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Senate Environment, Communications and the Arts Committee

Submission into the Inquiry of the Operation of the Environment Protection and Biodiversity Conservation Act 1999

Overview of the CFA

The Commonwealth Fisheries Association (CFA) welcomes this inquiry into the operation of the *Environment Protection and Biodiversity Conservation Act 1999* (*EPBC Act*) and is pleased to provide the following submission for consideration by the Committee.

The CFA is the peak industry body representing the interests of Commonwealth fishers, a significant part of Australia's $2.2 billion seafood industry. Seafood is Australia's fourth largest primary industry. The Commonwealth seafood industry is vital to the economy of rural and regional Australia, with direct employment in fisheries production and processing, and substantial downstream employment in supporting industries including transportation, storage, wholesaling, retailing, catering and tourism sectors.

The fishing industry also plays an important role in Australia and globally as a contributor to food security for which the health benefits of seafood are well established and internationally-recognised, particularly in relation to heart health. It is therefore imperative that Government policy and this review take into account the need for Australia's seafood industry to remain sustainable and economically viable.

The *EPBC Act*

The *EPBC Act* has in general been effective in raising the bar in respect to environmental standards and awareness. This is not to say that the Act cannot be improved and used to support continual improvement. This improved environmental performance should be used to promote the sale of sustainable Australian produced seafood.

The CFA believes the *EPBC Act* is meeting its overriding objective of ecological sustainability but contends that improvements need to be made in terms of the Act's administration and how it coexists with other government regulations, policy and programs. This will ensure greater transparency and certainty within government and industry as both strive to meet ecological and economic sustainability objectives.

This submission raises a number of key issues as follows for consideration by the Committee:

1. Administration of the *EPBC Act*;
2. Listing of Threatened Species and Processes and the Nomination Process;
3. Harmonisation of the *EPBC Act 1999* with the *Fisheries Management Act 1991* (*FMA 1991*);
4. Use of *EPBC Act* to promote sustainably produced Australian seafood;
5. Domestic v Imported Seafood – Tax on sustainability; and
6. Marine Protected Areas (MPA's).

1. Administration of the Act

The CFA is generally supportive of the basic Department of the Environment, Water, Heritage and the Arts (DEWHA) administrative framework and general approach to managing the *EPBC Act*, but believes DEWHA should adopt a more co-operative approach with industry in respect of the policy making process.

The January 2006 Banks report to the government entitled "*Rethinking regulation: report of the taskforce on reducing regulatory burdens on business"* concluded that current Australian regulation imposes excessive and unnecessary costs on business.

> *Recommendation 1: That the Committee instigate a 'Business Efficiency Review' of DEWHA in respect of its administration of the EPBC Act to identify more cost efficient and more effective delivery mechanisms including the possibility of legislative recognition of industry co-management in preference to complete Government regulation.*

Strategic alignment of the *EPBC Act* with Government regulation, policy and programs, such as the *Fisheries Management Act 1991* as outlined in Section 3 below, would also deliver positive outcomes for both government and industry in terms of streamlining the administration system and reducing costs.

2. Listing of Threatened Species and Threatening Processes

The Act requires the Minister by instrument published in the *Gazette*, to establish a list of *threatened species* and *threatening processes* that are considered key threatening processes.

The Minister must, in accordance with the regulations obtain and consider advice from the *Scientific Committee* on any proposed amendments to the list.

The CFA has concerns with both the nomination process and the 'perceived lack of transparency and accountability' of the Scientific Committee to industry through the nomination process.

The nomination process involves an annual cycle that revolves around 12 month periods known as assessment periods. The Minister determines the start of the first assessment period and the nomination process involves the following steps for each assessment period for a list:

(a) the Minister may determine conservation themes (this step is optional);
(b) the Minister invites people to nominate items for inclusion in the list referred to in section 178, 181 or 183, and gives the nominations to the Scientific Committee;
(c) the Scientific Committee prepares, and gives to the Minister, a list of items (which will mostly be items that have been nominated) that it thinks should be assessed;
(d) the Minister finalises the list of items that are to be assessed;
(e) the Scientific Committee invites people to make comments about the item in the finalised list;
(f) the Scientific Committee assesses the item in the finalised list, and gives the assessments to the Minister;
(g) the Minister decides whether an item that has been assessed should be included in the list.

The CFA is concerned that the nomination process for key threatened species and key threatening processes is flawed and open to abuse. It allows any person in the community to submit a species or process for nomination at the invitation of the Minister without the nominator being required to conduct even the most rudimentary qualitative or quantitative analysis on the nomination prior to submission.

This in turn places a significant workload on the Threatened Species Scientific Committee (TSSC) and DEWHA. In the case of fisheries nominations, it can then also place substantial workload on AFMA, DAFF, DEWHA and industry for what may be a spurious nomination, once the Minister refers those nominations to the TSSC for consideration. The end result is a high cost nomination process that diverts the work of the TSSC away from more important tasks such as addressing 'recovery plans' of protected species.

It is considered that there should be a rudimentary "pre-assessment" process that would enable culling of proposals before they are recommended to the Minster. For example, it would be advantageous for the TSSC Secretariat to seek and provide intra-government advice from the responsible Department on any nomination provided and ideally, where the issue is a fisheries-related one, the Commonwealth Fisheries Association, as the peak Commonwealth industry representative body, could also be approached to provide input for the TSSC to consider.

That process could perhaps eliminate some of the more spurious nominations which are currently effectively considered "in camera secret" by the TSSC with proposals assessed against "guidelines" which are not made public. This is not a transparent or accountable way for the Committee to act. This applies equally to other species - for example, we understand that Koalas have been nominated and considered (and rejected for listing) by the Committee and Minister twice before, and are currently undergoing a THIRD assessment. The same problem applies to Southern Bluefin Tuna (SBT). This does not appear to be a constructive, cost effective, or efficient process.

> *Recommendation 2 The CFA believes there should be a requirement for all nominations to undergo a public scrutiny process and be assessed against publicly available guidelines by the TSSC before being recommended to the Minister for full consideration under the Legislation.*

Of equal concern to CFA, is that the 'burden of proof' is currently imposed upon the fishing industry as the respondent to the nomination and that the legislation appears to enable the TSSC to vary the nomination from whatever may have been put forward during the process. That is, someone can nominate a process as being threatening to one species - and the industry, AFMA, DAFF and scientists may provide an extensive response to that direct nomination in relation to that species. However, it appears to be open to the TSSC to decide to consider broader implications of that process without recourse to the Departments or industry. An example of this is the current proposed listing of trawling in the SEESF as a key threatening process, where the original nomination focused on threats to species based on all fishing methods utilised in the SESSF, but was broadened by the TSSC to include benthic impacts by trawl only.

This makes it nearly impossible for CFA or our industry members to effectively provide a response to nominations as there appear to be no boundaries set to any nominee.

The CFA believes the burden of proof needs to be reversed and placed on the person submitting the nomination to ensure there is a clearly defined nomination, with sufficient background and supporting evidence provided to the TSSC to enable an initial rudimentary analysis be undertaken of the proposal, in consultation with relevant Government agencies and/or industry bodies, to determine if there is a "prima facie" case to consider. There should also then be a requirement that the TSSC focus its attention on dealing with the nomination as initially proposed, which enables all submissions to remain focussed on the same issue.

CFA believes that the process which allows repeated nominations needs to be reviewed. An example of this is the thousands of hours which have been required of managers, researchers and industry groups to respond to repeated nominations of eastern gemfish, which is under a formal management plan and is subject to a rebuilding strategy. This process takes the focus off ongoing core management issues and proactive management initiatives. It is hugely expensive with much of the costs levied on the industry.

> *Recommendation 3: The CFA recommends a reversal of the burden of proof from the respondent to the claimant through the proper application of the rigorous criteria for nominating species and processes. A 'prima facie' case must be established by the nominator to the satisfaction of*

the TSSC, prior to the Minister accepting a nomination for referral to the scientific committee and industry for full consideration.

Further, industry, AFMA and others have previously highlighted the serious flaws in the current listing criteria for threatened species. The *EPBC Act* Criteria (essentially based on the IUCN Red List Categories and Criteria) are meant to set rigorous criteria and inform the considerations of the TSSC with respect to threatened species nominations under the *EPBC Act* for a commercially harvested fishery. It is widely acknowledged that these criteria have been developed primarily for terrestrial species with low reproductive potential compared to most teleost fish, and the appropriateness of Criterion 1 - 5 for harvested and managed marine fish species is seriously questioned:

Criterion 1.	It has undergone, is suspected to have undergone or is likely to undergo in the immediate future a very severe, severe or substantial reduction in numbers. Note: Under Criterion 1, where the cause of the reduction has not ceased, the IUCN Guidelines indicate that this Criterion can be met with a population size reduction of ≥50% over ten years or three generations either in the past, now, or in the future
Criterion 2.	Its geographic distribution is precarious for the survival of the species and is very restricted, restricted or limited.
Criterion 3.	The estimated total number of mature individuals is limited to a particular degree and: (a) evidence suggests that the number will continue to decline at a particular rate; or (b) the number is likely to continue to decline and its geographic distribution is precarious for its survival.
Criterion 4.	The estimated total number of mature individuals is extremely low, very low or low.
Criterion 5.	Probability of extinction in the wild.

This information is critical to the consideration of whether a species is likely to be eligible for listing as threatened under the *EPBC Act* (and hence whether a process could be classified as a "key threatening process").

The inappropriateness of Criterion 1 particularly is starkly highlighted by the default B_{MEY} target biomass level of 48% (B_{MEY} = 1.2 x B_{MSY}, B_{MSY} = B_{40}) outlined in the Australian Government's Commonwealth Fisheries Harvest Strategy Policy. If the current Criterion 1 for listing (a population size reduction of ≥50%) was applied to Commonwealth managed fisheries, the target biomass for most species would meet this Criterion – including some of our most well managed and demonstrably sustainable fisheries. This criterion is obviously not appropriate for Commonwealth fisheries.

The HSP provides further guidelines as to whether a species may be eligible for listing as threatened under the *EPBC Act*. Under the section on the *Relationship of the Policy and the EPBC Act*, the following is stated:

> "While a stock biomass is above B_{LIM} (20% pre-fishing biomass), there is no expectation that the species would be added to the list of threatened species (conservation dependent, vulnerable, endangered or critically endangered) under the *EPBC Act*."

The point is, very different listing criteria should be developed and used for marine bony fish. The above example shows that fishery management limit reference points are not a threshold for high extinction probability, and it is not correct to use it as an indicator for listing under the criteria of the *EPBC Act*. While large (>80%) reductions for marine bony fish stocks are not desirable and may

compromise economic sustainability of a commercial fishery, they do not imply a risk of literal extinction of the species - either globally or locally.

Recommendation 4: DEWHA should immediately acknowledge the flaws in applying the current listing criteria to commercially harvested marine species and in consultation with stakeholders, develop and implement specific agreed criteria that reflect the biology of marine species and brings Commonwealth fisheries and environmental management into harmony.

3. Harmonisation of the *EPBC Act* with the *FMA 1991*

The CFA strongly recommends harmonisation of the *EPBC Act* and the *FMA 1991*. The fishing sector is deeply concerned that to date, the two pieces of legislation have been operating in isolation, and in some cases present a duplication of services at great cost and uncertainty to industry.

In December 2005, the then Australian Government Minister for Fisheries, Forestry and Conservation issued a Ministerial Direction that included a requirement for the development of a harvest strategy policy for Commonwealth fisheries.

The Policy seeks to provide a consistent framework for taking the available information about particular fish stocks and applying an evidence-based, precautionary approach to setting harvest levels on a fishery by fishery basis and to specify the risk levels that are acceptable to the Australian Government in allowing access to and use of fishery resources in Commonwealth fisheries. Through this process it is intended that the Australian community will be provided with a high degree of confidence that commercial fish species are being managed for long-term biological sustainability and economic profitability and that the fishing industry will have a more certain and predictable operating environment.

The Policy aspires to incorporate the key relevant requirements of the *FMA 1991* the *Fisheries Administration Act 1991* and the EPBC Act, together with the United Nations Fish Stocks Agreement (UNFSA) and the FAO Code of Conduct for Responsible Fisheries.

The implementation of detailed, science based harvest strategies, emanating from the Ministerial Direction of 2005, the commercial fishing sector operating in the Australian Fishing Zone (AFZ), in partnership with AFMA has continued to rebuild overfished stocks. This management strategy falls within the objectives of the *FMA 1991*.

Yet despite meeting the sustainability objectives of the *FMA 1991*, the fishing industry is being further assessed under the *EPBC Act*, which is effectively creating a "double jeopardy" situation.

It is important for Government to determine clearly defined legislative responsibility for management of Australian fisheries resources and currently the duplication between DEWHA, DAFF and AFMA is significant.

For example, the Commonwealth fishing industry is exposed to the risk of being excluded from export markets by an unfavourable DEWHA strategic assessment, which can occur even if an industry is meeting all the requirements of the *FMA 1991*. Worse still, despite fulfilling all the requirements of the *FMA 1991*, industry is exposed to the risk of having fisheries closed through the listing of a key target or by-catch species under the provisions of the *EPBC Act*, which over-ride the *FMA 1991*.

Under the *FMA 1991*, a fisheries management plan is required for all fisheries which to all intents and purposes are the equivalent of "Conservation Plans" under the *EPBC Act*. The Management Plan outlines, as required by the Act, how sustainability of fish stocks will be achieved under that management plan. The plan is developed through a rigorous consultative process between industry, government and scientists. It is a scientific fully transparent process that meets government policy

objectives as set out in Commonwealth harvest strategy policy and Legislative objectives under Fisheries law.

The Commonwealth harvest strategy policy outlines the government policy settings for how AFMA are to manage fish stocks, including compliance, administration, monitoring, control, and surveillance, all of which are included in the management plans. The CFA therefore reiterates its concern that the *EPBC Act* has imposed great uncertainty, cost and duplication onto the fishing sector in terms of the sustainability objective, particularly since the introduction of the Commonwealth harvest strategy in 2005.

The problem is even worse when you consider the double jeopardy within the *EPBC Act* itself. For example, when the fishery can be accredited as sustainable under the EPBC's Strategic Assessment provisions, but then have to go through a whole different process under the Endangered Species provisions of the same Act.

There is a real and pressing need to eliminate the current double jeopardy that the fishing industry is exposed to in relation to the management of commercial fish species. The CFA believes this can only be achieved by a more comprehensive, transparent and inclusive review of the interaction of the *EPBC Act* and the *FMA1991* as well as the respective roles and responsibilities of DAFF, DEWHA and AFMA in the management of commercial fisheries.

> *Recommendation 5: That the Government initiate a comprehensive and transparent review of the interaction of the EPBC Act and the FMA 1991 with the objective of eliminating areas of duplication in preference for a more complementary legislative framework.*
>
> *Recommendation 6: In addition to legislative changes, the CFA strongly recommends the establishment of a government/industry consultative committee comprising representatives from DEWHA, DAFF, AFMA and CFA to encourage and promote a more functional and collaborative administrative arrangement on environmental issues and standards.*

4. Use of *EPBC Act* to promote Australian product

The CFA believes that more benefits could be derived from the *EPBC Act* and its associated strategic assessment process. Currently, as the Act stands, industry must jump through all the hoops to achieve the assessment to be permitted to export, however, recognition of this assessment cannot be used to promote the sales of Australia product domestically or internationally. CFA is of the view that an environmental "tick", similar to the heart foundation "tick" for heart friendly products, could be introduced for fish species which have received *EPBC Act* accreditation. This would be a cheap but effective form of promotion.

> *Recommendation 7: The CFA strongly recommends that a certification logo be developed for use in fisheries which have been assessed as sustainable under the* EPBC Act.

5. Domestic v Imported Seafood

A particular concern to CFA is the absence of any reference within the *EPBC Act* to imported seafood and its requirement to meet the same standards as Australian fisheries. This has created a system of 'double standards' which directly disadvantages Australian industry.

Imported product taken from fisheries with lower environmental standards and regulations, and significantly lower costs as a result, can be freely sold in Australian markets in direct competition with Australian fisheries products.

Australian marine products are required to first undergo extensive assessment and regulation to ensure ecologically sustainable harvesting. This is supported by the *EPBC Act* and *Fisheries*

Management Act amongst other legislation, and results in numerous regulations and costs flowing directly to Australian industry as a result.

The CFA applaud the principle of sustainable management of our fisheries resources, but note this is significantly undermined where Government continues to allow importation of similar (or, in some cases, the same) fisheries products from countries which have not been required to meet the same stringent environmental standards as those applied to Australian industry. In effect, by allowing this, the Act encourages unsustainable practices in countries exporting to Australia.

This anomaly needs to be addressed immediately to ensure Australian fishers are not unfairly disadvantaged.

> *Recommendation 8: That the Committee recommends the amendment of the EPBC Act to ensure imported seafood demonstrates it has come from a fishery resources management regime that applies the same or better environmental standards for harvesting as those applied to the Australian fishing industry.*

6. Marine Protected Areas (MPA's)

The CFA has recently held discussions with DAFF and DEWHA regarding 'displaced fishing effort' resulting from the establishment of MPA's. It is apparent from these discussions that the current Government is in the process of reconsidering the previous policy on 'displaced fishing effort' and CFA therefore tables its policy position,(please refer to Appendix One) that outlines the terms and conditions of its support for the establishment of marine protected areas under the *EPBC Act*. CFA would be pleased to assist development of an effective government policy to promote effective implementation of MPAs around Australia.

> *Recommendation 9: That the Australian Government adopt the CFA policy and key principles for the establishment of Marine Protected Areas as referenced in Appendix One.*

Conclusion

This submission has highlighted a number of concerns with the *EPBC Act* and its administration and in turn has proposed a number of recommendations to the Committee for consideration.

In closing the CFA wises to thank the Committee for the opportunity to participate in the review of the *EPBC Act* and remains at the Committee's disposal for further deliberations.

Yours sincerely

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APPENDIX ONE

CFA Policy Position on Marine Protected Areas (MPA's)

Executive Summary

1. MPA's have the potential to make a substantial contribution to conserving Australia's marine ecology and biodiversity. They also have the potential to complement efforts by Government and industry to promote a more ecologically sustainable and commercially viable fishing industry.

2. Commonwealth fishers now have well defined Statutory Fishing Rights (SFR's) and thus have a clear and direct interest in the establishment of Marine Protected Areas in the Australian Fishing Zone. This is especially the case as MPA boundaries and operating rules have the potential to directly and severely impact on their commercial viability.

3. To realise their full potential the development and implementation of MPA's needs to be undertaken in an informed and consultative manner in accordance with the following broad principles:
    - MPA objectives need to be clearly developed, enunciated and justified;
    - Impacts on the fishing industry as well as allied industries and communities need to be identified and minimised;
    - Fishing activity should be permitted in MPA's where it does not jeopardise the key ecological values that the MPA seeks to preserve or restore;
    - Industry and communities should be adequately and fairly compensated for those impacts that are unavoidable;
    - Agencies responsible for the management of MPA's should be adequately resourced to undertake the full range of activities associated with the management of MPA's; and
    - The operations of the MPA network should be subject to periodic review, evaluation and reassessment.

Issues:

4. The fishing industry has a significant range of interests in the development, implementation and long term management of MPA's in the Australian Fishing Zone. These interests derive from the potential of MPA's to directly and severely impact on their commercial viability as well as the value of their assets including their statutory fishing rights.

5. The CFA supports efforts to establish a comprehensive network of marine protected areas subject to the following key principles:

    I. MPA proponents should be required to clearly and comprehensively enunciate the park's biodiversity/conservation objectives;
    II. Any overriding national policy considerations (e.g. energy security) must be identified at the outset;
    III. A comprehensive and adaptive socio-economic impact assessment should be undertaken as soon as draft boundaries have been established;
    IV. Industry must be fully engaged in determining MPA boundaries and operating rules;
    V. Relevant Commonwealth and State/Territory fisheries management agencies should also be fully engaged in the development and management of MPA's;
    VI. Comprehensive and transparent risk assessment processes should inform any decisions to limit specific fishing activities in no-take or multiple use areas;

i. Fishing activity should be permitted in MPA's where it does not jeopardise the key ecological values that the MPA seeks to preserve or restore; and
ii. Commercial, recreational and charter sector must receive equitable treatment in terms of restrictions on the use of specific fishing gear.

VII. Unavoidable impacts on the commercial fishing sector and allied industries and communities must be minimised;
VIII. Fair and adequate compensation or adjustment assistance should be paid for any unavoidable impacts such as those associated with the loss of access to fishing grounds and/or the value of Statutory Fishing Rights;
IX. All development costs must be met by government (including appointment of industry liaison officer);
X. All operational costs, including the costs of any surveillance should be fully borne by government and not included in the Australian Fisheries Management Authority's levy base; and
XI. The operations of the MPA network should be subject to periodic review, evaluation and reassessment.

Justification

6. The justification for the CFA position on each of these principles follows:

Key Principle I: MPA proponents clearly and comprehensively enunciate the biodiversity/conservation objectives.

Justification:
This pre-condition is essential to determining the park's boundaries as well as establishing which commercial and recreational uses are consistent or inconsistent with the park's operations. It is also essential to establishing processes to monitor, review and reassess their effectiveness.

Importantly, a clear expression of the MPA's objectives will avoid confusion about how the park's management interacts with the relevant fisheries management agencies (that retain the prime responsibility for the management of fish stocks within Commonwealth and State waters).

Objectives should be soundly based in science and capable of practical implementation to ensure they are credible and capable of being implemented.

Key Principle II: Any overriding national policy considerations (e.g. energy security) must be identified at the outset.

Justification:
Experience in dealing with the establishment of a South Eastern MPA network indicates that national policy considerations, such as energy security, can be highly influential in determining boundaries and operational rules. It is important that these constraints are fully understood and communicated to all stakeholders from the outset.

Key Principle III: A comprehensive and adaptive socio-economic impact assessment should be undertaken as soon as draft boundaries have been established;

Justification:
Without this information it is impossible to objectively determine the nature and extent of any impacts on the fishing industry and/or allied industries and communities. An adaptive analysis can also inform efforts to minimise any unavoidable impacts by providing the capacity to assess the impacts of alternative configurations.

Key Principle IV: Industry must be fully engaged in determining MPA boundaries and operating rules;

Justification:
Commonwealth fishers now have (or are soon to have) well defined SFR's and thus have a clear and direct interest in the establishment of Marine Protected Areas in the Australian Fishing Zone. This is especially the case as MPA boundaries and operating rules have the potential to directly and severely impact on their commercial viability. In addition, fishers have unique insights into how MPA's can most effectively be managed. Accordingly they can make a significant contribution to developing soundly based operating rules and establishing boundaries that are relevant and capable of cost-effective monitoring and surveillance and compliance.

Key Principle V: Relevant Commonwealth and State/Territory fisheries management agencies should also be fully engaged in the development and management of MPA's.

Justification:
The full engagement of the relevant and State/Territory fisheries management agencies is essential to:

- harmonise their activities and ensure conflicts with fisheries management programs are avoided;
- provide essential data on the take of commercial species in the nominated areas; and
- ensure the day-to-day management of MPA's is undertaken in the most cost-effective and least intrusive and disruptive manner possible.

Maintaining an on-going dialogue with relevant and State/Territory fisheries management agencies will also help to ensure fishers are confronted with a consistent operating environment and are not subjected to unnecessary and/or duplicative management regimes.

Key Principle VI: Comprehensive and transparent risk assessment processes should inform any decisions to limit specific fishing activities from no-take or multiple use areas;

i. Fishing activity should be permitted in MPA's where it does not jeopardise the key ecological values that the MPA seeks to preserve or restore; and

ii. Commercial, recreational and charter sector must receive equitable treatment in terms of restrictions on the use of fishing gear.

Justification:
It is essential that any decision to restrict specific fishing methods in multiple use zones or to establish no-take zones is informed by a comprehensive and transparent risk assessment process. The risk assessment process should acknowledge the capacity of fishers to develop and apply effective impact avoiding strategies. It should also be acknowledged that the level of risk to be managed will vary from situation to situation depending on the environmental circumstances being confronted.

If the risk assessment process determines that a particular fishing method involves and unacceptable level of risk, that method should be excluded regardless of whether it is utilised by commercial or recreational/charter operators.

Key Principle VII: Unavoidable impacts on the commercial fishing sector and allied industries and communities must be minimised.

Justification:
The introduction of marine protected areas involves a compulsory imposition on the commercial fishing sector and allied industries and communities. It is reasonable to expect that the impacts of MPA's on these sectors are minimised consistent with achieving the agreed objectives of the MPA network.

Key Principle VIII: Fair and adequate compensation or adjustment assistance should be paid for any unavoidable impacts such as those associated with the loss of access to fishing grounds and/or the value of SFR's.

Justification:
MPA's involve the compulsory transfer of access rights from fishing industry to the broader community. This has clear and direct implications for the commercial viability and the value of the SFR's of fishers operating in the area that should be compensated. There will also be impacts on allied industries and communities that need to be addressed.

Compensation or adjustment assistance should cover the following categories:

- The buy-out of fishers that are substantially affected by the proposed MPA;
- Compensation or adjustment assistance for fishers affected by the MPA but who wish to remain in the industry; and
- Adjustment assistance to allied industries and communities affected by a reduction or relocation of commercial fishing activity.

Key Principle IX: All development costs must be met by government (including appointment of industry liaison officer).

Justification:
The process of developing an effective MPA network is a highly time consuming and resource intensive activity. This process should not be embarked upon unless adequate additional resources are identified to support this process. A critical element in this process is the appointment of an industry liaison officer to ensure industry is adequately informed of the process and has a focal point for its collective activities.

Key Principle X: All operational costs, including the costs of any surveillance should be fully borne by government and not included in industries fisheries management levy base.

Justification:
Fisheries management agencies are well placed to undertake specific elements of the MPA management regimes, particularly those associated with monitoring, surveillance and compliance. If fisheries management agencies are contracted to undertake these activities it is essential that the associated costs are effectively quarantined from the costs of fisheries management.

Key Principle XI: The operations of the MPA network should be subject to periodic review, evaluation and reassessment.

Justification:
The relevance and of boundaries and operational rules as well as the outcomes being achieved by the MPA network should be the subject of periodic review to ensure:

- the overall objectives of the MPA network remain appropriate and are being efficiently and effectively progressed;
- limitations placed on commercial fishers and others remain relevant and justified; and that
- actions taken by fishers to develop and implement risk effective avoidance technologies and strategies are rewarded by improved access to areas where their operations can be proven to be benign.