

Recreational Fisheries Section
Level 3, 134 Macquarie St
GPO Box 44
Hobart TAS 7000
via email: recfishingstrategy@dpipwe.tas.gov.au

Dear Recreational Fisheries Section,

The Australia Institute Tasmania is pleased to make a submission on the *Draft Tasmanian Recreational Sea Fishing Strategy*.

The Australia Institute is one of the country's most influential public policy think tanks. We conduct high impact research that combines rigorous fact-driven material with cutting-edge communication strategies. The Australia Institute provides intellectual and policy leadership and conducts research that drives the public debate and secures policy outcomes that make Australia better.

In summary, our submission relates to the following aspects of the Strategy:

1. Strengthening linkages with relevant legislation and policy, particularly in relation to outcomes 2, 4 and 5, and
2. Strengthening inter-sectoral resource sharing through marine spatial planning
3. The need for a State-wide Marine Plan for Tasmania

Please find attached a detailed submission on behalf of the Australia Institute Tasmania.

Yours sincerely,

Eloise Carr
Director, The Australia Institute Tasmania

1. Strengthening linkages with relevant legislation and policy.

The *State Policies and Projects Act 1993* establishes the objectives of the resource management and planning system of Tasmania, which are –

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
- (c) to encourage public involvement in resource management and planning; and
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

In clause 1 (a), **sustainable development** means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

These objectives are replicated within the *Living Marine Resource Management Act 1995*, the primary legislation for the management of Tasmania's sea fisheries.

These objectives are also replicated within the State Coastal Policy. Under the *State Coastal Policy Validation Act 2003*, a reference in the State Coastal Policy 1996 to the coastal zone is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark. Some relevant provisions include:

2.6.1 The public's common right of access to and along the coast, from both land and water, will be maintained and enhanced where it does not conflict with the protection of natural and cultural coastal values, health and safety and security requirements

2.6.2. Public access to and along the coast will be directed to identified access points. Uncontrolled access which has the potential to cause significant damage to the fragile coastal environment and is inconsistent with this Policy will be prevented.

2.6.4. Public facilities such as life saving facilities and essential emergency services, parking facilities, toilet blocks, picnic sites, rubbish disposal containers, boat ramps and jetties will be provided at appropriate locations consistent with the objectives, principles and outcomes of this Policy to facilitate access to and enjoyment of the recreational amenity of the coast and estuarine foreshores.

2.6.6. Developer contributions will be encouraged in respect to the costs of providing public access and safety services for the community.

2.8.1. Recreational use of the coastal zone will be encouraged where activities can be conducted in a safe and environmentally responsible manner.

3.1.4. Provision for effective and greater involvement of Aboriginal people in areas of particular interest to Aboriginal people will be made as part of community participation processes.

3.1.7. State government agencies and planning authorities will participate with other State, Territory and Commonwealth agencies in relevant forums to foster a national approach to coastal zone management.

The *Draft Tasmanian Recreational Sea Fishing Strategy* strongly addresses some legislative objectives, however, others are not adequately addressed. Nor does the Strategy articulate how it will meet the provisions of the State Coastal Policy. The Strategy should more clearly articulating how it will seek to achieve *all* of the above objectives and all relevant policy provisions. Some examples follow.

Regarding Outcome 2: Involving the community in fisheries management. This Strategy could include actions for community participation in activities which address the following objective and definition of sustainable development:

- (a) promote the sustainable development of natural and physical resources *and the maintenance of ecological processes and genetic diversity*;
- (a) sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- (b) safeguard the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoid, remedy or mitigate any adverse effects of activities on the environment.

Regarding Outcome 4: Promoting responsible recreational fishing. The Strategy should directly address unsustainable and destructive fishing practices, such as gillnetting. This fishing method should be banned as a method for Tasmanian recreational fishing, as is the case in most other Australian jurisdictions.

Regarding Outcome 5: Ensuring the long-term sustainability of fish stocks and habitats. The Strategy should more directly address the issue of depleted stocks. The three most popular recreational species, flathead, rock lobster and abalone are all depleted, as are other target scale-fish species. This should clearly be articulated with corresponding actions to address this articulated in the strategy.

Further, the Strategy does not adequately consider the impacts of climate change, either in terms of native species, range extended species, such as *centrostephanus* sp., or impacts on coastal infrastructure. This could be a reflection of the out of date nature of some aspects of the State Coastal Policy, now 26 years old and 21 years overdue for review.

2. Strengthening inter-sectoral resource sharing through marine spatial planning

The Strategy does not adequately consider other uses and users of Tasmania's coastal waters. Comprehensive marine spatial planning should be used to manage all activities in Tasmania's coastal waters, including recreational fishing.

Prior to adopting any further sector-based plans and strategies, the Tasmanian Government should first establish integrated, ecosystem-based marine management. This would identify current and future uses of State waters for all uses, users and values. A State-wide Marine Plan should be developed through a science based, consultative, multi-sector marine spatial planning process.

3. The need for a State-wide Marine Plan for Tasmania

Tasmania's current regulatory framework is failing to maintain healthy marine ecosystems.¹

Ecosystem-based management (EBM) generally means taking an integrated approach towards managing the uses of our natural environments by including human activities, impacts and the needs of the environment to remain healthy. EBM is now widely accepted as the best means of managing the complex interactions in marine systems.²

UNESCO defines integrated oceans management as a similar concept which 'combines value creation and the safeguarding of ecosystem health.'³ Integrated marine management requires clearly identified needs and objectives, stakeholder ownership, well-defined governance frameworks, and scientific tools to deal with conflicts and negotiation.⁴

These concepts are not new: international forums have been calling for urgent action on ocean management for decades and the Australian Government has committed to these approaches.

University of Tasmania and IMAS work on marine spatial planning and a Tasmanian Marine Atlas should be led by a Tasmanian Marine and Coastal Strategy and an associated marine spatial planning framework. This could be modelled on Victorian marine and coastal legislation, strategy, and marine spatial planning framework.⁵

Another approach that seeks to link planning, decision making and management arrangements across sectors to increase the effectiveness of the current regulatory framework has been led by Tasmanian researchers from across IMAS, CSIRO and UTAS.⁶ They argue for linking and modifying existing sector-based plans into an overarching scheme with nine key features:

1. Recognition of need
2. Shared vision
3. Appropriate legal and institutional frameworks
4. Processes for stakeholder participation
5. Operational objectives
6. Consideration of trade-offs and cumulative impacts
7. Flexibility to adapt to changing conditions
8. Review processes and
9. Effective resourcing, capacity, leadership, and tools.

¹ See Eloise Carr, 'Towards a sustainable marine management regime', *Australia Institute* (October 2020).

² Smith, D. C. *et al.* Implementing marine ecosystem-based management: Lessons from Australia. *ICES Journal of Marine Science* **74**, 1990–2003 (2017).

³ Winther, J.-G. *et al.* Integrated Ocean Management. (2020).

⁴ Smith, D. C. *et al.* Implementing marine ecosystem-based management: Lessons from Australia. *ICES Journal of Marine Science* **74**, 1990–2003 (2017).

⁵ State of Victoria. *Marine and Coastal Policy*. <https://www.marineandcoasts.vic.gov.au/coastal-management/marine-and-coastal-policy> (2020).

⁶ Stephenson, R. L. *et al.* A practical framework for implementing and evaluating integrated management of marine activities. *Ocean and Coastal Management* **177**, 127–138 (2019).

They combine these features with five phases of development to create a framework for implementation and evaluation. This body of work describes key phases for developing the framework, studies cases in Australia and Canada, and discusses factors that can impede or enable progress towards integrated marine management.

Despite the economic, environmental, and cultural importance of the State's environment, marine regulation lacks integration in Tasmania – between Federal and State governments and across sectors, government departments and the catchment-coast-marine continuum. Tasmania's sectoral approach to managing the multiple uses of the marine environment is allowing the health of marine ecosystems to decline. This Strategy provides an opportunity to contribute to this process.