

13 October 2016

Productivity Commission - Marine Fisheries and Aquaculture Inquiry
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Canberra City ACT 2601

By email: fisheries.inquiry@pc.gov.au



Dear Commissioners

Marine Fisheries and Aquaculture Inquiry: Draft Report

EDOs of Australia broadly support the draft recommendations for wild caught fisheries and aquaculture. Our comments relevant to the regulation of fishing in Commonwealth marine reserves are set out in our Submission on Marine Reserves Review dated March 2015¹, and detailed commentary regarding aquaculture is provided in EDO Tasmania's submission regarding the Issues Paper for this Inquiry.²

We provide the following further comments in relation the draft recommendations, findings and information requests.

Access to fisheries resources

In relation to Information Request 2.1, we submit that government decisions on take limits should be informed by, amongst other things, ecosystem-based management that considers not only the impact on individual species but the impact of fishing on species interactions and the broader marine environment.

Consideration of take limits should occur in the context of marine management generally, including recognising the biodiversity conservation and fisheries management need for larger areas of no-take marine protected areas.

We generally support Draft Recommendation 3.3, requiring regard to be had to the impact of land uses on the fishing sector. This must be part of a move towards ensuring that any assessment of a proposed use and development within the land-coast-marine continuum has regard to its potential impacts on the sustainability of other uses, and on downstream environments.

Customary fishing

We broadly support Draft Recommendations 5.1 and 5.2 in their recognition of the customary fishing sector as part of a holistic fisheries management regime, and the importance of affording priority to cultural fishing practices and ensuring native title is not affected by any licensing regime. We strongly support Aboriginal communities determining customary fishing rights, and consideration of culturally-appropriate monitoring and enforcement options, including the deployment of Aboriginal rangers.

For a good analysis of regulatory issues in this area, see Tran et al (2016) "What's the Catch? Aboriginal cultural fishing on the NSW South Coast". *Australian Environment Review* 31(5), p 182.

¹ Available at <http://www.edo.org.au/coastal1>

² Available at <http://www.edotas.org.au/resources/submissions/>

Recreational fishing

We endorse the discussion and findings in the Draft Report regarding the contribution that recreational fishing makes to overall fisheries take, as well as the management difficulties presented where such fishing is not regulated or monitored effectively. The resulting gap in analysis of fish stocks is problematic from an environmental management perspective.

We broadly support the recommendations in Chapter 4 regarding consideration of harvest tagging, strengthening penalties and undertaking research to better understand the scale and impact of recreational fishing.

We also strongly support Draft Recommendation 6.2. Making all fishing sectors, including the recreational sector, subject to allowable catch limits for southern bluefin tuna will significantly enhance the monitoring and management of impacts on the species.

Managing the environmental impacts of fisheries

We strongly support draft recommendations 7.1 and 7.3 in relation to making additional information on fisheries management publicly available and improving the transparency of management activities.

We note difficulties experienced by members of the public in gaining timely access to detailed information regarding specific interactions, as highlighted in the current appeals by the Australian Fisheries Management Authority against the Information Commissioner's decisions that disclosure of footage of interactions between the Geelong Star and various marine mammals was in the public interest.³ We urge the Productivity Commission to comment on the need for more open access policies to improve transparency regarding compliance activities.

In relation to Information Request 7.1, we submit that in a number of jurisdictions fisheries that are not assessed under the EPBC Act may not be subject to adequate environmental assessment. For example, in NSW, recreational fishing was historically identified as requiring comprehensive environmental assessment. However, with no specific trigger under the EPBC Act for this assessment, the requirement could be removed from state based legislation⁴ and no comprehensive environmental impact assessment has been undertaken. As outlined in the Draft Report and above, the absence of such assessment across the country results in poor environmental management of various fisheries.

Aquaculture

We strongly support Recommendation 8.1 regarding the use of spatial planning. However, as identified in the EDO Tasmania submission to the Issues Paper, the effectiveness of spatial planning is diminished where planning is not well integrated with other land and marine uses, and where plans are not regularly reviewed to account for changing circumstances.

In particular, warming waters as a result of climate change can alter the capacity and suitability of particular aquaculture lease areas. It is therefore important to ensure that marine farming development plans are reviewed in light of new scientific data.

We also endorse comments regarding regulatory capture in Tasmania, and Draft Finding 8.3 that the risk of capture could be minimised by separating the agency responsible for industry development from the agency responsible for regulation. This is consistent with recommendations made by the Productivity Commission in

³ See *Peter Whish-Wilson and Australian Fisheries Management Authority* [2016] AICmr 29; *Seafish Tasmania Pty Ltd and Australian Fisheries Management Authority* [2016] AICmr 30 and *Australian Broadcasting Corporation and Australian Fisheries Management Authority* [2016] AICmr 43

⁴ Recreational fishing was included as a designated fishing activity requiring environmental impact assessment under Schedule 1A of the *Fisheries Management Act 1994* (NSW) but was removed in 2006:
http://gazette.legislation.nsw.gov.au/so/download.w3p?id=Gaz_Gazette%20Split%202006_2006-103.pdf

2004, and something that has been repeatedly advocated for by EDO Tasmania and by EDOs across Australia for fisheries more generally.

We acknowledge the announcement by the Tasmanian government that responsibility for enforcement of environmental conditions would be transferred to the Environment Protection Authority from 1 July 2016.⁵ This is a very welcome shift, and will go a long way towards improving, compliance within lease areas, consistency of enforcement across both land and marine based aquaculture facilities, and public confidence in the rigour of aquaculture regulation.

However, to date the EPA has been limited by an administrative delegation to enforcing conditions set by the Marine Farming Branch, rather than having a role in assessments and condition setting. We understand that full responsibility for environmental controls is intended to be transferred to the EPA in future and look forward to more information about how this transfer of responsibilities will be implemented.

Downstream processes

We disagree with Draft Recommendations 9.1 and 9.2 and submit that the Australian Government should extend mandatory country of origin labelling to seafood sold for immediate consumption and should mandate the use of standard Australian Fish Names. We believe both these actions will improve consumer choice and help to drive improved sustainability and best practice in the fishing industry.

Other areas for improvement

In relation to Draft Recommendation 10.2, we believe that advisory committees should maintain an explicit role for conservation representation, recognising that such representation could also be skills based.

Thank you for the opportunity to comment on the Draft Report. Please do not hesitate to contact [Rachel Walmsley](#) (fisheries) or [Jess Feehely](#) (aquaculture) if you would like to discuss issues raised in the submission.

Yours sincerely,



Jess Feehely
EDOs of Australia

⁵ See DPIPWE website: <http://dpiuwe.tas.gov.au/sea-fishing-aquaculture/marine-farming-aquaculture/changes-to-salmon-industry-regulation>