

Submission to Senate Inquiry:  
Environment Protection and  
Biodiversity Conservation  
Amendment  
(Bioregional Plans) Bill 2011

24 March 2011



The Australian Fishing Tackle Association

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## Committee Secretary

Senate Standing Committees on Environment and Communications

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**Re: Submission to Senate Inquiry: Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011**

Dear Senators

This submission is in response to the Senate inquiry into the Environmental Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011.

The Bill before you seeks to provide Parliament the right and obligation to review the current decision making process. Your review and deliberations of current arrangements relating to the implementation of Bio-Regional plans is paramount as is the inclusion of all stake holders and Government.

The Australian Fishing Trade Association Inc. (AFTA) Represents Business on National basis that provide Goods and Services to the Australian Public that undertake Recreational Fishing in waterways around the country. In many states the Industry also provides Government Rules Regulations pertaining to the activity.

Our Customers are from all Socio – Economic means and Geographical Distribution around Australia.

Attached to this submission is the Executive Summary of an Independent Report titled “Australia’s Marine Protected Areas: Challenging Times Ahead” undertaken in 2006 by Ernst & Young, analysing Bio Regional planning and Marine Protected areas generally. It is worth reading and taken into consideration, by the Senators responsible, to ensure the Guidelines that Australia has committed to are considered.

AFTA asks that you also consider the social impacts, the health and wellbeing benefits of recreational fishing and the financial ramifications to the many small businesses that depend on the investment provided to their businesses by recreational fishers. Many regional and coastal towns are dependent on recreational fishers for their financial existence.

The Bill under consideration must address issues associated with current planning processes in entirety to ensure that the design and intention takes into account a broader transparency and engagement model for all Australians.

Yours Sincerely

Doug Joyner- EO

AFTA

## **Background**

As the Bill's Explanatory Memorandum summarises:

*The Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011 seeks to remove the absolute power of the Minister with respect to bioregional plans and to provide Parliament the opportunity to oversight in the bioregional plan process.*

As the primary decision maker under the current unchanged Act, key decisions made by the Environment Minister include:

- decisions relating to the assessment and approval of controlled actions;
- decisions relating to approval of strategic assessments and management plans;
- appointing members of advisory bodies established under the Act;
- listing threatened species and ecological communities;
- listing National Heritage and Commonwealth Heritage places; and
- approval of wildlife exports and associated management arrangements.

## **Industry Concerns**

Industry is concerned that processes undertaken by Governments Past and Present have relied on Single Ministerial responsibility to develop Bio regional planning without various check points being oversights to determine the process is correct, transparent, engaged and unbiased towards the important implementation of Australia's International responsibilities surrounding Bio Regional planning.

1. An example follows regarding the constant reference to percentage no take areas that until recently at Federal Government level was not widely publicised and possibly still isn't, to provide correct interpretation of what Australia has agreed to currently:

*The establishment of the NRSMPA is intended to help Australia meet its obligations under the UN Convention on Biological Diversity, which Australia signed in 1992 and ratified in 1993. The objectives of the Convention on Biological Diversity are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits of genetic resources.*

*Contrary to popular belief, the UN Convention on Biological Diversity does not commit Australia to including a specified percentage of the area of MPAs within no-take 'sanctuary zones'. In particular, as noted by the Scientific Peer Review Panel for the National Representative System of Marine Protected Areas, Australia has not adopted the specific targets recommended by either the technical advisory body to the Convention on Biological Diversity, which recommended that at least 20 to 30 per cent of each habitat should be included in 'strictly protected areas', or the Pew Fellows in Marine Conservation, who recommended the inclusion of 10 to 50 per cent of each ecosystem in no take zones.*

*Rather, the National Objectives and Targets for Biodiversity Conservation 2001-2005 (June 2001), signed by the Commonwealth and five States and Territories, include as a target the protection of 'a representative sample of each bioregion' within the National Reserve System. (Ernst & Young "Australia's Marine Protected Areas: Challenging Times Ahead" pg iv).*

## **2. Displaced Activity.**

To date we are unaware of the displaced activity policy document that the writer on behalf of Industry commented upon through the Stakeholder Advisory Group (SAG) working group.

After commenting upon the Marsden Jacobs report dealing with Displaced Activity as to their interpretation of Displace activity, no continued engagement or briefing of the final policy has been undertaken by DEHWA. In fact the door has been closed since March 2010.

We conclude that "tokenism" engagement is the result after time consuming and expensive industry submissions made to the Stakeholder Advisory Group Meeting.

Our recommendations in part are as follows:

*We are of the view that in light of economic and social considerations elsewhere, as well as existing approaches taken in relation to displaced interests, contrary to the conclusions in the Marsden Jacobs Analysis, it is arguable that:*

- \(1) a complete assessment of the socio-economic impacts of any proposed MPA must be undertaken before declaring a MPA;*
- \(2) recreational fishers should be eligible for assistance in any future policy developed for creation of the NRSMPA;*
- \(3) assistance should be extended to groups indirectly affected by the NRSMPA; and*
- \(4) both financial and non-financial assistance may be appropriate, and must be determined on a case-by-case basis.*

*We recommend that the above issues be raised at the SAG Meeting and that DEHWA be asked to take these issues into consideration in developing the policy for creation and implementation of the NRSMPA.*

*Naturally, the development of policy surrounding this issue will be a political issue.*

***We also recommend that DEHWA consult as soon as possible with some of the key tourism lobbyist groups such as Tourism and Transport Forum (TTF) and Queensland Tourism Industry Council (QTIC). The Analysis gives little attention to the impacts that will***

*flow to some of the key stakeholders in the tourism industry as a consequence of declaration of new MPAs, although the tourism industry is arguably the biggest employer of people in the country. The tourism industry lobbyist groups are very aware of the importance fishing as a tourist activity, however these mentioned groups may not be aware of the issues raised in the Analysis or the potential extent of adverse impacts due to declaration of new MPAs.*  
(AFTA Submission to the SAG 2010)

### **3.The Science Surrounding Bio Regional Planning**

To date no briefing regarding the science being used with Bio Regional Planning has been transparently tabled to stake holders. Thus no comment from stake holders has been achieved.

This vacuum of information has not been helpful in any understanding of current process, future process or past process. However we are aware a draft map has been produced.

Why in the name of transparency during a planning process that a scientific briefing not be available to Stakeholders, Government? Would it not encourage informed debate?

### **4.Socio- Economic Impact**

No Socio economic information regarding communities that may be affected by the Bio Regional Planning process has been made available to Stake holders.

in fact it is unknown as to the affect on jobs dependant on recreational/ Commercial/Charter /Tourism. Compounded by the lack of Displaced Activity Policy.

A Displaced Activities Policy cannot be supported unless an independent and comprehensive socio-economic assessment / study is undertaken. The Department cannot design a Displaced Activities Policy without first assessing the impact that displaced activity in the Marine Bioregional Planning Process will have on Australian businesses, communities and working families. For example, the Government is using 2001 recreational fishing and boating data to determine 2010 policy prescriptions. This is not supported.

### **The Australian Fishing Trade Conclusion.**

If the Bill before you is of value to improve the overall engagement of Stakeholders and can address issues raised in this submission then consideration of its intended process is supported.

However we would point out and in our opinion, The Hon Tony Kelly is engaging Recreational Fishing as part of his portfolio.

The overall lack of significant information highlighted in this submission provides lack of confidence in the current Bio Regional planning Process.