

31 January 2007

Ms Lara Musgrave
Sustainable Fisheries Section
Department of Environment and Heritage
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HEALTHY CATCHMENTS
HEALTHY OCEANS

Dear Lara

Submission - Proposed streamlined export reassessment process under the Environmental Protection and Biodiversity Conservation Act 1999

This letter outlines the comments from OceanWatch Australia in relation to the proposed streamlining of the fisheries export reassessment process under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*. OceanWatch Australia is a national environmental, not-for-profit company that works to achieve sustainability in the Australian seafood industry through protecting and enhancing fish habitats, improving water quality and advancing the sustainability of fisheries through action based partnerships with the Australian seafood industry, government, natural resource managers, private enterprise and the community.

OceanWatch Australia is in support of refining the current assessment process under the EPBC Act. The process undertaken over the last few years to review every fishery with exported product in Australia against the provisions of the EPBC Act has utilised an enormous amount of resources from the Commonwealth, fisheries agencies and industry. We are supportive of a risk based approach to assess fisheries, however make the following comments in relation to improving the process and approach proposed.

Integration of strategic assessment process with accreditation schemes

- The strategic assessment process and accreditation schemes such as Marine Stewardship Council certification need to be aligned so as to realise the full potential of all Australian fisheries going through an accreditation process and to reduce the cost burden to industry. No other country in the world has undertaken environmental impact assessments of their fisheries. Although this is a good step for the Australian Government to take in terms of addressing sustainability issues associated with Australian fisheries, it needs to go further. The full benefits of undergoing an environmental impact assessment need to become tangible for industry. There is nothing special about undertaking an environmental impact assessment unless it leads to the delivery of sustainability and also economic viability for



industry. It is an inefficient use of resources on behalf of industry to not be able to use their EPBC assessment as the pre-assessment for MSC certification, which can lead to premium price differentials. This better linking of the strategic assessment process and accreditation scheme should be mandatory to make the two consistent and then this needs to be promoted domestically and internationally in relation to what it means for consumers. The Australian Government should be taking the lead in assisting the Australian seafood industry to market its products in this way – to truly give them the “Clean Green” tick.

Improving the strategic assessment process

- It is proposed that the risk ranking allocated to a fishery will be based on their previous strategic assessment results in terms of approval. Although this is a useful basis to assign a risk category, it is not the only basis that should be used. A review of the recommendations coming out of the existing strategic assessment process should be considered in the allocation of a risk ranking as there may be instances where inconsistencies exist with the level of approval between fisheries and the recommendations may warrant a higher risk category than would be allocated simply on the basis of the approval granted.
- The first round of strategic assessments in some cases showed inconsistencies between fisheries that were similar but within different jurisdictions. Improvements to the assessment process are required to ensure there is consistency in recommendations forthcoming and in terms of their practicality. For example, better cross checking of recommendations coming out of fisheries that may have different risk rankings but are similar in nature is needed. This is necessary to not only ensure that the recommendations reflect the reality for these fisheries in terms of approvals granted, but that they are practical and cost effective for the industry and fisheries managers to address.
- We support the coordination of fisheries by region and/or by fishery types within regions to enhance complementary management of stocks and ecosystem impacts. It is critical that the strategic assessment process give more attention to ecosystem based impacts – this will mean no longer assessing a fishery in isolation, but rather looking at the fishery in the regional and ecosystem contexts within which it operates. The reassessment process should adopt this approach.
- All key players need to be involved in the risk assessment process. The investigation of ecosystem impacts will be difficult, but necessary. Other stakeholders, in addition to fisheries managers and DEH need to be included in the assessment of ecosystem impacts so it is not just a paper pushing exercise between agencies. To this end, habitat mapping and further research is needed to be able to classify a fishery as low, medium or high risk. It is not possible to classify a fishery as ecologically sustainable unless we know the impact it has on habitat.

- Stage 2b of the reassessment process identifies criteria for interactions with protected species, bycatch and ecosystems impacts. There is no benchmark however to define what is an acceptable level of bycatch or acceptable level of mortality of protected species or an acceptable level of impact on an ecosystem. This needs to be defined.
- The incorporation of external factors needs to be improved, such as the impact of illegal fishing and climatic variability (both short term and long term) into stock assessments etc.
- Many of the recommendations arising from the first round of strategic assessments were fisheries operational in nature rather than specifically underpinning ESD guidelines. As the assessment process is reviewed and fisheries begin to address some of these operational concerns, the focus of recommendations should shift towards more specific outcomes relating to economic, social and conservation measures directly associated with the ESD guidelines.

Monitoring, reporting and enforcement

- We support the move to annual reporting on the basis of the risk ranking allocated. It is imperative that regardless of the risk ranking allocated, each fishery demonstrate their performance against the recommendations/conditions given in the previous strategic assessment(s). The high investment incurred to undertake the strategic assessments initially will only be justified if measurable improvements in environmental performance and economic viability of the industry and in the actual condition of marine ecosystems can be demonstrated. Hence there is the need for not only regular annual reviews (which are self assessment), but also an independent risk based audit process to provide assurance of continuous improvement – perhaps every 2 years for high risk, 3 years for medium risk and 4 years for low risk fisheries.
- There is no point in undertaking all this investment if every fishery is given an approval and there is an expectation within industry that regardless of the issues identified, they will be given one. This will not foster continuous improvement and does nothing to actually address the on ground issues. Rather, the process needs to have some teeth - to get tough on those fisheries that do not demonstrate a willingness to meet the sustainability criteria and deny them an approval. It is understandable under the first round that this would not occur, however the reassessment process needs to have a stronger process for denying approvals if actions have not been taken. For this process to be equitable however, greater input and engagement with fishery members is required to ensure recommendations are practical.
- The strategic assessment process is not enforceable – it is our understanding that there are no penalty provisions for non-compliance during the approval period or grounds for enforcement. Again, it comes back to denying an approval or removing a fishery's approval if issues are identified during the approval period that warrant such measures. The process for DEH to take action in this regard needs to be refined and communicated clearly to industry.

We welcome the opportunity to comment on the proposed changes for fishery assessments under the EPBC Act. We believe that incorporating the suggestions provided above into the EPBC assessment process will allow for greater continuous improvement in Australian fisheries with respect to environmental performance and economic viability. This will also allow the industry to take full advantage of the approvals given and demonstrate their green credentials to consumers and the rest of the world in a way that justifies the costs incurred in undertaking this assessment to benchmark the sustainability of each fishery.

Please do not hesitate to contact me on 02 9660 2262 should you require further information.

Yours sincerely

A handwritten signature in black ink, appearing to be 'AL', followed by a long horizontal line extending to the right.

Anissa Lawrence
Chief Executive Officer
OceanWatch Australia Ltd