



Australia Marine Engine Council ...*toward sustainable boating*  
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# Submission to Senate Inquiry: Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011

23<sup>rd</sup> March 2011

*AMEC supports any move to increase the transparency of decision making, especially in relation to the Bioregional Zones and Marine Park declarations, zonings and re-zonings.*

## Australian Marine Engine Council

The Australian Marine Engine Council Inc. (AMEC) was formed by key industry representatives to represent major industry players who are unequivocally committed to sustainable boating practices.

AMEC was launched with a clear and defined strategy to further promote a sustainable marine industry, also including gasoline stern drive and diesel engine manufacturers committed to the environment and industry.

The foundation member companies involve distributors and factory representatives of iconic brands including BRP Evinrude®, Honda, Suzuki, Volvo Penta, Yanmar, Volvo Penta, Skeeter, Torqeedo Electric outboards and EFFA. We look forward to welcoming other likeminded stakeholders within the marine industry in the very near future

AMEC's five point plan states that AMEC will;

- Align Australian Industry with World Environmental standards
- Promote clean technologies to consumers
- Promote sustainable recreational fishing activities
- Work with both State and Federal Governments to find solutions in marine park management strategies
- Support other industry based associations towards sustainable boating.

**Key Submission: AMEC supports any move to increase the transparency of decision making, especially in relation to the Bioregional Zones and Marine Park declarations, zonings and re-zonings.**

## Key Effect of the Bill

As the Bill's Explanatory Memorandum<sup>1</sup> summarizes:

*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 Act, key decisions made by the Environment Minister<sup>2</sup> 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.*<sup>3</sup>

The delegation to any Minister of any matter is, broadly speaking, to improve efficiency and expediency<sup>4</sup> of government. Parliament needs to focus on the major issues and leave the “administration” to Ministers.

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<sup>1</sup> Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011 Explanatory Memorandum, Circulated by authority of Senator Richard Colbeck, Tasmania

<sup>2</sup> By virtue of the Administrative Arrangements Orders made by the Governor-General.

<sup>3</sup> Report of the Independent Review of the *ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999*

<sup>4</sup> Most of the fundamental principles concerning delegation have been codified (see *Acts Interpretation Act 1901*, section 34AA, section 34AB and section 34A).

As with any compromise there are shortcomings, vis:

1. Ministerial decision making processes, especially in relation to the EPBC Act, have been criticized for a lack of effective public consultation. There is a perception that decision making has not been sufficiently transparent.
2. The Marine Bioregional Zones are of such magnitude and importance that they demand particular consideration. The Bioregional Zones cover 7 million km<sup>2</sup> of Commonwealth Waters. Compare that if you will, to the entire land mass of Australia at 7.6 million km<sup>2</sup>.

The Department of Sustainability, Environment, Water, Population and Communities, (formerly DEWHA, DEWR and DEH) has been at times criticized, for a lack of transparency in the decision making process.

As recently as 2009 a Review of the EPBC Act<sup>55</sup>, Chaired by Dr Hawke concluded that transparency in decision making was lacking, vis:

*A key concern raised in public submissions was a perceived lack of transparency in decision-making processes under the Act. (p230)*

In fact, Dr Hawke dedicates an entire Chapter to the issue: *Chapter 14: Transparency of Processes under the Act, including Public Participation.*

Dr Hawke's Final Report contains 71 recommendations which are summarised into a reform package revolving around a nine point plan including:

*(8) Improve transparency in decision-making and provide greater access to the courts for public interest litigation (p III)*

Dr Hawke explains:

*Increasing awareness of environmental issues has meant that the public is more interested in environmental decision-making and in having a say in protecting the environment. Environmental decisions generally affect the community in some way and therefore, including the public in the decision-making process makes good sense and good governance. (p240)*

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<sup>55</sup> *Report of the Independent Review of the ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999*

## **Public Concerns 2004**

Dr Hawke was not the first to point out a lack of transparency with the Department's public consultation process. Mr Alan Griggs was one of many fishermen in North Queensland to complain about the consultation process during Rezoning of the Great Barrier Reef Marine Park in 2004.

In 2005 a review of the rezoning process was carried out by the then DEH, and chaired by the Department's marine division representative, Mr Stephen Oxley.

In his submission to the 2005 review of the rezoning process, Mr Griggs writes:

*We were continually told to put our most used and profitable areas on the maps and they would do all to protect it. They did the TOTAL OPPOSITE the best fishing grounds in Bowling Green Bay they took off us and left the least profitable areas alone.*

*We all also put a dummy fishing area North East of a local area known as "Youngla Wreck" we all stated that this was Vitally important to us all, and they increased the green area in include this area, when in fact None of us fished this area. This gave us the impression that NO TRANSPARITY (sic) was in this program.<sup>6</sup>*

## **Lack of Consultation - 2010**

In 2010 the Department proceeded toward a ban on Mako shark fishing triggered under the Environment Protection and Diversity Conservation Act. This ban was to be instituted without Australian research, no Australian data and *"a lack of consultation with those most affected by the proposed ban."*<sup>7</sup>

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<sup>6</sup> Griggs, A. Submission to the GBRMPA Review Sept 2005

<sup>7</sup> Stephen Oxley, cited in About the House, May 2010

The Department's marine division representative, Stephen Oxley (the same Department officer who chaired the 2005 GBRMPA Review discussed above) told Parliament's Treaty Committee that there was no clear evidence to indicate whether Mako were being subjected to overfishing and unsustainable take or in fact have robust populations.<sup>8</sup>

Mr Oxley acknowledged the lack of consultation: "*We did not have any explicit consultation with the recreational fishing sector at the time*"<sup>9</sup> and further "*I think that would be reasonably identified as a weakness in the consultation processes.*"<sup>10</sup>

**Conclusion: There are indications that the level of consultation and transparency in the Department processes has been less than ideal or at least less than public expectations.**

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<sup>8</sup> ibid

<sup>9</sup> ibid

<sup>10</sup> ibid

***The Marine Bioregional Zones are of such magnitude and importance that they deserve particular consideration***

### **Area**

The total Bioregional Zones cover 7m klm<sup>2</sup> of Commonwealth Waters while the zones currently under consideration are over 5.3m klm<sup>2</sup>

Compare that if you will, to the entire land mass of Australia at 7.6m klm<sup>2</sup>. The total Bioregional zones are equivalent to 92% of Australia land mass, and the Zones under current consideration are 70% of the size of Australia.

### **Financial Implications**

- Australia has the third largest fishing zone in the world covering an area of about 9 million klm<sup>2</sup>.
- The commercial fishing industry is the nation's fifth largest primary industry with a value of \$1.6 billion each year.
- Australia's catches are relatively small by world standards
- The total catch in Australian waters is only a small fraction of the catch taken in other fishing nations.<sup>11</sup>

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<sup>11</sup> Oceans Facts and Figures *A report commissioned by Environment Australia October 1997 Commonwealth of Australia ISBN 0 642 54548 0 accessed at <http://www.environment.gov.au/coasts/oceans-policy/publications/ocean-facts-figures-ch3.html>*



The Bioregional Areas under consideration include 23 “*areas of further assessment*” which are likely to be 23 future Marine Parks. As the Department writes:

*Areas for Further Assessment are not the proposed boundaries for new marine reserves. Instead, they are intended to aid further analysis of information at a more detailed scale and in so doing assist in narrowing down the areas of focus for the location of new marine reserves*<sup>12</sup>

The key financial implications that need to be considered are the costs to Commercial and Recreational Fishing. Fishing is the only activity banned in all Marine Parks (sometimes also called Marine Protected Areas or Marine Reserves).

- Boating is not banned or restricted
- Tourism is not banned though on Reef facilities (e.g. pontoons) need approval
- Diving is not banned or restricted
- Snorkelling is not banned or restricted
- Human entry is not banned or restricted
- Walking on coral is not banned or restricted
- Anchoring on coral is not banned or restricted
- Commercial Shipping is not banned or restricted
- Oil tankers are not banned or restricted, in all marine parks.

Marine Park Authorities frequently use the term “fully protected” but marine parks do not fully protect marine life. Of course Marine Parks do nothing to halt land run off of pesticides and chemicals, nor are Parks protected from potential Climate Change, ships running aground or cyclones.

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<sup>12</sup> <http://www.environment.gov.au/coasts/mbp/about/index.html#reserve> accessed 17 March 2011

The Department confirms that a ban on fishing is the only “protection” afforded within Marine Reserves vis:

***What activities are allowed in marine reserves and how will they be managed?***

*The network of new marine reserves will be designed to provide for a balance between multiple use and highly protected areas. Some areas within future marine reserves will be highly protected or so-called “no take” areas. Other areas will be multiple use and allow for activities such as fishing, both recreational and commercial, as long as we can be confident that the activities can be done without having a significant impact on the marine environment.<sup>13</sup>*

## **Hidden Costs to Australians**

Bans on commercial fishing have a direct and measurable financial effect. Traditionally Commercial Fishers are compensated by a buyout of fishing licences and permits. Commercial fishermen then sell their boats and other assets or more commonly buy a licence in a different area, and so commercial fishing is frequently displaced rather than removed.

Australian consumers however are not compensated and do not so readily “move on”. Despite our huge coastline relative to our population, in 2007-2008 Australia became a net importer of fisheries products, both in terms of volume and in terms of value<sup>14</sup>. Australia is now a net importer of seafood. We import more than we export.

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<sup>13</sup> <http://www.environment.gov.au/coasts/mbp/about/index.html#reserve> accessed 17 March 2011

<sup>14</sup> *Australian fisheries statistics 2008*, Australian Bureau of Agricultural and Resource Economics July 2009

The result is that Australians are buying imported frozen fish of debatable quality. The single most popular fish now sold in Australia is Basa – a farmed catfish from the pristine waters of the Mekong Delta and other crowded Asian waterways.

There are health benefits from eating fresh seafood. However water quality, sanitation standards, water pollution regulations, food hygiene and safety standards in Asia are typically not up to Australian standards. All this presents an additional risk being forced upon Australian families in search of affordable fish.

***The “cost” of marine parks is much greater and much more widely felt than the direct costs to commercial fishers.***

## **Financial Compensation**

The 2004 Great Barrier Reef Rezoning was the only Marine Park rezoning to ever offer financial assistance not only to commercial fishermen but also to any business affected by the closures. Available funds were severely restricted, and were offered only as restructuring grants, which fall well short of full compensation. (Full compensation being a measure of the actual financial cost of the closures)

Even so the, payouts were first estimated by the Environment Minister’s Advisors to be \$1m to \$2.5m. The eventual payments were more than \$255m.<sup>15</sup>

A government offer of financial assistance to affected businesses (excluding commercial fishing) was unique to the Great Barrier Reef Marine Park. It has not happened before or since and is not budgeted in future closures. Even though compensation is not explicitly budgeted in future Marine Park Closures, the cost

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<sup>15</sup> Sen Ron Boswell, Hansard Monday, 1 September 2008

to the community, small businesses, families, ordinary Australians, and the economy is no less real.

These costs need to be considered in future EPBC decisions.

Fishing benefits Australia in ways well beyond the value of commercial exports. Recreational Fishing deserves to be recognized for the societal benefits it provides. Quality Family time, healthy outdoor activities, lowering minor crimes and improving community health are all amongst the list.

Fishing is one of the few cross gender, cross-generational, cross cultural and otherwise cross-demographic activities enjoyed by Australians. The FRDC reports that 19.5% of Australians go fishing once a year or more.<sup>16</sup> All levels of family can participate together and all walks of life can enjoy this activity without fear or favour. It offers significant health and lifestyle advantages as is as iconic to Australia as pasta to Italy or Sumo wrestling to Japan.

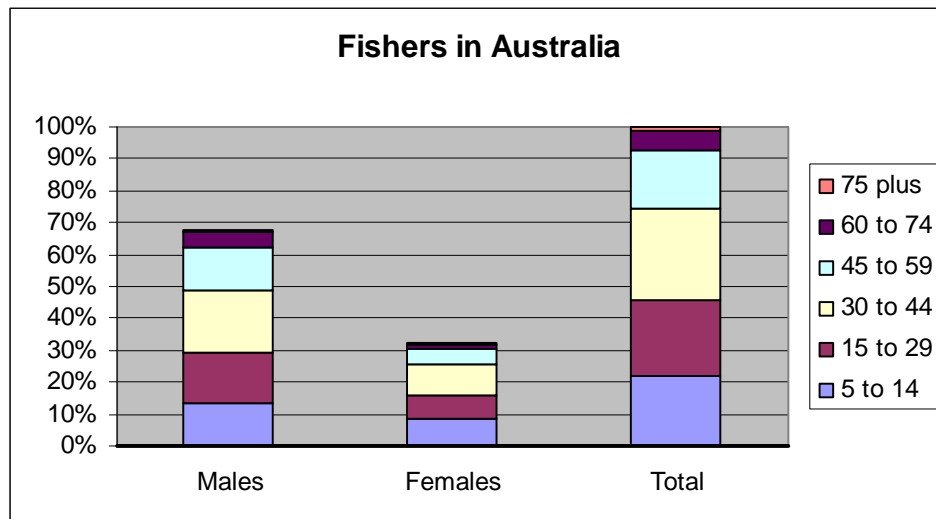
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<sup>16</sup> The National Recreational and Indigenous Fishing Survey FRDC Project No. 99/158

## Who goes fishing?

Recreational anglers are not just men over 45 - these are just 19% of all who went fishing over the last year.

- 20% of all Australians go fishing
- 32% of all anglers are Women
- 52% of all anglers are under 30.<sup>17</sup>

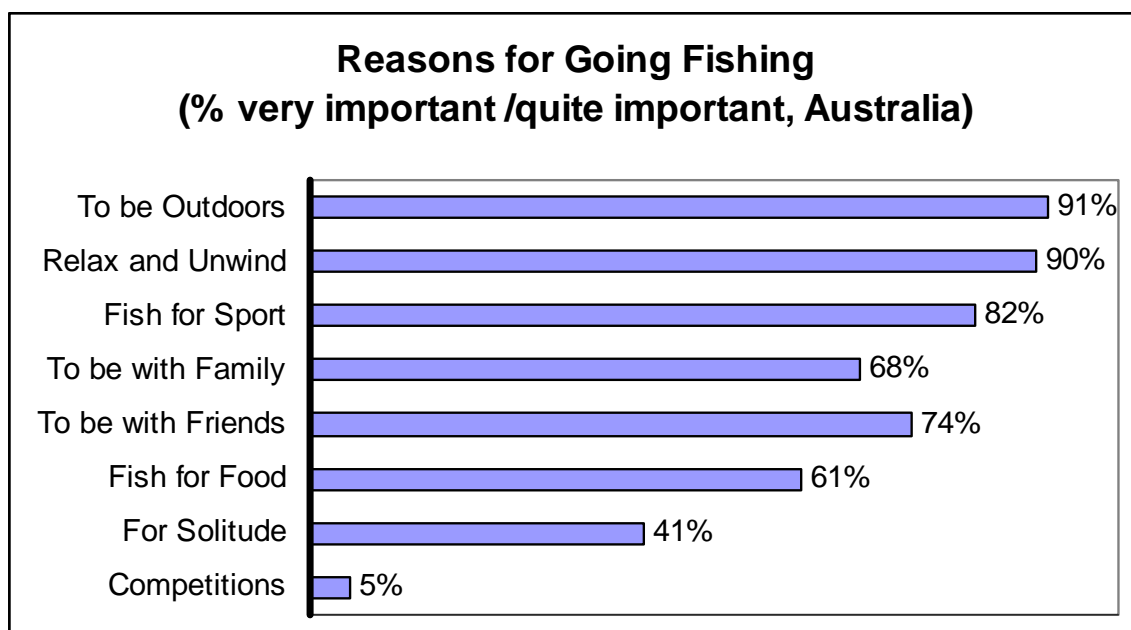


	<b>Males</b>	<b>% of pop</b>	<b>Females</b>	<b>% of pop</b>	<b>Total</b>	<b>% of pop</b>
5 to 14	444,675	33.2%	289,026	22.8%	733,701	28.1%
15 to 29	547,232	27.0%	252,560	12.7%	799,792	19.9%
30 to 44	643,710	30.7%	319,824	14.9%	963,534	22.8%
45 to 59	448,380	25.9%	167,359	9.7%	615,739	17.8%
60 to 74	172,677	17.7%	46,628	4.5%	219,305	11.0%
75 plus	26,368	7.2%	4,549	0.9%	30,917	3.5%
<b>Total</b>	<b>2,283,042</b>	<b>26.7%</b>	<b>1,079,946</b>	<b>12.4%</b>	<b>3,362,988</b>	<b>19.5%</b>

Source: The National Recreational and Indigenous Fishing Survey FRDC Project No. 99/158

<sup>17</sup> The National Recreational and Indigenous Fishing Survey FRDC Project No. 99/158

## Why do Australians go fishing?



Source: The National Recreational and Indigenous Fishing Survey FRDC Project No. 99/158

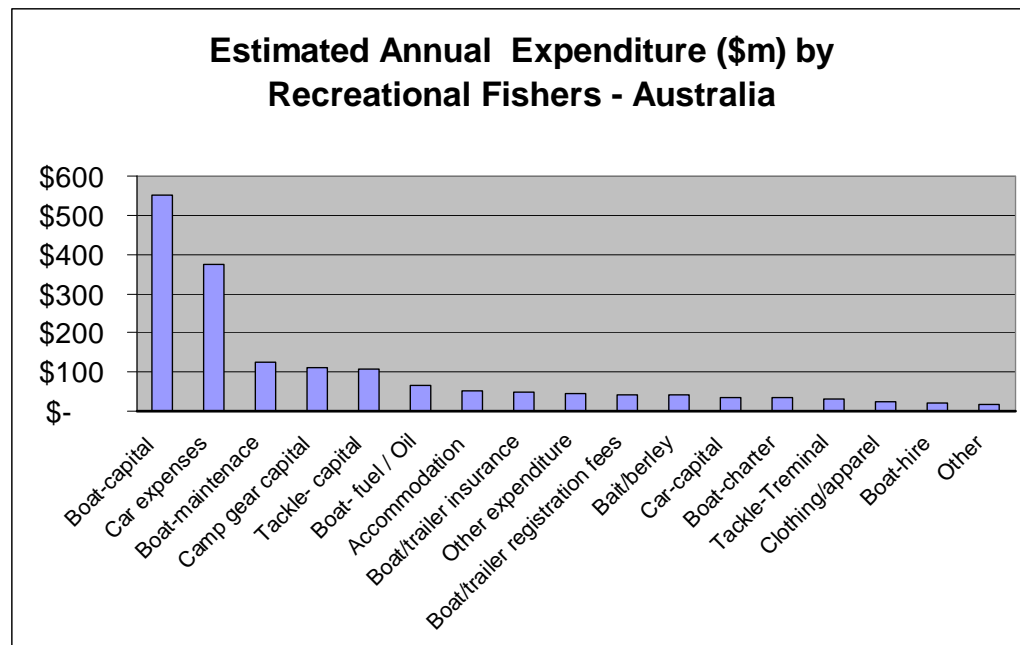
- More boat owners said their health is excellent or good (83 %) than did non-boat owners (77 %).
- Sixty seven percent of boat owners said having a boat has contributed to their well-being.
- Boat owners experience greater self-esteem (+10%), ability to enjoy life (+9%) and a better sex life (+7%).
- Non-boat owners are more prone to feeling useless (+8%), lonely (+7%) unhappy (+5%) and fatigued (+ 4%).
- Nearly two-thirds of boat owners said owning a boat has brought their family closer
- Most boat owners said the benefits of owning a boat include being outdoors (89 %), spending time on the water (85 %), being able to unwind and leave pressures behind (79 %) and finding tranquillity (71 %).<sup>18</sup>

Source: *Impulse Research Corporation 2003*

<sup>18</sup> Impulse Research Corporation 2003

## Financial Value of Recreational Fishing

Fishing GST receipts to government is \$185 million each year, and fishing accounts for \$220m in Fuel excise. (In 2002)



Source: The National Recreational and Indigenous Fishing Survey FRDC Project No. 99/158

Recreational anglers put a far greater personal value on fishing than the value of the food caught. Based on the FRDC Data **Recreational anglers spend \$65 per kg of fish caught.** Economists will understand that this represents a very high perceived value that recreational fishing provides, much higher than the value of the same fish bought in a shop.

***We submit that the magnitude of the decisions, in terms or geographic area, financial implications, economic cost as well as non-quantifiable lifestyle and social costs, deserve extra ordinarily wise, considered and balanced consideration.***

## Conclusion

We thank the committee for its time and ask that take the opportunity to consider the goals of the Bill: greater transparency and Bi partisan decision making for such a huge and important decision as the Bioregional Zones.