



Australian Government

Australian Government response to the Senate
Environment and Communications References
Committee report:

Factory freezer trawlers in the Commonwealth Small
Pelagic Fishery

December 2017

Introduction

The Australian Government notes the release of the Senate Environment and Communication References Committee's report on factory freezer trawlers in the Commonwealth Small Pelagic Fishery (SPF). The government thanks the Committee members for the work in delivering the report and associated recommendations. The government also welcomes the release of the dissenting report by government senators.

Australians have a passion for our oceans and have a strong interest in the sustainable management of Australia's fisheries and aquatic resources. The government recognises the strong interest in parts of the community in the operation of factory freezer trawlers in the SPF, and acknowledges the diverse range of opinions on this issue, as represented in the Committee's report.

Australia's Commonwealth fisheries are managed for multiple objectives. *The Fisheries Management Act 1991* requires the Minister in the administration of the Act, and the Australian Fisheries Management Authority (AFMA) in the performance of its functions, to ensure that the harvesting of fisheries resources is conducted in a manner consistent with the principles of ecologically sustainable development, including the exercise of the precautionary principle. They must also pursue maximising the net economic returns to the Australian community and implement efficient and cost-effective fisheries management.

The government takes seriously the responsibility to protect the environment and to sustainably manage all fisheries, including the SPF, for the benefit of all Australians into the future. This is why the government is committed to science based fisheries management in Commonwealth fisheries representing world's best practice. In the SPF scientific research is extensive and ongoing.

The public can be assured that the government has a strong legislative and policy framework for managing fisheries. AFMA, the statutorily independent regulator, is focused on ensuring compliance with this framework.

The government is proud of Australia's well-earned reputation as a supplier of safe, environmentally sustainable, high-quality seafood. Australia's fisheries are internationally recognised as among the best managed in the world. The SPF is a good example of the effectiveness of science based fisheries management, and balancing multiple objectives.

The government looks forward to the ongoing sustainable use of the SPF by all types of ocean users for many generations to come, and is confident the Commonwealth's responsive fisheries management framework will deliver this outcome.

Recommendation 1

The committee recommends that the Australian Government ban all factory freezer mid-water trawlers from operating in the Commonwealth Small Pelagic Fishery.

The Australian Government does not support this recommendation. A ban on factory freezer mid-water trawlers is not supported by the available science, expert advice or international best practice in fisheries management.

The government's approach to fisheries management is to maintain fish stocks at ecologically sustainable levels and, within this parameter, maximise net economic returns to the Australian community. A key element in this approach is the use of 'output' controls which are used in most Commonwealth fisheries. Output controls place direct limits (quotas) on the total catch of target species that can be taken in a fishing season. In a well-managed, quota-based fishery, the size of the boat or freezer capacity is of little relevance to fish stock sustainability, providing that quotas are set correctly using the best available science.

Factory trawlers are primarily used for their additional processing, freezing and storage capabilities. On-board processing and freezing capability can optimise the quality and value of the product and can reduce wastage.

The government notes that scientific research into the SPF is extensive and on-going. Scientifically informed management decisions are made to ensure the sustainability of the fishery.

The government will continue to monitor developments in the fishery while ensuring that exploitation of the fishery is conducted in a manner consistent with the principles of ecologically sustainable development. These principles include the precautionary principle, and in particular the need to have regard to the impact of fishing on non-target species, and the long term sustainability of the marine environment.

Recommendation 2

The committee recommends that the Australian Government expedite its 2013 election commitment to appoint a National Recreational Fishing Council. An Agriculture and Water Resources portfolio minister should chair the Council.

The Australian Government notes this recommendation.

The government recognises the need for appropriate mechanisms for the recreational fishing sector to constructively engage with government on Commonwealth fisheries management matters. The government has recently established the National Recreational Fishing Council, which will allow recreational fishers to better engage with government. The government has also amended its fisheries legislation to strengthen engagement with recreational and Indigenous fishers with respect to the management of Commonwealth fisheries.

Recommendation 3

The committee recommends that the government expedite its 2016 election commitment to amend the *Fisheries Management Act 1991* to specify that the Australian Fisheries Management Authority is required to consider the interests of all users of fisheries including recreational, Indigenous and commercial fishers.

The Australian Government notes this recommendation.

Consistent with a 2016 election commitment, legislative amendments recently passed the Parliament which will ensure AFMA takes into account the interests of all fisheries users—commercial, recreational and Indigenous fishers—in exercising its existing fisheries management responsibilities. The amendments also increase the size of AFMA’s Management Advisory Committees.

The amendments do not alter the application of AFMA’s decision-making powers. Decisions will continue to be made using evidence based science but will be enhanced by formalising and strengthening input to AFMA decisions from non-commercial fishers.

Recommendation 4

To enhance public confidence in the management of Australian fisheries, the committee recommends that the Australian Fisheries Management Authority publish, on a regular basis, further information about fishing activity in the Small Pelagic Fishery. This information should include:

- **the total value of the fishery;**
- **quantity of catch (by species);**
- **the amount of bycatch caught and discarded by species; and**
- **the areas where fishing activity is taking place.**

Publication of this information should occur:

- **despite any claims from industry that particular information is commercially sensitive or should not be disclosed, although a short delay in publication may be appropriate to accommodate concerns about the commercial sensitivity of particular information; and**
- **regardless of any additional disclosures the operator of the FV *Geelong Star* may provide as part of a voluntary undertaking.**

The Australian Government notes the recommendation.

The government supports transparency in fisheries management and community access to relevant information about Commonwealth fisheries. There is a high degree of transparency around fisheries management arrangements and fisheries operations in the SPF. AFMA currently makes substantial information about the SPF publically available including: total catch limits, total catch from the fishery, quarterly reports of interactions with protected species by Commonwealth fishing operators, quota statutory fishing rights, target species status, the SPF Harvest Strategy and the SPF Management Plan.

The government supports the release of data and information about the SPF consistent with AFMA’s, policy of balancing the release of information about fishing activities with the need to protect commercially sensitive information. AFMA determines this in line with its legislative obligations and its information disclosure policy.

Recommendation 5

As the visual identification of protected species is critical for their protection, the committee recommends that the Australian Fisheries Management Authority restrict mid-water trawling in the Small Pelagic Fishery to daylight hours.

The Australian Government does not agree with this recommendation.

The government notes that the intent of this recommendation is the protection of protected species. Extensive effective measures to minimise interactions with protected species are already in place in the SPF.

All food production activities have some level of impact on the environment and in the case of fishing, the most visible impacts can be the interaction with non-target species, or bycatch.

Night fishing is a common practice around the world and necessary to effectively fish for certain species. AFMA has established a marine mammal working group to provide advice on marine mammal management arrangements for Commonwealth managed fisheries. This work includes developing mitigation and avoidance strategies. The group is structured to elicit the best possible advice from a wide variety of experts.

The SPF management regime has been assessed against the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The management regime is currently accredited under part 13 of the EPBC Act for interactions with protected species.

It is open to AFMA to move to restrict fishing to daylight hours if that is deemed essential.

Recommendation 6

The committee recommends that the Australian Fisheries Management Authority require estimates of spawning biomass based on the daily egg production method to be obtained for all quota fish populations in the Small Pelagic Fishery more frequently than the current arrangements. The cost of these surveys is to be recovered from industry.

The Australian government notes the recommendation and will refer it to AFMA for consideration.

The government will continue to support daily egg production method (DEPM) surveys as one of the primary mechanisms to inform the SPF's Harvest Strategy.

The timetable for undertaking DEPM surveys in the SPF is determined by the AFMA Commission, drawing on advice from expert sources including the SPF Scientific Panel. The AFMA Commission also reviews the frequency of DEPM surveys with regard to cost and the commercial fishing effort.

The government expects costs of the DEPM surveys to be recovered from industry through statutory levies charged in accordance with the relevant legislation and the government's cost recovery policy.

Dissenting report

The Australian Government acknowledges the dissenting report released by Coalition senators Senator David Bushby and Senator Jonathon Duniam and notes the comments it includes on the Chair's report recommendations 1, 4, 5 and 6.

The government's response to the recommendations contained in the dissenting report are as follows.

Recommendation 1

The management of Commonwealth fisheries continues to be based on the best available science and a strong compliance regime.

The Australian Government agrees with this recommendation. The government is strongly committed to managing Australia's fisheries using the best available scientific knowledge. This is why the government places significant emphasis on scientific research and has a strong legislative and policy framework for managing fisheries. AFMA, the independent regulator, is in place to ensure compliance with this framework. The government notes that Australia's fisheries are among the best managed in the world.

Recommendation 2

There should be on-going dialogue and discussion between the commercial and recreational fishing sectors in relation to the management of Commonwealth fisheries.

The Australian Government notes the recommendation.

The government recognises that commercial and recreational fishers have many shared interests including stock sustainability, marine ecosystem preservation and community accountability for the responsible use of public resources. Stronger engagement between the commercial and recreational fishing sectors on matters of common interest could lead to more comprehensive, consistent and informed advice to the AFMA Commission which independently regulates Commonwealth fisheries. This includes through the participation of commercial and recreational fishing representatives on AFMA's Management Advisory Committees (MACs) and Resource Assessment Groups (RAGs). In turn this should ultimately improve fisheries management outcomes.

The government has provided grants to both the recreational and seafood industry sectors, through the Australian Recreational Fishing Foundation and National Seafood Industry Alliance. This support will help improve the capacity of these sectors to engage in public policy matters of relevance to our fisheries.

The government notes that AFMA, in performing its functions, must pursue sustainability and economic objectives. AFMA's MACs and RAGs provide advice to the AFMA Commission to support fishery management decisions. Legislative amendments recently passed the Parliament which will improve the capacity of recreational (and Indigenous) fishers to contribute to Commonwealth fisheries management.

Additional comments

The government notes the additional comments included in the report by Labor senators, Senator Anne Urquhart, Senator Carol Brown, Senator Anthony Chisolm and Senator Sam Dastyari.