



# **HOUSE OF REPRESENTATIVES**

## **STANDING COMMITTEE ON PRIMARY INDUSTRIES, RESOURCES AND RURAL AND REGIONAL AFFAIRS**

**Reference: Management of Commonwealth fisheries**

**CANBERRA**

**Wednesday, 5 March 1997**

**OFFICIAL HANSARD REPORT**

**CANBERRA**



HOUSE OF REPRESENTATIVES  
STANDING COMMITTEE ON PRIMARY INDUSTRIES, RESOURCES  
AND RURAL AND REGIONAL AFFAIRS

Members

Mrs Bailey (Chair)  
Mr Adams (Deputy Chair)

Mr Andren  
Mr Baldwin  
Mr Broadbent  
Mr Causley  
Mr Cobb  
Mr Crean

Mr Fitzgibbon  
Mr Leo McLeay  
Mr Nairn  
Mr Ronaldson  
Mrs Stone  
Mr Wakelin

Matters arising from Audit Report No. 32 1995-96 Commonwealth Fisheries Management: Australian Fisheries Management Authority.



## WITNESSES

- GRIFFITHS, Mr Colin, First Assistant Secretary, Portfolio Marine Group, Department of the Environment, Sport and Territories and Environment Australia, 16 Moore Street, Canberra, Australian Capital Territory 2601 . . . . . 474**
- HUGHES, Mr Neil, Assistant Director, Marine Strategy Section, Portfolio Marine Group, Department of the Environment, Sport and Territories and Environment Australia, 16 Moore Street, Canberra, Australian Capital Territory 2601 . . . . . 474**
- KAY, Dr David, Assistant Secretary, Wildlife Australia, Biodiversity Group, Department of the Environment, Sport and Territories and Environment Australia, 16 Moore Street, Canberra, Australian Capital Territory 2601 . . . . . 474**
- MERCER, Mr Steve, Director, Tourism and Natural Resources Section, Environment Assessment Branch, Environment Protection Group, Department of the Environment, Sport and Territories and Environment Australia, Level 1, Tourism House, 40 Blackall Street, Barton, Australian Capital Territory 2600 . . . . . 474**
- POLLARD, Mr Paul, Director, Environmental Economics Unit, Environment Priorities and Coordination Group, Department of the Environment, Sport and Territories and Environment Australia, 16 Moore Street, Canberra, Australian Capital Territory 2601 . . . . 474**



HOUSE OF REPRESENTATIVES  
STANDING COMMITTEE ON PRIMARY INDUSTRIES, RESOURCES AND RURAL AND REGIONAL  
AFFAIRS

*Management of Commonwealth fisheries*

CANBERRA

Wednesday, 5 March 1997

Mrs Bailey (Chair)

Mr Adams

Mr Fitzgibbon

Mr Andren

Mrs Gash

Mr Bob Baldwin

Mr Nairn

Mr Causley

The committee met at 10.26 a.m.

Mrs Bailey took the chair.



**CHAIR**—I declare open this 10th public hearing of the inquiry by the Standing Committee on Primary Industries, Resources, Rural and Regional Affairs into the management of Commonwealth fisheries. In June 1996, a report by the Auditor-General on the management of Commonwealth fisheries was presented to the parliament. The report was then referred to the committee by the House of Representatives. Our task is to review the audit report and to inquire into the matters raised by the auditors.

Today we will hear from representatives from the Department of the Environment, Sport and Territories. I remind witnesses that committee proceedings are recognised as proceedings of the parliament and warrant the same respect that the House of Representatives demands. Witnesses are protected by parliamentary privilege in respect of the evidence they give before the committee.

Witnesses will not be asked to take an oath or make an affirmation; however, false evidence given to a parliamentary committee may be regarded as a contempt of the parliament. The committee prefers that all evidence be given in public, but should witnesses at any stage wish to give evidence in private they may ask to do so and the committee will give consideration to the request. I now call the representatives of the Department of the Environment, Sport and Territories.



**GRIFFITHS, Mr Colin, First Assistant Secretary, Portfolio Marine Group, Department of the Environment, Sport and Territories and Environment Australia, 16 Moore Street, Canberra, Australian Capital Territory 2601**

**HUGHES, Mr Neil, Assistant Director, Marine Strategy Section, Portfolio Marine Group, Department of the Environment, Sport and Territories and Environment Australia, 16 Moore Street, Canberra, Australian Capital Territory 2601**

**KAY, Dr David, Assistant Secretary, Wildlife Australia, Biodiversity Group, Department of the Environment, Sport and Territories and Environment Australia, 16 Moore Street, Canberra, Australian Capital Territory 2601**

**MERCER, Mr Steve, Director, Tourism and Natural Resources Section, Environment Assessment Branch, Environment Protection Group, Department of the Environment, Sport and Territories and Environment Australia, Level 1, Tourism House, 40 Blackall Street, Barton, Australian Capital Territory 2600**

**POLLARD, Mr Paul, Director, Environmental Economics Unit, Environment Priorities and Coordination Group, Department of the Environment, Sport and Territories and Environment Australia, 16 Moore Street, Canberra, Australian Capital Territory 2601**

**CHAIR**—We have received a submission from you and have authorised its publication. Firstly, do you wish to make any changes to that submission?

**Mr Griffiths**—We have one fairly minor correction that we would like to make. I ask Mr Hughes to draw that particular correction to the committee's attention.

**Mr Hughes**—On page 25 of our submission, in our discussion of recommendation 17, the second line should read 'guided by the advice of the SAGs', stock assessment groups, rather than MACs, management advisory committees. It should be SAG rather than MACs. Other than that, we have no changes to make.

**CHAIR**—Before we begin our questioning, would you like to make a short opening address?

**Mr Griffiths**—Not so much an address, but I thought it would be helpful if I were to bring to the committee's attention, if I may, the fact that the government has now released a series of documents relating to the development of an oceans policy. I have brought along a number of sets of that documentation. I had not expected there to be so many here, but I can provide the secretary with extra copies if you have not already got them through the parliamentary system.

As you may know, the Prime Minister made a statement in the House of Representatives on Monday announcing the fact that an oceans policy was going to be developed by the Commonwealth. We in the department of environment have the coordinating and lead role for the development of that policy.



In addition to that, Minister Hill and Minister Parer gave a press conference, issued some press releases and announced some details of specific initiatives coming into the coast and clean seas component of the Natural Heritage Trust. All those pieces of information are contained in this document and there are relevant parts of both the Prime Minister's statement and the statements of Ministers Hill and Parer which I think would relate to and be of interest to the committee.

I just take this opportunity to draw those documents to the committee's attention. If necessary, depending on what you want, I can go through both of those statements and just pull out those parts that I think relate to the question of the sustainable management of our fisheries' stocks.

**CHAIR**—Thank you for that. Any members of the committee who do not already have a copy of that can avail themselves of that. I think most of us are familiar with what is in that. I take you firstly to page 7 of your submission to this committee, dealing with the AFMA objectives. In that, you state:

The objectives lack clarity and are not clearly prioritised. Above all, however, they could tend to undermine what should be the overarching goal of fisheries administration, which is ecologically sustainable development (ESD).

Could you comment on what order of priority you would put those objectives in and explain your statement a little further about the lack of clarity in those objectives?

**Mr Griffiths**—Whilst we obviously recognise that that listing of objectives, (a) through (e), extracted from the legislation, are not necessarily meant to be in a priority order, I think we do have a view about the pre-eminence of one particular objective. Maybe I could ask Mr Hughes to speak about that.

**Mr Hughes**—If we are being asked to nominate the highest priority objective, it would be the ESD objective. As it says in our submission, we believe that the ecological sustainability of the stock is the overall consideration because without appropriately managed stocks you are not going to have an economic base anyway. As Mr Griffiths says, while we agree that they are appropriate objectives, we think the ESD objective should be the top and all other considerations should be secondary to that.

**Mr Pollard**—They lack clarity in at least a couple of respects. First of all, the first objective—implementing efficient and cost effective fisheries management on behalf of the Commonwealth—appears to be a requirement for efficient administration. On the other hand, it does not make that entirely clear. In relation to the objective about maximising economic efficiency in the exploitations of fisheries resources, economic efficiency is a term that is hard to define. It seems to be interpreted by AFMA to mean an efficient use of the resources of the fishing industry, but—

**CHAIR**—Could I say to you that many witnesses before this committee have had a lot of difficulty defining that. How would you define it? What do you think the definition should be?

**Mr Pollard**—For a start, it should be clarified. If it refers to the efficient use of the resources of the industry, the economic resources of the industry, then it should be phrased in those terms. As has been said before, the other objectives should fit into the overall objective of ecologically sustainable development. Economic efficiency in its very broadest sense might be said to be synonymous with ecologically sustainable



development, but as it is an imprecise term it obviously needs clarification.

**Mr CAUSLEY**—Could I be much rougher, I suppose, and ask: how practical are you people? Are you just theorists who sit there and make decisions and have no regard to the economics of the individual fisher?

**Mr Pollard**—Obviously, the efficiency with which the resources of the industry are used is important but, as we said before, if the sustainability of the fishery itself is being transgressed or is under threat—

**Mr CAUSLEY**—But that is subjective, isn't it? Everyone has a different idea of what the sustainability is.

**Mr Pollard**—Well, certainly. In that situation, precautionary principles should apply.

**Mr CAUSLEY**—That you don't go out at all and you don't fish at all because you might catch the last fish?

**Mr Hughes**—I think the department is quite mindful of the economics of the industry and we are not seeking to close down the industry on the basis of the precautionary principle, but I think the point is that without an appropriately managed stock you are not going to have anything to target if the stock collapses. We are looking at having fisheries activities in the context of biological acceptability. If there are not fish coming through for successive years, the industry is going to fall over anyway.

**Mr CAUSLEY**—That varies from year to year. One year we think the stocks are collapsing but the next year a lot of juveniles appear and we don't know quite where they come from. We don't have absolute knowledge in that area and we never will.

**Mr Hughes**—I am not sure if the committee has spoken to the CSIRO, for instance, or to BRS or other research organisations, but I think the science is evolving. I think stock assessment is becoming more precise. I think there is a level at which you can sustainably harvest a stock and be reasonably confident that the stock is going to rebuild and be available for future harvesting. I think that is the point of view this department takes.

**CHAIR**—Do you think, perhaps, that in specifying that—as you have said, you want that ESD to be the overarching objective that AFMA works towards—that is being unrealistic, given that the lack of knowledge about the marine ecosystems, the lack of knowledge of stock assessment?

**Mr Hughes**—I accept that is an ideal position and it is not necessarily a position we would be in at the moment, but I think it is something we should be working to. These are objectives of the legislation and they are things that can be reported against and monitored. There are other reasons and other considerations relating to why an objective might be—

**CHAIR**—How can you report against it if you don't have the basis of research?



**Mr Hughes**—I think you do have the basis of research. To an extent, you need to be working within that framework. You need to understand what the scientists believe the stock is doing. As I said, the science is evolving and you need to take that into account. Certainly, the economic and social considerations can come on top of that and there can be reasons why you manage a stock in a different way than the way directed by science, but that should be quite discrete from the overall stock assessment process. I take Mr Causley's point that there is certainly an economic and social side of fisheries management, but there needs to be a sound scientific framework behind that.

**Mr NAIRN**—The bottom line in all of this really is knowing just what the stocks are—not on a yearly basis but on a much longer term basis. This has really been the problem, has it not? I have talked to people in the fishing industry who have been in it for generations. They will tell you that they have known for decades of incredible changes in certain stocks, often from year to year. They just sort of disappear for God only knows what reason and they know they'll come back in a couple of years time because it has happened X number of times in the last 50 years and that is the anecdotal evidence. In working out sustainability, it gets down to confidence about what the stocks really are. That sort of brings us back to research, I suppose. What other things should be happening there? Should we be doing a lot more as far as record keeping of what really is being caught and what is being dumped, those sorts of things? Have you got any particular comments in that area?

**Mr Griffiths**—I suppose it is always easy to say that you need a lot more science done before you make those decisions, but I think, as Mr Hughes said, subject to what you might say, the science is getting better. There is more attention on trying to assess the population dynamics of each individual species and on relating that to what might be a sustainable catch of those species. Again, I am sure you have heard or you know of what CSIRO and the other agencies are doing towards progressing that particular research.

**Mr Hughes**—I take your point about the difficulties of stock assessment. I think there have been a couple of recent examples—orange roughy and the collapse of the cod fishery on the grand banks. There are changes in the environment that are seriously going to affect the industry. There is going to be a very big economic impact of that, of which I think you are aware. There is obviously a role of science in anticipating that and trying to manage that.

**Mr CAUSLEY**—One of the big points in the audit report was the fact that AFMA was negligent in that they were not doing enough research into the stocks and that therefore their quotas might be quite wrong, et cetera. It was a point that was flashed around the world, I suppose, when the Worldwide Fund for Nature got hold of it. Would you have any idea of the type of research that the audit office was looking at and what cost that might be?

**Mr Hughes**—Again, I could not quote figures, but AFMA is not a research organisation. They are a management authority. They deal with a variety of other state and Commonwealth research agencies. As I said, the science is evolving all the time. It is management of a very uncertain environment. I think AFMA does a quite good job. I think the stock assessment group functions and the independent science—

**Mr CAUSLEY**—But the audit office was critical in that area, was it not?



**Mr Hughes**—I can't recall the specific discussion. I am not sure they described it as negligent.

**Mr CAUSLEY**—They may not have, but it was inferred. I think the Worldwide Fund for Nature certainly did.

**Mr Hughes**—It comes down to a question of ideals, and there is never going to be absolute knowledge in fisheries management. But there are management frameworks which can account for uncertainty. That is where the precautionary principle comes in—leaving a per cent for that uncertainty in science. That need not necessarily affect the fishery at all.

**Mrs GASH**—On page 5 of your submission you talk about ecosystem management and fisheries management. You say that, given these changes, there is an urgent need for all agencies involved in fisheries management to agree on and implement ecosystem based management. How far away is this?

**Mr Hughes**—I think, again, the science and the management is evolving. I do not think it will ever be able to be undertaken in an absolute way. Understanding of a very diverse system with huge climatic and oceanographic changes I think makes it almost impossible. That is an ideal. Having said that, again, the CSIRO is working on ecosystem sustainability indicators, things other than target species. There is quite a significant amount of research currently being undertaken looking at whole of ecosystem management styles. I do not think I could give you an estimate of when that is likely to be done.

**Mrs GASH**—Are you working towards these agencies meeting together?

**Mr Hughes**—Certainly that is the department's policy position, I suppose. That is borne out by a variety of other government policies, the ESD policy and various other things.

**Mr CAUSLEY**—It is mainly done through state agencies, though, is it not?

**Mr Hughes**—The state agencies and the CSIRO.

**Mr ANDREN**—Everyone accepts that you can gauge the economic sustainability in a normal farming situation where you have got a salinity problem, but here we are dealing with a biomass about which we know so very little. ANAO recommends that AFMA take a number of steps to formalise the process of environmental impact assessments. I just wonder how you draft EIS for a fishery.

**Mr Griffiths**—I will ask Steve Mercer to talk on this. His particular part of the portfolio has now had some interaction with AFMA under the provisions of the EP(IP) Act.

**Mr Mercer**—The ANAO report was critical of AFMA in that they saw that AFMA was not undertaking environmental impact assessments of fisheries in an adequate way. That is particularly against the requirements of the Commonwealth's Environment Protection (Impact of Proposals) Act 1974. That act places the obligation on action agencies or action ministers to refer to this department for environmental impact assessment those proposals which are environmentally significant. The act places the onus for that very clearly on to the action agency or the action minister, in this case AFMA.



I would have to say that since that report we have been working with AFMA to try and work out a process whereby we can be involved in the environmental impact assessment of fisheries so that they can meet their obligations under that particular piece of legislation. The sort of approach we propose to take is that we would prefer to do assessments of fisheries management plans as AFMA are developing them. We would imagine that in most circumstances we could rely on the sort of consultation and development process that AFMA goes through in developing these management plans for individual fisheries. Because we do appreciate that some of these fisheries are enormously complex, there are very complex issues involved, as has come out in these discussions here.

We do not see ourselves as having any particular expertise necessarily in the impact assessment of fisheries. Under the impact act we would see ourselves as reliant on the AFMA process to develop those management plans. Having gone through that process to develop an individual fisheries management plan for particular fisheries, then we would see that we would have a look at the process that AFMA has gone through. We would look at how they were identified and how they addressed environmental issues, and we would provide advice to our minister on that sort of basis.

While the act does allow scope for this department to direct an EIS or public environment report, for example, in practice I don't see that that will necessarily be the case for most management fisheries because the object of the act is to ensure that matters that affect the environment to a significant extent are fully examined as far as practicable.

The act does allow the minister to rely on an action agency's assessment process if necessary to meet the object of the act. From our examinations of fisheries proposals to date, we would see that the AFMA process for developing management plans would normally satisfy that objective. In other words, we don't see that in most circumstances there would be a need to duplicate the AFMA process through directing the EIS or PER. That does not rule it out. There may be circumstances where the minister might wish to examine that, but in terms of the basic approach, we have agreed guidelines with AFMA, which I can table if you wish, which do set forward the sort of assessment process we would see ourselves going through with AFMA to meet the requirements and object of the impact act.

**Mr CAUSLEY**—I still would have no idea what you are going to do in an environmental assessment. What are you going to look at? Is it the traps or the actions of fishers or something else? I have got no idea. The problem we have got with this is that it is so broad no-one knows what it is.

**Mr Mercer**—I guess we have chosen to take a more strategic approach to fisheries management decisions and we have chosen to be involved at the level of management plans or management policies that AFMA needs to develop. For example, AFMA have referred to us for assessment under the impact act a number of fisheries. That is the Macquarie Island development fishery, Heard Island-McDonald Island fisheries, south-east trawl, east coast tuna and billfish and southern shark. To date we have undertaken assessments of three of those fisheries and they have been fairly self-contained fisheries.

**Mr CAUSLEY**—That is mainly in stock?

**Mr Mercer**—The sorts of assessments we have been doing are essentially of how AFMA have



addressed environmental issues in these fisheries. For example in the cases of the Heard and McDonald Island fishery and the Macquarie Island fishery, we have done an assessment of what the environmental values of those regions and areas are, where the science is in terms of how reliable the stock assessment information is likely to be and how AFMA intend to set a management framework for those fisheries. So the level of assessment we are looking at is the sort of management framework that AFMA is seeking to put in place for each fishery.

For example, in the case of the south-east trawl, which is an enormously complex fishery, I don't see that there is any value for us in doing, if you like, a detailed assessment of the day-to-day management of that fishery in terms of issuing permits, input and output controls or in terms of whatever AFMA is choosing to look at. But we will do an assessment of the overall management plan that AFMA is going through developing at this very moment.

So I would envisage that what we would be looking at is the framework for a particular fishery that AFMA is setting in place because that framework in turn, if you like, sets the scene or the background for how AFMA is going to make day-to-day decisions in that particular fishery. I don't see ourselves as being involved in the day-to-day management of a fishery. I see ourselves being involved in the process that AFMA is setting up to develop that management framework.

**Mr ANDREN**—What about the oceans policy? The Prime Minister announced a \$440,000 fisheries bycatch reduction. Would you like to get your hands on that money? What would you do with it?

**Mr Griffiths**—That is coming out of the primary industry portfolio.

**Mr Hughes**—I understand that that \$440,000 is going to DPIE-AFMA for the development of specific bycatch policies for individual fisheries.

**Mr ANDREN**—How would you tackle the bycatch problem from a scientific point of view?

**Mr Hughes**—First of all, on a case-by-case basis, look at the particular issues in the particular fisheries and look at what technology is available to address the particular issue, whether it can be addressed through closures in particular areas or changes in fisheries practice.

**Mr CAUSLEY**—Some work has already been done on that, has it not?

**Mr Hughes**—Significant work. It is just a matter of tailoring the work that has already been done.

**Mr ANDREN**—Would you rely on the fishers themselves? It strikes us that there is less value than is probably required on the anecdotal information from the fishers themselves in this area and, perhaps under fear of penalty or whatever, it might be that we are not utilising that information enough. Is that valid?

**Mr Hughes**—I do not think I have a view on the question. Certainly there is significant information held by the fishers themselves. One of the benefits of the AFMA process is the management advisory process and involving the individual fishers in that process to bring that information forward. I am not sure whether



there is a process for interviewing, for instance, individual fishers and getting their views and their experience on particular things, but I think there is probably a role for that.

**Mr Griffiths**—The attachment to Senator Parer's statement announcing that money makes it clear that AFMA is working with the industry to reduce the amount of bycatch caught and discarded. Obviously AFMA have an inclusive policy and realise that any policy or any activities or implementation methods will not work unless the fishing industry itself has been brought along with that process and is comfortable with what is being suggested.

**Mr NAIRN**—A prime example of what is occurring right now is that you have got the eastern gemfish fisheries closed because of so-called collapse of gemfish while various research is being undertaken to see what it is. But everybody knows that masses of gemfish are still being caught predominantly as a bycatch. But it is all just going overboard because it is illegal for the fishers to bring it in. So I think, to take up Peter's point, there should be some sort of moratorium as far as penalties and those sorts of things are concerned. Fishers are petrified because AFMA are on them immediately they find one or two wrong sorts of fish that they bring in. The policing is driving people bananas. There is a lot of information there that could be helping in this overall thing, but it is not coming in because of the legalities of it.

**Mr Griffiths**—I think we are moving into what is really AFMA's statutory role in policing their own legislation. I guess we would not want to comment on that.

**Mr NAIRN**—But we are talking about sustainable harvesting and—

**CHAIR**—It is part of the problem.

**Mr Griffiths**—It is being addressed by the government in the sense that this announcement has been made.

**Dr Kay**—The DEST portfolio's interest in bycatch has largely been with the wildlife issues—the incidental take of threatened species such as turtles, albatross and the like, incidental take of dolphin and a whole range of other wildlife issues. There is a whole range of bycatch issues. That is why we had difficulty addressing your first question. One is catch of fish species which are not the target—your bycatch of gemfish or orange roughy or whatever—which is essentially a management of fish stocks.

As a first principle, the environment portfolio's view in negotiations with Primary Industry and AFMA has been that we see no value, either from an environmental point of view or from any other point of view, in tossing back dead fish merely because they were caught incidentally. If they have a market value, it has seemed more sensible to us that those be utilised. There is no benefit to the ecosystem or the environment to throw material back which is not going to survive and assist the regeneration of populations that might be endangered.

In terms of the other issue of bycatch and your earlier question about working with the industry, we have done a lot of very constructive work with the industry associations and with the various fishing interest groups. I guess the most promising there has been with the long line fishery where we have a significant



concern about the bycatch of albatross. Through research demonstration with the industry, there have been fairly significant moves to employ fishing techniques which do not put significant economic cost on the industry but do have a very significant benefit in terms of reducing wildlife bycatch.

The same sort of experience is currently now coming through particularly with the prawn trawl industries where there are concerns about particularly turtle bycatch. There is exploration of a whole range of bycatch reduction devices which do not reduce the catch in quantity and in fact improve the catch in terms of quality. Large animals such as turtles thrashing around in the prawn catch don't do it a great deal of good. So there are economic benefits without decreasing efficiency and certainly significant conservation benefits from those types of activities.

**CHAIR**—I am getting the impression that, while you are criticising, for example, the AFMA objectives and you are wanting ESD to be the overarching guiding objective of AFMA—correct me if I am wrong—you are almost keeping your part in the process at arms-length. What opportunities are there, for example with perhaps the environmental representative on the MACs, for you to be able to provide the research that you obviously have into the management of fisheries?

It seems to me that you can't criticise the objectives and take quite a strong stand in your criticism against those AFMA objectives but at the same time say, 'We are the department. Our interest is to do more with the wider environment.' If you are going to take such a pro-active role in criticising those objectives, what then are you prepared to do to get the research that you obviously have into the actual management of the fisheries?

**Dr Kay**—Can I draw an analogy? The department has an interest in management of Commonwealth lands, many of which are managed by agencies other than the environment department. Perhaps the biggest manager of Commonwealth lands is the defence department. We, from a policy perspective, wish to see those lands managed in a way which will not create deterioration of the environmental conditions. Basically, the ESD agenda is the policy agenda of the environment department.

The legislation the department administers quite clearly puts onus on other Commonwealth departments to manage their activities in a properly environmentally sensitive manner. It is embedded in their legislation. We do not have, as a department, an overarching role to ensure that every department manages its environmental responsibilities properly. We have a policy responsibility. In terms of cooperation, there are areas where we do have a specific mandate, wildlife management being one of them, and we will work very closely and involve ourselves in research on those issues jointly with other departments.

In the fisheries areas, the management responsibility is clearly with AFMA, DPIE and the minister for resources. They have a system of industry research. They have a funding source for industry research which we do not have. To ask us to do all the environmental research that is needed across the whole of Australia I think is not what is intended. It is not the role of the department of the environment. We have specific responsibilities. It is in the same way as with agricultural industries. All the issues with agricultural chemicals and land salinisation are dealt with by Primary Industries. They do the research. We assist, we advise, we cooperate. But it is not our job to do the research. We are not funded for that.



**Mr Griffiths**—I would really just like to echo and endorse what Dr Kay has said. That principle is embedded in other areas of the portfolio's activity. I was previously director of the heritage commission. That same principle is embedded in the way in which the heritage commission operates. The Commonwealth, through a number of departments, owns a significant number of heritage properties that are on the register of the National Estate. The heritage commission is there to provide advice to those departments—particularly, again, Defence or Administrative Services or Transport. But it is the responsibility of the owning department to manage those properties in line with their obligations because those places are on the register of the National Estate. It is not the role of the environment portfolio or the heritage commission, which is part of that portfolio, to seek funds to provide expertise in toto to assist with the management of those places.

Of course, in this case the portfolio marine group or the biodiversity group are available to help organisations like AFMA in carrying out their own statutory responsibilities under their own act to the extent that we can within our resources but, of course, to help them with meeting their obligations under, for example, the Environment Protection (Impact of Proposals) Act. We are working more closely now than ever, I think, with AFMA on these sorts of issues. We could name three or four of those issues where we are in quite close dialogue with AFMA.

**CHAIR**—What are those issues?

**Mr Hughes**—I suppose the most important issues are the bycatch policy, the Commonwealth bycatch policy, that we are working on. I am a member of the task force. Similarly, Antarctic fisheries, Heard and McDonald Island and Macquarie Island. We have been heavily involved in the development of those fisheries. There is a variety of other things, as was mentioned earlier.

I am actually an environment observer on one of the management advisory committees. We have a consultation mechanism between the Primary Industries AFMA portfolio and ourselves. We are heavily involved. I suppose at the moment we are fairly reactive and we are dealing with issues as they come up because we simply don't have the resources to be pro-active.

**Mr Griffiths**—Dr Kay, you would be involved with AFMA on the biodiversity group.

**Dr Kay**—Certainly, we work closely on the issues already mentioned.

**Mr BOB BALDWIN**—You talked about excluder devices for bycatches. I want to understand what stage you are up to in the development. This committee has been informed of the ban on our prawn exports to the United States because there are no excluder devices for turtles on the nets. Can you update us on what is happening there?

**Dr Kay**—I will certainly endeavour to. My understanding of it—I have only been on the edge of the issue—is that the US trade prohibition is essentially because Australia does not mandate turtle excluder devices in its prawn fisheries. At the moment we are going through a process with the industry of encouraging rather than regulating and experimenting with a range of different devices—different technology works better or worse. We have a quite varied prawn catching industry. What works in the inshore Queensland areas is not necessarily what works well on North West Shelf, in different sorts of waters.



We have argued with the US and made representations to them that the blanket ban they are imposing is inappropriate. We have prawn fisheries in areas which don't have turtles and fitting turtle excluder devices in that part of the industry seems ludicrous. But with the way the US is currently implementing the ban, it is exempting nations rather than particular fisheries or particular shipments.

**Mr BOB BALDWIN**—How long before we start to see some resolution?

**Dr Kay**—We are not the only ones affected by the US ban. There is a case currently before the World Trade Organisation's dispute settlement procedures. My understanding is that there are three countries that have started dispute proceedings with the US. Australia is not one of them, but there are a further 18 to 20—

**Mr BOB BALDWIN**—I am not talking about dispute resolution. I am talking about how long before we get excluders into nets.

**Dr Kay**—That is not entirely a Commonwealth responsibility. It depends on how quickly the industry is willing to voluntarily pick it up. The Commonwealth does not control the whole of the prawning industry. Unless we can get it throughout—in other words, in each of the state legislations as well as Commonwealth legislation—or, better still, voluntary acceptance by all the prawn trawlers, we are not going to get there.

**Mr CAUSLEY**—They don't particularly want to catch a turtle in their nets. Not a very nice customer to have in their net.

**Dr Kay**—It doesn't do their catch any good either.

**Mr BOB BALDWIN**—In relation to the advice and direction you provide to AFMA, how does that go down the chain to foreign fisheries? When you look at the management of the fisheries industry and the whole of the Pacific, particularly on the predator migratory species such as the tuna, the billfish, what role are you having in that?

**Mr Hughes**—At the moment we have, I think, only minor dealings with the FFA. Most of our environment dealings are through SPREP. But it is certainly an area which is developing and we are certainly trying to put some resources to.

**Mr ADAMS**—I just want to go back. Dr Kay, I think, gave us a broad overview of how the department operates in relation to all government departments and then relates to AFMA. I guess the criticism is one about the stock assessment. You indicate that knowledge of fishery habitat in the environment generally is very small. This would be one area where we are trying to get the broader knowledge of fisheries and one where we are lacking, where we can do research on specifics—how much is there, et cetera—but we need the broader knowledge of habitat, biodiversity, et cetera. What role are you playing to try to push that out and give that broader view?

**Mr Griffiths**—The statement the Prime Minister released, followed up by Senator Hill, recognises that there is a lot of work to be done. The oceans policy will be addressing that sort of issue. In the context



of the oceans policy, Minister McGauran and his department are developing a marine science and technology plan, which is going to operate as a scientific and technological subset of the overall policy. Emerging in the next nine to 12 months will be some, I think, fairly hard information about the sorts of needs in order to get fisheries on to a more ecologically sustainable basis.

I guess what it will do is point up what we know in terms of the biology and the diversity of the fish stocks and what needs to be done in order to bring that information up to a level where managers can feel confident that they have got a handle on the science, and also point to gaps that need to be filled by particular research. I guess that will then translate into some sort of statement, when the oceans policy is finally settled, as to what is required in terms of policy directions, coordination of effort between Commonwealth scientific bodies and the state scientific bodies and academia.

Going hand in hand with that will be the coast and clean seas program under the Natural Heritage Trust where there is \$106 million available over the four-year period for the coast and clean seas initiative. Not all that money, of course, is going to be available for these sorts of activities, but there will be some opportunities for looking at the way in which that program develops to particularly help out with some of the biodiversity aspects in particular of the fisheries.

**Mr ADAMS**—The opportunity for marine parks near coastlines. I think the United States has some of those which have proven rather successful in habitat breeding and those sorts of things. I think Mr Hughes sitting on the MAC of the south-east trawl.

**Mr Hughes**—I am an observer.

**Mr ADAMS**—We have had evidence about bringing somebody on certainly with an environmental background. There were criticisms that industry and AFMA were too close. AFMA has responded to that to some degree by bringing some people on along with an environmental background, with a broader view than just industry. I would just like your experiences. It is a fishery which has had a lot of problems.

**Mr Hughes**—My role in SETMAC is something that I think about quite a lot. I have got to say that I am conflicted in my role in SETMAC because I am first of all a Commonwealth officer working for the environment department, but I actually have individual status as an observer on SETMAC. That is sometimes hard to marry. Not the least of that is the resource implications of my responsibilities with SETMAC. Before Christmas, for instance, there would be days when I would get three or four faxes per day dealing with SETMAC business, be working for the environment department as well and have a full load. That is quite difficult to handle.

I have a couple of other general comments. As you are aware, it is a very complex fishery and it has been going through a crisis over recent years. It extends from Sydney down around Tasmania to Kangaroo Island. My capacity to be across local issues, because the fishery is quite complex and diverse, is quite limited. Having said that, SETMAC has been very welcoming to me. It is a high quality committee and I have a lot of respect for the members. I am an Environment observer, but I do actually get an opportunity to speak. I cannot vote because of my observer status, but I have been welcomed. My opinions, I think, are certainly listened to.



Having said that, there are five industry members on SETMAC, so my views are set against those. I am not too sure of the easy answer to all of that. I am not sure the management advisory committees would do better with three or four environment people to balance it. I am not suggesting it is not balanced anyway, but I am really not sure how you feed the environment information to those committees in an appropriate way. I am not too sure there is another mechanism available, but it really is quite a full task for an individual person on the committee to provide, in a pro-active way, environment information to the management advisory committee.

At the moment our portfolio has two people on the management advisory committees. We are looking at another two. That is actually a burden for us to deal with. The question of whether that is in fact a subsidy to the fishery, providing effectively ex gratia environmental advice, is another issue that needs to be considered.

**Mr CAUSLEY**—Could I come back to your question, Fran, which I was not sure was answered. That is the way the department of the environment works in cooperation with the industry and other departments, et cetera and tries to get a policy. We use all these lovely warm terms which everyone agrees with but no-one fully understands, the broad range of views of what they really mean. Would it be fair to say that, while we might have certain ideals which we are aiming for, the practicalities of it say we might have to settle for something less if we really are going to get an ecologically sustainable industry? If we aim for the high ideals, then we will end up with no industry at all and probably do very little for the environment.

**Mr Hughes**—I think it is appropriate for us to be ideal in that, as you say, achieving that ideal is unlikely. Rather than destroying the industry in the process, we actually achieve positive change in the process of doing that. We continually make the science better and the management better. That is an evolving process. I think our objective in the whole thing is not to try and turn over fisheries management overnight but to slowly work with the industry and the fisheries' managers to actually make it as painless as possible to get the environment side of it right.

**CHAIR**—Part of that ideal would be making sure that the proper level of research is there on which to base those decisions about the ideals.

**Mr Hughes**—Most certainly.

**Mr Griffiths**—I think everybody would agree with that—AFMA, I guess, included. It comes down to dollars in the end and how much money is available to carry out research.

**CHAIR**—And the areas of priority.

**Mr ANDREN**—I ask about the CSIRO marine division's role in fisheries research. Once a year it does a trawl down the west coast, we are told. That is about the only input it can put into that. It has to head offshore to earn dollars to sustain its existence. Are you satisfied with the degree of involvement in fisheries research by CSIRO?

**Mr Griffiths**—I really am not personally aware of how much effort they spend directly on AFMA's responsibilities. I don't know if any of my colleagues has that information.



**Mr Hughes**—From a DEST point of view, we are working more and more with CSIRO on particular issues, but I don't think we could give you a view on the appropriateness of their role.

**Mr ANDREN**—On the bycatch issue, how can we reward the declaration of bycatch of a non-target non-quota species without turning them into a targeted species?

**Mr CAUSLEY**—Fifty per cent of the value of research or something like that?

**Mr Hughes**—There are a variety of ways of doing that.

**CHAIR**—Would you like to suggest some to us?

**Mr Hughes**—This leads us back to the earlier question that I think Mr Andren was talking about in relation to people discarding things they have accidentally caught. I think the intent of a lot of those regulations is for the industry to become innovative and work out ways of not actually catching them in the first place. That is the emphasis of the regulation, rather than penalising someone for accidentally catching something that is unavoidable. It is to look at innovation to actually avoid it. There are a variety of ways. I am not sure I could suggest any at the moment, but I am certain there would be taxation or some form of quota system for incidental catch which operates, I understand, in New Zealand for—

**Mr ANDREN**—What mark out of 10 would you give AFMA for environmental effort?

**Mr Hughes**—This is a difficult question. I don't think I'll answer it. The bottom line is that AFMA has been doing a good job, I think, over the last five years. The community interest in fisheries management and bycatch issues is certainly increasing all the time. AFMA has responded to that to an extent. There are always things that could be done. There is always additional research. There are always new regulations. There are million things that could be done. In the context of the resources available to both our department and to the resources department, I think they are doing a pretty good job. Having said that, we intend to work very closely with them over the next period of time.

**Mr NAIRN**—Just on that aspect of bycatch, the industry has worked out ways of not catching stuff they don't want. They are pretty good. Fishers are very good at targeting their species, but the facts of life, particularly in the south-east trawl, are that there are various species that totally swim together. It is just impossible, absolutely impossible. There is no point in fishers catching stuff that they don't have a quota for. All they have to do is dump it. It is all effort and no reward. So they are not going to catch something that they can't sell.

In your paper, you recommend that an independent review of AFMA's performance in ecologically sustainable objectives be carried out on a regular, five-yearly basis with particular reference to international obligations and best practice. Who do you propose should do that? I see this as a bit of a difficulty. Who the hell is independent?

**Mr CAUSLEY**—What is the benchmark?



**Mr NAIRN**—The Auditor-General is seen as independent, but we have also taken a lot of evidence that has been quite critical of the Auditor-General's report in that it shows incredible lack of knowledge and naivety of the industry in some of the recommendations that have been made.

**Mr Hughes**—I am not too sure that we have a particular view as to who would be appropriate to conduct such an assessment. There are parallels in other organisations. For instance, AusAID does an independent assessment of its own programs annually. They import people from other departments, other areas, consultants or whatever, to undertake that in-house, but it is done with, certainly, a lot of independence. So AFMA could have a five-year process where they import expertise from, for instance, the environment portfolio.

**Mr NAIRN**—You would be happy for AFMA to even control that independent assessment in that case?

**Mr Griffiths**—There are various guidelines that exist in respect of evaluation programs. It is becoming more and more a feature of Commonwealth programs. The Department of Finance has been quite vigorous in making sure that departments like ours and AFMA do conduct regular evaluations. So there are quite good guidelines available to organisations like AFMA. It could be along the lines that Neil Hughes has suggested or indeed it could be along different lines. A parliamentary committee could involve itself in that scrutiny. That would give it the real sense of independence. There are a number of options. I do not think, as Neil said, we have a particular one in mind. It is always good to set yourself an evaluation program and to make sure that you adhere to that program, because it does in turn produce real benefits back to the organisation.

**Mr NAIRN**—My second question was in relation to recommendation 4 of the Auditor-General's report: 'using the evidence indicating that the powers provided to AFMA under its existing legislation are sufficient to allow it to achieve its legislated ESD', et cetera. That is a recommendation that you strongly agreed with and AFMA disagreed with. Have you had any ongoing discussion about that with AFMA?

**Mr Hughes**—We have not pursued it further, no.

**Mr NAIRN**—Perhaps you might be looking for this report out of this parliamentary committee to give some guidance in that respect.

**Mr Griffiths**—That's right. Again, we are happy to work with AFMA. We take the comments Mr Causley made particularly about the problem of translating broad strategic objectives about ESD and what it is, at that sort of almost remove level from reality in some circumstances, down to what it means to an organisation that has to operate on a day-to-day basis with a statutory obligation for ESD. We quite appreciate that that is a real difficulty.

The policy parameters are there as to what this government has said about the need for ESD being inherent in our policies. And we would be quite happy to work with AFMA, through workshops or discussions, to translate those broad strategic types of objectives into a real living definition that could be reflected in the legislation and mean something to the people that are handling those issues on a day-to-day



basis. We have had some experience in the portfolio in that in such areas as forestry and in terms of developing the Natural Heritage Trust legislation.

**Mr CAUSLEY**—You are really trying to intimidate me now!

**Mr Griffiths**—Where the legislation has in it a definition of ESD and the concept of sustainable agriculture. So we are, despite comments from the left, quite familiar with those sorts of issues and we will do what we can to help AFMA in coming to a working and real statutory definition.

**CHAIR**—I think the committee has finished with questions. I will give you an opportunity to make a closing statement if you want, in case we have not asked you a question on an area that you wanted to raise with us.

**Mr Hughes**—One of the things that comes through in our submission is the need to have stated policies for various areas of environment management up front in AFMA's management. We are very keen to work with AFMA in the development of policies for things such as interpretation or application of ESD—things like fishing in heritage areas, things under the National Estate. We are very keen to work with AFMA to develop policies to guide their management for better environment management.

Resolved (on motion by Mr Nairn):

That, pursuant to the power conferred by paragraph (o) of standing order 28B, this committee authorises publication of the evidence given before it at public hearing this day.

**Committee adjourned at 11.26 a.m.**