



Australian Government

Department of the Environment and Energy

Submission
to the
Senate Environment and Communications
References Committee

Inquiry into the environmental, social and economic impacts of
large-capacity fishing vessels commonly known as
'supertrawlers' operating in Australia's marine jurisdiction

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CONTENTS

1 Background	2
2 Management of Commonwealth fisheries	2
3 Assessment of fisheries under the EPBC Act	3
3.1 Assessment of the Commonwealth Small Pelagic Fishery	3
4 Commonwealth Marine Reserves.....	4
5 Expert panel assessment of large fishing vessels	5

1 BACKGROUND

On 7 September 2015 the Senate referred the following matter to the Environment and Communications References Committee for inquiry and report by 30 April 2016, however the inquiry lapsed at the end of the 44th Parliament. On 13 September 2016, the Senate agreed to the Committee's recommendation that this inquiry be re-adopted in the 45th Parliament and a report provided by 23 November 2016:

The environmental, social and economic impacts of large-capacity fishing vessels commonly known as 'supertrawlers' operating in Australia's marine jurisdiction, with particular reference to:

- a. *the effect of large fishing vessels on the marine ecosystem, including:*
 - i. *impacts on fish stocks and the marine food chain, and*
 - ii. *bycatch and interactions with protected marine species;*
- b. *current research and scientific knowledge;*
- c. *social and economic impacts, including effects on other commercial fishing activities and recreational fishing;*
- d. *the effectiveness of the current regulatory framework and compliance arrangements; and*
- e. *any other related matters.*

The Department of the Environment and Energy is pleased to offer this re-submission to assist the Inquiry.

2 MANAGEMENT OF COMMONWEALTH FISHERIES

Australia has a comprehensive fisheries management framework that, through both fisheries and environment legislation, manages for the sustainable use of Australia's living marine resources and protection of the marine environment.

The Australian Government's approach to fisheries management aims to maintain fish stocks at ecologically sustainable levels and, within this context, maximise the net economic return to the Australian community. It also considers the impact of fishing activities on non-target species and the long-term sustainability of the marine environment.

Australian Government policy on fisheries is led by the Department of Agriculture and Water Resources. Day-to-day management of the Commonwealth fisheries is undertaken by the Australian Fisheries Management Authority (AFMA). AFMA is a statutory authority established by the *Fisheries Administration Act 1991*. The *Fisheries Management Act 1991* and the *Fisheries Administration Act 1991* set out the roles and responsibilities of AFMA and include provisions related to the optimal utilisation of fish resources and principles of ecologically sustainable development. One of AFMA's roles is to manage fisheries in accordance with management plans made under the *Fisheries Management Act 1991*. This includes the management of vessels involved in fishing.

On 24 December 2014, the Government announced it would ban super trawlers fishing in Australian waters. The Fisheries Management Amendment (Super Trawlers) Regulation 2015 was registered on 20 April 2015 and amends the Fisheries Management Regulations 1992 to provide a permanent explicit legal ban on all boats over 130 metres in length from undertaking fishing related activities within the Australian fishing zone.

3 ASSESSMENT OF FISHERIES UNDER THE EPBC ACT

Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires that, prior to product being exported from an Australian fishery, an assessment must be undertaken to ensure that the commercial utilisation of Australian wildlife for international trade is ecologically sustainable. The Department of the Environment and Energy undertakes these assessments for fisheries managed by the states, Northern Territory and AFMA.

Protected species interactions are considered as part of these assessments, leading to accreditation of fishery management arrangements provided that they meet the standards prescribed in Part 13 of the EPBC Act. Commonwealth fisheries have also undergone strategic assessments under Part 10, which includes similar sustainability criteria as set out in Part 13A.

Fisheries assessments under the EPBC Act are conducted in accordance with the Australian Government *Guidelines for the ecological sustainable management of fisheries*, which are available at <https://www.environment.gov.au/resource/guidelines-ecologically-sustainable-management-fisheries>. Approximately 130 fisheries have been assessed under the guidelines.

3.1 Assessment of the Commonwealth Small Pelagic Fishery

The Commonwealth Small Pelagic Fishery has been the subject of proposals to introduce large mid-water trawl fishing vessels. Large vessels are used internationally for small pelagic fisheries because they allow catch to be processed on board immediately after catch. This avoids product spoilage, and also allows efficiencies in distribution, as it may significantly shorten supply chains.

In October 2015, the Department of the Environment and Energy conducted an environmental assessment of the Small Pelagic Fishery under the international wildlife trade provisions of Part 13A and the protected species provisions of Part 13 of the EPBC Act. The assessment concluded that AFMA's management arrangements for the Small Pelagic Fishery:

- ensures that fishing is conducted in a manner that does not lead to overfishing,
- provides for fishing operations to be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem, and
- requires individual fishers to take all reasonable steps to ensure EPBC Act protected species were not killed or injured as a result of fishing.

As a result of that assessment the approval to export product from the fishery was extended by three years until 26 October 2018. The approval is subject to conditions requiring AFMA to report to the Department of the Environment and Energy each year on the fishery's environmental performance.

The assessment also resulted in the management regime for the fishery being accredited under the EPBC Act for the management of interactions with protected species in Commonwealth waters. This accreditation means that individual fishers, operating in accordance with the accredited management arrangements, are not required to seek permits if they are at risk of killing or injuring listed species in Commonwealth waters. This accreditation is also subject to conditions requiring AFMA to maintain effective bycatch mitigation devices on vessels operating in the fishery and for independent observers to monitor fishing operations on mid-water trawler vessels.

Public consultation was conducted on the Small Pelagic Fishery assessment during August and September 2015. Two submissions were received as part of the process and were taken into account as part of the assessment. The Department's assessment report is available on its website at: <http://www.environment.gov.au/system/files/pages/41b182ca-9bfc-48b2-92a1-8a21f729f337/files/small-pelagic-fishery-assessment-oct2015.pdf>

4 COMMONWEALTH MARINE RESERVES

The Director of National Parks has responsibility for the administration of Australia's Commonwealth marine reserves, comprising up to 30 per cent of Australia's Commonwealth waters. The objectives of these reserves are to provide for the protection and conservation of biodiversity and other natural and cultural values, as well as ecologically sustainable use of the natural resources within the reserves.

Under the EPBC Act actions for commercial purposes that involve the taking, killing, injuring, moving or keeping of native species are prohibited in Commonwealth marine reserves, except in accordance with a reserve management plan or approval from the Director of National Parks. Due to the potential for impacts on benthic values, demersal trawl activity is only permitted in a small number of zones within Australia's Commonwealth marine reserves. In many cases, mid-water trawl activity may be authorised in reserves where demersal trawl activity is not permitted, making it challenging for reserve managers to monitor the compliance of these activities. It is critical that, where permitted within a reserve, this type of activity does not compromise the values of the reserves, including demersal habitat and species protected under the EPBC Act. Compliance with the restrictions imposed on the use of mid-water trawl gear can only be effectively enforced by maintaining a regulatory framework that requires full-time monitoring of vessel activity.

Management of activities in the South-east Network of Commonwealth Marine Reserves which were established in 2007 is undertaken in accordance with the reserve management plan that is in place until 2023. Mid-water trawling is an approved commercial fishing method under this management plan but is restricted to Habitat Protection and Multiple Use zones only.

The Director of National Parks has commenced the statutory process to create new management plans for Commonwealth marine reserves in the South-west, North-west, North, Temperate East and Coral Sea regions, including prescriptions for commercial fishing activities. This process follows the release on 5 September 2016 of a Government-commissioned independent review of the zoning arrangements for all Commonwealth marine reserves proclaimed in 2012. The review's Terms of Reference included consideration of the type of activities, including the type of fishing methods, to be allowed within the reserves according to zoning. The Government is working to finalise the remaining management plans for all Commonwealth marine reserves by mid-2017.

5 EXPERT PANEL ASSESSMENT OF LARGE FISHING VESSELS

Two expert panel reports on the environmental impacts of large fishing vessels operating in the Small Pelagic Fishery were prepared under Part 15B of the EPBC Act. The reports were publicly released in November 2014 and April 2015. In its report the first expert panel found that:

- it is inevitable that the fishing vessels it was assessing would have direct interactions with protected species of pinnipeds (seals and sea lions), cetaceans and seabirds and some interactions will result in mortalities regardless of the adoption of the best available mitigation and management measures,
- there remains considerable uncertainty about the level of direct interactions that would result in an adverse environmental impact on these species,
- mitigation measures for marine mammals need further development and testing before they could be applied with confidence,
- the Small Pelagic Fishery target species are susceptible to capture but also have characteristics that are likely to reduce the temporal and spatial extent of localised depletion,
- species at greatest risk from localised depletion (of target species) in the fishery include fur seal species and a number of seabird species,
- the preliminary findings of a recent review by CSIRO of the fishery's harvest strategy suggest that current resource utilisation rates in the fishery are unlikely to cause adverse environmental impacts to the broader ecosystem and that the 'ecological allocation' to predators and the wider ecosystem is adequate, and
- there are a number of additional fishery management actions that could help to reduce the risk of very large mid-water trawl vessels having significant adverse environmental impacts, particularly on EPBC Act protected species such as seals, dolphins and seabirds, through the use of fishing area closures, move-on provisions and improvements to bycatch mitigation devices.

The second expert panel considered a wider array of large fishing vessels than the first expert panel, however, the report concluded similar findings.

The reports of the two expert panels are available on the Department's website at:

<http://www.environment.gov.au/marine/publications/report-expert-panel-small-pelagic-fishery>

<http://www.environment.gov.au/marine/publications/report-expert-panel-declared-commercial-fishing-activity-final-small-pelagic-fishery>

The commissioned research of the two expert panels can also be provided to the Inquiry if desired.