This submission is presented on behalf of the following members of the Stop the Trawler alliance:

Environment Tasmania
Ocean Planet
Sea Shepherd Conservation Society
Tasmanian Conservation Trust
The Wilderness Society Inc

We would like to congratulate the government for its decision to introduce an amendment to the Environmental Protection and Biodiversity Conservation Act to enable the review of the operations of large commercial fishing operations such as the FV Abel Tasman (formerly Margiris) and to initiate a much needed review of the Fisheries Management Act.

We would also like to thank you for this opportunity to provide comment to this review.

Our organisations expect Australian fisheries management to be consistent with the long term protection of our marine environment, marine wildlife and marine-based industries. We make the following comments.

1. *Super Trawlers*

   All new large scale industrial fishing vessels, or super trawlers, should be banned from entering Australia's fisheries. Industrial fishing on this scale is not consistent with the management of healthy oceans and healthy sustainable fisheries.

The reasons are twofold:

a. The environmental and social impacts of such large operations are inherently difficult to predict, manage and enforce. These concerns, such as depletion of target stocks, the inevitable mortality of protected species as by catch and localised depletion have been expressed broadly in the community and by independent scientists. They are inherent to the gear type and thus exist regardless of the management framework applied. With regards to localised depletion in particular, at present AFMA has not demonstrated any capacity, or even inclination, to develop scientifically based mechanisms to reduce the risk to acceptable levels.

b. Australia is a signatory to the UN FAO code of conduct for responsible fisheries that directs nation state to take septs to reduce overcapacity and avoid management actions that contribute to overcapacity[1]. These principles were reaffirmed by Prime Minister Gillard at the World Sustainability Summit in Rio in June this year, along with a commitment to work towards cuts to fishing subsidies[2].

   The owner of the FV Abel Tasman, Parlevliet & Van Der Plas, is a member of the European Pelagic Freezer-Trawler Association (PFA), which consists of 34 factory trawlers that are among the biggest and most powerful in the world. The PFA and its member trawlers, such as the FV Abel Tasman, receive European taxpayer funds to

[1] http://www.fao.org/docrep/005/v9878e/v9878e00.HTM 'UN FAO code of conduct for responsible fisheries'

[2] https://rio20.un.org/rio20/records/page

subsidise their fishing of international waters. EU taxpayers pay more than 90% of the access costs to allow these companies to fish[3]. These European companies have recently been in the media due to their involvement in the South Pacific Mackerel Fishery which has failed with the fish stock collapsing to less than 10% of original estimates[4].

The United Nations Food & Agriculture Organisation concluded in 1998 that global fishing capacity was 2.5 times greater than global fish stocks could sustain; since then capacity has increased[5]. The UN and World Bank have assessed that overcapacity and overfishing are costing the global economy US$50 billion annually.

Subsidies that expand fishing capacity, including for vessel construction and modernisation and operating costs (particularly fuel), are estimated to total about $16 billion globally each year. This represents close to 20 percent of the total value of marine catch. By making it profitable to fish when stocks are in decline, fishing operators that would otherwise exit the industry, remain.

Allowing super trawlers to enter Australia's fisheries would constitute a management action that contributes to the global overcapacity of fisheries and encourage European nations to continue subsidising this overcapacity.

2. *Ecosystem Impacts Review of Potentially Damaging Fishing Methods and Gear Types*

A number of gear types and fishing methods already operating within Australia's fishing industry remain controversial because of both perceived and real negative impact on the environment and fish stocks. For the community to maintain confidence in the sustainability of the fishing industry there is a need for improved assessment of all fishing gear types and methods that includes independent scientific review for ecosystem impacts, and full public transparency, scrutiny and participation.

The review should consider, as a minimum, how Fisheries Management Agencies should address:

- Impacts on target and byproduct stocks
- Physical damage to the benthic environment
- Direct impacts on bycatch species
- Food chain effects
- How multi-species fisheries are managing all target species
- Verification (by observer program) of by-catch discard and threatened species interaction reporting
- Impacts on recreational fishers
- Impacts on non extractive users
- Impacts on the wider community

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[3] http://www.greenpeace.nl/Global/nederland/2012/publicaties/Ocean%20Inquirer_3.pdf

[4] http://www.iwatchnews.org/2012/01/25/7900/free-all-decimates-fish-stocks-southern-pacific

[5]. http://www.fao.org/DOCREP/006/Y4849E/y4849e0l.htm

Further information on environmental concerns with respect to demersal fishing can be found in James Brook's 2011 report *A conservation perspective on demersal fishing in Australia.*

3. *Transparency, Access to Information and Appeal Rights*

To bring the Fisheries Management Act into line with modern expectations of legislation relating to activities affecting public assets such as the marine environment, there must be increased transparency and access to information for all levels and processes of marine resource management and the inclusion of public appeal rights to enable concerned members of the community to challenge the decision of fisheries management when needed.

The maintenance of the fishing industry 'social license to operate' requires that the community must be confident that fisheries are managed for the benefit of the whole community, not just a sector of the commercial fishing industry, and that environmental values are protected.

Changes to the Act to incorporate this should include as a minimum:

Appeal Rights
Third party appeal rights are a common tool used in environmental legislation. Fisheries resources and the marine environment are a common asset and there needs to be a mechanism by which concerned individuals and organizations can raise and resolve disputes with decisions made by AFMA.

Accessible Information
Access to information must also be provided in a way that is readily accessible to the general community, not only channeled via non-government representatives on committees. Whilst these representative roles fill an important function in the decision making process, they should not be expected to also be responsible for meeting Government's obligations of transparency to the broader community.

Information should include:

- Notification of upcoming assessments
- A publicly available document outlining the proposed fishing operation with detail of its proposed activities and management
- Detail of the expected outcome of the management regime, including reference to historical data on the fishery performance
- Ongoing reporting of catch and by-catch in the fishery

Community Involvement
In Australia, the management of a commonly owned resource such as fish stocks and the marine environment should involve the wider community, and not just those with a financial interest. Community interests (at least representative recreational fishing and conservation groups) must be given the opportunity to participate in fisheries management decisions at every level within the Australian Fisheries Management Authority (AFMA), from the Resource Assessment Groups (RAGs) and Management Advisory Committees (MACs) through to the AFMA commission itself.

The AFMA commission itself should have at least one recreational and one conservation member. Recreational and conservation members involved in AFMA

processes should have genuine, and demonstrable, support from the recreational and conservation communities respectively. AFMA's system of MACs should return to the system where there was one MAC per fishery, and the "super MACs" (such as the SE MAC) should be disbanded, to ensure that fisheries management issues get the scrutiny they require.

Avoidance of Conflict of Interest
A major problem identified in the Super Trawler debate has been AFMA's management of conflict of interest issues. A mechanism to avoid concerns about conflicts of interest influencing AFMA's decision making process needs to be developed urgently. Currently industry, scientific and government members are involved in decision making processes that have the potential to provide direct personal benefits. This should not occur. There should be at least one truly independent scientist (ie one with relevant expertise who does not benefit from AFMA generated research projects) on every RAG and MAC, along with representatives from the recreational fishing and conservation communities.

Independent Marine Science Input
The development of marine science and fisheries science disciplines in Australia has led to significant differences of opinion on certain aspects of the impacts of fishing and how best to manage these. A multi-disciplinary approach incorporating both disciplines would result in better fisheries management outcomes. At least one independent marine scientist should be included on RAG and MAC committees and on the AFMA commission.

4. *Ecological Considerations in Fisheries Management & Precautionary Principle*

Fisheries must be managed to ensure that marine ecological processes are maintained, whole ecosystems are protected and fish populations are managed sustainably.

We require the implementation of complete ecosystems-based and precautionary approaches to fisheries management including the goal of maintenance of the ecological processes that drive marine biodiversity in Australia. This requires formal consideration of ecosystem impacts of fishing[6],population connectivity and source-sink relationships in managing broodstock levels across the range of across the range of the target species, and fishery independent monitoring and assessment of the effects of environmental changes.

Assessment of ecosystems based fisheries management - both in development of management measures and in effectiveness of existing measures - must be done with the formal involvement of independent ecological expertise.

5. *Maintain a comprehensive, adequate and representative network of no-take marine protected areas*

[6] adapted from Souter et al (in prep) *Beyond connectivity: critical ecological processes and implications for managing coastal marine biodiversity*.

The Fisheries Management Act should be changed to ensure it recognizes the importance of spacial closures to ecosystem based fisheries management and works in a complementary manner to the Commonwealth Marine Reserves System in the management of ecosystem function and the monitoring of the impact of fisheries.

6. *Importance of the EPBC Act*

The review must recognize the continued importance of the EPBC Act in managing matters of national environmental concern. The Fisheries Minister has an inherent conflict of interest in making decisions on the management of environmental concerns when his primary function is to manage marine resources. The Fisheries provisions of the EPBC act provide an important check and balance on the sustainability of the Commercial Fishing industry as it relates to matters of national environmental concern.