



WAFIC WESTERN AUSTRALIAN
FISHING INDUSTRY
COUNCIL INC

24 January 2023

Matt Johnson
Manager Environment and Strategy
Policy and Regulation, AMSA
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CANBERRA ACT 2601

Dear Matt

**International Maritime Organisation (IMO) – Regulation of Marine Plastic Litter –
Proposed Changes on the Regulation of Fishing Gear**

The WA Fishing Industry Council (WAFIC) is the peak industry representative body for the commercial fishing, pearling and aquaculture industries in WA. In total our membership covers over 1200 vessels and 4,000 individuals and the industry produces in excess of \$800 million GVP per annum.

WAFIC notes the International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention used by the IMO to address vessel sourced pollution. As a party to MARPOL, Australia implements the requirements through the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, the *Navigation Act 2012* and *Marine Order 95*. In addition, most state-territory jurisdictions have given effect to MARPOL Annex V in their legislation.

It is disappointing that such a concept has been circulating within the IMO/MARPOL discussion process since 2018 (*IMO Action Plan to Address Marine Plastic Litter from Ships (2018)*) and yet this discussion paper appears to be the first contact with the Australian commercial fishing industry in all that time. It is concerning to commence discussions on the proposals with no support data or a cost impact statement.

This submission is the result of WAFIC seeking responses from stakeholders by circulating the Review Panel's Consultation Aid (Phase 2) to the commercial fishing, aquaculture and pearling industries throughout Western Australia through our range of communications tools (website, newsletter, social media, direct mail, online and face-to-face meetings).

On behalf of our members, WAFIC takes this opportunity to thank AMSA for the opportunity to comment but strongly recommends more time is required to gather data and consult with industry beyond April 2023 when IMO meets again to consider this matter.

Yours sincerely,

Darryl Hockey
CHIEF EXECUTIVE OFFICER

International Maritime Organisation (IMO) – Regulation of Marine Plastic Litter Proposed Changes on the Regulation of Fishing Gear

Document: Submission from WA Fishing Industry Council – January 2023

1. Opening Comments

The WA Fishing Industry Council (WAFIC) is the peak industry representative body for the commercial fishing, pearling and aquaculture industries in WA. In total our membership covers over 1200 vessels and 4,000 individuals and the industry produces in excess of \$800 million GVP per annum.

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The Australian commercial fishing industry is one of the most environmentally sustainable and technologically advanced commercial fishing industries in the world. Western Australia is a leading sector of the commercial fishing, pearling and aquaculture industries and has over 15 fisheries certified to world environmental sustainability standards through the Marine Stewardship Council. This includes an industry commitment to mitigate vessel sourced marine plastic litter including reporting requirements for lost or discharged fishing gear and improving safety for all marine users.

2. Mandatory Marking of Fishing Gear

We note the marking requirements were proposed to discourage intentional fishing gear discharges and preventable losses, improve the rate of retrieval and support data collection for lost/discharged fishing gear.

There are no data that WAFIC is aware of which indicates the Western Australian commercial fishing industry intentionally discharges fishing gear or fails to retrieve fishing gear should there be any damage.

WAFIC understands the position taken by the IMO that mandatory gear marking may also help identify the prevalence of illegal, unreported and unregulated fishing regionally and support the fight against these operations. However, the cost to the legitimate fishing operations in Australia to mark all fishing gear would be *significant and maybe unnecessary*, especially when one considers advice from Australian authorities (AFMA/Border Force) that the lost nets they encounter across Northern Australia are different to what is used by Australian fishers and are the type and configuration used in Indonesia. AMSA and IMO have provided no data within the discussion paper outlining that fishing gear from Australian fishing vessels form any part of the litter in waters adjacent to Australia.

Without a robust, long term series data set, adequately analysed, any decision to require mandatory marking of fishing gear is unreasonable in scope and application. It will place an unnecessary burden on industry through increased prices for marine products produced in Australia and increased costs to fishers where these are unable to be absorbed in a price-taking export market.

WAFIC is of the strong view that any such data set for consideration must include recreational vessels to form a legitimate basis for any policy decision over the application (or not) to recreational vessels, as proposed in the discussion paper.

WAFIC understands that current legislative requirements for marking of fishing gear have been made available to AMSA for both the Commonwealth Fisheries (from the *Australian Fisheries Management Authority (AFMA)*) and WA state managed fisheries (from the *Department of Primary Industry and Resource Development (DPIRD)*). Copies are attached to this submission.

It is noted in the AFMA table that there are no provisions in the Commonwealth *Fisheries Management Regulations 2019* regarding the marking of fishing gear or to report fishing gear loss. There are reporting and retrieval requirements across the international fisheries in which Australian management zones are included (eg CAMMLAR Convention Area, SIOFA Agreement Area, Western Pacific Tuna Commission and Indian Ocean Tuna Commission). In most cases these are specific gear marking requirements to ensure a distinguishing symbol of the boat is displayed above the water line applied to an end line marker buoy or radio beacon.

WAFIC responds to the questions in this section of the AMSA discussion paper as follows:

*Q1. What types of fishing gear, vessels and operations do you believe should be **included** in (the IMO/Marpol) mandatory marking requirements? Why?*

A1. None within Australia. Without a robust, long term series data set, adequately analysed, mandatory marking of fishing gear is unreasonable in scope and application, as it will place an unnecessary burden on industry through increased prices for marine products produced in Australia or increased costs where prices are absorbed in a price-taking export market.

Such a data set must include recreational vessels as only then will the Australian government have any basis to be able to make any responsible policy decision that mandatory marking should or should not apply to recreational vessels as proposed in the discussion paper.

*Q2. What types of fishing gear, vessels and operations do you believe should be **excluded** from mandatory marking requirements? Why?*

A2. All vessels within Australia except where a fisheries management plan compliance requirement is implemented through standard fisheries consultation processes.

Q3. What technical or feasibility limitations should be considered when determining the types of marking systems used (e.g., physical, chemical, electronic marking)? Is there a way for these limitations to be addressed?

A3. Not applicable. See A1 and A2 above. Without carrying out the necessary data collection, analysis and consultation on whether there is any basis for marking Australian fishing gear, commentary on technical or feasibility limitations is wasting everyone's time.

Q4. What information should be recorded under the mandatory marking requirements (e.g. vessel identification number, ship name, company name)?

A4. See A1,2&3 above.

Q5. Do you currently participate in any existing marking requirements or voluntary marking schemes? If yes, please provide details (e.g. what is marked, who requires the marking, how is gear marked).

A5. Yes, those included in fisheries management compliance plans (See attached tables from AFMA and DPIRD). WAFIC does not have specific knowledge of any voluntary marking schemes other than for personal security operations.

Q6. *What do you believe are the main factors currently limiting or preventing participation in gear marking schemes?*

A6. Industry is supportive of participating in marking schemes when agreed through an inclusive consultation process supported by a robust, long term series data set (adequately analysed) that demonstrates:

- the marking is reasonable in scope;
- the marking has a basis for application (eg compliance arrangements within a fisheries management plan); and,
- what it will cost.

3. Mandatory Reporting of Lost/Discharged Fishing Gear

WAFIC notes that MARPOL Annex V currently requires vessel operators to report fishing gear losses and discharges to their government and the government of the country where the loss/discharge occurred if the gear poses a significant threat to the marine environment or navigation. WAFIC would be in support of reporting of all fishing gear losses and discharges to their government and that countries provide a report to the IMO on losses and discharges from their vessels.

WAFIC agrees, as set out in our responses earlier in this submission, that this data can then be used to measure trends and inform the development of future measures to prevent and reduce fishing gear losses and discharges – including and proposals for mandatory marking and which vessels and gear to include (eg recreational vessels).

WAFIC responds to the questions in this section of the AMSA discussion paper as follows:

Q1. *Do you participate in any existing reporting requirements or voluntary reporting schemes? If yes, please provide details (e.g. what is reported, who reports are made to, how reports are made).*

A1. AFMA and DPIRD will provide the details of any mandatory reporting requirements. These would mainly be connected to international regional managed fisheries in which Australian vessels operate.

Q2. *What types of fishing gear, vessels (including recreational vessels) and operations do you believe should be **included/excluded** in expanded reporting requirements? Why?*

A3. WAFIC would be in support of reporting of all fishing gear losses and discharges to their government and that countries provide a report to the IMO on losses and discharges from their vessels. This should include recreational vessels. Line fishing (except any line with a float eg dropline) would be very difficult to mark or locate.

Q2. *In considering the new mandatory reporting of lost/discharged gear, is there any information you believe should not be reported to either the: (a) Vessel's flag State authority (for Australian vessels, this is AMSA); (b) Coastal State authority of where the discharge has occurred; or (c) International Maritime Organization (IMO)*

Q3. *If there is information you do not support being reported to the IMO, would you support it being reported if it was aggregated and anonymous? For example, total volumes and general locations reported rather than specific vessels/locations.*

Q4. *Is there any specific information related to lost/discharged fishing gear which you believe should be reported? If yes, to which of the parties named above should this information be reported?*

A2, 3 & 4. Information should be reported by the vessel operator (vessel ID, type of gear, location) to the managing fisheries agency (as the main contact point for all fishing operations) and then forwarded to AMSA for a joint fisheries/marine safety co-ordinated investigation effort.

*Q4. When considering the information to be reported to the IMO, is there any specific information which you believe should not be made **publicly** available?*

A4. All information sent to IMO should be aggregated by fishing method and regional areas within a country.

Q5. For Australian-flagged vessels, do you have a preference on how you would report gear losses to the Australian Government?

A5. See A2,3 &4 above

4. Conclusion

There is insufficient data provided by AMSA in relation to Australian fishing gear loss/discharge to enable the WA commercial fishing, pearling and aquaculture industry to make any informed comment to the proposals within the AMSA discussion paper.

It is disappointing that such a concept has been circulating the IMO/MARPOL discussion process since 2018 (*IMO Action Plan to Address Marine Plastic Litter from Ships (2018)*) and yet this discussion paper appears to be the first contact with the Australian commercial fishing industry in that time to discuss the proposals with no support data or cost impact statement.

On behalf of our members, WAFIC takes this opportunity to thank AMSA for the opportunity to comment but strongly recommends more time is required (beyond April 2023 when IMO meets next to consider this matter) for AMSA to gather and present the appropriate data necessary to answer the many questions we have raised in this submission and build more collegiate outcomes through detailed consultation with industry.

ENDS

Attachments

1. Summary of Commonwealth fisheries gear marking and gear loss reporting requirements (September 2022) – Australian Fisheries Management Authority (AFMA)
2. DPIRD (WA) – Fishing Gear Marking Requirements – January 2023