



Commonwealth Fisheries Association

Policy Position Paper No. 7: 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 MPA's in the Australian Fishing Zone (AFZ). 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 AFZ. These interests derive from the potential of MPA's to directly

and severely impact on their commercial viability as well as on the value of their assets including their statutory fishing rights (SFR's).

5. The Government has initiated a Senate inquiry into Australia's national parks, conservation reserves and marine protected areas with a scheduled completion date of 30 November 2006.

CFA Policy Position:

6. 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 SFR's;
 - IX. All development costs must be met by government (including the appointment of an industry liaison officer);

- X. All operational costs, including the costs of any compliance and 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

- 7. 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 MPA's in the AFZ. 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, 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 an 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 the 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 the appointment of an 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.

Commonwealth Fisheries Association
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