



Australian Government

Statement by the Minister for Agriculture, Fisheries and Forestry
Senator the Hon Joe Ludwig

Government Response to the Commonwealth Fisheries Review

21 March 2013

The Gillard Government strongly supports protecting the health of Australia's oceans. Our oceans are a source of recreation, a source of food and a source of employment. Our fisheries are used by many Australians, whether they be commercial users, recreational users, Aboriginal and Torres Strait Islander people, or professional charter, tourist and game users.

In September last year, I said that it was:

“My responsibility [as fisheries minister] is to make sure our fisheries remain some of the most sustainable and best managed in the world, and that they are served by the best system possible.”

Today I am releasing the first root and branch review into Commonwealth fisheries in twenty years, the *Review of Commonwealth Fisheries: Legislation, Policy and Management* (the Borthwick Review), conducted by Mr David Borthwick AO PSM. I am also releasing the Government's response to that review.

The Gillard Government's plan for Australia's fisheries is based on three principles. Building on the strong foundation of our fishers; creating new opportunities, particularly in Asia; and preparing all users for future challenges. Our response to the Borthwick Review is guided by these three principles.

The Government believes that all users should be able to expect healthy fisheries, managed appropriately in a manner that guarantees the community's confidence and the confidence of generations to come. Fisheries should be productive, profitable, sustainable and managed according to the best science available. However, our fisheries are not isolated from other uses and ecosystems and fisheries must be managed in that context.

When I announced the Review, I noted that:

“It's clear to me that after twenty years of operating that legislation that there is now community expectation about how we should continue to have the world's best managed fisheries. So to do that I will consult with stakeholders, consult with the

community to continue to ensure that we've got confidence in our fisheries management.”

The review was timely, following the particular attention placed on Commonwealth fisheries and especially the Small Pelagic Fishery throughout August and September 2012. It was evident that although our fisheries management system was world class and had served us well, we could not reasonably expect it to remain world leading without updating it and preparing it for the future. It was an obligation on the part of the Government to deliver such an update.

Commonwealth fisheries are built on a strong foundation. As a public resource the Government provides high class stewardship for the ongoing sustainable use of our fisheries. The biological status of Commonwealth fisheries is one key measure of sustainability and following significant work, we should be proud to know that our fisheries sustainability has improved markedly in recent years.

Our fishing industry supplies premium seafood to Australians and key export markets. The amount of fish we can sustainably take from our wild capture fisheries is regulated for the benefit of present and future users. We work to increase the sustainability of fisheries in our region and internationally to ensure our science based approach is replicated in other countries' management approaches. We are heavily engaged in the Indian and Pacific Oceans to support international fisheries that are sustainable, are enriching the lives of the people who live in those areas but also are able to be fished by Australia's commercial operators if they wish to.

The Gillard Government recognises that there are other users of our fisheries resources that need to be considered. We continue to support the development of innovation in aquaculture where the scope for expanded production is substantial. We acknowledge the importance of approximately 3-4 million recreational fishers across the country who enjoy sinking a line. The role of tourism and environmental sustainability are also important within our fisheries. We recognise the Indigenous inhabitants of Australia and their traditional use and connection to fisheries.

The remit of our Commonwealth fisheries managers is to optimise the commercial use of the resource at a sustainable harvest level, while minimising the unintended catch of non-targeted species and threatened, endangered and protected species, and minimising the impacts of fishing on the environment more generally. Fisheries managers have to do all this whilst taking into account community values and expectations.

Fisheries are a public resource owned by all Australians and it is important that the Australian community is engaged and able to contribute to key decisions about how Australia's fisheries are managed.

The Government's response to the Borthwick Review aims to balance these factors.

The Borthwick Review concluded that while our current fisheries management system is good, it could be improved by greater transparency, a broader policy framework and by clarifying objectives and roles. I agree.

I will be asking for all our fisheries stakeholders – the fishers, the supply chain participants, the recreational users, the traditional users, environmental organisations, the marine science community and of course the consumers and wider community - to comment on the recommendations in it. The Review has a strong focus on consultation and inclusive decision making; I believe that our decision on its implementation needs to be done with wide involvement.

The Borthwick Review is a commendable representation of the complexities in fisheries management today and presents fifteen key findings and recommendations for improving and strengthening the management of Commonwealth fisheries into the future. I agree in principle with the direction of all of the Review recommendations, however, careful consideration needs to be given to the detail of these improvements and how they are implemented. We want the best system we can have, but it needs to be fit for purpose, cost effective and not needlessly burdensome for industry.

One key recommendation the Government has accepted is that the commonwealth fisheries regulator, the Australian Fisheries Management Authority (AFMA), will continue as the independent regulator responsible for management of our commonwealth fisheries. The current governance arrangements that have AFMA as an independent Commission ensure our fisheries are managed according to independent, science based decisions. (Rec 1)

There are opportunities for AFMA to make improvements. The community needs to have renewed confidence in AFMA as the regulator responsible for the stewardship of our natural fisheries resources. I support the recommendations for AFMA to introduce enhanced transparency arrangements into their processes of governance and decision making. I will work with the AFMA Commission to make sure this can be done in an effective and cost efficient way. (Rec 7)

I am also announcing my intention to update the fisheries management plans and the approval process. Fisheries management is a complex process and this will not be an overnight change. The community need to be sensibly involved in fisheries management, particularly for significant decisions. I agree with the Borthwick Review that more strategic information about the future management plans should be provided for community to examine and comment at the appropriate time. This will give all Australians strengthened confidence in the outcomes in our fisheries. (Rec 4)

I agree that Ministerial power and approval of management plans and compliance and enforcement provisions need to be updated to reflect community expectations. The community provides a social licence to industry for the use of a common resource, our legislation and oversight needs to reflect that and respond accordingly. It is also important to clarify Minister's roles in approving and accrediting fisheries management plans. To this end the Government will consult on these matters in the terms the Review has suggested. (Rec 5, Rec 6, Rec 14)

As recommended by the Review, the government supports the development of an ecosystems policy pillar to sit alongside the harvest strategy and the bycatch policies. The Review acknowledged the importance and success of the harvest strategy policy in raising the standard of fisheries management in Australia. The Review also noted the timely upgrade of bycatch policy to better address the unintended interactions

associated with wild capture fishing. An ecosystems policy would require AFMA to consider interactions with non-target species and the broader marine environment in which fisheries operate. As the report states, this would need to occur through a science based process from the perspective of minimising ecosystem impacts. The Government will consult on this matter after the completion of the harvest strategy policy and bycatch policy reviews, both expected in late March 2013. (Rec 2)

Commonwealth fisheries account for less than 30 per cent of Australia's fishing effort. The rest is managed by agencies in each state and the Northern Territory. A myriad of arrangements under the Offshore Constitutional Settlement (OCS) allow the states and Northern Territory to manage coastal fisheries which can extend well into Commonwealth waters. The Review identifies that seven fisheries management jurisdictions and 63 OCS arrangements can result in a confusing and sometimes onerous regulatory burden on Australia's recreational and commercial fishers. I will consult with the Assistant Treasurer on asking the Productivity Commission to conduct a review to streamline Commonwealth and state relations. (Rec 15)

The Borthwick Review has identified resource sharing as an issue that needs to be addressed, both in the context of shared stocks that must be jointly managed between the Commonwealth and the states and the Northern Territory, and stocks that are shared between commercial and recreational fishers. Responsible management of fish stocks requires that all sources of mortality be taken into account. Recreational fishers want secure access to the resource and proper recognition of their contribution to the economy and societal welfare. The Government and AFMA will continue to pursue resource sharing and co-management improvements. (Rec 2, Rec 3, Rec 4, Rec 15)

The Review also highlighted a need to clarify fisheries management objectives with other objectives, including those pertaining to recreational and indigenous fishers. Fisheries legislative objectives should be clarified for their application to the management of individual fisheries and their plans. I agree with the Borthwick Review that there is little to be gained by amalgamating the *Fisheries Management Act 1991* and the *Fisheries Administration Act 1991* (the Fisheries Acts). As part of the Government's consultation process the objectives of the current acts will be reviewed. (Rec 3)

The Borthwick Review recommended specific legislative amendments to the Fisheries Acts. The Review has stated that these changes recognise the experience of fisheries management, however Government will not proceed on these until it has sought the views of the industry and the community. (Rec 8, Rec 9, Rec 10)

On cost recovery approaches suggested by the Review I want to seek the views of industry about the specific types of changes that might be made before the Government commits to any new arrangements. (Rec 11)

Similarly, any decisions on co-management and devolution of Commonwealth powers in respect to aquaculture to the States, will need to be well thought through and appropriately discussed with affected parties. Following consultation, any change to policy will be taken to state and territory fisheries ministers at the Standing Council on Primary Industries. (Rec 12, Rec 13)

The Gillard Government is serious about its responsibilities for the sustainable management of Commonwealth fisheries. We will use the opportunities presented by the Borthwick Review and the two current interconnected reviews of the harvest strategy policy and bycatch policy to ensure that our policy settings enable the fisheries manager, AFMA, to achieve an affordable fisheries management regime which achieves the best possible results for our industry, the environment and the whole Australian community.

The Borthwick Review will be released today online. I will be announcing a stakeholder and public consultation process in the coming months. I encourage people to read it and consider the issues it has raised. Following this process, I intend to release an implementation plan for the Borthwick Review.