Seafood Services
AUSTRALIA

PO Box 2188
Ascot Queensland 4007
ABN 11 305 273 754
ACN 097 955 569
Telephone
1300 130 321
+ 61 7 3633 6777
Facsimile
1300 130 743
+ 61 7 3633 6776
ssa@seafoodservices.com.au
www.seafood.net.au

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David Borthwick
Department of Agriculture, Fisheries and Forestry
GPO Box 858
CANBERRA ACT 2601

SSA Submission to Commonwealth Fisheries Management Review

Thank you for your correspondence of 4 October 212 regarding the review of the legislation governing the Commonwealth's fisheries management system. In consideration of the process, SSA would like to make the following comments:

1. The Commonwealth Fisheries policy and legislation were considered 'state of the art' in late 1980s. The legislation was developed just after the Ecological Sustainable Development (ESD) initiative was introduced by John Kerin. It was the first fisheries management legislation in the world to include an ESD object. The legislation itself is not defective; it is the way the legislation has been implemented. The developers of the new legislation were 'expecting' a broader implementation incorporating ESD and environmental principles, together with social and economic considerations.
2. There was a real need for new legislation as the old Fisheries Act and its regulations had been constantly tweaked and modified in an 'unsystematic way' over the years. Consolidation and clarity were needed.
3. There was a need for a national policy as none had existed previously.
4. There was a good justification for firming up property rights, resource sharing (between the Commonwealth and the States [Offshore Constitutional Settlement {OCS}] and between commercial and recreational sectors), preservation of the idea of Management Advisory Committees, the adoption of full cost recovery, ensuring catch decisions (total allowable catches [TACs]) were based on good science and included consideration of ESD and environmental aspects.
5. The new legislation and the policy promoted Individual Transferable Quotas (ITQs).
6. There were a host of different fisheries management 'philosophies' around the jurisdictions e.g. WA did not support ITQs and the OCS had not been carried fully through to its logical conclusion. This resulted in confusion within both government and industry.
7. Export fisheries were required to be accredited under the Environment Protection Biodiversity Conservation Act – this introduced an element of 'double jeopardy'. Seafood Services Australia (SSA) has always considered that more use should be able to be made of the EPBC Act accreditation e.g. use it as part of a certification framework.
8. It was considered vitally important to have the decision making on TACs based on appropriate science. This was one of the rationales for setting up AFMA as a statutory authority.
9. It was equally important that the TAC decisions were not made by the industry. This has proved to be quite difficult because the early make-up of the AFMA was strongly biased towards industry based directors. This has changed in more recent times since AFMA was made a Commission.
10. Foreign fishing has always been very heavily regulated (e.g. observers on board, transponder, catch limits, clear requirements in relation to area allowed for fishing and fishing method, control of by-catch etc). The recent Super trawler experience included all these requirements.

11. The marine park initiatives have added to the industry view that 'fishing is well down the pecking order' when compared with environmental requirements. Multiple use marine parks should be the clear objective. The Great Barrier Reef Marine Park is a good example of a multiple use marine park.
12. There is still a pressing need to achieve much more harmony and integration between Commonwealth and State/Territory fisheries management policy and the implementation of that 'more harmonised' policy.

Yours sincerely,

Michelle Christoe
Executive Officer