

Looking to the Future

A Review of Commonwealth Fisheries Policy



Department of
**AGRICULTURE
FISHERIES &
FORESTRY -
AUSTRALIA**

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Looking to the Future: A Review of Commonwealth Fisheries Policy

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FOREWORD

I am pleased to introduce *Looking to the Future: A Review of Commonwealth Fisheries Policy* (Looking to the Future), which details the outcomes of the Review of Commonwealth Fisheries Policy launched by my colleague, the Hon Warren Truss MP, Minister for Agriculture, Fisheries and Forestry.

A steering committee of industry and other fisheries stakeholder interests managed the Review of Commonwealth Fisheries Policy, and the Howard Government appreciates their commitment.

More than a dozen public meetings, held in fishing communities around Australia, provided a forum for direct community input to the Review. The Community's input, along with the many written submissions to the steering committee, was of great help and demonstrated the high public interest in the arrangements governing Commonwealth fisheries resources.

Our Government has constantly sought ways in which to strengthen regional and rural Australia. It is recognised that the fishing industry is the life-blood of many coastal communities, and is a significant contributor to export-generated revenue and to employment opportunities.

Looking to the Future establishes that the fundamentals of the model— particularly its independence— applied to Commonwealth fisheries management are appropriate. However, it also highlights a changing policy environment and demonstrates the need to develop new and innovative approaches to the conservation and management of Australia's fisheries resources and marine ecosystems.

Much of the focus of the initiatives contained in Looking to the Future is on addressing proactively the issues that are emerging for Commonwealth fisheries – laying down the foundations for future work.

I have been pleasantly surprised by the adaptability of all stakeholders involved with our nation's fisheries and I have welcomed the positive and responsible attitude of the non-government organisations and fishers with whom I have come in contact. I appreciate their input to a goal that I know the Government and the

community share— that is sustainability. I also believe that their sometimes different approach has contributed and added value to the management outcomes.

I am aware that for industry it is not so much change itself, but rather the rate of that change that can make doing fisheries business difficult in Australia. This has been illustrated to me in many and varied meetings with industry players from the smallest owner/operators to the bigger corporate fishing entities right around Australia. It has always been the approach of our Government to minimise disruption to business as our natural resource management policies and practices evolve. I am also pleased to have observed that Australia's leading fishing enterprises have resource conservation as an integral part of their business plans.

A goal of mine throughout this Review has been to ensure that the fishing industry did not miss out on the work that this Government has done over its two and a half terms. Since 1996, the Howard Government has overseen a great deal of reform in Australia, whilst at the same time facilitating the creation of over one million new jobs for Australians, paying off a substantial part of our nation's national debt, and building one of the strongest economies in the world. We have also been very conscious of our environmental obligations and have removed much of the previous conflict in that area through responsible governance. All of these aspects have a significant bearing on the performance of our nation both environmentally and economically and it is important that the benefits of this Government's stewardship are not confined to the cities and high profile industries.

There is no doubt in my mind that fishing in Australia has a very bright future if all those involved in fisheries management from Government, the commercial and recreational fishing industries, non-government organisations, Indigenous interests, and the general community make a serious commitment to work in



partnership for the long-term good of the resource rather than chasing short-term financial or political gain.

I am determined to work together with all stakeholders and interested parties to pursue the Government's objective of a productive, profitable and sustainable fishing industry. Ecologically sustainable development and ecosystem-based fisheries management are the key goals of Looking to the Future, and the most effective way to achieve these goals must be kept under constant review, refinement and improvement.

We are committed to regional and international efforts to regulate fishing activities for the future sustainability of global fish stocks, whilst at the same time expanding and protecting Australia's national interests on the high seas. We will maintain our leadership role in the international fight against illegal, unreported and unregulated fishing activities.

I also believe that there is a pastoral role for Government in natural resource management, and in this case it is to ensure that Commonwealth fisheries policy also promotes the entry of new fisheries operators and managers into this important evolutionary Australian industry to ensure its health and longevity.

This statement outlines a number of areas in which collaboration with the states and the territories,

commercial fishers, recreational fishers and traditional Indigenous fishers will be necessary. These include the development of a policy on resource sharing, review of fisheries arrangements under the Offshore Constitutional Settlement, implementation of fishery management plans, and completion of strategic assessments for Commonwealth-managed fisheries under the *Environment Protection and Biodiversity Conservation Act 1999*. I look forward to the outcomes of this work, and the ongoing refinement of our fisheries policies, practices and structures.

Looking to the Future: A Review of Commonwealth Fisheries Policy will plot the course for the long-term sustainable use and development of Australia's fisheries resources. I hope that those who share that goal find it a useful complement to the policy and management framework outlined in *New Directions for Commonwealth Fisheries Management in the 1990s*.



Ian Macdonald
MINISTER FOR FISHERIES, FORESTRY AND
CONSERVATION
June 2003

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ABBREVIATIONS

AAA	Agriculture Advancing Australia package of programmes – administered by the Commonwealth Department of Agriculture, Fisheries and Forestry – Australia
ABARE	Australian Bureau of Agricultural and Resource Economics AFFA Commonwealth Department of Agriculture, Fisheries and Forestry – Australia
AFMA	Australian Fisheries Management Authority AFZ Australian Fishing Zone
AIMS	Australian Institute of Marine Science
AQUAPLAN	Australian Aquatic Animal Health Plan
AQIS	Australian Quarantine and Inspection Service
ASIC	Australian Seafood Industry Council
ATSIC	Aboriginal and Torres Strait Islander Commission
BRS	Bureau of Rural Sciences
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources Compliance Agreement Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993
CSIRO	Commonwealth Scientific and Industrial Research Organisation
Environment Australia	Commonwealth Department of the Environment and Heritage
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ESD	ecologically sustainable development
EU	European Union
FA Act	<i>Fisheries Administration Act 1991</i>
FAG	fishery assessment group
FAO	Food and Agriculture Organization of the United Nations
FM Act	<i>Fisheries Management Act 1991</i>
FRDC	Fisheries Research and Development Corporation
IOTC	Indian Ocean Tuna Commission
ITE	individual transferable effort
ITQ	individual transferable quota
IUU	illegal, unreported and unregulated fishing

Looking to the Future	Commonwealth Government policy statement – <i>Looking to the Future: A Review of Commonwealth Fisheries Policy</i>
MAC	management advisory committee
MoU	memorandum of understanding
MPA	marine protected area
NADC	National Aquaculture Development Committee
New Directions	Commonwealth Government policy statement – <i>New Directions for Commonwealth Fisheries Management in the 1990s</i>
OCS	Offshore Constitutional Settlement
OH&S	occupational health and safety
R&D	research and development
RFMO	regional fisheries management organisation
RMP	regional marine plan
SSA	Seafood Services Australia
SFR	statutory fishing right
TAC	total allowable catch
UN	United Nations
UNCLOS	<i>United Nations Convention on the Law of the Sea, 1982</i>
UN Fish Stocks Agreement	The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995
VMS	(satellite-based) vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Commission
WTO	World Trade Organisation

SUMMARY

New Directions for Commonwealth Fisheries Management in the 1990s

In 1989, the Commonwealth Government released the comprehensive policy statement, *New Directions for Commonwealth Fisheries Management in the 1990s* (New Directions) (DPIE 1989).

Establishing the Australian Fisheries Management Authority (AFMA) was central to New Directions, with a statutory authority model considered the most effective way to manage Commonwealth fisheries resources. It removed day-to-day decision making from the political arena and aimed to ensure that professional fisheries managers based their management decisions on scientific and economic analyses.

The Commonwealth Department of Agriculture, Fisheries and Forestry Ó Australia (AFFA¹) established a Fisheries and Aquaculture group to provide policy support to the Minister, manage Australia's engagement in regional and international fisheries, and monitor the performance of AFMA.

The fundamentals of the policy and management framework set out in the 1989 policy remains relevant today. However, the changing policy environment of Australia's fisheries during the intervening years requires that it be updated. *Looking to the Future: A Review of Commonwealth Fisheries Policy* (Looking to the Future) identifies the drivers of fisheries policy and management today, overviews Commonwealth fisheries and presents the outcomes of a review of fisheries policy – a new set of strategies to secure the future for Australia's fisheries. Thus, it is intended that Looking to the Future will overlay New Directions and should be read in conjunction with it.

The changing policy environment

Since 1989, the policy environment has changed with a number of new issues emerging:

- Globalisation of seafood trade
- increased demand for seafood
- a rapidly growing aquaculture industry
- a changing domestic industry structure
- increasing commercial costs and revenues
- the need to build partnerships in management
- resource sharing
- increased illegal fishing in the Australian fishing zone
- growing concern about Australia's biosecurity
- increased accountability to the community
- increasing recognition of the need for ecosystem-based fisheries management
- food safety and quality
- a need for improved occupational health and safety
- difficulty in attracting young people to the fishing industry.

These issues provided a trigger for a review of the policy arrangements underpinning the management of Commonwealth fisheries.

The review highlighted strong support for:

- a continued focus on the principle of ecologically sustainable development in fisheries management
- maintaining the current institutional arrangements for managing Commonwealth fisheries
- Australia's participation in regional and international fisheries management
- effective and transparent decision making to allocate access rights among all sectors using fisheries resources.

1 Formerly the Department of Primary Industries and Energy

The review also highlighted:

- the need for a policy to carry out ecosystem-based fisheries management
- a requirement for Commonwealth state and territory governments to ensure that future arrangements provide for total-stock management, as well as better coordination of their fisheries management responsibilities
- support for better targeted research and development.

Review of Commonwealth fisheries policy

The Review of Commonwealth Fisheries Policy was initiated by the Howard Government in 2000 and involved extensive public consultation. Its aim was to recommend to the Government future arrangements for delivering Commonwealth fisheries policy into the new millennium.

The Government recognised that the commercial fishing industry is very important to coastal regions throughout Australia. The Review aims to make Commonwealth fisheries policy more consistent with other Coalition Government initiatives. These include, but are not limited to, increasing the number of Australian businesses with an export component; promoting workplace reform and the creation of new jobs; promoting ecologically sustainable development (ESD); caring for our land and seas; and recognising the role of the Australian fishing industry in the implementation of Australia's world first Oceans Policy.

For all of this to occur the Howard Government recognises that Commonwealth fisheries policy should facilitate a strong and vibrant commercial fishing industry, but at the same time must better adopt and adapt ecosystem-based fisheries management and ensure that all development is consistent with the principles of ESD.

The Review reaffirmed the framework for the management of Commonwealth fisheries resources that had been established in 1989 in New Directions. At the same time, stakeholder consultations identified a range of issues and community expectations that the

Government should address. Looking to the Future is the Government's response to these issues and expectations in the context of the changing policy environment.

The Review highlighted strong support for:

- a continued focus on the principle of ecologically sustainable development in fisheries management
- maintaining the current institutional arrangements for managing Commonwealth fisheries
- Australia's participation in regional and international fisheries management.

The Review also highlighted:

- the need for ecosystem-based fisheries management
- the need for effective and transparent decision making to allocate access rights among all sectors using fisheries resources
- a requirement for Commonwealth, state and territory governments to ensure that future arrangements provide for total-stock management, as well as better coordination of their fisheries management responsibilities
- support for better targeted research and development.

Community expectations that the Review identified about fisheries management focused on:

- ecologically sustainable development and efficient, effective ecosystem-based management of fisheries, including recovery of depleted stocks
- the need for improved resource sharing and institutional arrangements
- the importance of Australia's efforts in combating illegal, unreported and unregulated fishing and in pursuing its interests in regional and international forums
- the need to encourage young people into the industry.

Outcomes of the Review

Looking to the Future is a Commonwealth Government policy statement that reviews existing policy and comments on issues requiring change and improvement.

It also provides the vision and ideas to support and lead Australian fisheries management and the Australian fishing industry into a secure and sustainable future.

Looking to the Future develops consolidated positions to tackle emerging issues in Commonwealth fisheries management. The outcomes of the Review are a series of initiatives through which the Commonwealth Government will address these issues at a variety of levels, to meet community expectations and to ensure the sustainable development of Commonwealth fisheries in Australia. The initiatives provide a basis for new work that will enhance the future management of Australia's fisheries resources. Accordingly the Review outcomes should be seen in the light of affirmation of the present model and identification of actions to be undertaken soon to secure the future of Commonwealth fisheries.

The outcomes include strategies for:

- integrating Commonwealth fisheries policy with other strategic initiatives
- furthering both economic efficiency and ecologically sustainable development
- improving the management of Commonwealth fisheries

- continuing work on education, compliance and enforcement, fisheries research and cost recovery
- developing a framework for more effective resource sharing
- ensuring security of access rights and examining existing penalty arrangements
- maintaining an emphasis on output controls in the form of individual transferable quotas
- dealing with international fisheries issues
- investing in the people in the fishing and aquaculture industry, and those who support it
- focusing on the seafood trade, market access and food safety
- continuing to support systems for managing biosecurity, marine pests and fish health
- building partnerships involving all stakeholders
- improving management arrangements between jurisdictions
- realising the potential of aquaculture.

These outcomes and post review initiatives are set out in full in chapter 3.

INTRODUCTION

1

In 1989, the Commonwealth Government released the comprehensive policy statement, *New Directions for Commonwealth Fisheries Management in the 1990s* (New Directions) (DPIE 1989), which established the management principles, legislation and structures for today's Commonwealth fisheries.

1.1 The 1989 Commonwealth fisheries policy statement

In 1989, the Commonwealth Government released the comprehensive policy statement, *New Directions for Commonwealth Fisheries Management in the 1990s* (New Directions) (DPIE 1989), which established the management principles, legislation and structures for today's Commonwealth fisheries.

The fundamental objective of the New Directions statement was to set up effective fisheries management arrangements for Commonwealth fisheries to ensure the sustainability of the resource, and to overcome the two major problems that almost inevitably accompany the open-access and unregulated way in which the fisheries had generally, previously been operated. One of these problems is overfishing, which reduces production available from a stock. Severe or continuous overfishing may reduce fish stocks to levels from which recovery is not possible. The other problem is overcapitalisation (investment of significantly more capital and labour than needed to harvest fish stocks efficiently); this wastes valuable resources and contributes to economic inefficiency and overfishing.



A number of key policy approaches arose from New Directions:

- The Australian Fisheries Management Authority (AFMA) has been established as a statutory authority, governed by an independent board, to manage Commonwealth fisheries under the *Fisheries Management Act 1991* (FM Act); the *Fisheries Administration Act 1991* (FA Act); and related fisheries regulations.
- Legislative objectives have been developed for AFMA under the FM Act. These include cost-effective management, and ensuring ecologically sustainable development and the delivery of economically efficient fisheries.
- A cooperative management approach has been introduced, to enable relevant stakeholders to take part in management processes alongside fisheries managers, but with decision making power vested in the independent AFMA Board.
- Appropriate management costs are now recovered, based on the 'beneficiary pays' principle.
- Secure rights of access are provided by issuing statutory fishing rights (SFRs) as part of management plans.
- Individual transferable quotas (ITQs) have been identified as the preferred management method.
- Management systems have been developed to address effort creep in fisheries where ITQs are not suitable.
- Auction, tender or ballot processes are used to allocate rights in new fisheries.

Establishing the Australian Fisheries Management Authority was central to New Directions, with a statutory authority model considered the most effective way to manage Commonwealth fisheries resources. It removed day-to-day decision making from the political arena and intended to ensure that professional fisheries managers based their management decisions on scientific and economic analyses.

The Fisheries and Aquaculture area of the Commonwealth Department of Agriculture, Fisheries and Forestry – Australia (AFFA²) was also established. Its functions are to:

- manage Australia's engagement in regional and international fisheries
- provide domestic policy support to the Commonwealth minister
- assess AFMA's performance against the legislative objectives, using inputs from the Bureau of Rural Sciences (BRS) and the Australian Bureau of Agricultural and Resource Economics (ABARE).

2 Formerly the Department of Primary Industries and Energy.

1.2 The changing policy environment

Fourteen years have passed since the release of *New Directions*. The policy statement was innovative and timely. It acknowledged the industry's importance to Australia's rural and regional economies, and established new institutional arrangements. It also provided the impetus for the fishing industry to mature and develop partnerships with AFMA and AFFA in managing Commonwealth fisheries.

Since 1989, however, the environment in which the fishing industry and fisheries managers work has changed significantly. Some of the major influences include:

- **GLOBALISATION OF SEAFOOD TRADE.**

The past decade has seen seafood increasingly become a globally traded commodity. Seafood is one of the major food staples traded on world markets and remains an important source of protein in many countries. The fishing effort has expanded on the high seas and this has led responsible countries to develop and implement regional fisheries management organisations under the 1982 United Nations Convention on the Law of the Sea. Major seafood companies have developed global networks and partnerships, based on increasingly sophisticated packaging, transport and logistics systems. Global fisheries management arrangements are underpinned by frameworks that have been negotiated and implemented by governments. The trend towards regional fisheries management, for highly migratory fish stocks and straddling fish stocks, has become one of the major changes engaging Australia in international fisheries matters.

- **INCREASED DEMAND FOR SEAFOOD.**

With an increasing and more affluent world population, demand for seafood is constantly growing. At the same time, the catch from wild fisheries is falling, predominantly as a result of over-fishing. This will continue for the foreseeable future and will be accompanied by price rises for seafood products. Improvements to the management and productivity of wild-catch fisheries that will boost the harvest can only partly meet the shortfall in supply from these fisheries. Demand for seafood is so high that it will add to the pressure to further increase

aquaculture production. How Australia positions its fishing and aquaculture industries to benefit from these changes is a key national issue.

- **A RAPIDLY GROWING AQUACULTURE INDUSTRY.**

Aquaculture-based fisheries production is steadily growing worldwide, especially in Asia. Aquaculture fish provide a large percentage of the protein consumed in Asia. Australian aquaculture production has grown about 13% each year for the past 10 years and is likely to continue growing at this rate. The industry in Australia is in a good position to take advantage of our capacity to produce high-quality and high-value seafood, and of our access to important Asian markets. To capitalise on these advantages, the industry must continue to focus strongly on its product quality, and undertake significant marketing innovation and development.



- **CHANGING DOMESTIC INDUSTRY STRUCTURE.**

The past 10 years have seen significant commercial development within the industry, increasingly on a national scale and with a strong export focus. This has led to the incorporation of a number of domestic companies into larger seafood operations, as well as vertical integration and partnership arrangements with international seafood companies. These changes will continue and other major Australian seafood companies will emerge, as quota trading and acquisition allow companies and individuals to develop a wide range of commercial options. Links will continue to develop between fishing companies in Australia, New Zealand and South Africa – and probably in Japan and Korea. This is the result of the



industries in these countries seeking to develop deep-sea trawl fisheries in the southern oceans, and aquaculture industries in pristine waters. At the other end of the scale, such developments have increased competitive pressures on individual operators.

- **COMMERCIAL COSTS AND REVENUES.**

The revenues and operating costs for commercial fisheries are both substantially higher today than when *New Directions* was released, as a result of increasing globalisation of the fishing industry, increased regulation to protect the marine environment and increased prices. However, the costs of doing business remain a major concern to the fishing industry, particularly those costs associated with management that are imposed on industry by government.

- **BUILDING PARTNERSHIPS IN MANAGEMENT.**

The management of fisheries resources is increasingly complex. This requires an increasing focus on cooperative approaches to decision making in fisheries management, involving all stakeholders.

- **RESOURCE SHARING.**

Allocation of fishery resources between all sectors is now a mainstream issue in Australia, which must be addressed. The Commonwealth, state, and territory governments are developing and adopting principles for resource sharing. Those who benefit will need to contribute to the costs of fisheries management and research.

- **INCREASED ILLEGAL FISHING IN THE AUSTRALIAN FISHING ZONE (AFZ).**

As global fish stocks continue to decline and prices for high-quality fish rise, the excess fishing capacity in the world's fisheries will continue to seek new fishing grounds and species to exploit. While some of this will occur within a structured and legal framework, much of it will take place through illegal, unreported and unregulated (IUU) fishing. Well-organised illegal fishing operations have targeted Australian fisheries in the sub-Antarctic and the northern regions. This places a burden on the sustainability of the fish stocks and on the Government to provide an effective response. Australia must continue its efforts to combat illegal fishing including the ongoing development and management of a comprehensive response framework to deal with illegal operators in the short to medium term.

- **GROWING CONCERN ABOUT AUSTRALIA'S BIOSECURITY.**

IUU fishing, international maritime transport and seafood trade pose increasing challenges for Australia's biosecurity. Vessels seized and brought to Australia, especially from Indonesian ports, have carried exotic hull-fouling organisms that could establish themselves in Australia's waters. These boats also carry food and pets, and any released into the wild in northern Australia could cause an outbreak of terrestrial animal disease and damage Australia's agricultural industries. Ballast water and imported bait and feedstock are also biosecurity risks, which need our continued careful management.

- **INCREASED ACCOUNTABILITY TO THE COMMUNITY.**

The Australian community is increasingly aware of the importance of the fishing industry and of the potential for fishing practices to affect the marine environment. This has led to increased accountability for resource use by all sectors. Particular concerns are bycatch of non-target species in trawl and

longline fisheries, and the impacts of trawling on the seabed. Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the fishing and aquaculture industries must account for and demonstrate their good environmental stewardship of the marine and coastal environments, and of community-owned resources. The community expects them to meet these environmental obligations and to see rigorous evidence of this compliance. Importing countries increasingly want to source products from sustainable fisheries and aquaculture enterprises.

- **INCREASING RECOGNITION OF THE NEED FOR ECOSYSTEM-BASED FISHERIES MANAGEMENT.**

Over recent years there has been a shift in the approach of fisheries jurisdictions away from species based, to ecosystem-based fisheries management. There is a need to establish the frameworks by which this approach can be implemented.

- **FOOD SAFETY AND QUALITY.**

This is an important mainstream issue for the Australian seafood industry. Importing countries, such as Japan and the European Union (EU), are rejecting product from developing Asian countries either for poor chemical profiles of the product or poor food handling practices. Maintaining Australia's edge as a 'clean and green' producer of high-quality and safe seafood requires continuing industry and government effort.

- **IMPROVED OCCUPATIONAL HEALTH AND SAFETY (OH&S).**

Fishing is seen as one of the most dangerous occupations in the world, requiring appropriate action to address OH&S issues in the fisheries workplace.

- **DIFFICULTIES IN ATTRACTING YOUNG PEOPLE TO THE FISHERY INDUSTRY.**

A clear prescribed career path has been developed by the seafood industry and by the Commonwealth

Department of Education, Science and Training, for all sectors of the industry, however the growing costs of entry and difficult working conditions make it increasingly hard to attract young people. This is particularly so in the 'wild-catch' sector of the fishing industry. The seasonal nature of some fisheries do not provide for secure employment nor an environment where formal training can be supported. There are a number of Commonwealth fisheries in Australia that operate during certain months of the year, and this provide no secure career structure for young people. The commitment to a training culture in the 'wild-catch' sector is low.



1.3 Review of Commonwealth Fisheries Policy

Against the backdrop of this changing policy environment, the Government decided in 2000 to review its arrangements for the delivery of Commonwealth fisheries policy. This review took into account:

- the changing regional and domestic environment in which fisheries management takes place
- modern approaches to natural resource management
- new environmental legislation and changing community expectations in the years since the release of New Directions.

The Government asked the Review to determine whether the policy and management structures developed in 1989 remained effective when assessed against current policy and natural resource management principles. The Government also sought advice on improvements to policy and management that would best serve the fishing and aquaculture industries, and the Australian community, in the new millennium.



The terms of reference for the Review of Commonwealth Fisheries Policy were agreed at the national stakeholder conference at Coffs Harbour in November 2000. These were to:

- identify the key trends and issues affecting the future viability and sustainability of the Commonwealth fishing industry operating in a global environment
- review the effectiveness of policy arrangements to deliver outcomes that will provide for economically efficient and ecologically sustainable Commonwealth fisheries
- recommend to the Government arrangements for the delivery of Commonwealth fisheries policy to achieve these outcomes.

1.4 The Review's findings

The Review showed that, with few exceptions, most stakeholders believed the basic framework established in 1989 had worked well. However, stakeholder consultations identified a range of issues that the Government should address. This policy statement, *Looking to the Future: A Review of Commonwealth Fisheries Policy* sets out the Government's response to these issues.

The stakeholders strongly supported the following aspects of Commonwealth policy and management:

- keeping a focus on the principle of ecologically sustainable development (ESD) in fisheries management
- continuing the fundamental institutional arrangements for managing Commonwealth fisheries
- continuing Australia's participation in regional and international fisheries management.

The public consultations and the Steering Group deliberations identified the following issues as ones that the Government should address:

- AFMA's advisory and communication processes with stakeholders in the management of Commonwealth fisheries resources could be improved.
- There is a policy requirement to implement ecosystem-based fisheries management.
- Effective and transparent decision making is needed for allocating access rights between all sectors using fisheries resources.
- AFMA requires more resources if it is to effectively meet new environmental obligations.
- Stakeholders seek more effective implementation and accountability by AFMA against the basic principles of the legislative objectives of the FM Act, especially the precautionary principle in decision making and carrying out the economic efficiency objective.
- Commonwealth, state and territory governments should ensure that future arrangements will provide for total-stock management and deliver better coordination of their management responsibilities for fisheries.
- Support is needed for more effective use of research and development.

In considering these issues, the Government recognises that Commonwealth policy will need to continue to develop new and innovative approaches for the conservation and management of fisheries resources or so if the community's expectations and the vision outlined in *Looking to the Future* is to be realised. *Looking to the Future* anticipates that:

- ecologically sustainable development of Commonwealth fisheries resources will be assured

- ecosystem-based fisheries management will be pursued
- resource sharing between sectors and jurisdictions will be resolved
- institutional arrangements for Commonwealth fisheries management will be reviewed and refined on an ongoing basis
- fishing capacity in Commonwealth fisheries will be managed to facilitate the recovery of depleted fish stocks
- Australia will maintain its efforts to combat illegal, unreported and unregulated fishing
- Australia will continue to pursue its interests with vigour in regional and international fisheries management

- policies will provide a framework that facilitates opportunities for young people to move into the fishing industry, and maintain a career in the industry.

Looking to the Future reviews the existing policy. It also comments on issues that should be addressed and improved, and provides the vision and ideas to support and lead Australian fisheries management and industry into a secure and sustainable future. However, it should be recognised that the Review was not intended to resolve new and emerging issues, rather it sets out these issues and considers ways to take them into account.

OVERVIEW OF COMMONWEALTH FISHERIES

2

Australia's overall maritime jurisdiction, which encompasses the Australian Fishing Zone and continental shelf extensions into the adjacent high seas, is one of the worlds largest. Its area of almost 14 million km² is bigger than Australia's land mass. However, the known productivity of much of Australia's marine waters is low in comparison with other parts of the world. Australia ranks about 50th in world fisheries in terms of the volume of fish landed.

2.1 Scope and value of Commonwealth fisheries

Australia's overall maritime jurisdiction, which encompasses the Australian Fishing Zone and continental shelf extensions into the adjacent high seas, is one of the worlds largest. Its area of almost 14 million km² is bigger than Australia's land mass. However, the known productivity of much of Australia's marine waters is low in comparison with other parts of the world. Australia ranks about 50th in world fisheries in terms of the volume of fish landed.

The fishing industry ranks fifth among Australia's most significant primary industries. Australia's fisheries resources were worth an estimated \$2.41 billion

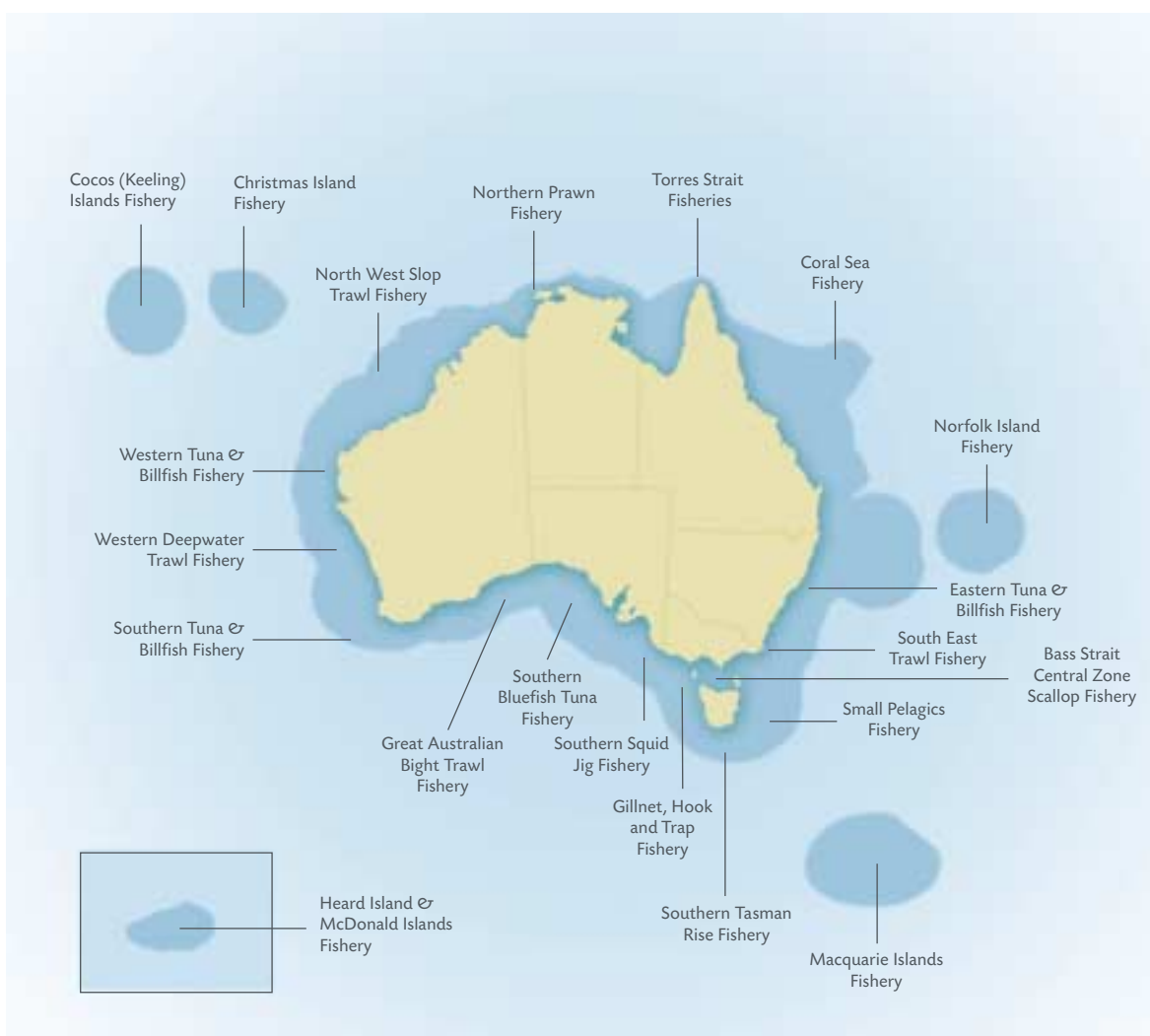
in 2001–02 (233 350 tonnes) (ABARE 2003).

Commonwealth-managed fisheries in 2001–02 were worth an estimated \$480.6 million (20% of the total).

Figure 1 shows the locations of Commonwealth fisheries and the species associated with them in 2000–01. Table 1 summarises 2002 catch sizes in these fisheries, and their values.

In 2001–02, Australia exported fish and fish products worth \$2.1 billion (edible exports – 64 291 tonnes) and imported \$1.19 billion of fish and fish products for local consumption (edible imports 144 474 tonnes). The fishing industry sector is estimated to provide 19 600 direct jobs, of which 40% are employed in wholesaling and processing.

FIGURE 1. LOCATIONS OF COMMONWEALTH FISHERIES, AND SPECIES ASSOCIATED WITH EACH (2000–01).



Source: Caton (2002)

TABLE 1. SIZE AND VALUE OF CATCHES FROM COMMONWEALTH FISHERIES IN 2002.

Fishery	Fishery Catch* (tonnes)	Fishery Value (\$ million)
Northern Prawn	8 742	134.6
Eastern Tuna and Billfish	8 556	79.3
Southern Bluefin Tuna	5 296	72.4
South East Trawl	28 256	70.0
Torres Strait	2 300	34.2
Southern and Western Tuna	4 300	33.7
Southern Shark	3 157	15.3
Great Australian Bight	2 428	6.4
South East Non-Trawl	1 162	5.6
South Tasman Rise	311	0.9
Bass Strait Scallop	0	0.0
Other	10 880	28.3
Total	75 387	480.7**

*Catch is over the calendar year, not over an individual fishery's fishing season.

**Total not equal to sum of individual values because of rounding.

Source: ABARE (2003)

2.2 Jurisdictional arrangements

Australia's fisheries resources are community-owned, and managed under Offshore Constitutional Settlement (OCS) arrangements by agreement between the Commonwealth, the states and the Northern Territory, either by a single jurisdiction or jointly. Commonwealth-managed fisheries are generally offshore fisheries or fisheries that extend over two or more state and territory jurisdictions.

There are four joint authorities: the Torres Strait Protected Zone Joint Authority, the Northern Territory Fisheries Joint Authority, the Western Australian Fisheries Joint Authority and the Queensland Fisheries Joint Authority. Except for the arrangements applying to the Torres Strait, the other three joint authorities apply to specific fisheries.

The Commonwealth (with the relevant states and territories) also has a leading role in managing fish stocks

shared with neighbouring countries (such as Indonesia and Papua New Guinea), straddling fish stocks (such as the South Tasman Rise fishery) and highly migratory fish stocks (including tuna and tuna-like species). Australia follows an active bilateral, regional and international fisheries agenda with neighbouring countries, regional fisheries management organisations (RFMOs) and international organisations including those under the umbrella of the United Nations, for example, the Food and Agriculture Organization (FAO).

2.2.1 Objectives for managing Commonwealth fisheries

AFMA manages Commonwealth fisheries under the FM Act and the FA Act. Torres Strait fisheries are managed separately under the *Torres Strait Fisheries Act 1984*.

The legislated objectives for fisheries management followed by AFMA and the Minister are:

- implementing efficient and cost-effective fisheries management for the Commonwealth
- exploiting fisheries resources and carrying on any related activities, consistent with ecologically sustainable development and exercising the precautionary principle, especially the impact of fishing on non-target species and the long-term sustainability of the marine environment
- maximising economic efficiency in exploiting fisheries resources
- ensuring that AFMA accounts to the fishing industry and the Australian community on its management of fisheries resources
- achieving government targets in recovering costs
- ensuring that conservation and management measures in the Australian Fishing Zone and the high seas meet Australia's obligations under international agreements dealing with fish stocks³
- ensuring, through proper conservation and management measures, that exploitation does not endanger the living resources of the Australian Fishing Zone
- achieving the best use of the Australian Fishing Zone's living resources.

3 This is a recent addition to the statutory objectives for AFMA, which was introduced in December 2001 following the entry into force of the Agreement for the implementation of the provisions of the United Nations Convention of the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, 1995 (UN Fish Stocks Agreement), to which Australia is a party.

2.2.2 Management considerations for Commonwealth fisheries

To meet its legislative objectives, AFMA develops management plans or arrangements for each Commonwealth fishery. These determine how it will adjust catch levels when there are changes in the size and structure of the stock, the economic and social conditions in the fishery, or other events that impact upon the biological sustainability of the stock or associated and dependent species.

Management plans, as opposed to other management arrangements, provide statutory fishing rights (SFRs) to operators in a fishery. SFRs provide fishing operators with long-term, secure, tradeable rights, which are more secure than other forms of access rights. SFR arrangements are expected to apply to more than 95%, by value, of Commonwealth-managed fisheries by mid 2004.

The Government applies the 'beneficiary pays' principle when recovering the cost of managing fisheries. AFMA's objectives require it to operate efficiently, and require that its management costs are rigorously appraised.



AFMA manages Commonwealth fisheries in partnership with stakeholders, including the fishing industry and interested community organisations. It has set up management advisory committees (MACs) in each of the major Commonwealth fisheries. The MACs develop management recommendations for each fishery that go to the AFMA Board for approval. Fishery assessment groups (FAGs) coordinate the biological assessment of the status of fish stocks. Relevant MACs and the AFMA Board consider FAG recommendations.

Most of Australia's significant Commonwealth fisheries have been fully exploited for many years. Any consideration of an appropriate management structure must take into account the fishery's biological and economic status, the impact of the fishery on the marine environment, and the established fishing rights and expectations of those who depend on the fishery.

Input or output controls, or a mixture of both, are used to manage all Commonwealth fisheries. As the name suggests, output controls regulate the level of catch from a fishery through the application of a quota system or total allowable catch (TAC). Input controls also regulate the level of catch from a fishery but do so, for example, through limits on engine capacity, boat size, net size, or a combination of these controls.

Controlling output is a way of managing fisheries and protecting fish stocks. The two basic types of output controls are competitive TACs, or global quotas, and individual transferable quotas (ITQs). Australian fisheries managers rarely use the former. The exception is when there is a need to quickly cap catch levels in a fishery before putting in place more secure ITQ arrangements. The latter is the preferred management approach for Commonwealth fisheries resources. Other approaches are only considered if, after careful evaluation, ITQ arrangements do not address the management challenges within the fishery.

Management of a fisheries resource by ITQ approaches may not suit all situations faced in Commonwealth fisheries. For example, where a fishery is based on a wide range of species – some of which have been depleted and the TAC of those species is limited to facilitate stock recovery – ITQ approaches may result in high-grading and discarding of fish to improve the economic returns to individual operators, which erodes the attempts to rebuild the affected stocks. Discarding at sea may also occur in circumstances where an individual operator does not have access to sufficient quota to cover the catch, or for market reasons.

Input controls or controls on fishing effort are also used in managing Commonwealth fisheries resources. Most input-controlled fisheries usually employ a variety of management tools. The combination most appropriate to a fishery depends on its characteristics and the management objectives.

From a management perspective, ITQs provide the greatest resource protection with the least impact on the efficiency of the harvesting system. As a result, New Directions preferred ITQs to input controls. Any decision to manage or continue to manage a fishery using input controls requires evidence that the feasibility of ITQs has been assessed and rejected.

The increasing complexity of the management of fisheries resources will require administrators to apply a continuous improvement approach. Recent concepts, such as ecosystem-based fisheries management, mean that the now traditional ITQ approach preferred for Commonwealth fisheries needs to be seen in a new light. Ecosystem-based fisheries management in the context of Commonwealth fisheries involves managing the broader impacts of fishing on the marine ecosystem, such as bycatch and protected species. Taking these broader impacts into account may require, over time, a gradual shift in emphasis from pure ITQ approaches towards using a broader suite of management tools – input and output controls – to ensure that fisheries resources remain sustainable and that ecosystem considerations are given due weight.

As fisheries are a community-owned resource it is important to ensure that allocation decisions are equitable. Specifically, the FM Act enables AFMA to allocate access to new fisheries by auction, tender and ballot. Using auction, tender and ballot ensures that either chance (a ballot) or the market (auction or tender) determines who receives rights of access to a new fishery. AFMA's policy, in formalising access rights, is to allocate a certain proportion of the access rights to those involved in the fishery's development. Its approach recognises the investment risk taken to develop the fishery.

With any newly developed fishery, the objective is to move management to ITQs as quickly as possible (provided the fishery is judged to be suited to this form of management), as happened recently with the Heard Island and McDonald Islands fishery.

2.3 Biological assessment of Commonwealth fisheries

The Bureau of Rural Sciences (BRS) undertakes independent biological assessment of Commonwealth-managed fisheries. The review process affirmed the ongoing role of BRS in this regard, although it noted that this role might need to change in order to deal with the emerging suite of public accountabilities faced by fisheries managers. BRS provides input to decision making in fisheries management and to management performance review through its annual Fishery Status Reports.

When AFMA was set up in 1992, there were five Commonwealth-managed stocks classified as overfished, ie the amount of fishing on a stock was excessive, or the catch depleted the biomass too much. These were school shark, gummy shark, southern bluefin tuna, eastern gemfish and redfish.



The *BRS Fishery Status Reports 2000–01* (Caton 2002) shows that the number of stocks classified as overfished has risen to 11 (Table 2). These are redfish, southern bluefin tuna, eastern gemfish, school shark, southern scallop, brown tiger prawn, grooved tiger prawn, blue warehou, orange roughy, sandfish and the ornate rock lobster.

The BRS report classified 11 species or stocks as fully fished – the target stock is fished at close to the maximum sustainable level. However, for another 35 target species or stocks, there are insufficient data to conduct a robust stock assessment, and 10 target species or stocks have yet to be formally assessed. In addition, the impact of fishing on non-target species (bycatch and by-product species) and on the ecosystem is not well assessed for most fisheries.

TABLE 2 TRENDS IN STOCK STATUS OF COMMONWEALTH-MANAGED SPECIES, 1992 TO 2000–01

NUMBER OF FISHERIES IN EACH STOCK STATUS CLASSIFICATION								
Status	1992	1993	1994	1996	1997	1998	1999	2000–01
Underfished	1	11	6	8	2	1	1	0
Fully fished	15	14	18	16	15	14	13	11
Overfished	5	5	3	3	4	6	7	11
Uncertain	9	15	17	26	35	35	36	35
Status not classified	37	22	23	14	11	11	10	10

Source: Caton (2002).

* This table covers a total of 67 target species. Since 1992 when Fishery Status Reports were first prepared, the proportion of species that have been classified has increased; nevertheless, some species or stocks assigned lower priority remain unclassified.

2.4 Economic assessment of Commonwealth fisheries

The Australian Bureau of Agricultural and Resource Economics (ABARE) undertakes economic surveys of Commonwealth-managed fisheries. The Review considered that the collection and economic analysis of fishery data are critical for effective fisheries management and affirmed the ongoing role of ABARE in this regard. ABARE provides input to decision making on fisheries management through the Australian Fisheries Surveys Report, which it produces annually on a selection of Commonwealth fisheries.

The ABARE surveys measure the costs and returns for fisheries. They take into account capital, labour, other inputs and fisheries management costs to establish whether the net returns to the community from the commercial use of fisheries are positive or negative.

ABARE uses a ‘net return’ measure as one indicator of the economic performance of fisheries that are surveyed. Net returns are defined as the returns after meeting all fishing costs, including labour, capital, materials and depreciation. They also include an allowance for family and operator labour, and a return on capital.

While it is evident that significant net returns are generated in some fisheries, many Commonwealth fisheries generate low, and sometimes negative, net returns to the community, with considerable fluctuations from year to year (ABARE 2000). The information indicates that, in some fisheries, fishing effort has expanded beyond an economically efficient level. A reduction of fishing effort would be required to improve net returns in these fisheries. In other cases, the fishery is a low-value resource and, even at efficient usage levels, costs approach net revenues.

OUTCOMES AND POST REVIEW INITIATIVES

3

This section deals with the principal areas of Commonwealth fisheries management and policy considered as part of Looking to the Future. It highlights the key aspects of the issues identified by the Review and sets out a way forward for the management of Commonwealth fisheries resources. Some of the initiatives focus on tackling new and emerging issues that were identified in the Review process.

3.1 Integrating Commonwealth fisheries policy with other strategic initiatives

During the past 10 years, marine fisheries management has come under much greater scrutiny. This is the result of an increased understanding of the impacts fishing has on the marine ecosystem, combined with a shift in natural resource management principles. Assessment of the management of Commonwealth fisheries shows that AFMA needs to decide on more cautious measures (consistent with the precautionary approach) to secure the future of commercial fisheries in Commonwealth waters. This shift is reflected in most other developed countries that critically appraise their fisheries performance and adjust catches accordingly.

Exporting countries such as Australia, are faced with increasingly stringent trade regulation requirements imposed when exporting seafood to international markets. Commonwealth fisheries policy needs to provide a framework to address such requirements, based on demonstrating the sustainability of our fisheries harvesting systems. There can be significant trade implications for Australian seafood exporters if this framework is not in place and applied. A recent example of the imposition of trade requirements was the ban imposed by the United States all prawn imports from countries that did not compulsorily require the use of turtle excluder devices in their trawl nets.

Better integration of marine policy and administration in Australia will make possible a more holistic approach to marine resources management. The objective of better integration should be to allow sectoral management to continue. However, it should be done within an agreed framework, designed to improve cooperation between sectors and to ensure the continual development of better management practices. Day-to-day management of Commonwealth fisheries resources will remain independent of political influence, but will operate in cooperation with Commonwealth portfolios and in consultation with stakeholders.⁴

⁴ Refer also to section 3.5.

3.1.1 National policy drivers

A set of national policy drivers has emerged since the implementation of New Directions. A focus of the review process has been on integrating these drivers into the policy arrangements for Commonwealth fisheries resources.

Australia's Oceans Policy

Australia's Oceans Policy combines a set of Commonwealth-driven initiatives for better integration of marine resource management. After the release of Australia's Oceans Policy in 1998, the Commonwealth Government – through the Department of Environment and Heritage (Environment Australia) – redesigned federal environment protection and biodiversity conservation legislation. The process ended with the implementation of the EPBC Act, which provides a comprehensive framework in this regard. As part of the new environmental management arrangements, all Commonwealth-managed fisheries must undergo a strategic environmental assessment by 2005. Australian fisheries involved in exports will have to complete the process by December 2003. The assessment will seek to ensure that the management of Commonwealth fisheries meets sustainability objectives, to conserve and protect the resource for future generations.

Another key initiative under Australia's Oceans Policy, through the EPBC Act, was the development of a representative system of marine protected areas (MPAs) to protect marine biodiversity. The Commonwealth Minister for the Environment and Heritage declares these MPAs after consulting with stakeholders and the general community. Australia has declared 13 MPAs in Commonwealth waters, including the Great Barrier Reef Marine Park and the Great Australian Bight Marine Park, and is assessing another 12 sites.

Commercial fishing may be allowed in MPAs with certain classifications or within particular MPA zones. Recent research has identified opportunities for MPAs to contribute to fisheries management when these areas are appropriately designed and operated (BRS 2002; Baelde et al 2001). Coordination between fisheries managers and environmental agencies is essential to ensure that the establishment of MPAs complements

sound fisheries management. Environment Australia has established a Commonwealth Marine Protected Area Stakeholder Reference Group to assist this process. The group's key stakeholders include the fishing industry and Indigenous and recreational fishers.

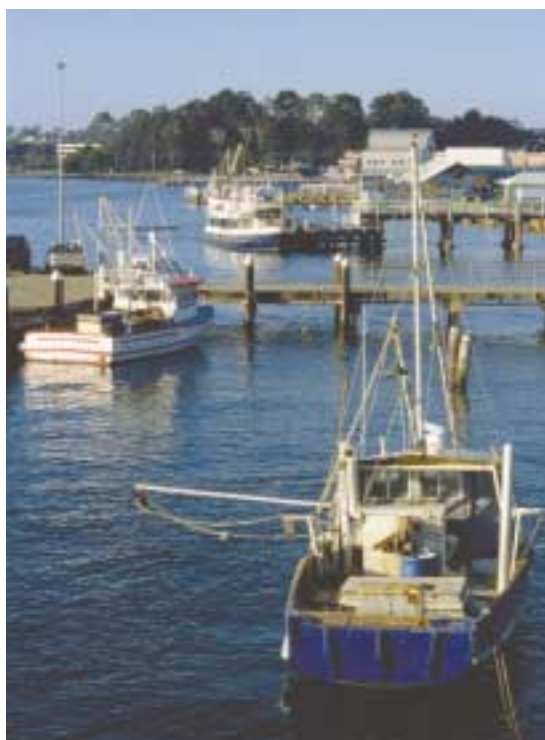
The Commonwealth is also reviewing the performance monitoring systems for MPAs. The review will assess the adequacy of surveillance and enforcement arrangements for MPAs and will ensure that clear management objectives are set for these areas and performance indicators established.

A third component of Australia's Oceans Policy is regional marine planning. This process seeks to establish large marine-area plans to integrate policy, planning and management on an ecosystem-based approach, rather than under the existing jurisdictional and sectoral approaches. Work is well advanced in designing and establishing a regional marine plan (RMP) for southeastern Australia, and has begun on a plan for northern Australia. Regional marine planning will take into account the strategic assessment process under way for Commonwealth-managed fisheries, as well as the establishment of representative MPAs. Both are likely to be well advanced before the completion of the present RMPs.

Commonwealth Bycatch Policy

Released in June 2000, the Commonwealth Bycatch Policy seeks to assess and minimise the impact of fishing on non-target species as an integral part of fisheries management. AFMA has developed bycatch action plans for all major Commonwealth fisheries, and has submitted them to Environment Australia for accreditation under the EPBC Act. These plans are based on codes of practice and other mandatory mitigation strategies, to reduce the environmental impacts of fishing activities. The bycatch action plans will also lead to more effective collection of data on the impacts of fishing on non-target species. These data will be used to improve fisheries management.

In 2003, all bycatch action plans (BAPs) will be systematically reviewed. The review will seek to enhance the effectiveness of BAPs in facilitating advances in bycatch mitigation gear technology and changes in fishing practices to minimise the effects of fishing.



National Coastal Policy

The Commonwealth announced in 2001 that it would develop an updated National Coastal Policy to improve water quality in coastal and estuarine waters, conserve and restore coastal habitats and biodiversity, and protect the economic base of coastal areas. It will develop the policy with the states and territories and integrate it closely with Australia's Oceans Policy. The National Coastal Policy could make a major contribution to the health of Australia's fisheries by reducing land-based sources of marine pollution, restoring coastal marine habitats, and protecting fisheries nursery areas in locations such as mangrove swamps and estuaries.

OUTCOME

1. AFFA and AFMA will continue to contribute towards the integration of Commonwealth fisheries policy arrangements with new and emerging national policy initiatives relevant to marine resources management, including ecosystem-based fisheries management, bycatch, regional marine planning, MPAs and the development of an updated National Coastal Policy.

3.2 Ecologically sustainable development

Although the concept of ecologically sustainable development (ESD) was not specifically defined under New Directions, consideration was given to the most appropriate means to develop fisheries whilst ensuring the conservation of fisheries resources. Today, ESD has become the cornerstone of Commonwealth fisheries management. However, Commonwealth fisheries management policy has received increasing criticism on two fronts: firstly, for not addressing the social aspects of ESD in the same way it tackles the biological and economic aspects; and secondly, for not adopting sufficiently precautionary measures in managing Commonwealth fisheries resources.

The Commonwealth, states and territories are developing and refining 'How-to' guides for ESD reporting for fisheries and aquaculture. They outline a detailed method for measuring or assessing performance against ESD in management. This will need to be accompanied by an acceptance by fishers that ESD will place certain constraints on fishing activity within the management system to protect the marine environment as a whole.

As well, the emergence of ecosystem-based fisheries management as a policy consideration means that greater scrutiny will be given to the management arrangements in Commonwealth fisheries resources over time.⁵

In 1999, a set of principles for ESD was incorporated into the EPBC Act. It would be appropriate to include in the FM Act a definition of ESD that is consistent with that contained within the EPBC Act.

⁵ Refer to section 2.2.2.

⁶ Refer to section 2.2.1.

OUTCOMES

2. The Commonwealth Government will continue to progress ESD outcomes in Commonwealth fisheries management.
3. The Commonwealth Government will seek an amendment to the FM Act to include the principles for ESD from the EPBC Act.
4. The Commonwealth Government will continue to support the development and implementation of 'How-to' guides for ESD reporting for the fisheries and aquaculture sectors.

3.3 Economic efficiency

New Directions recognised that to overcome the problems associated with open-access and unregulated fisheries, new approaches for the management of Commonwealth fisheries would be necessary. Thus New Directions established a policy framework that emphasised economic efficiency, as well as biological sustainability, and sought autonomous adjustment by fisheries to commercial and biological pressures. This framework remains valid today.

The framework included an obligation under the FM Act for AFMA to pursue the delivery of economically efficient fisheries.⁶ Economic efficiency had previously only been considered in Australian fisheries management in general terms, to be pursued, for example, through the optimum utilisation of fisheries resources, and through promotion of a viable commercial fisheries industry.

Economic efficiency is an important management objective because fisheries have a strong tendency towards overcapacity and inefficiency, due to a combination of factors including weak or absent access rights. Maximum economic yield, which will be reached well before the point of maximum sustainable yield, is an appropriate target for fisheries managers.

Under the new policy approach, the Government's role was to put in place efficient management systems, such as ITQ and individual transferable effort (ITE) methods of management. Following the initial allocation of quotas, fishing capacity would be adjusted autonomously with efficient operators having incentives to purchase fishing rights from less efficient operators, rather than through further government intervention. In order to pursue economic efficiency, New Directions recognised that TACs consistent with maximum economic yield would need to be set.

This new policy approach while accepted within the commercial fishing sector, has met with some criticism. In particular, concern was expressed over how the Government applied the economic efficiency objective under the FM Act. Some held that the objective could only be achieved if there was explicit recognition of the relative economic efficiency of individual operators by AFMA when it implements management arrangements. Legal challenges followed. However, the courts held that in implementing management approaches, such as quota-based management systems, economic efficiency should be considered in terms of the entire fishery rather than the individual operator.

Given the importance of economic efficiency, the Government recognises that all stakeholders and policy makers would benefit from being better informed about how the objective of maximising economic efficiency is pursued in Commonwealth fisheries.

OUTCOME

5. The Commonwealth Government, in consultation with relevant stakeholders, will prepare a policy paper providing guidance to the fishing industry on how the objective of maximising economic efficiency is pursued in the management of Commonwealth fisheries, while ensuring consistency with the principles of ESD.

3.4 Adjustment in fisheries

A separate issue, but one related to the pursuit of economic efficiency, is that of transitional adjustment for operators when management changes are made.

As noted in the previous section, it is desirable that this occurs through autonomous adjustment within a fishery.

Such changes may arise in input managed fisheries where fishing effort needs to be reigned in to maintain the sustainability of the fisheries resource. Similarly, changes may be necessary in output managed fisheries where the total allowable catch needs to be reduced for sustainability reasons.

In both instances, good decision making in fisheries management is based on the paramount need to ensure the long-term biological sustainability of fish stocks. Biological considerations will continue to be given precedence over short-term considerations to ensure the long-term sustainability of fish stocks for the benefit of all Australians. In taking this approach, it is recognised, however, that disruption may occur, as steps are taken to ensure sustainability and/or to improve economic efficiency. AFMA will conduct regulatory impact statements on the development of statutory management plans. The Commonwealth Government will then assess where there is reason to believe that significant adjustment will follow management decisions.

It is important to recognise that such disruption will not only affect fishers, but that it may involve flow-on impacts that will impose additional adjustment pressures on the communities, businesses, and local governments that support and depend upon the fishing industry. The Commonwealth Government's national network of 56 Area Consultative Committees (ACCs) is uniquely placed to respond to issues in their regions and to inform governments of the impact of policies and programmes on businesses and the community. The Commonwealth Government will consult with ACCs, as appropriate, to ensure that potential flow on impacts are identified as part of regulatory impact assessments.

In most Commonwealth fisheries, significant adjustment resulting from management decisions is unlikely to occur, as most major fisheries are already managed under systems that allow adjustment to occur autonomously through the market. This may also occur through other international economic market considerations such as the increasing value of the Australian dollar.

It will remain the responsibility of the Commonwealth Government – not of the statutory authority established

to manage the Commonwealth fisheries resources – to determine the need for adjustment assistance, and its form and source of funding. In addition to advice from AFMA and stakeholders, the presence or absence of secure access rights in the form of statutory fishing rights (SFRs) will have a major influence on the Government’s decision. Relevant ACCs will also be in a position to inform the Commonwealth Government from a local perspective of the impact at the local community and business level.

OUTCOME

6. AFMA will continue to provide regulatory impact statements when developing statutory management plans. Where the Commonwealth Government considers that significant impacts may arise from a management decision it will assess the direct impact on fishers. The Commonwealth will, as necessary, assess the indirect impacts on the communities that support and depend upon the fishing industry. The Government should ensure that consideration of the broader impacts does not delay the fisheries management changes.

3.5 Improved management of Commonwealth fisheries

The fundamentals of the independent authority model established under New Directions, reflected the Government’s commitment to consultative management approaches, emphasising partnerships with key industry, community and government stakeholders. The Review agreed that the consultative approach to management of fisheries resources, established by New Directions, should continue.

The Review accepted the importance of the partnership approach and supported the basis for the management arrangements established by the AFMA Board and involving input from management advisory committees (MACs) and fishery assessment groups (FAGs). However, the Review identified several areas where AFMA’s performance could be improved.

3.5.1 AFMA’s advisory and communication arrangements

AFMA has established MACs and FAGs to assist stakeholder input to the management process. These bodies draw their expertise-based membership from commercial, recreational and charter fishers, fisheries managers, environment or conservation representatives, and fisheries researchers. MACs and FAGs play a crucial role in AFMA’s decision making, and attracted support and critical attention during the Review. Issues raised during the Review about AFMA’s consultative arrangements included:

- inadequate reporting against AFMA’s statutory objectives
- a desire for greater transparency of decision making and communication between the AFMA Board and the MACs, and also from MACs and the AFMA Board to fishers and other stakeholders
- the need for better understanding by MAC members of their roles and responsibilities, and for support in carrying out their functions
- the need for improved processes to adequately manage conflicts of interest
- AFMA officers or managers not engaging directly with fishers and their representatives
- undue focus by AFMA and the MACs on commercial fishers’ interests.

Coincidental to this Review, the AFMA Board commissioned a review of the operation of MACs in October 2000. The board accepted all but two of the review’s 31 recommendations, many of which addressed concerns raised during this review. The AFMA Board did not support: (i) the automatic exclusion from MAC membership of persons who had been found guilty of a Commonwealth or state fisheries offence in the past 10 years (preferring to consider each case on its merits), and (ii) a limit of four industry members on MACs (considering that this would inappropriately limit flexibility in particular fisheries). Implementation of the agreed recommendations has largely been completed.

There is also a need for AFFA, who take a lead role for Australia in regional fisheries management organisations, to brief the MACs on developments in the RFMOs that may impact on the domestic stock management, and potential compliance measures that Australia may wish to take.

The Government strongly supports AFMA’s partnership approach to management of Commonwealth fisheries. However, to make the model more transparent, the Government recognises the need for a number of procedural and administrative changes.

OUTCOMES

7. Membership of AFMA’s MACs will continue to be expertise-based and, as appropriate, will include members or observers from commercial industry; conservation, recreational fishing, traditional fishing, and research (including economics) interests; the states; and the AFMA manager.
8. In addition, Environment Australia will continue to participate as permanent observers of MACs, as relevant.
9. AFFA will participate as observers on MACs as necessary to support its work on regional fisheries management and national policy development.
10. To ensure that there is no perception of a conflict of interest, there will be no concurrent membership for the positions of MAC chair, or executive officer on MACs, and the AFMA Board.
11. Members of MACs and FAGs will continue to be expected to make their views clearly known at meetings and to participate in the deliberations in an open and constructive manner, to develop advice to the AFMA Board that supports the best interests of the fishery consistent with the legislative objectives.
12. To promote clarity of understanding of its decisions, the AFMA Board will ensure that advice to stakeholders on its decisions provides:
 - the rationale for its decision (without disclosing any commercial-in-confidence information provided)
 - the consultation process used in coming to the decision
 - how the outcome of the decision will advance the legislative objectives of AFMA.



3.5.2 Communicating with key clients

The Review heard a suggestion that AFMA should improve its regional presence by moving from Canberra and relocating to the regions. While accepting the reasoning that AFMA officers should interact more with key clients in regional Australia, the Government believes that there is a more compelling case for having the Authority’s head office located in Canberra, to better influence and support government policy formulation.

However, the Government recognises that further consideration needs to be given to options to improve communication with key clients.

OUTCOME

13. AFMA will consider various options to improve communication with industry. Such options will include: basing regional liaison officers in major fishing areas, providing an on-the-ground roving communication and information service to AFMA and stakeholders in the fisheries, and the use of video-conferencing and other communications technologies.

7 Refer to section 2.2.1.

8 Refer to section 3.2.

9 Refer to section 3.3.

10 Refer to section 2.3.



3.5.3 The Commonwealth's statutory objectives

Validity of existing objectives

The legislative objectives, set out in the FM Act⁷ for the AFMA Board and the Minister to pursue to deliver the desired management outcomes, remain valid. The Government intends to amend the legislation to provide better expression of the concept of ESD.⁸ The Commonwealth Government will also prepare policy guidelines on how economic efficiency is to be applied in Commonwealth fisheries.⁹

AFMA is obliged to consider the full suite of management objectives in its management of Commonwealth fisheries. However, it may be necessary to give additional emphasis to some objectives, in order to ensure the long-term biological sustainability of Commonwealth fisheries resources, and to achieve a proper balance between actions that serve the needs of the present generation with those that meet the needs of the generations that will follow. For example, it may be necessary to take rigorous actions to achieve stock recovery of a depleted species now, to ensure that there is a robust stock upon which to base fisheries in the future. In another instance, greater emphasis may need to be given to Australia's domestic policies to be in accord with those of the regional fisheries management organisations (RFMOs) of which we become members. In most cases Australia's policies are significantly better than that required by RFMOs. This is important because the transboundary nature of some fisheries means that Australia cannot ensure that the relevant stock is managed with the same degree of precaution and sustainability, as if it were a purely a domestic stock.

¹¹ The Southern and Eastern Scalefish and Shark Fishery integrates the managements of the South East Trawl Fishery, South East Non-Trawl Fishery, Southern Shark Fishery, Great Australian Bight Trawl Fishery, and the Commonwealth component of the Victorian Inshore Trawl Fishery under one plan of management.

Precautionary management

The biological assessment of Commonwealth-managed fisheries shows an increase in the number of overfished fisheries.¹⁰ The Government and AFMA must seriously consider the implications of this increase in overfished fisheries and, in particular, consider the application of a precautionary approach.

Ongoing collection of better information over time improves the foundations for decision making. All sources of information must be considered, including the knowledge and experience of fishers, in addition to scientific assessments and opinions.

OUTCOMES

14. The current statutory objectives remain a suitable basis for the management of Commonwealth fisheries. However, some objectives may be given an additional emphasis, if such a focus will ensure the long-term ecological sustainability of Commonwealth fisheries resources.
15. AFMA will implement the precautionary approach.
 - The collection of quality data and information to support the objective of improving the effectiveness (including cost effectiveness) of management should be a priority.
16. The Commonwealth Government will seek an amendment to the FM Act to clarify the requirement that management plans explicitly include objectives consistent with those under the legislation, and include criteria and time frames for performance review. (At present, this section of the FM Act requires a plan of management to set out the objectives of the plan, measures by which the objectives are to be attained, and performance criteria against which the measures taken may be assessed.)

3.5.4 Fishery management plans

New Directions envisaged the management of all Commonwealth fisheries under Parliamentary-approved plans that provide secure access rights to fishers. The management plans would lead to the allocation of SFRs, which, by providing secure and transferable access rights, establish market-based incentives for commercial operators to improve and conserve resources. Six Commonwealth fisheries have management plans and associated SFRs:

- *Great Australian Bight Trawl Fishery Management Plan 1993*
- *Southern Bluefin Tuna Fishery Management Plan 1995*
- *Northern Prawn Fishery Management Plan 1995*
- *South East Trawl Fishery Management Plan 1998*
- *Heard Island and McDonald Islands Management Plan 2002*
- *Bass Strait Central Zone Scallop Management Plan 2002.*

The plans for the Eastern Tuna and Billfish Fishery, Southern and Western Tuna and Billfish Fishery, and the combined Southern and Eastern Scalefish and Shark Fishery¹¹ are expected to be in place by mid 2004. Their completion will ensure all major Commonwealth fisheries have management plans in place.

Management arrangements have been developed for all other Commonwealth fisheries. These do not establish SFRs, as they are not formal fisheries management plans under the FM Act. This creates an inequity between Commonwealth concession-holders, as some have more secure rights of access than others. However, pragmatic judgements must be made about the cost-effectiveness of management plans for some smaller fisheries.

OUTCOME

- 17.** AFMA will complete fisheries management plans for all major fisheries as soon as practicable, as required under the FM Act.

3.6 Education, compliance and enforcement

New Directions considered that, at the most basic level, surveillance in Commonwealth-managed fisheries should aim to prevent unauthorised operations in the Australian Fishing Zone. More recently however, surveillance has become one element of a broader suite of measures to ensure adherence with the conservation and management measures established for Commonwealth fisheries resources. Compliance by all fishers (including commercial, recreational, traditional and foreign) with Australia's fisheries laws and regulations is essential to the continued effectiveness of management arrangements and the sustainability of marine resources. Optimal levels of compliance are best achieved by maximising voluntary compliance (through education and increased awareness) and by creating effective deterrents against illegal activities.

AFMA has been working with state and territory fisheries agencies to develop a National Fisheries Compliance Strategy, which is designed to hold non-compliance at an acceptable level that can be maintained at a reasonable cost in enforcement services, while not compromising the integrity and sustainability of fisheries. This strategy includes:

- promoting high levels of understanding and acceptance of fisheries laws through education, information and advice to fisheries stakeholders
- involving stakeholders in compliance planning
- increasing the probability of offenders being caught, by enhancing monitoring and surveillance activities.

Enforcement of compliance with Australia's fishing laws by foreign fishers, particularly in Australia's sub-Antarctic waters, continues to be vigorously pursued¹².

OUTCOME

- 18.** The Commonwealth Government will continue to work with other jurisdictions to finalise the National Fisheries Compliance Strategy for implementation by the end of 2003. AFMA will also continue to foster increased awareness through education initiatives, to hold compliance at acceptable levels.

¹² Average gross value of production is based on the average of the three most recent year's data on gross value of production.

3.7 Fisheries research

The Commonwealth Government now contributes about \$25 million each year directly to fisheries research and development (R&D), with industry also contributing substantially through levies and voluntary contributions. In addition, state and territory governments provide about \$25 million for state and territory-managed fisheries R&D (with industry contributing varying proportions from jurisdiction to jurisdiction). Support is also provided by the Commonwealth for research in universities, the Commonwealth Scientific and Industrial Research Organisation (CSIRO), the Australian Institute of Marine Science (AIMS) and the Great Barrier Reef Marine Park Authority.

The Commonwealth provides funds for fisheries R&D through a two-tiered cost-sharing model. The first tier is an amount equal to 0.5% of the average gross value of production¹³ of Australian fisheries, provided direct to the Fisheries Research and Development Corporation (FRDC). The second tier is a further amount, up to 0.25% of the average gross value of production, based on matching industry contributions. Currently about 75% of this amount is received from industry, and this is matched by the Commonwealth to provide more support for FRDC activities.

Organisations such as the FRDC, BRS, ABARE, universities, CSIRO, AIMS, AFMA, state and territory agencies, and other bodies each have processes for setting research priorities and allocating funds. However, it is not easy to make an overall assessment of whether the most important projects are receiving funds.

A comprehensive review of research needs and priorities for the different types of Commonwealth fisheries illustrated the difficulty of this assessment and demonstrated a need for greater influence by the Commonwealth in setting research priorities (SCFA 1998). The review also demonstrated that, for output-controlled fisheries, R&D should focus on improving technology to reduce fishing costs and improve net returns. R&D for input-controlled fisheries, on the other hand, should focus on addressing increasing fishing effort to maintain fishing efficiency, and to support assessment of any move to output controls.

Despite significant improvements in data collection and modelling techniques, it remains difficult and costly for managers to collect the data necessary for accurate determination of the status of a stock, and then



to respond effectively. It would also help managers considerably if the results of environmental research in a fishery were more closely targeted to influence management decisions in the fishery.

Given that the Government recovers a proportion of management costs from the commercial fishing sector, it is not sufficient for research funded through the management process to simply increase our understanding of the environmental impacts of fishing activity. Fisheries R&D must also be directly linked to the management of fisheries – its results must readily translate into changed practices or revised management rules – to maximise the prospects for economically and environmentally beneficial outcomes of the R&D. These linkages are not always well developed for Commonwealth fisheries and will require further attention by the relevant agencies. Similarly, funding mechanisms for research into the impacts of traditional, recreational and charter fishing also need to be considered, to ensure these interests are properly represented in decision making.

OUTCOME

19. The Commonwealth Government will work with research providers and stakeholders to review present arrangements for Commonwealth fisheries research and development (R&D) and to develop for Commonwealth fisheries a management-related R&D plan that focuses on identifying and filling gaps in the information essential for effective management and that assists managers to adopt an ecosystem-based approach. The plan will consider funding strategies, including industry contributions, and industry priorities.

¹³ Agreement for the implementation of the United Nations Convention of the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, 1995.

3.8 Cost recovery

New Directions recognised that management of fisheries resources is costly and that those who benefit from it should pay. It established the basic policy for cost recovery in Commonwealth-managed fisheries.

The DPIE report (1994) – *A Review of Cost Recovery for Commonwealth Fisheries* – provides the principles and policy for implementing cost recovery in Commonwealth fisheries. Under this policy, full cost recovery applies, with the commercial fishing industry (as resource users) paying for costs directly related to management of their fishing activities, while the Government pays for activities that may benefit the broader community.

The cost recovery policy defines a two-stage process for assessing which costs are recoverable from beneficiaries or government.

The first stage determines whether the cost associated with each of AFMA's functions can be attributed to a specific user group – commercial, foreign, and so on – or whether the benefits flow more broadly to the community as a whole. If a specific user group can be identified as the primary beneficiary then the cost is attributed to that specific group. If no specific beneficiary can be identified the cost is attributed to government.

In the second stage, costs are assessed as recoverable or non-recoverable, depending on:

- the extent of user group benefit
- consistency with Commonwealth cost-recovery policy in other areas
- the existence of extenuating socio-economic considerations
- the existence of government policy which affects the cost recovery of an activity
- the cost effectiveness of recovering the costs of any particular activity.

Most of the costs associated with managing Commonwealth domestic commercial fisheries are fully recoverable from the beneficiaries, although costs associated with collapsed, exploratory or developmental fisheries are not fully recovered. The costs of surveillance and enforcement of domestic commercial fisheries are divided equally between government and beneficiaries.

The Commonwealth Government bears all the costs of managing the Torres Strait fisheries except for the Torres Prawn Fishery, which is charged an annual levy.

Since the mid-1990s, there has been an increased emphasis on environmental and ecosystem approaches to fisheries management. Meeting these developments has added to fisheries management costs and has increased pressures on cost-recovery from beneficiaries and government.

The Government's participation in most regional fisheries management organisations (RFMOs) and regional fisheries agreements combines meeting broader government, as well as specific fisheries, objectives. Most international fisheries agreements to which Australia is a signatory have significant cost implications for government, commercial operators and the community – in relation to providing data to support the scientific assessment of fish stocks, monitoring the impacts of fishing and ensuring compliance by Australian-flagged vessels with the regional arrangements when fishing on the high seas. Surveillance of Australia's remote fisheries and the obligations under the UN Fish Stocks Agreement¹⁴, the FAO Compliance Agreement¹⁵, and the UN Convention on Law of the Sea 1982 (UNCLOS) also add to management costs. The attribution of the ongoing cost of these activities needs to be further considered.

The Government's commitment to a formal, broad cost-recovery policy, announced in December 2002, requires review of the existing cost recovery arrangements. Commonwealth fisheries will be included in this review process.



14 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas of the Food and Agricultural Organization of the United Nations, 1993.

15 United Nations Convention on the Law of the Sea, 1982.

OUTCOMES

20. AFMA will continue to implement the Government's cost-recovery policy for Commonwealth-managed fisheries.
21. The Commonwealth Government will review the application of cost recovery in relation to a number of new and emerging issues including:
 - domestic involvement in high-seas fisheries
 - Australia's engagement in regional fisheries management organisations
 - surveillance of Australia's remote fisheries and the obligations under the UN Fish Stocks Agreement, the FAO Compliance Agreement and UNCLOS
 - broader marine research targeted towards understanding marine ecosystem interactions, including research measuring the impacts of fishing on the marine environment (causal impacts), stock assessment and bycatch research
 - cost-recovery arrangements for R&D relating to the recreational and charter fishing sectors
 - increasing legislative obligations to support marine environmental assessment, monitoring and auditing

3.9 Resource sharing

The general concept of resource sharing was not given attention in New Directions however, the statement did recognise that the policy principles that apply to commercial fishing also apply to recreational fishing. In the current environment, resource sharing has assumed considerable prominence as a policy issue. There are now five sectors – commercial, recreational, charter, aquaculture and Indigenous fishing – that require access to fishery resources, irrespective of whether the Commonwealth or state or territory governments manage the resources. In Commonwealth-managed fisheries no established mechanism exists for allocating access to fisheries resources between the sectors. This has increasingly led to disputes between the sectors about who has the most right to access certain fish stocks.



The total extraction of fisheries resources must be limited in some way. Clear arrangements exist to limit commercial catches, and recreational and charter catches are also limited by various means, as is aquaculture access to marine areas and broodstock. However, there is no overarching framework that provides a transparent mechanism to support decision making on how much fish each sector should have access to, if any, for a given fish stock. As competition for access to certain resources increases, this gap in Commonwealth fisheries policy has become increasingly obvious.

A number of approaches could be used to allocate access rights to different sectors. They include historical use considerations, and independent expert allocation advisory panels that assess the relative merits of the claims from each sector against a set of criteria.

The Commonwealth, with Recfish Australia, convened a workshop in October 2002 to examine the issue of recreational fishing rights and resource allocation in Commonwealth-managed fisheries. The workshop developed a set of principles and strategies on these issues that the Commonwealth, the states and the Northern Territory will examine further through the Natural Resource Management Ministerial Council. These principles could form a basis for wider consideration of resource sharing in Commonwealth fisheries.

OUTCOME

22. The Commonwealth Government will develop and implement an agreed framework, in consultation with the states, the Northern Territory and stakeholders, for the management of resource allocation between sectors that utilise Commonwealth-managed fisheries resources.

3.9.1 Recreational and charter fishing

It is widely accepted that state and territory governments should be responsible for managing recreational fishing (including charter fishing) on a day-to-day basis. However, the FM Act provides that AFMA 'may prohibit or regulate recreational fishing in the fishery'.

In future, it is envisaged that AFMA will take into account all extractions from a Commonwealth fishery in managing stocks and will be responsible for regulating commercial fisheries. Memorandums of understanding (MoUs) or some other comparable framework will be established with state and Northern Territory governments to provide for those jurisdictions to manage recreational fishing. This approach reflects a commitment by the Commonwealth Government for recreational fishing to be an integral part of Commonwealth fisheries management.

In practice, there are a number of matters to resolve with the states and the Northern Territory to achieve this. There will need to be agreement on how to allocate a share to recreational fishing and how to adjust access from year to year to accommodate changes in stock status; agreement on management measures, the measures required to enforce compliance, who will implement them, and what cost recovery will apply to the recreational sector; and recognition of the international nature of certain stocks, eg tuna and billfish species, in establishing arrangement frameworks. It is recognised that not all recreational fishing results in mortality to the target species – widespread practices such as 'catch and release' and 'tag and release' aim to release fish back to the environment in a way that maximises the fishes' chances of survival. As there are, however, mortalities associated with these practices it is important that such mortalities are taken into account in managing resource use.

AFMA's present arrangements allow for it to manage charter fishing in Commonwealth waters (charter fishing is defined as commercial fishing under the FM Act). It is accepted that the state and Northern Territory fisheries agencies can better manage this activity as it more closely aligns with recreational fishing. Thus, an amendment to the FM Act will be sought that will allow the states and the Northern Territory to manage charter fishing using a similar arrangement as is in place for recreational fishing.

OUTCOMES

- 23.** The Commonwealth Government will establish an agreed regime with the states and the Northern Territory for these jurisdictions to manage recreational fishing (including charter fishing) on a day-to-day basis, with the Commonwealth maintaining an overall stewardship role.
- 24.** The Commonwealth Government will seek an amendment to the FM Act to bring AFMA's responsibilities for charter fishing in line with those for recreational fishing (ie an overall stewardship role).

3.9.2 Traditional Indigenous and commercial Indigenous fishing

Although traditional Indigenous fishing is not significant in most Commonwealth fisheries, management arrangements must consider it when developing Commonwealth fisheries management plans. Traditional Indigenous fishing is important to many Indigenous communities in Australia for cultural, community and subsistence purposes. The Government's aim is to ensure the long-term sustainability of traditional Indigenous fishing.

Many Indigenous communities want to engage in commercial fishing and aquaculture enterprises to support development within their communities.



The Government's aim is to ensure that commercial Indigenous fishing and aquaculture operates under the same rules applying to other participants in these sectors.

A number of strategies have been initiated to assist Aboriginal and Torres Strait Islanders to become involved in the decision making processes for relevant Commonwealth-managed fisheries (those affecting traditional Indigenous fishing), and to foster Indigenous participation in commercial Indigenous fisheries and aquaculture production. They include:

- AFMA support for the appointment of Indigenous members to relevant MACs
- a collaborative proposal – involving the Aboriginal and Torres Strait Islander Commission (ATSIC), the Australian Seafood Industry Council (ASIC) and AFFA – to develop Indigenous commercial fishing interests
- inclusion of a representative of the Torres Strait Regional Authority on the Torres Strait Protected Zone Joint Authority
- the National Aquaculture Development Strategy for Indigenous Communities



16 Refer to section 4.3.

- the establishment of an Indigenous Aquaculture Unit in AFFA to assist with the implementation of the Indigenous aquaculture strategy.

OUTCOMES

25. AFFA and AFMA will, with ATSIC and other Indigenous representatives, explore means of ensuring that traditional Indigenous fishing is more effectively incorporated into Commonwealth fisheries management.
26. The Commonwealth Government will examine opportunities for the involvement of Indigenous people in commercial Indigenous fishing and aquaculture and work with ATSIC on the development of an Aboriginal and Torres Strait Islander fishing strategy.

3.9.3 Aquaculture

Aquaculture in Australia occurs almost exclusively in state and territory-managed waters. These jurisdictions have well-established legal and administrative systems in place to manage aquaculture on a day-to-day basis.

With innovations in aquaculture technology, there will be an emerging requirement for the aquaculture industry to gain access to Commonwealth waters to cultivate and farm marine species. Recent initiatives for scallop reseeded are an example of this trend.

As well, access to broodstock in Commonwealth waters will continue to be important in fledgling aquaculture ventures where the life cycle of the target species is still to be closed.

The Commonwealth Government has recently finalised an Aquaculture Industry Action Agenda, which aims to identify and remove impediments to growth in the aquaculture sector.¹⁶ To implement the action agenda, the Commonwealth Government must clarify resource access arrangements and management of aquaculture in Commonwealth waters. The FM Act does not define aquaculture activities, creating uncertainty about jurisdiction and responsibility.

OUTCOMES

27. The Commonwealth Government will seek to amend the FM Act to provide certainty about jurisdiction and responsibility for aquaculture.
28. The Commonwealth Government will work with the states and the Northern Territory, and the aquaculture industry, to establish practical and integrated arrangements for aquaculture.

3.10 Security of access rights

Governments must manage marine resources and preserve the marine environment in line with reasonable community expectations. Commercial fishers receive rights of access to fisheries resources, rather than rights of ownership over them. This is an important distinction, although it does not diminish the importance of protecting the right. The Commonwealth will not allocate rights that limit in any way its ability to manage the resource in accordance with government policies and priorities.

There is an increasing community expectation that greater consideration will be given to ensuring the protection and conservation of marine ecosystems. Achieving this will likely result in benefits to the fishing industry, through increasing protection over critical habitats, and implementation of representative marine protected areas. Conversely, there may be adverse impacts on fishing operations where there is a loss of access to previously fished areas. It will be important where policy considerations other than fisheries policies diminish such rights of access for an assessment to be made of this impact.

The Commonwealth Government policy on options for sharing resource rents, as outlined in *New Directions*, remains valid today. This means that resource rents will not be sought for developed fisheries, as the Government recognises the need to protect the interests of commercial operators, who have made significant financial investments in establishing fishing businesses based on an expectation of ongoing access rights to Commonwealth fisheries resources. Commercial operators require a secure and long-term right of access to fisheries resources to enable them to make effective



long-term business decisions. To compromise these rights would detrimentally affect investment and create incentives for fishers to maximise short-term profits, often disadvantaging the resource.

Generally, opportunities for new and exploratory fisheries have declined significantly since *New Directions* was released in 1989; an exception has been the recent development of a sub-Antarctic fishery in the Australian Fishing Zone adjacent to Heard Island and McDonald Islands. AFMA's arrangements for licensing new and exploratory fishing remain valid; however, stakeholder feedback during this Review strongly supported the removal of the use of ballot approaches from the FM Act. Unlike auction and tender, ballot approaches were seen as failing to demonstrate a market-based mechanism for valuing access rights to new fisheries resources. It is appropriate to remove the ballot approaches from the legislation.

OUTCOMES

29. AFMA will ensure that statutory fishing rights of access are implemented in all major Commonwealth fisheries.
30. Where government policies other than fisheries policies diminish the rights of access to fisheries resources for commercial operators or other resource users, the Commonwealth Government will undertake a transparent assessment of this impact.
31. AFMA will retain the present arrangements for licensing exploratory fishing activities. Investments in exploratory activity will be acknowledged in line with AFMA's Policy Paper No. 5. A fully open and transparent process will be used to allocate the balance of rights in the new fishery once a statutory management plan is created. This may include the use of an auction or tender process.

3.11 Cancellation of access rights and penalty arrangements

Under the FM Act, AFMA may cancel an access right to a fishery for non-payment of permit or statutory fishing rights (SFR) fees, or of fines accrued against prosecutions for breaches of conditions. The provisions were included to encourage commercial operators to comply with the conditions of their fishing concessions and the FM Act's provisions.

Cancelling a permit or an SFR is an extreme action and, under accepted protocols of Australian law, would be undertaken only as a last resort. Nevertheless, the Government accepts that the ability to cancel a permit or SFR may create some concern within the investment community. The Government thus needs to consider whether cancellation provisions, as opposed to imposing more severe penalties, should be retained.

In line with Australia's international obligations under the UN Fish Stocks Agreement and FAO Compliance Agreement, cancellation provisions will remain obligatory for controlling Australian fishing vessels' activities on the high seas. Such cancellation arrangements would only relate to the high seas component of the fishing access rights.

OUTCOMES

32. The Commonwealth Government will examine the implications of removing cancellation provisions for domestic offences from the FM Act to improve the security of access rights, and implementing significant increases in penalty provisions to ensure there are adequate incentives to comply with AFMA's management measures.
33. Cancellation provisions will be retained under the FM Act to control the activities of Australian fishing vessels on the high seas.

3.12 Preference for output controls in the form of individual transferable quotas

New Directions identified output-based controls in the form of ITQs as the most effective way to deliver long-term sustainability for fisheries resources while maximising returns from the fishery.

Over the past five years, there has been a significant shift in AFMA's management approaches in order to best pursue all of its legislative objectives. Australian fisheries managers more broadly have sought to move to a more ecosystem-based approach to management. Nationally, this process has been given added impetus by the EPBC Act. For Commonwealth fisheries, AFMA is moving from species-based to ecosystem-based fisheries management approaches.

The pursuit of ecosystem-based fisheries management requires a broader suite of management measures than is required for species-based management. AFMA has therefore been developing new and revised management plans that include a wide range of management measures. It is the Government's view that management arrangements based on ITQ management, but complemented, where appropriate, by other measures, are best suited to achieve the broader range of objectives in contemporary fisheries management.

The Government maintains that ITQs provide the most effective mechanism to underpin management for ecologically sustainable and economically efficient

fisheries. Importantly, ITQ-based management also provides a framework for market-based adjustment as the fishery changes over time. However, the Government also recognises there may be occasions where the nature of a fishery and of its broader ecosystem issues may mean that ITQs may not be the most appropriate management system. Under these circumstances, where the AFMA Board considers that a management system based on alternative management approaches, such as approaches based on individual transferable effort (ITE), will better pursue its legislative objectives, this form of management may be used.

Such a decision will require a transparent analysis that demonstrates why non-ITQ approaches are preferred for a particular fishery, and how self-adjustment of fishing capacity will be achieved on an ongoing basis to counteract increasing fishing efficiency.

OUTCOMES

- 34.** The Commonwealth Government will retain an emphasis on using output controls in the form of ITQs as the preferred management approach to reward productivity improvements and enable adjustment to market pressures by operators.
- 35.** Where the AFMA Board prefers a management approach other than the use of output controls in the form of ITQs, it will demonstrate why the alternative measures will provide more effective management outcomes.
- 36.** In fisheries where analysis demonstrates ITQs are not the most effective way of pursuing the objectives of the FM Act, alternative management approaches, such as individual transferable effort (ITE) approaches, will include a mechanism that enables adjustment for increasing fishing efficiency over time to occur automatically, without the need for externally funded intervention to assist the adjustment.

3.13 International fisheries issues

As in other areas of economic activity, the fishing industry and its markets are global operations. The key issues for the Commonwealth Government are its approach to:

- international negotiations and dealings on the conservation, management and optimum utilisation of harvested fish stocks, whether they are straddling or highly migratory stocks, or stocks fished exclusively on the high seas
- managing Australian operators fishing on the high seas.

3.13.1 Regional fisheries management organisations and bilateral agreements

Australia as a party to UNCLOS and the UN Fish Stocks Agreement recognises the importance of ensuring that shared, straddling and highly migratory fish stocks are sustainably managed. Australia actively participates in international fisheries forums, principally through



17 Memorandum of Understanding regarding the Operations of Indonesian Traditional Fishermen in Areas of the Australian Fishing Zone and Continental Shelf, 1974.

membership of regional fisheries management organisations (RFMOs) and bilateral agreements. This engagement aims to ensure the conservation and management of straddling, highly migratory and shared fish stocks that are found within the Australian EEZ and to secure an appropriate allocation of these fish stocks for Australia. Despite the relatively small size of Australia's national fisheries and high seas fishing activity, Australia has a strong reputation for responsible fisheries and natural resource management.

Australia already actively engages in lobbying internationally for sustainable fisheries practices and continues to foster best fisheries management practices by studying the practices of other like-minded countries to see what merits adoption by Australia. Continued active involvement in international forums will protect Australian interests by ensuring the sustainable management and optimum utilisation of fisheries resources regionally, including those located within, that migrate through, or straddle, the Australian EEZ. To achieve these ends, Australia recognises the importance of strong collective international activity, in support of the individual efforts of coastal states.

Australia is also a member of several RFMOs that establish management systems for its western, southern and eastern seaboard. These are the Indian Ocean Tuna Commission (IOTC), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the Commission for the Conservation and Management of Antarctic Marine Living Resources (CCAMLR). Australia is also participating actively in the preparatory conferences on the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Central and Western Pacific Ocean, and a decision on whether to ratify the Convention and thus join the Western and Central Pacific Fisheries Commission (WCPFC), is expected shortly.

Australia has strong bilateral relations with: Papua New Guinea (on traditional fishing in the Torres Strait); Indonesia (focusing on cooperative research and management of shared stocks in the Timor and Arafura Seas and the arrangements for traditional Indonesian fishing in the 'MoU Box'¹⁷ adjacent to Ashmore and Cartier Islands off Western Australia); New Zealand (including an arrangement to manage the orange roughy straddling fish stock on the South Tasman Rise); and

South Africa and France (on fisheries surveillance and enforcement in the sub-Antarctic).

Australia is promoting initiatives to better manage shared fisheries resources, and takes a strong position on the conditions for managing international fish stocks. This position reflects the Australian community's wish to use the same rules internationally that Australia applies to its domestic high-seas fleet to achieve better global management of fish stocks. Australia is in the process of accepting the FAO Compliance Agreement. In particular, this agreement develops internationally agreed standards for the responsible management by flag-states of vessels that fish on the high seas and provide a basis for greater cooperation between Australia and other countries to improve high seas fishing practices.

The Commonwealth is working with the states and territories, through the Natural Resource Management Ministerial Council, to develop a whole-of-government strategy with clearly identified goals and objectives, to better coordinate future engagement in regional and international fisheries forums.

OUTCOMES

- 37.** The Commonwealth Government will develop a whole-of-government strategy with clearly identified goals and objectives, to better coordinate future engagement in regional and international fisheries forums.
- 38.** The Commonwealth Government, including through Ministerial and other official dialogue and meetings, will ensure that Australia continues to promote more effective management arrangements for high-seas fisheries to ensure their sustainability, and to secure long-term access for Australia's fishing industry to straddling, highly migratory, and high-seas fish stocks.

3.13.2 Addressing illegal, unreported and unregulated fishing

A major concern is the increasing threat from illegal, unreported and unregulated (IUU) fishing to the sustainability of fish stocks and the marine environment. The main areas of concern centre on the activities of illegal Indonesian fishing vessels in Australia's northern waters, and the illegal Patagonian toothfish poaching

activities in the Southern Ocean around Heard Island and McDonald Islands.

Illegal fishing in Australia's northern waters is primarily undertaken by Indonesian fishers operating small motorised craft or more traditional sail-powered vessels. Illegal activity has historically been focused in areas surrounding the 'MoU Box' (a defined area of the Australian Fishing Zone in which Australia does not enforce its fisheries laws against traditional Indonesian fishers). However, in recent years, apprehensions have been occurring more frequently in waters as far east as the Torres Strait.

Illegal fishing by Indonesian nationals, although small-scale, is a market-driven and organised activity. Shark stocks are targeted for their fin, which is primarily sold through Asian markets. Other species such as sea cucumber are also targeted, depending on abundance and market price. Complex commercial arrangements operate within most small-scale fishing communities in eastern Indonesia. Fishers are often indebted to more wealthy boat owners, creating a cycle of poverty that is extremely difficult to break. Illegal fishing in Australia's northern waters therefore occurs largely as a result of poverty, as many Indonesian coastal communities are completely reliant upon marine resources, which are diminishing in Indonesia. The chance to target more abundant stocks in Australian waters is sometimes a risk worth taking.

Recognising the realities of the situation and in order to deter illegal fishing, a constant surveillance and enforcement presence is maintained in our northern waters coordinated by AFMA and drawing on the resources of other agencies such as Coastwatch, the Australian Customs Service and the Royal Australian Navy. In 2002, for instance, 111 vessels were apprehended. In addition to surveillance and enforcement, Australia also engages Indonesia in an attempt to develop a more strategic approach to combating the problem. The Australia-Indonesia Working Group on Marine Affairs and Fisheries has identified cooperation to combat illegal fishing as a priority, and Australia is also funding alternative livelihoods and capacity building projects through AusAID. The problem of illegal fishing in our northern waters is not one for which there is a 'band-aid' solution, and collaborative efforts with Indonesia will continue for many years to come.



Illegal, unreported and unregulated (IUU) fishing for Patagonian toothfish in the Southern Ocean is a significant problem that is likely to continue to grow as northern hemisphere and high seas fish stocks dwindle in the face of overfishing. Overcapacity in the global fishing industry, declining fish stocks and increasing prices are fuelling this illegal fishing activity. Illegal fishing operators in the Southern Ocean are well organised and sophisticated criminals.

In February 2003, the Commonwealth Government announced that it would intensify efforts to combat IUU fishing, particularly in the Southern Ocean. These efforts will include the use of patrols, capable of apprehending and boarding illegal vessels, and an increased frequency of patrols; cooperation with like-minded countries with interests in the Antarctic region; working with market countries such as the United States to restrict the trade in illegal catches and with port states such as Hong Kong; using strong diplomatic pressure against countries aiding illegal activity; and pushing for the strengthening and full utilisation of key international conventions.

This package of actions agreed by the Commonwealth Government will provide a sound and robust means of reducing illegal fishing, conserving our natural resources, fulfilling international obligations and demonstrating a commitment to protect Australia's sovereign interests.

Australia played a leading role in developing the 2001 International Plan of Action to Prevent, Deter and Eliminate IUU Fishing under the auspices of the FAO. The plan calls on countries to develop and implement national plans of action within three years.

In addition to its work through the Natural Resource Management Ministerial Council, the Commonwealth

Government recently approved a long-term strategy to eliminate IUU fishing in Australia's external territories in the southern ocean.

These moves parallel successful operations in northern Australia, in taking on-the-water enforcement and cooperative diplomatic measures to eliminate the threat to Australia's sovereignty from IUU fishing in those waters.

OUTCOMES

39. Australia will continue to combat IUU fishing, cooperating with like-minded countries, seeking binding commitments within RFMOs, and consulting at international fisheries conferences on approaches to address what is an increasing problem for Australia and all countries with borders to the Southern Ocean.
40. This will include Australia strengthening its Southern Ocean activities and forging stronger relations with like-minded countries to fight against IUU fishing in the sub-Antarctic.
41. Australia will engage with Indonesia to deal effectively with overfishing in the traditional 'MoU Box' area around Ashmore and Cartier reefs, and with illegal Indonesian fishing vessels operating in Australia's northern waters.
42. Australia will expedite the formalisation of the National Plan of Action to Prevent, Deter and Eliminate IUU Fishing as a priority, and will present this to the FAO by the end of 2004.



3.14 Human capital

The Government recognises that the future success of the fishing industry, with its many elements, depends upon its human capital – improving the capabilities of those who work in the fishing sector and ensuring that workplace OH&S issues are addressed. As well, it is important to draw young people into the sector to provide a foundation for the future fishing industry workforce.

A number of key opportunities can be taken up to enhance the reputation of the fishing sector as a place of employment, and if fully realised, these will provide ongoing employment in many rural and regional communities around Australia.

The Commonwealth continues to make significant contributions towards enhancing the prospects of this human capital through initiatives including:

- **BUSINESS ENTRY PORTAL.**

This is an Internet portal for businesses to access a wide range of government information on topics relevant to most businesses, eg employing staff, starting and operating a business, taxation, exporting and importing, and legal and licensing issues.

- **AGRICULTURE ADVANCING AUSTRALIA (AAA) PACKAGE.**

This is a package of programmes administered by AFFA to assist the capacity of the agriculture sector (including fisheries and aquaculture) to master change. Initiatives of importance to the fishing sector include the following:

- **AAA – FarmBis Australia** supports national projects aimed at enhancing the business management skills of agricultural industries and associations through focusing on the broad education, training and skills development needs of the industries.
- **AAA – Women in Rural Industries** provides training projects for women in rural industries and support for rural women's associations and organisations in their leadership roles in supporting women's contributions to rural industries.

- **AAA – Young People in Rural Industries** provides projects that emphasise the flow of benefits to young people committed to achieving more for their rural industry sector.
- **AAA – Farm Innovation Programme** provides grants to eligible rural businesses to adopt innovative practices, processes or products.
- **New Industries Development Programme** seeks to address the impediments and barriers to the development of successful new industries and products.

- **INDIGENOUS AQUACULTURE UNIT.**

Jointly funded by AFFA and ATSIC, this unit is responsible for implementing the *National Aquaculture Development Strategy for Indigenous Communities in Australia* over the next two years. The strategy focuses on promoting aquaculture as means of achieving economic development in Indigenous communities, as well as addressing impediments to aquaculture development, particularly in remote and isolated communities.

- **FRDC – HUMAN CAPITAL DEVELOPMENT R&D PROGRAMME.**

The Commonwealth, through the FRDC, provides R&D support for projects that enhance leadership and vocational development in the fisheries sector to ensure a culture of continuous improvement in the capabilities of the people who are members of the industry or who work in support of it. This includes funding for projects and workshops and training for the fisheries sector on capacity building, OH&S and future directions.

- **SEAFOOD SERVICES AUSTRALIA LIMITED (SSA).**

This was established as a joint initiative of ASIC and the Commonwealth through FRDC. Core funding of \$3.8 million was provided by FRDC in 2002 for the first five years operation of SSA to assist seafood businesses in adding value to existing products and developing new products; enhance food safety in the seafood industry and the development of environmental management systems and standards; and ensure the flow of information and advice to industry on post harvesting technical issues.



OUTCOME

43. The Commonwealth Government will continue to provide a focus, through the AAA initiative and FRDC projects, and in consultation with SSA, on improving the capabilities of those people who are members of the fishing and aquaculture industry or who work in support of it, and ensuring that workplace OH&S issues are addressed.

3.15 Seafood trade and market access

Consumer demand for seafood in Australia is expected to increase by about 120 000 tonnes to 300 000 tonnes in 2020 (FRDC 2000).

Prices for fish and fish products from wild-catch fisheries are expected to rise in line with demand, adding to pressure on fish stocks and fisheries management. Aquaculture production is expected to fill some of the gap in seafood demand.

The total value of seafood exports has grown at more than 6% a year (in real terms) from about \$880 million in 1990–91 to \$2.1 billion in 2001–02.

While markets are diversifying, they remain relatively narrow. In 2001–02, around 43% of Australia’s seafood exports went to Japan. Five main export markets – Japan, Hong Kong, United States, Taiwan and Singapore – account for about 80% of Australia’s total seafood exports.

The major trade issues affecting Australia’s seafood industry are:

- market access, which World Trade Organisation (WTO) negotiations may influence through work on reducing levels of fish subsidies and improving the ecologically sustainable development of fisheries resources
- risk management through reduced reliance on a few Asian markets
- competition from emerging third world nations
- fluctuations in the value of the Australian dollar over the medium term.

Government and industry, through the Australian Seafood Industry Council (ASIC), have identified the need to continue to research and provide market access information to industry to highlight emerging markets and to identify seafood market gaps (in existing markets) that Australian industry can target for diversification.

OUTCOMES

- 44.** The Commonwealth Government will provide a focus for seafood in the next round of the WTO negotiations, including working with industry to identify market access and trade barrier issues to be negotiated through this process.
- 45.** AFFA, in consultation with industry, will also continue to research and provide market access information to industry, through ASIC, to highlight emerging markets and identify seafood market gaps in existing markets that Australian industry can target for diversification.

3.16 Food safety and quality

Food safety and quality are issues for all food-producing sectors in Australia. Food poisoning outbreaks associated with marine species, no matter where they take place, can have a major effect on the domestic market.

Internationally, Australia has established a niche market for seafood, with a reputation for high-quality, ‘clean and green’ product. This reputation attracts a premium price for Australian seafood and must be maintained if Australian seafood products are to remain competitive in the global marketplace.

Food Standards Australia New Zealand (FSANZ) and SSA are developing an Australian seafood standard. The standard will ensure that Australian seafood and other fish products retain their status as a premium commodity in export markets, as well as being a food source of choice locally for healthy living.

OUTCOME

- 46.** The Commonwealth Government will support the development of the Australian seafood standard by FSANZ and SSA

3.17 Biosecurity, marine pests and fish health

Biosecurity, pest management, animal health, and food safety are critical issues for the seafood industry, as they are with other primary industry sectors. With the development of aquaculture in Australia, the risk of exposure to the impact of introduced aquatic animal diseases is increasing, which highlights the need for improved practices in using imported raw fish and fish products. Similarly, greater understanding of marine pest introduction through commercial and recreational shipping activities highlights the need for improved practices in managing ballast water and hull fouling.

Australia is relatively free of many of the major diseases that affect overseas aquaculture enterprises. The drive to maintain this disease-free record, together with recent incursions of marine pest species, has led to the development of the Australian Aquatic Animal Health Plan (AQUAPLAN). There is no cost-sharing agreement in place between the Commonwealth, states and territories for managing aquatic animal health matters. A draft business plan for the development of a national consultative body to guide the management of aquatic health issues, including cost-sharing arrangements, has been released for consultation. The new body, the Aquatic Animal Health Consultative Committee, will be the primary industry–government interface for aquatic animal health issues policy, communication and awareness.

While the marine environment in Australia is generally regarded as ‘clean and green’, introduced marine pests are emerging as a problem for Australia’s marine

environment and fisheries. Many introduced marine pests have already damaged the environment and driven up management costs. Some affect the productivity of Australia’s coastal waters and can inflict additional costs on aquaculture, port and shipping industries, as well as threaten native marine communities. It is important to develop a feasible, robust prevention and management system.

The Australian Quarantine and Inspection Service (AQIS) has already implemented mandatory national ballast water management arrangements for all ballast water entering Australia. Following agreements by governments, the National Introduced Marine Pest Coordination Group is coordinating the development of a national system to help prevent and manage marine pest incursions. The national system will seek to provide consistent management nationally and cost sharing arrangements between the Commonwealth, the states and the Northern Territory.

OUTCOMES

- 47.** The Commonwealth Government will continue to support the Aquatic Animal Health Consultative Committee in developing integrated national management arrangements for aquatic animal health, including cost sharing arrangements.
- 48.** The Commonwealth Government will support the National Introduced Marine Pest Coordination Group in developing a national system to prevent and manage marine pest incursions.

SOME NEW APPROACHES

4

Following the Review of Commonwealth Fisheries Policy it has become apparent that some new approaches to existing and emerging issues would assist in setting future policy directions and practices for Australia's seafood industries, achieving integrated fisheries management approaches between jurisdictions, and realising the potential of wild-capture aquaculture.

4.1 Building partnerships for the future

The approach established to manage Commonwealth fisheries and its associated consultative structures reflects the Commonwealth Government's strong and ongoing commitment to consultative and cooperative fisheries management, applicable to the full range of Commonwealth fisheries matters.

However, the Review has highlighted that the present consulting arrangements could be strengthened further to build partnerships between government and industry for the future. There are numerous complex issues to be tackled, requiring careful consideration of the diverse interests of sectors within the industry.

Australia needs a broadly based forum to bring together the commercial, recreational, charter, traditional, aquaculture and environmental interests to discuss strategic fisheries matters and contribute to more effective policies and practices.



An annual Australian Fisheries and Seafood Forum will meet this need. The forum will advise Commonwealth ministers on new and emerging issues affecting Australia's commercial, recreational, charter, and traditional fisheries sectors; aquaculture; seafood processing and importing; regional and international issues; and fisheries research and science. The forum will ensure the policy and operational structures are relevant and up-to-date. It will include representatives from stakeholder groups to ensure the forum takes heed of relevant interests when it considers new fishery policy approaches.

¹⁸ Refer to section 2.2.

¹⁹ Fisheries arrangements and OCS do not currently encompass the external territories.

This process will not duplicate or replace AFMA's consultative arrangements, but rather have a broad agenda ensuring the Government focuses on the issues of high priority to the industry and its stakeholders, and realises the potential development opportunities.

OUTCOME

49. The Commonwealth Government will establish an annual Australian Fisheries and Seafood Forum to advise Commonwealth ministers on all matters including commercial, recreational, charter, and traditional fisheries issues; aquaculture; seafood processing and importing; regional and international issues; and fisheries research and science, to ensure the relevance of the Commonwealth's policy and effective stakeholder linkages.

4.2 Improved management arrangements between jurisdictions

Agreements under the Offshore Constitutional Settlement (OCS) framework provide for the management of fish stocks or fisheries. Management is either by the Commonwealth or a state or the Northern Territory, or – for a limited number of fisheries – under a joint authority agreement, in which the Commonwealth and a state or the Northern Territory jointly manage a fishery.^{18,19}

There are more than 50 active agreements on fisheries management between the Commonwealth and the states and the Northern Territory under the OCS framework. These agreements allocate management responsibility between governments by species, by species within an area or by method of fishing, or a combination of all of these. The resulting management arrangements may be complex and in some cases may split jurisdictional responsibility for management of the same fish stock.

In order to ensure better integration between governments, cooperation on fisheries management issues is pursued through the Natural Resource Management and Primary Industry Ministerial Councils. Fishery managers also discuss shared fisheries management issues through the Australian Fisheries Management Forum.

The Review identified a number of concerns about fisheries arrangements under OCS:

- There is a lack of consistency and effective cooperation on managing some fish stocks shared between Commonwealth, and state and Northern Territory-managed fisheries.
- The arrangements are generally not consistent with the principles of ecosystem-based fisheries management.
- There are increased costs to governments and fishers because of duplication of logbooks, use of satellite-based vessel monitoring systems (VMS) and compliance programmes, and the lack of data sharing between jurisdictions.
- There are unresolved issues on the management of fish resources for different sectors, including recreational fisheries management.

Governments have also disagreed over:

- different management approaches for shared stocks
- the resolution of access to fisheries resources for competing interests
- management of bycatch species
- duplication of licensing and enforcement requirements that increase costs for commercial fishers
- the fact that most governments do not seek to maximise economic efficiency in commercial fisheries.

State and territory governments, as well as the Commonwealth, have identified areas for improvements to the fisheries arrangements under OCS. The key areas include the above concerns; sharing stock assessment and other fisheries data; and greater coordination of fisheries research and development, and of compliance and enforcement arrangements.



OUTCOMES

50. The Commonwealth Government will progressively review OCS fisheries agreements and management arrangements with the states and the territories with the aim of achieving:

- single-jurisdiction management based on target stocks – recognising the need to implement ecosystem-based fisheries management
- where this is not possible, sharing of jurisdictional and management responsibility for a stock
- where management of a fishery is shared, agreements between jurisdictions, which may include requirements to undertake shared stock assessment; development of efficient processes for data collection and sharing, collation and validation; streamlined licensing arrangements; coordinated research and development programmes; and cost recovery
- single (satellite-based) vessel monitoring system, observer programmes, logbooks and licensing systems
- agreed management frameworks for recreational fishing (including charter fishing) and traditional fishing
- a reduction in the burden of management on fishers.

51. The Commonwealth Government will aim to retain overall management responsibility for all highly migratory fish stocks and any species subject to regional or international agreements, with the states and the territories having responsibility for day-to-day management of recreational fishing (including charter fishing) and traditional fishing for these stocks.

4.3 Realising the potential of aquaculture

The Australian aquaculture industry has steadily grown in value, from \$225 million in 1990–91 to \$732 million in 2001–02.

Aquaculture industries require access to stocks and water for propagation and grow-out, and restocking, and so require consideration in any discussion on resource allocation.

Against the background of a growing world population; static levels of wild-catch fisheries; an increasing recognition of seafood as part of a healthy diet; and growing affluence amongst the populations of some key export markets, further development of the aquaculture industry represents an enormous opportunity for Australia.



Australia's aquaculture systems produce a diverse range of aquatic species. Five species make up the bulk of production value: pearl, salmon, tuna (ranching), prawn and oyster. Other farmed species include barramundi, kingfish, snapper, abalone, crocodiles and freshwater crayfish. Species being researched, in which there is significant investor interest, are rock lobster, mud crab, coral trout and tuna (aquaculture).

The aquaculture industry is based mainly in coastal, regional Australia. Aquaculture adds diversity to a region's economic base and creates demand for educational and training services, extension services, infrastructure and locally produced goods. Aquaculture

has contributed to the prosperity of many regional Australian communities including Port Lincoln and Ceduna (South Australia), Dover (Tasmania), Port Stephens (New South Wales), Cairns (Queensland) and Broome (Western Australia).

Australian aquaculture producers have several competitive advantages over their international counterparts. Australia is relatively free of major fish diseases. Regular environmental monitoring by industry and governments ensures that production is ecologically sustainable. Additionally, many Australian native species, such as abalone, Murray cod and coral trout, are in high demand from overseas customers for their excellent eating qualities. Australia's 'clean and green' image features strongly as an important component to industry marketing.

At a national *Aquaculture Workshop* in Canberra in 1999, the Australian aquaculture industry developed a vision for its future activities: by 2010, a sustainable, vibrant and rapidly growing Australian aquaculture industry will achieve a gross value of production of \$2.5 billion by being the world's most globally competitive aquaculture producer.

The Commonwealth announced in mid-2000 that it would pursue development of an Aquaculture Industry Action Agenda to ensure that the industry remains sustainable, internationally competitive and at the forefront of new technologies. A National Aquaculture Development Committee (NADC), comprising industry representatives and leaders, guided the action agenda's development and delivered its report and recommendations to the Commonwealth Government in mid-2002. The Commonwealth Government launched the agreed Aquaculture Industry Action Agenda in December 2002.

This action agenda is a key element of the Government's aquaculture policy framework. The agenda clarifies the balance of responsibilities between government and industry and provides a flexible model within which the industry can best communicate, consider sectoral priorities, and plan for the future in partnership with government. An essential element of the action agenda is a strategic partnership, between the aquaculture industry and the Commonwealth Government, that can identify and act on growth opportunities for Australia and the industry. It provides the emerging Australian

industry with the opportunity to become a major industry nationally – one that will contribute to national wealth and strengthen further the rural and regional communities of Australia.

The action agenda will also enable the industry to be one of the world’s most globally competitive producers and will not only secure strong export income for Australia, but will also, subject to affordability, contribute to filling the emerging gap between demand and supply for seafood in Australia.

The full implementation of the initiatives of the action agenda and a joint partnership of industry and governments towards ecologically sustainable development and genuine environmental stewardship are essential to realise this opportunity and thereby increase:

- the high value exports of seafood and pearls
- employment and growth opportunities in regional Australia
- the export of environmental technologies and know-how
- the availability of a healthy and stable food source for Australians.

The Aquaculture Industry Action Agenda contains the following Commonwealth Government commitments:

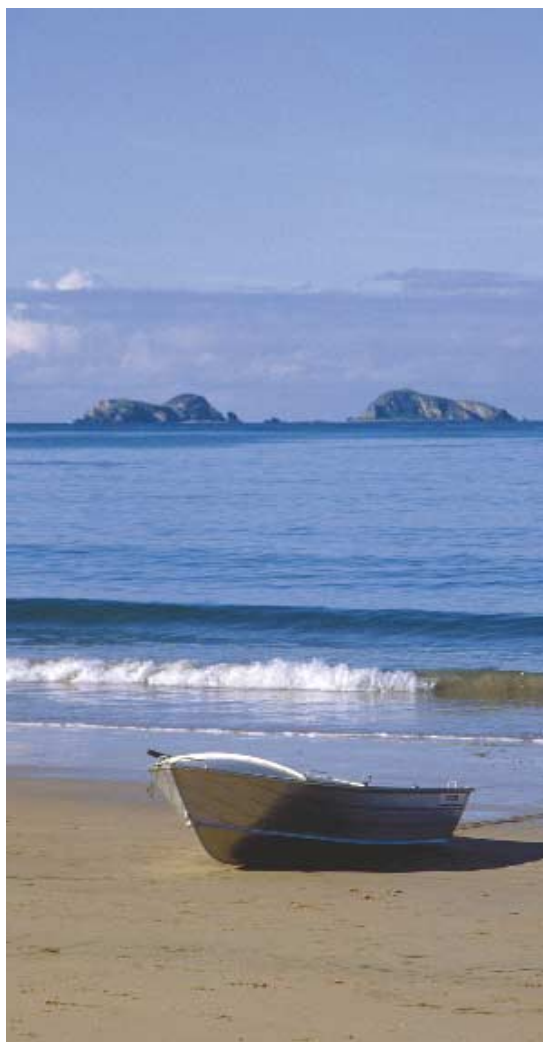
- developing a **National Aquaculture Policy Statement**
- promoting a **regulatory and business environment** that supports an efficient, effective aquaculture industry
- implementing an **industry-driven action agenda**
- ensuring the industry grows **within an ecologically sustainable framework**
- protecting **industry from aquatic disease and pests**
- **investing for growth in the aquaculture industry**
- **promoting aquaculture products in Australia and overseas**
- **research and innovation**
- **making the most of education and workplace training**
- **creating an industry for all Australians including Indigenous Australians.**

There is the potential for aquaculture to extend to, on an ongoing basis, the restocking, reseeded and ranching of marine species to rebuild commercial stocks and

improve the productivity of commercial and recreational fisheries. Australia’s general approach however, is to recover fisheries through improved management and reduction in fishing effort. The practice of restocking, reseeded and ranching needs to be approached cautiously and with adequate assessment of the risks, including environmental risks.

OUTCOME

- 52.** Working with industry, the Commonwealth Government will contribute to the implementation of the Aquaculture Industry Action Agenda in consultation and cooperation with the aquaculture industry and the states and territories.



CONCLUSIONS

5

The Australian fishing and seafood industries have a bright future, with a strong rise in demand for seafood as a safe and healthy food in Australia and overseas.

Looking to the Future outlines the key challenges, which can be overcome through effective commitment and action. It expands on the vision for Commonwealth fisheries policy outlined in New Directions in 1989, and lays out a programme of actions that will shape policy directions for the new millennium.

Australia's oceans are a precious resource that needs effective management to deliver a wide range of ongoing benefits to the community. They include generating returns from access to seafood, oil, petroleum and other natural products, and providing services such as tourism, swimming, boating, recreational fishing and shipping. The challenge is to ensure the conservation and use of these resources is ecologically sustainable and all sections of the community have fair access.



Fisheries management is a critical element in achieving an ecologically sustainable marine environment, providing wealth generation, and flow-on benefits to the Australian community.

A key challenge for AFMA and AFFA will be in providing support and encouragement to stakeholders, engaging the various interests in consultation and decision making processes to facilitate effective management outcomes for the benefit of all Australians.

Other challenges for the Government and AFMA arise from the emergence of Australia's Oceans Policy, the EPBC Act and the need for AFMA to take account of the take by recreational and traditional sectors when managing commercial fisheries.

The Government will increase its emphasis on fishery management arrangements with the states and the Northern Territory, including improved fisheries arrangements under OCS and the sectoral management of commercial, recreational and traditional fishing. There is an equally important range of outcomes to implement in relation to international fisheries issues.

Looking to the Future requires all those with a stake in Commonwealth fisheries to show leadership and innovation – to encourage today's youth to become tomorrow's leaders in the various sectors, to resolve some of the entrenched fragmentation of interests within and between sectors, and take full advantage of the outcomes outlined in this policy statement.

The changes to the Commonwealth fisheries policy arrangements outlined in this statement will help the Commonwealth deal more effectively with these challenges, by providing a clear statement of government policy on the management of Commonwealth fisheries.



ANNEX 1

OUTCOMES OF THE REVIEW

1

Looking to the Future: A Review of Commonwealth Fisheries Policy contains the following directions for Commonwealth Fisheries Policy that will guide the management of Commonwealth fisheries resources into the new millennium.

Looking to the Future: A Review of Commonwealth Fisheries Policy contains the following directions for Commonwealth Fisheries Policy that will guide the management of Commonwealth fisheries resources into the new millennium.

Outcomes and post review initiatives

Integrating Commonwealth fisheries policy with other strategic initiatives

1. The Commonwealth Department of Agriculture, Fisheries and Forestry – Australia (AFFA) and the Australian Fisheries Management Authority (AFMA) will continue to contribute towards the integration of Commonwealth fisheries policy arrangements with new and emerging national policy initiatives relevant to marine resources management, including ecosystem-based fisheries management, bycatch, regional marine planning, marine protected areas and the development of an updated National Coastal Policy.

Ecologically sustainable development

2. The Commonwealth Government will continue to progress ecologically sustainable development outcomes in Commonwealth fisheries management.
3. The Commonwealth Government will seek an amendment to the *Fisheries Management Act 1991* (FM Act) to include the principles for ecologically sustainable development that complement those in the *Environment Protection and Biodiversity Conservation Act 1999*.
4. The Commonwealth Government will continue to support the development and implementation of 'How-to' guides for ecologically sustainable development reporting for the fisheries and aquaculture sectors.

Economic efficiency

5. The Commonwealth Government, in consultation with relevant stakeholders, will prepare a policy paper providing guidance to the fishing industry on how the objective of maximising economic efficiency is pursued in the management of Commonwealth fisheries, while ensuring consistency with the principles of ecologically sustainable development.

Adjustment in fisheries

6. AFMA will continue to provide regulatory impact statements when developing statutory management plans. Where the Commonwealth Government considers that significant impacts may arise from a management decision it will assess the direct impact on fishers. The Commonwealth will, as necessary, assess the indirect impacts on the communities that support and depend upon the fishing industry. The Government should ensure that consideration of the broader impacts does not delay the fisheries management changes.

Improved management of Commonwealth fisheries

AFMA's advisory and communication arrangements

7. Membership of AFMA's management advisory committees will continue to be expertise-based and, as appropriate, include members or observers from commercial industry; conservation, recreational fishing, traditional fishing, and research (including economics) interests; the states; and the AFMA manager.
8. Environment Australia will continue to participate as permanent observers of management advisory committees, as relevant.
9. AFFA will participate as observers on management advisory committees as necessary to support its work on regional fisheries management and national policy development.

10. To ensure there is no perception of a conflict of interest, there will be no concurrent membership for the positions of management advisory committee chair, or executive officer on management advisory committees, and the AFMA Board.
11. Members of management advisory committees and fishery assessment groups will continue to be expected to make their views clearly known at meetings and to participate in the deliberations in an open and constructive manner, to develop advice to the AFMA Board that supports the best interests of the fishery consistent with the legislative objectives.
12. To promote clarity of understanding of its decisions, the AFMA Board will ensure advice to stakeholders on its decisions provides:
 - the rationale for its decision (without disclosing any commercial-in-confidence information provided)
 - the consultation process in coming to the decision
 - how the outcome of the decision will advance the legislative objectives of AFMA.
15. AFMA will implement the precautionary approach.
 - The collection of quality data and information to support the objective of improving the effectiveness (including cost effectiveness) of management should be a priority.
16. The Commonwealth Government will seek an amendment to the FM Act to clarify the requirement that management plans explicitly include objectives consistent with those under the legislation, and include criteria and time frames for performance review. (At present, this section of the FM Act requires a plan of management to set out the objectives of the plan, measures by which the objectives are to be attained, and performance criteria against which the measures taken may be assessed.)

Fishery management plans

17. AFMA will complete fisheries management plans for all major fisheries as soon as practicable, as required under the FM Act.

Education, compliance and enforcement

18. The Commonwealth Government will continue to work with other jurisdictions to finalise the National Fisheries Compliance Strategy for implementation by the end of 2003. AFMA will also continue to foster increased awareness through education initiatives, to hold compliance at acceptable levels.

Fisheries research

19. The Commonwealth Government will work with research providers and stakeholders to review present arrangements for Commonwealth fisheries research and development and to develop for Commonwealth fisheries a management-related research and development plan that focuses on identifying and filling gaps in the information essential for effective management and that assists managers to adopt an ecosystem-based approach. The plan will consider funding strategies, including industry contributions, and industry priorities.

Communicating with key clients

13. AFMA will consider various options to improve communication with industry. Such options will include: basing regional liaison officers in major fishing areas, providing an on-the-ground roving communication and information service to AFMA and stakeholders in the fisheries, and the use of video-conferencing and other communications technologies.

The Commonwealth's statutory objectives

14. The current statutory objectives remain a suitable basis for the management of Commonwealth fisheries. However, some objectives may be given an additional emphasis, if such a focus will ensure the long-term ecological sustainability of Commonwealth fisheries resources.



Cost recovery

20. AFMA will continue to implement the Government's cost-recovery policy for Commonwealth-managed fisheries.
21. The Commonwealth Government will review the application of cost recovery in relation to a number of new and emerging issues including
 - domestic involvement in high-seas fisheries
 - Australia's engagement in regional fisheries management organisations
 - surveillance of Australia's remote fisheries and the obligations under the UN Fish Stocks Agreement²⁰, the FAO Compliance Agreement²¹, and the UNCLOS²²
 - broader marine research targeted towards understanding marine ecosystem interactions, including research measuring the impacts of fishing on the marine environment (causal impacts), stock assessment and bycatch research

20 Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, 1995.

21 Agreement to promote compliance with International conservation and management measures by fishing vessels on the high seas of the Food and Agriculture Organization of the United Nations, 1993.

22 United Nations Convention on the Law of the Sea, 1982.

- cost-recovery arrangements for R&D relating to the recreational and charter fishing sectors
- increasing legislative obligations to support marine environmental assessment, monitoring and auditing.

Resource sharing

22. The Commonwealth Government will develop and implement an agreed framework, in consultation with the states, the Northern Territory and stakeholders, for the management of resource allocation between sectors that utilise Commonwealth-managed fisheries resources.

Recreational and charter fishing

23. The Commonwealth Government will establish an agreed regime with the states and the Northern Territory for these jurisdictions to manage recreational fishing (including charter fishing) on a day-to-day basis, with the Commonwealth maintaining an overall stewardship role.
24. The Commonwealth Government will seek an amendment to the FM Act to bring AFMA's responsibilities for managing charter fishing in line with those for recreational fishing (ie an overall stewardship role).

Traditional Indigenous and commercial Indigenous fishing

25. AFFA and AFMA will, with ATSIC and other Indigenous representatives, explore means of ensuring that traditional Indigenous fishing is more effectively incorporated into Commonwealth fisheries management.
26. The Commonwealth Government will examine opportunities for the involvement of Indigenous people in commercial Indigenous fishing and aquaculture and work with ATSIC on the development of an Aboriginal and Torres Strait Islander fishing strategy.

Aquaculture

27. The Commonwealth Government will seek to amend the FM Act to provide certainty about jurisdiction and responsibility for aquaculture.
28. The Commonwealth Government will work with the states and the Northern Territory, and the aquaculture industry, to establish practical and integrated arrangements for aquaculture.

Security of access rights

29. AFMA will ensure that statutory fishing rights of access are implemented in all major Commonwealth fisheries.
30. Where Government policies other than fisheries policies diminish the rights of access to fisheries resources for commercial operators or other resource users, the Commonwealth Government will undertake a transparent assessment of this impact.
31. AFMA will retain the present arrangements for licensing exploratory fishing activities. Investments in exploratory activity will be acknowledged in line with AFMA's Policy Paper No. 5. A fully open and transparent process will be used to allocate the balance of rights in the new fishery once a statutory management plan is created. This may include the use of an auction or tender process..

Cancellation of access rights and penalty arrangements

32. The Commonwealth Government will examine the implications of removing cancellation provisions for domestic offences from the FM Act to improve the security of access rights, and implementing significant increases in penalty provisions to ensure there are adequate incentives to comply with AFMA's management measures.
33. Cancellation provisions will be retained under the FM Act to control the activities of Australian fishing vessels on the high seas.

Preference for output controls in the form of individual transferable quotas

34. The Commonwealth Government will retain an emphasis on using output controls in the form of individual transferable quotas as the preferred management approach to reward productivity improvements and enable adjustment to market pressures by operators.
35. Where the AFMA Board prefers a management approach other than the use of output controls in the form of individual transferable quotas, it will demonstrate why the alternative measures will provide more effective management outcomes.
36. In fisheries where analysis demonstrates that individual transferable quotas are not the most effective way of pursuing the objectives of the FM Act, alternative management approaches, such as individual transferable effort approaches, will include a mechanism that enables adjustment for increasing fishing efficiency over time to occur automatically, without the need for externally funded intervention to assist the adjustment.

International fisheries issues

Regional fisheries management organisations and bilateral agreements

37. The Commonwealth Government will develop a whole-of-government strategy with clearly identified goals and objectives, to better coordinate future engagement in regional and international fisheries forums.
38. The Commonwealth Government will ensure that Australia continues to promote more effective management arrangements for high seas fisheries to ensure their sustainability, and to secure long-term access for Australia's fishing industry to straddling, highly migratory and high seas fish stocks.

Addressing illegal, unreported and unregulated fishing

39. Australia will continue to combat illegal, unreported and unregulated fishing, cooperating with like-minded countries, seeking binding commitments within regional fisheries management organisations, and consulting at international fisheries conferences on approaches to address what is an increasing problem for Australia and all countries with borders to the Southern Ocean.
40. Australia will strengthen its Southern Ocean activities and will forge stronger relations with like-minded countries to fight against illegal, unreported and unregulated fishing in the sub-Antarctic.
41. Australia will engage with Indonesia to deal effectively with overfishing in the traditional 'MoU Box' area around Ashmore and Cartier reefs²³, and with illegal Indonesian fishing vessels operating in Australia's northern waters.
42. Australia will develop a National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and will present this to the Food and Agriculture Organization of the United Nations by the end of 2004.

Human capital

43. The Commonwealth Government will continue to provide a focus, through the Agriculture Advancing Australia initiative and Fisheries Research and Development Corporation projects, and in consultation with Seafood Services Australia, on improving the capabilities of those people who are members of the fishing and aquaculture industry or who work in support of it, and ensuring that workplace occupational health and safety issues are addressed.

Seafood trade and market access

44. The Commonwealth Government will provide a focus for seafood in the next round of the World Trade Organisation negotiations, including working

with industry to identify market access and trade barrier issues to be negotiated through this process.

45. AFFA, in consultation with industry, will continue to research and provide market access information to industry, through the Australian Seafood Industry Council, to highlight emerging markets and identify seafood market gaps in existing markets that Australian industry can target for diversification.

Food safety and quality

46. The Commonwealth Government will support the development of the Australian seafood standard by Food Standards Australia New Zealand and Seafood Services Australia.

Biosecurity, marine pests and fish health

47. The Commonwealth Government will continue to support the Aquatic Animal Health Consultative Committee in developing integrated national management arrangements for aquatic animal health, including cost sharing arrangements.
48. The Commonwealth Government will support the National Introduced Marine Pest Coordination Group in developing a national system to prevent and manage marine pest incursions.

Some new approaches

Building partnerships for the future

49. The Commonwealth Government will establish an annual Australian Fisheries and Seafood Forum to advise Commonwealth ministers on all matters including commercial, recreational, charter, and traditional fisheries issues; aquaculture; seafood processing and importing; regional and international issues; and fisheries research and science, to ensure the relevance of the Commonwealth's policy effective stakeholder linkages.

²³ Memorandum of Understanding regarding the Operations of Indonesian Traditional Fishermen in Areas of the Australian Fishing Zone and Continental Shelf, 1974.

Improved management arrangements between jurisdictions

50. The Commonwealth Government will progressively review Offshore Constitutional Settlement fisheries agreements and management arrangements with the states and the territories with the aim of achieving:

- single-jurisdiction management based on target stocks – recognising the need to implement ecosystem-based fisheries management
- where this is not possible, sharing of jurisdictional and management responsibility for a stock
- where management of a fishery is shared, agreements between jurisdictions, which may include requirements to undertake shared stock assessment; development of efficient processes for data collection and sharing, collation and validation; streamlined licensing arrangements; coordinated research and development programmes; and cost recovery
- single (satellite-based) vessel monitoring systems, observer programmes, logbooks and licensing systems

- agreed management frameworks for recreational fishing (including charter fishing) and traditional fishing
- a reduction in the burden of management on fishers.

51. The Commonwealth Government will aim to retain overall management responsibility for all highly migratory fish stocks and any species subject to regional or international agreements, with the states and the territories having responsibility for day-to-day management of recreational fishing (including charter fishing) and traditional fishing for these stocks.

Realising the potential of aquaculture

52. Working with industry, the Commonwealth Government will contribute to the implementation of the Aquaculture Industry Action Agenda in consultation and cooperation with the aquaculture industry and the states and territories.

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