

5 **MS CILENTO:** A lot of the points you were making, we've heard - I actually think there's quite a few areas where I think we're perhaps a little bit more aligned than - - -

**MS STEVENSON:** Yes.

10 **MS CILENTO:** - - - you might think, and the issues that you were just talking about in terms of taking account of known fisheries developments and the impact on the marine environment and commercial fishing in particular - - -

15 **MS STEVENSON:** Yes.

**MS CILENTO:** - - - those types of things, the importance of maintaining a viable marine environment, of ensuring the sustainability of the commercial fishing sector, all those things are certainly front and centre for us.

20 One of the things that has been sort of interesting is that - is trying to understand how that sort of political process feels from the perspective of people like yourself - - -

25 **MS STEVENSON:** Yes.

**MS CILENTO:** - - - who are trying to engage in it, trying to influence decision-making, and in particular how you think that process of consultation or engagement could be done differently - - -

30 **MS STEVENSON:** Okay.

**MS CILENTO:** - - - so that you at least would feel that you'd been heard or were having some sort of influence on policy outcomes. Do you have any views on that?

35 **MS STEVENSON:** I do. With our experience in the past, having only a small fishing business, our original licence allowed us to do a number of different - work in a number of different fisheries, which my husband sort of went from one to the other throughout the year, and so each part of that licence contributed something to our overall income, but we never caught, you know, the big quantities of any particular species or in one particular fishery that those who specialise in those fisheries did, you know?

45 And I know with the change to the - the government implemented a

management plan of coral reef fish. Now, my husband had spent, you know, over 20 years fishing in the - in reef fishing, and he missed out on an RQ, which is a reef quota, and - pardon me- simply because that in the years that they picked, our catches were lower because he didn't go north at the times when he normally did, and that was because of illness and, you know, those sort of issues. I think his father - anyway. That's beside the point.

But there were family issues at the time that caused him to make the decision to stay home and - not knowing that this was going to have a dramatic impact down the line on our capacity to earn, and so he lost his right to go fishing for reef fish, and along with that, when they gave out Spanish Mackerel quota, we only - because he did that at the same time, we only managed to get a very small quota, which doesn't make it worthwhile taking the trip north to catch his quota in one trip and then come all the way home again, because he used to go to Townsville to do that.

**MS CILENTO:** So what does he do with his quota in that circumstance?

**MS STEVENSON:** Well, we sometimes lease it out, but it's so little that, you know, most people have got lots more than us.

**MS CILENTO:** Yes.

**MS STEVENSON:** So - but the problem was there was no political appreciation for the fact that you could be engaged in a number of small activities that all contributed to your overall income, you know, and unless you were - and I think that's one of the issues that needs to be considered with the harvest strategies and the resource access as well, that - this is similar to what the Indigenous people were saying, you know, being small operators, we have some of the same values and perspectives as those people too, and that latent effort issue becomes a big problem for small-scale fisheries.

**MS CILENTO:** Yes.

**MS STEVENSON:** And it's - you know, do we want to see Queensland's fisheries or Australia's fisheries go over to having no small-scale fisheries or, you know, do we want to keep that - you know, that scale of fishery involved.

**MS CILENTO:** It's a really tricky question, I have to say.

**MS STEVENSON:** It is.



**MS CILENTO:** Because you know, when you look at the cost that - and the resources that are expended for managing fisheries in Australia - - -

5 **MS STEVENSON:** Yes.

**MS CILENTO:** - - - and you know, for ensuring that there is sustainability, which is in everyone's interests - - -

10 **MS STEVENSON:** That's right.

**MS CILENTO:** - - - and accepting how risk averse you may or may not be on that, but nonetheless - - -

15 **MS STEVENSON:** Yes.

20 **MS CILENTO:** - - - and it is a really - it's a real tough question, because you know, there's arguments for saying that big scale that allows fish to be caught more efficiently, which makes it more affordable for consumers, which means they compete more effectively against imports and all the rest of it is one side of that coin, and then the other side of the coin is what you're talking about, which from your perspective and your ability to earn an income and, you know, have a diverse income stream and all the rest of it makes complete sense.

25 **MS STEVENSON:** That's right, that's right.

**MS CILENTO:** You know, but it sits a little bit at odds with some of the other objectives.

30 **MS STEVENSON:** Yes. Yes.

**MS CILENTO:** So it is quite challenging.

35 **MS STEVENSON:** Well, by doing so, I mean, we were shifting our effort constantly.

**MS CILENTO:** Yes.

40 **MS STEVENSON:** And we believe that's a sustainable way to fish anyway, you know.

**MS CILENTO:** Yes.

45 **MS STEVENSON:** And, like, he would rest areas, he would give them a

good 12 months' rest, and - but because of the way everything's been pushing us into smaller and smaller access, now we're over-fishing areas only because we can't go anywhere else, you know? This is - it's - to be able to fish sustainably, you need to have the expansive access, you need to have area to access, and constantly cutting us down doesn't allow that.

And it's pushing - you know, pushing the fishermen into smaller and smaller areas, but of course as soon as you start taking out more and more fishermen as they've done, again, we're still cutting away at the public's supply, you know? We're treating that supply as being expendable.

**MS CILENTO:** Yes.

**MS STEVENSON:** And I don't believe that's right. So - I've looked at all the changes that we've gone through over the past 20 years, and consistently I'm still hearing these problems. After, you know, such a vast array of management approaches, plus all the restrictions on spatial access, and yet there's still problems, it makes me wonder why.

I mean, surely they should have been able to correct something in that time, and it just makes me think that their entire approach to fisheries management may be entirely wrong, perhaps, because certainly these other areas that are red on here, I mean, we're importing from countries that on this map are shown as red, which is the highest level of catch, you know, around the world.

And we're importing from there. So that makes me wonder, and I just - yes, I think - I think our fisheries management needs to actually identify definite risks and deal with those, rather than just this ad hoc process that they've been going through. But it certainly has - it certainly has cut down our industry in the state, and definitely public access, and going back to the question you were asking about the restaurateurs and - - -

**MS CILENTO:** Yes.

**MS STEVENSON:** - - - you know, voluntarily going over to local product, we do have a couple of restaurants in Bundaberg who sort of - their point of difference is the fact that they supply local product. One of them is actually owned by a commercial fisherman as well, which provides him an outlet for his product, but I think part of the problem comes back with being able to source product.

In some regards, there's so little available I think people have come to sort of - they walk into the supermarket, they hardly see any Australian seafood, I think they think, "Well, that's all there is available," and so they

just - they don't - they might complain to, you know, their next door neighbour, but they go to a restaurant, I don't think they ask, because they assume that it's probably all imported because there's no other available, and I think they have this perspective that's put out there by various groups that the world's fisheries are over-fished and this sort of thing.

I think a lot of people have been sort of scared off asking because of that sort of thing, so - anyway, that's just my perspective, but - - -

**MS CILENTO:** No, I appreciate it.

**MS STEVENSON:** So - but anyway, yes, I just hope that something will happen to give us a little bit more security in our industry and our business. You know, one of the problems that we're facing personally is we have a son who would like to carry on the business, but he's afraid to do so because he doesn't know whether there's going to be an industry in the short, let alone the long, term. So - - -

**MS CILENTO:** No, I very much appreciate your comments today and taking the time out of what I'm sure is a busy life to participate and to make those views known to us.

**MS STEVENSON:** Thank you. Yes, thank you, Chair.

**MS CILENTO:** Thank you. And if you do have that on a USB - - -

**MS STEVENSON:** I do. Yes, I do.

**MS CILENTO:** - - - that would be great.

**MS STEVENSON:** Thank you.

**MS CILENTO:** Thank you again.

**MS STEVENSON:** Thanks.

**MS CILENTO:** Last but not least, Eric Perez and Emeritus Professor Tor Hundloe. Eric, I can thank you for both of your submissions.

**MR PEREZ:** No worries. I'll let - you can go first, Tor. Do you want me to go first?

**MR HUNDLOE:** Well, I can deal with some of the issues the Commissioner is interested in, I think.

**MS CILENTO:** Please.

5 **MR HUNDLOE:** Look, I suppose I'd better say who I am. I am Emeritus Professor Tor Hundloe, the Global Change Institute, University of Queensland, and some years ago, I was going to say, I sat where the Commissioner sat, and heard many a similar story.

10 But look - and I'm also probably the pioneer of fisheries economics in Australia, if not around the world.

**MS CILENTO:** And I'm a bit anxious, actually.

15 **MR HUNDLOE:** Oh, don't be. No, no, no, no. Look, just a number of very, very quick things. I've got the reference, if you want to look at the premium that James Cook University - premium on locally-caught fish, wrote it down for you and now I'm - (indistinct) Pascoe is the first name, he's of CSIRO. Pascoe, Innes, Tobin, Stoekel, Parides, Dawe, 2016. And the title is "Beyond GDP: The Value of In-shore Commercial Fisheries to Fishers and Consumers and the Regional Communities of the Queensland East Coast", published in July this year.

20 So that's only one of many studies that look at that premium. I think it suggests about 11 or 12 per cent. Secondly, just very quickly in terms of labelling, there are a number of restaurants around the country, increasingly so, that do, as my previous - your previous witness said. I understand your point of view, that if there's such strong demand, you know, why aren't they all doing it, but I suppose from an economist's point of view there is asymmetry of information.

30 I mean - and it's not only with fish, it's with all sorts of things. I mean, as I was telling people at lunchtime, my sister who grew up on a dairy farm thought milk came out of a bottle, so you know, we have these sorts of problems.

35 Two or three other quick points. You do say under downstream processing - this is in your report - about 90 per cent of seafood by volume is sold as fresh or frozen product. Now, I'm not sure if you found that from ABARES or what but I doubt that is right. So there's, you know, no point there, but it might be worth having a look at it.

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**MS CILENTO:** Right.

**MR HUNDLOE:** You say that on page 24.

45 **MS CILENTO:** Yes.

**MR HUNDLOE:** “Around 90 per cent of seafood is” - yes.

**MS CILENTO:** Fresh or frozen. So your - the alternative being - - -

5 **MR HUNDLOE:** That’s produced in Australia. Well, there’s a lot of - maybe you’re using the word “fresh” differently to the way I’d use it, but you know, fish and chip shops, fishmongers, seafood, you know, all the sort of cooked seafood.

10 **MS CILENTO:** Okay.

**MR HUNDLOE:** Yes. Maybe it’s just the terminology.

15 **MS CILENTO:** Yes. I think we’re talking about - yes, all right. I think in the context in which we mean it, it’s correct, but I take your point.

**MR HUNDLOE:** Yes, okay. Yes, look, I’m not - - - -

20 **MS CILENTO:** Yes.

**MR HUNDLOE:** In terms - so very briefly, aquaculture, one of my ex-students in PhD worked for a Tasmania mob, and she went down there and when I’ve been there, wonderful technology from Norway, but the

25 future of Australia - and this comes from my other research, and - on food production - that’s where my real interests are these days - is that Australia has got enormous potential in the Northern Territory where we don’t have the same issues as the Great Barrier Reef.

30 Notwithstanding that, there’s a company that’s looking for the Northern Territory, a massive increase in aquaculture, is producing prawns at Cardwell, that’s the reef. If you’ve got time, go up and have a look see.

**MS CILENTO:** Yes.

35 **MR HUNDLOE:** They’ve got no problems. But generally, you know, they’ve got a meet GBRMPA’s standards, but that’s - aquaculture is I think one of the things that we are going to do and do better, ever so - -

40 **MS CILENTO:** Just on - I mean, I’m interested - so I have to say, when we started off the inquiry, I was hoping to uncover a whole bunch of things. Because I looked at - if you look at what we produce - - -

**MR HUNDLOE:** Yes.

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**MS CILENTO:** And - so high value product, look at the markets we sell it to - - -

**MR HUNDLOE:** Yes.

5

**MS CILENTO:** Like, the starting presumption is, ah, we should be able to do more of this, and talk about, you know, a premium being attracted in overseas markets for the product that we produce. But then, the point about Queensland regulation aside, we sort of bumped into a series of obstacles which, you know, some people were saying yes, there are some locations that lend themselves, but not as many as people think, and so even in Tasmania they are already - to meet their growth aspirations they are already talking about having to go much further offshore.

10

15 They're confronted with the impact of warmer water, which is impacting the viability of their operations in some ways, or is a consideration for them.

**MR HUNDLOE:** This is the fish farming, is it? Sorry. Yes.

20

**MS CILENTO:** Yes, yes. And then when we looked at even northern WA or some of the Northern Territory and you think about the scale of production - and it's not so much the infrastructure around the facilities themselves, but actually then getting them - getting the product anywhere, it's quite substantial infrastructure needs, and the guy - I forgot who we talked to in WA, but the sorts of investment that they were looking to require from government just in the form of building the types of roads that would be able to transport what they needed for production and then the product itself, was quite significant.

25

30

**MR HUNDLOE:** I think you're right. I mean, it's the Ord River. If you know the old Ord River story?

**MS CILENTO:** Yes.

35

**MR HUNDLOE:** Notwithstanding that, our most - Queensland's most successful fishery is a prawn fishery, and we ship product out of the gulf. We also take product to Townsville and into Darwin.

40

In terms of, you know, what - back to the science and our fishery, we run a vast number of species, more species - you know, the other country I know well because I went to school there was Norway, two or three lot of fish of one sort, and there's - your answer as to why it is is absolutely correct. We do very good with rock lobster, prawns, live coral, trout, you name it. We can't - and because I'm sort of getting old these days, when I

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started in this business we had 1,700 trawlers, prawn trawlers.

5 We have an open access common property problem. The gulf fishery, our most - Australia's most productive after rock lobster, Western Rock Lobster, wild capture fishery had 292 endorsements, 264 active boats, most of them subsidised to 25 per cent on the bounty scheme - I blame the fishermen for that one - and roughly one third were profitable and - I helped restructure that fishery. There's now 50 boats operating there.

10 **MS CILENTO:** Yes.

15 **MR HUNDLOE:** So you know, we've got a typical common property open access problem, which we've slowly resolved, ever so slowly, but in terms of fish farming, yes, it's an interesting one. If you look at in Scotland and Norway and those countries, we can do more, and we do more, in those cold climates.

20 So the task - there's a lot of cold water from Tassie south. I don't know what they're really worried about.

**MS CILENTO:** I think they're - I mean, I think part of the problem is that - actually getting out there and feeding.

25 **MR HUNDLOE:** Well, they do - they - look - - -

**MS CILENTO:** And the infrastructure with the seas south.

30 **MR HUNDLOE:** Well, the real issue is that they ought to go to the North Sea and where they - we - you know, the Norwegian build oil - - -

**MS CILENTO:** So Tor, come on, put it on the record, Australian fishermen are soft, that's what you're saying?

35 **MR HUNDLOE:** Yes, that's what I'm saying. That's what I'm saying.

**MS CILENTO:** Australian fish farmers are soft, right?

**MR HUNDLOE:** Yes, compared to my ancestors they are. But look - - -

40 **MS CILENTO:** They can do it in the North Sea, that's what I've written down.

45 **MR HUNDLOE:** Yes, yes. The - and I will - one further issue, the ITQ one, now, look, as an economist, I've - and you'll read some of my stuff which supports ITQs, but the history is that unless you've got a very

stable and know you've got a stable, you know, sustainable catch, you're not jumping around all over the place, that it is a problem.

5 The ITQ thing's a bit like, you know, as you would know, the cap and trade or carbon tax, and - - -

**MS CILENTO:** Yes.

10 **MR HUNDLOE:** - - - by and large I think that other than the ones that we have quota for, it's going to be just too difficult. The - and it's only difficult in the sense of getting the science right, the economics, and I - one of my mentors, well past, Jim Cushfield, he was the pioneer of fisheries economics (indistinct), he said, "Look - you know, if you start looking for dynamic MEY, forget about it, you know. The amount of effort you're going to put into it and try to" - - -

20 **MS CILENTO:** Yes. So we are looking at this a little bit further, and we don't - we're not trying to dismiss those challenges. We've had further feedback about suggesting that there are different ways in which you can actually adopt them in a more efficient and effective way which makes them applicable in a broader sense.

25 But I'm guess I'm interested, Tor, in your - you know, we formed the view, which I think most people would agree with, that input controls are less than ideal. They haven't contributed to - and haven't allowed fishermen to improve their own productivity. We heard others today talking about the undesirability of controlling the means and methods of fishing, and so if you're not - and there's this whole problem, that if you don't control the number of people actually fishing then the input controls doesn't help you.

30 So then it's like, well, if it's - if not that then what?

35 **MR HUNDLOE:** Well, yes, good point. The input controls haven't been a complete impediment to technological advancements. A lot of the interesting things, particularly electronics, with fish - or turtle exclusion devices, things like that, have actually happened - - -

40 **MS CILENTO:** Yes, yes.

45 **MR HUNDLOE:** - - - within that framework. Look, I'm no - the fact that Australia's one of the leading countries - we were the first country to go to ITQs for Southern Bluefin Tuna. The fact that so many other countries find it difficult - and it's partly political, it's partly so many challenges, but look, I'll leave that with you. I'm not going to argue.



**MS CILENTO:** Yes.

**MR HUNDLOE:** I don't think - - -

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**MS CILENTO:** Well, because it's not trying to sort of nitpick over it, it's actually a bit of an open question. If it's too difficult, is there - are there ways that we can - is there something else - are there ways in which you use input controls that minimise the disincentives for innovation or whatever around that?

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**MR HUNDLOE:** Yes.

**MS CILENTO:** Is there greater - is there something that can be done that's a halfway house? I don't know. I'm just - I guess I'm just sort of saying, if you really think ITQs don't work, and you're wanting to move from the status quo for some obvious reasons, have you got any views on what that step might be? If you don't, that's fine, but if you do it would be great.

15

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**MR HUNDLOE:** No, I'd suggest as a chap who should be here is one of my PhD students, Dr David Stirling, and David's a - he's got a PhD, he's an engineer, he's an economist, he's a fisherperson, and David is extremely - some of the technological advancements he's made within the framework of input controls - - -

25

**MS CILENTO:** Yes.

**MR HUNDLOE:** You know, the number of nets you can - you know, the speed - all that sort of stuff. There are people like that. I mean, he's rather unique, but I'll see if I can get in touch with him and send - get him to send you a note or something, because - - -

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**MS CILENTO:** Yes, that would be very helpful.

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**MR HUNDLOE:** Because that - I can see - I can see the struggle. Look, the only major reason I came - and my colleague has got lots of important things to say - the one thing that I did - that really got me motivated was sharing - or this whole - and I'll make it as briefly as we can. Economists I think to a person would agree that there is a method, and you touch upon it, of valuing fish at the margin.

40

Most of our disputes, the disputes that Margaret talked about before, not only in this state but right around the country, and I've worked for the Victorian Government, the South Australian Government, most of our

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disputes come about because there are people who have got loud voices and who roll out big, big numbers of what they spend on - you've seen the whole thing.

5       **MS CILENTO:** Yes, yes.

**MR HUNDLOE:** And I would hope, I would hope, that this time the Commission would have more luck than I did. I went down the route of recommending a license for recreational fishers in the states that didn't  
10       have it, and that was the end of me, just about. You got back a little - - -

**MS CILENTO:** No, it's funny. Everyone - there's lots of support for it. Not when we're recording. And you know, we've even had, yes, representative bodies sort of come out and say, "We think it's a good  
15       idea." In Western Australia, you know, they're strong advocates for it. I mean, the Western Australians have got a system, of course, where some of the revenue raised from the licensing goes back to the rec fishers.

**MR HUNDLOE:** Yes, yes.

20       **MS CILENTO:** And so, you know, not surprisingly they find that quite attractive.

**MR HUNDLOE:** Yes, yes. Well look - sorry.

25       **MS CILENTO:** Yes, well, see, I mean, I think - just on that, I mean, I think the two key things that we heard loud and clear was the need to get a better handle on rec fishing - - -

30       **MR HUNDLOE:** Yes.

**MS CILENTO:** And I think there should be self-interest for recreational fishers in that happening. If, you know, they feel often that their voices aren't heard, or that, you know, the value that they derive and all the rest  
35       of it isn't, you know, appropriately captured.

So that's the first thing, but the second - so that was a very clear message across a number of fronts.

40       **MR HUNDLOE:** Yes.

**MS CILENTO:** But the second one is - touches on your point, I think, about allocation, and allocation at the margin, is that, you know, there's not a high degree of confidence in many jurisdictions that all the things  
45       that need to be taken into account are being taken into account in a robust

way, and that there needs to be a process for that consultation, for thinking about value, which is economic, social and cultural value.

5 You can't always put a price on all of those things, but they need to be factored in. But also touching on some points that were made by a number of people about decisions that are made, and going back and examining the impact of those decisions, which I think underlies quite a few of Margaret's comments as well, where, you know, decisions are made, there's an assumption about what the impact is, and that's then just  
10 assumed that that's what happened.

**MR HUNDLOE:** Look, yes. The - I think you're probably - I think you did refer to my book for the FRDC called "My fish is worth more than your fish" or whatever. And that was - FRDC, by the way, in terms of  
15 science, I mean, probably is the best organisation to go to. And in that, I talk about the ways we can get those values. We did.

I've interviewed thousands of Victorian fishers, recreational fishers. We did give values on the margin. We put to them if you pay extra money,  
20 we'll use that money if we're going to buy out the commercial - you know, it's all there. It's on the record if you look for it. So it's - but what we are finding is that the recreational fishing participation is dropping quite dramatically from roughly about 20 - and I'll use Queensland. 23 per cent in 2000, of the population 5 and over, 17 per cent in 2004, 15 per  
25 cent in 2010, predicted to be 11 per cent in a few years' time.

Well, we've got that, and that's a dramatic change, and a whole range of things are happening, but the youngsters, particularly the second age, the youngsters who are playing with their electronics at the moment, have got  
30 far more things to do.

So that is something - - -

**MS CILENTO:** They're fishing virtually?  
35

**MR HUNDLOE:** Yes. Yes, indeed, I like that. I mean, the opportunity in terms of the total allowable catch to re-allocate is there. It's looking us in the eye. And that's - and I don't say that as an advocate for any one type of fishing. I've got my own boat, I've got my crab pots, I'm a  
40 recreational fisherman.

But you know, as a scientist and as an economist, I see that staring me in the eye. So - you know, and the nonsense of how much you spend. Well, look, you know - no, I don't want to go there.  
45

**MS CILENTO:** No, no, that's all right.

**MR HUNDLOE:** The - - -

5 **MS CILENTO:** Suffice to say we're on the same page.

**MR HUNDLOE:** We are. Look, the - and the super trawler one, I mean, this is - I think you - what we can do about this, I don't know. I know the operator, I know him, I've dined with him, drunk with him. He used to be  
10 a - whatever it was - ABARES before ABARES, fisheries economist, I know him very well.

The disappointing thing in that regard was that the government - and I don't know how you do this, I mean, you know, the media, certain parts of  
15 the media, you know, played to the controversy. It was just an awful mess. I don't know a scientist who's said it was the wrong decision. Maybe if we had a good environmental minister, maybe if Robert Hill used to be on the record was still there we might have got the right decision, I don't know, but government - whatever government it was, it  
20 just fell over, and that's a real shame.

But we - one of - my new job in this food systems space is really about educating people about how we do get milk and fish and - you know, I think we've just fallen - we're not doing a good job. But I must stop and  
25 let my - the industry speak. I'm just a lowly old, you know, academic who sort of helps out now and again.

**MS CILENTO:** Eric.

30 **MR PEREZ:** Yes.

**MS CILENTO:** Please.

**MR PEREZ:** All right, sure. Thanks for allowing me to present on  
35 behalf of the Queensland Seafood Industry Association. I'm the current CEO of that organisation, and yes, look, what I've taken from the presentations today up until this point is that the layers of complexity and how you do good fisheries management, if this was easy we wouldn't be having these meetings, and we wouldn't have the views that have just  
40 been presented, so that's the obvious point, but I think it's missed by the community just how complicated this is.

And I think one of the two elephants in the room in terms of getting profitability back into the industry that I think were I think touched on in  
45 the report but missed for I think the reasons that they are missed, because

they're not directly about productivity, but are there staring us in the face, is the political interference in how we manage our fisheries on a state by state basis, and that varies year on year.

5 And the allocation processes that we have currently between commercial, recreational and - I'm not as au fait with the Indigenous component, but that and charter, they're the ones that are primary at least in the Queensland context.

10 So just talking about those for a second, in this state, and I think nationally, whether the politicians or even the Commission admit it or not, we work on political fisheries management. It's not straight fisheries management. In every sense and at every level of the game there are politics involved in how we do our business, and you were talking before  
15 to my colleague Helen Jenkins about why aquaculture hasn't expanded.

It's the Great Barrier Reef, it's the politics, it's the green groups, it's the NGOs. And they're the third tranche as to why we're not profitable into the future, because you said a few times that public sentiment is this, that, and the other. Well, WWF and other NGOs represent a special interest  
20 group in the community. They don't represent the whole community, and that's something again that's lost in the media, and recently the WWF came out with a campaign about saving the shark, and poor the shark numbers, and let's show some media to people about sharks swimming in  
25 the Great Barrier Reef near the coral beds, where we don't go commercially fishing, yet the assumption was made in that presentation that that's where we catch our shark.

And so the image that's left in the community is that we are doing the  
30 wrong thing and fishing in the wrong areas, yet that's not corrected by WWF at all and it's never corrected by the minister of the day because of the politics of the day, and the politics of the day are don't say anything anti-NGO or you're going to get burnt.

35 I'm here to tell you that we are sustainable. We do try and put best practice into effect. Yet we are measured by the standards of a small non-representative group that wants to go out and shout in the media. We have to live up to that standard, and so that's a massive disconnect that we have to do something about, but if you understand why our productivity is not  
40 what it is, it's because we've got politicians that fear the green vote, and that - depending on the political party of the day, and I won't go into that, some are more pro the green agenda and some are more against it, and I personally - and this is a view shared by my organisation as well, is that every group in a society has a right to talk about what better fisheries  
45 management is, but when you get to the nuts and bolts, what groups like

WWF don't have a right to do is be in the room and tell us how we manage that fishery, because we've got departments to do that.

5 So as an example, in Queensland, the public interest should be served - and I would assume is always being served - in terms of the fisheries resource by the Department of Agriculture, Department of Environment, Heritage and Protection, and the Department of Natural Parks and Great Barrier Reef.

10 If they're not doing their job in those rooms, WWF shouldn't be invited in there to be the arbiter of what the public wants, because they don't represent the whole public view, yet they're in that room and it's not how it should happen but that's how it does happen, and again because politics of the day.

15 From a federal perspective, you've got Department of Environment and Energy, you've got the Australian Fisheries Management Authority, the Australian Maritime Safety Authority and many others. These are the groups that should be protecting the public interest. Those departments to  
20 one degree or another abrogate their responsibility and give it to the green groups and says, "What do we need to do in this space?" That's not how any policy should be run, let alone how our fishery should be managed.

25 So if you're asking me as an industry rep why we're not profitable, everything that they've just talked about is real, but the politics of the day is the real lever as to whether we get things done. Perfect case example is aquaculture. If we were fair dinkum about growing aquaculture in this state we would have a lot bigger farms than we do right now, but because  
30 of the fear of the output from those farms into the Great Barrier Reef, well, we can't expand there, but we'll expand the hell out of land-based agriculture, which is having an even bigger effect on water quality than we would ever do, but that's just the way things are.

35 And another example about this, again, hard to get to the community, but the Commission needs to have an understanding of, is that the 2050 reef plan process that's been put in place, that initially wasn't - was trying to avoid some of the politics of the day, yet responding to UNESCO was one of the biggest political things we had to do, because if the reef had been declared stuff, our tourism sector, all sectors, would have been impacted.

40

**MS CILENTO:** Yes.

**MR PEREZ:** So we got to that point, we developed things up, and in  
45 terms of the impact to the marine ecology, at least from the Queensland perspective, and I guess nationally if you were going to extend this, that

ocean acidification, impacts of climate change, variable climate, increase of population on the coast, coastal development, port development, these are such big things that requires billions of dollars to fix to improve the quality of our water, and then somehow we throw fishing into the mix.

5

Like, what the hell? Who's making these comparisons, even on an economic basis? Our impact on the marine ecology is this. Impact that port development and ocean acidification is up here. Yet we are in that same room. And it's done again for politics of the day, that it's easy to kick us in the head and to score and get low-hanging fruit from attacking an industry extractive process like us and to some extent the recreational and maybe even Indigenous and charter, than it is to attack what the real problems are.

10

15 So with all due respect to the Commission, when you're talking about the finances of how these fisheries are run, get rid of that political layer first, and then we can start talking about how you get better fisheries management.

20

Politicians don't want to hear it, but I'm here to say that because I'm an advocate for my people, and I don't want people like Margaret and her family losing jobs because of the stupidity of introduction of things like net free zones.

25

The only reason that policy is in the 2050 reef plan is because a Labor Government got in and said, "We want that in there because we think it will help the environment of the GBR." Taking out nets from three areas is going to help that environment? There's no way known. No way known.

30

**MS CILENTO:** I really appreciate you making the observations. I think to be fair to the team, more than me - - -

**MR PEREZ:** Yes.

35

**MS CILENTO:** - - - both of those observations have been picked up in the report.

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**MR PEREZ:** What - okay. And I'm not saying that they're not, all I'm saying is I've got a chance to elaborate on some of those, and - - -

**MS CILENTO:** Yes, no, no, no. That - - -

45

**MR PEREZ:** And in that process I guess the thing that Colin brought up, and I'm glad he was here to present, is science is not the king in terms of

managing our fisheries. It's been relegated to, "We'll use it if we bloody need it, but if we don't need it, we're relying on politics or who can scream the loudest."

5 I need this gentleman and that gentleman and other scientists to tell me what is better fisheries management. And someone sitting in George Street going, "Yes, we get a net free zone there and that will fix things up," that's not good fisheries management.

10 So that stuff aside, I think our Indigenous presenters made a really good point about what are we talking about values here, and this thing about Indigenous cultural value, I think there's also a value to the community that doesn't fish but relies on us to provide that product for them.

15 And if you look in Queensland, we're talking some raw numbers here, I think it's over 200 closures exist in this state already to commercial fishing activity, but recreations can fish in those closures and can also fish where we do our work as well.

20 And if you're talking about value back to the community in terms of what we extract, there's some disconnect there. I guess the other disconnect that we have found, and I think you've touched on it in the report, is getting fairness in how you do resource reallocation, or even allocation of the resource.

25 And I think we're in that game to do that properly, but everyone's take and assessment of what their impact in on the environment needs to be there, and I know we've got that in spades, and it could be done better for the commercial sector, but there's a sector there that just doesn't quite  
30 meet the mark yet. You know, a boat ramp survey doesn't quite cut it for me in terms of scientific rigour, and I think it would be difficult to get scientists to go on the record with this, but I think those boat ramp surveys aren't worth the paper they're written on.

35 But that's the environment that we've got. So probably the last thing to talk about is interaction with - it's called TEPs but we call it species of conservation interest.

**MS CILENTO:** Yes.

40

**MR PEREZ:** And I think it's the same terminology.

**MS CILENTO:** Threatened, endangered, protected - yes.

45 **MR PEREZ:** Yes. It's interesting again that the amount of interaction



with these things is measured by how much commercial interaction there is, but if some of the calls are for us to be more open and transparent about interactions that we do have, let's make that same level of accountability for the recreational sector, the Indigenous sector and the charter sector, as well as those 7,000 boat movements that go through the GBR every year that - how often are they interacting with whales, dugong, dolphins, that never get reported and no one ever hears about?

So if you're talking about looking after the environment, the amount of trips that our industry makes to go out and do its fishing every year pales in comparison to other uses of that waterway, yet where is their accountability in this process?

And it doesn't seem to be there, and I guess the connection there with profitability is we are barred from certain areas of activity because it's assumed that we're doing the wrong thing, when others that might be doing that - an activity on the water that could impact on these animals, their impact is unknown.

**MS CILENTO:** Yes.

**MR PEREZ:** Or unknowable, is what I would say. Yes, and the sustainability argument, industry has to own that space. We don't do that well. We're doing it better, but we need to have that discussion better with the Australian community, but that goes hand in hand with government coming out and calling the NGOs and other groups' bullshit in the media for what it is and they don't do it. They rely on us to do it, when it should be coming from them, because we are - what we're doing - what we have at the moment in terms of security of access is we have a licence to access the resource on behalf of a bigger community than those that claim they need that resource for their own exclusive use in terms of recreational fishing, which is - it's - the money is - God, I forget the terminology here. It's dispensable income, so they - disposable - - -

**MS CILENTO:** Yes.

**MR PEREZ:** Discretionary income, thank you. They don't have to recreationally fish if they don't want to, but they choose to, whereas with the commercial fishing sector, and again, the complexity of the supply chain, which in some regards (indistinct) Queensland current green paper process is that once you harvest the fish, it's not just there that you get value, it's in the retail, the wholesaler, when it goes through restaurants, fish and chip shops, and how that supply chain employs other people to provide them services.

5 And then the big missing link here is the link between the fish that we catch in the tourism experience of people coming to Australia. You would probably be aware of a report in 2012 that Tourism Australia brought out that in the top three reasons why people come to Australia is the wine experience as well as the food experience, and top of that food experience is to eat local seafood.

10 **MS CILENTO:** Look, I have to tell you, I experienced this - I came to appreciate this more in Hobart because there's a guy there running a charter business where they're targeting Chinese tourists, and they come in, they go out on the boat, they catch some seafood, they eat it, drink some Tassie wine, and they pay hundreds of dollars.

15 **MR PEREZ:** So you just reminded me there about the value of having country of origin labelling, and that why should restaurants - why should it be a voluntary thing? Why aren't they doing it now? We've had any number of examples have come in from the public and from our fishermen that say on a billboard you might say, "Fresh local wild-caught fish", and you find out that it's imported farm fish. No problem with import, it's  
20 part of the game that we play, and there's a mix of things that come into the market, but it's about letting the consumer make a choice.

25 And it's not about safety, it's not about the things that were in the report, it's about giving the consumer the choice, and if we're in agreement that the marine resource belongs to the community, then someone selling that fish to me, I should be able to say or know that if you tell me that that's wild caught fish I'd purchase that fish, but if you say, "Everything on my menu is farmed," I might choose to go somewhere else.

30 **MS CILENTO:** Yes. I mean, I think the voluntary versus mandatory is the issue that we would debate.

35 **MR PEREZ:** Sure, sure, sure. That would be it from me, unless you've got some questions?

**MS CILENTO:** No, no.

40 **MR HUNDLOE:** Commissioner, could I just add one thing? And this back to the allocation, and - my colleague alluded to the, you know - well, to the value added. Some of my early work was on input-output, and I know the Commission's view on input - well, it used to be, general economic modelling, but - and I don't support for one moment indicators - output multipliers, but the employment multipliers are interesting.

45 And when you look at - compare commercial and recreational fishing -

again, I'm telling - I suppose you all know this, but there's no initial employment in recreational fishing, there's no value added, so the multiplier is about two to one in favour, or put it in this way: if I stop a - sorry, a commercial fisher from fishing, and a certain unit of fish are lost, there is two jobs lost for every one that might be created if the recreational fisher takes up that fish.

**MS CILENTO:** Can I just ask - just on a technical question, is it valid to take into account the sort of tourism aspect of rec fishing? To the fact that I might - I live in Melbourne, I might go down the coast, stay a couple of nights, so I pay for the accommodation - - -

**MR HUNDLOE:** It's a - well, my view, and most economists would view that as a multi-purpose trip. We - I cut my teeth on some of the non-market valuation stuff a long, long time ago, and when we had those multi-purpose trips for us, going to the Barrier Reef or going fishing or - you know, we would segment those - the various activities and apportion those.

So if you're doing a - just a simple travel cost, the most simplest tool we could use, we'd divide it into, you know, how much was spent on having a nice restaurant meal, how much was spent on going to the rainforest, how much was spent on going to the Barrier Reef, rather than saying this person flies in from America, goes to Cairns, spends two - no, look, it's standard stuff, but this is where we've - the people who put out those big numbers fail. They lump it all together.

**MS CILENTO:** No, I don't - I mean, we've - - -

**MR HUNDLOE:** Not you, no, no.

**MS CILENTO:** No, no, no, no. I mean, we were quite - I think we're pretty - for the Productivity Commission, quite disparaging of those big number estimates, and I think - I'm looking at Matt. Matt probably hasn't read all these chapters. But we actually sort of ran the argument that said if that was a valid measure - and I was using this in some of the consultations.

I said, "If that's a valid measure, then if we whack on a licence, then the value of your fishing industry has gone up, so that should be fine."

**MR HUNDLOE:** I love it, I love it. The Commission's doing good work still.

**MS CILENTO:** Which they disagreed with. So there we go.

**MR HUNDLOE:** Yes, but that employment model's quite interesting.

**MS CILENTO:** Yes.

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**MR HUNDLOE:** And it's the only work that's been done.

**MS CILENTO:** Yes. All right. I didn't have any question. I actually think, possibly not as strongly as you might like, I actually think we've tried to address some of the key points around where decisions should be made in particular, so I'm not - - -

10

**MR PEREZ:** No, no, and please understand that from an industry advocacy point of view we understand where your Commission's hands might be tied on some of this, and this has been a problem for a long time, but the biggest thing about getting a future for good commercial - not just commercial, for fisheries outcomes for all of the different stakeholder groups is to genuinely come to a table and say we need to know what the take is from each of the groups.

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20

**MS CILENTO:** Yes.

**MR PEREZ:** We need to assess environmental impacts in an open and - as open and transparent way as we can. We should try and streamline legislation where we can to try and get maximum benefit. And it was interesting you said before about, what about the tourism aspect of rec fishing?

25

Well, what about the tourism aspect of the fish that goes into the tourism industry?

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**MS CILENTO:** Yes, I know. I - - -

**MR PEREZ:** There's a balance there that I think is sometimes missed in when you value these different fisheries, are you comparing apples to apples or apples to oranges?

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**MS CILENTO:** Yes.

**MR PEREZ:** And you know, I've heard it said sometimes that when a recreational fisher wakes up, when they breathe, they're adding to the value in the economy, whereas we don't take quite that view when we go out commercially fishing that everything we do adds some value economically, but - - -

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45

**MS CILENTO:** Yes. The one - the only other point I'd make is that one of the observations that we do make in the draft report, which I think is maybe perhaps more important than people pick up on, is the need - so obviously we will always advocate for good decision-making processes. Proper consultation, influenced, you know, by science, all the rest of it, but the other point that we make, which is the one I think is perhaps missed a little bit, is the importance of making sure that there is a process for coming back and determining whether the outcome of that decision has been what was proposed, in the sense of does it meet the objectives for the decision in the first instance, and were the outcomes regarding some of the assumptions made on the way through proven to be valid assumption as well?

So in the - you know, if you're making a decision about we're going to close this area to commercial fishing for an environmental outcome, can you demonstrate that the environmental outcome has been achieved? So presumably that the environmental circumstances have been improved, yes or no. And can you demonstrate that the assumptions that you made about the impact on commercial fishing were as expected?

And I just don't want that point to get lost, because it's a discipline that comes - it's one thing to have discipline in the decision-making process, but I think it's very important to have discipline at the end point as well so that you are actually holding people to account for what's actually happened, and whether they have a process to circle back and take that into account for what they might do in the future as well.

And for an environment like the marine environment, which is not static, it's pretty important.

**MR HUNDLOE:** Can I add one thing? When the green science was being run out for the Great Barrier Reef, an economist - actually an economist - he's passed away, actually worked for the Commission, he was in the private sector, that he came up with an estimate of the cost, about \$10 million to compensate those fishers. It cost nearly a quarter of a billion.

I was pulled in later on and we did the - we went around the country. So that was a very good case in point of - you know, and I don't blame this poor chap for getting it wrong, but he did get it wrong, but it is a very good point that you are making Commissioner, about coming back and re-looking at, you know - it was a decision on environmental grounds, but the whole economic thing was completely askew. Yes.

**MS CILENTO:** So if you're advocating for what's important in the

report, don't lose sight of that. So there may be some things that you don't want to support, but I think there are some that - - -

**MR HUNDLOE:** I want to see a recreational licence come back.

5

**MS CILENTO:** I think that is all for today unless someone wants to say anything else?

10 **MS STEVENSON:** Just on that last point, the valuation, I think that's been very poorly done. It hasn't been done, I don't believe, in Queensland, and that's why we've had such a raft of constant change over 20 years, is we've - you know, we've had one suite of management approaches imposed, and then the next thing, we're facing another lot, and then we're facing another lot.

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I mean, we became a - talking about, you know, the impacts on us as fishermen ourselves, I got that way, I was scared to check the letterbox. And - because it - and it still goes on, because you no sooner get one submission done then there's another two to be done, you know? It's just never ending.

20

And I mean, I couldn't do another job besides help my husband with the fishing because of the, I suppose, the level of effort I want to put in to the submissions to get our views across. But - and the time that it takes, you know? I'm just (indistinct) because of sitting at the computer for so long for 20 years writing - or trying to have input into the consultation processes, and then at times, like during our net free zone campaign last year, having a minister who wouldn't even speak with the fishermen in his own electorate that he was putting out of business.

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And you know, that's the sort of impact that, you know, it's had. And I mean, for him, I've got the map there that shows the areas that he took. There was already other areas where those fishermen could fish (indistinct) recreational anglers could fish where there was no net, but he still insisted on taking the entire area that the net fishermen worked.

35

And you know, there was a big part of that that my husband fished. So on top of all of our other losses, now we've lost that as well, and it just - you know, when does it end?

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**MS CILENTO:** Yes.

**MS STEVENSON:** There's a lot of depression out there.

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**MS CILENTO:** Well, thank you for that, Margaret. So hearings are

adjourned until Friday, where they'll resume in Canberra. Thank you again for everyone.

5      **MATTER ADJOURNED AT 5.00 PM UNTIL  
FRIDAY, 14 OCTOBER 2016 AT 9.27 AM**