



Sustainable Fishing - Healthy Seafood Seafood Industry Victoria Inc.

POLICY IN RELATION TO RESOURCE CONFLICT AND MINING AND PETROLUUM SECTORS

Seafood Industry Victoria (SIV) is the peak body for commercial fishing in Victoria, and represents members involved in the harvesting, processing, wholesaling, retailing and exporting of seafood. SIV has developed this policy in response to increasing demands on State and Commonwealth waters by mining and petroleum sectors.

The commercial fishing sector is accustomed to operating within a multi-user environment and negotiating with other user groups for access to the marine resource. SIV supports the open and multi-user nature of State and Commonwealth waters. SIV's prime concern is where marine areas subject to existing users is proposed to be obtained for use by a commercial proponent, where this use precludes others from fully exercising their rights and interests. This includes, but not limited to, the exclusive use of waters for facilities such as establishments of ports and safety zones around key infrastructures.

Allocation of access to marine areas to commercial proponents, whether exclusive or not, should only be undertaken when there is an understanding of the impacts on commercial fishing operations. The impact assessment must entail a full review of the impact of that particular allocation or acquisition of area on the rights and operations of intersecting and adjacent commercial fishing interests.

Mediation and negotiation should be carried out according to the principle that pre-existing users should be compensated for significant losses. SIV considers that the payment of compensation should be at the responsibility of the commercial proponents.

This Policy Paper provides a background to the issue and a clear policy statement outlining SIV's Position. This Policy Paper should be used by members representing the commercial fishing industry on advisory committees, to clearly put forward SIV policies on relevant issues and hence protect and promote commercial fishers and the seafood industry.

Link to SIV Objectives under the Strategic Plan 2013-2017

- 1.1 Achieve improved resource protection*
- 2.1 Resource protection*
- 3.1 Increase partnerships with government*
- 3.2 Improve the consultation process*
- 4.1 Improve and enhance communication*
- 4.2 Engage with members and relevant industry bodies and key sectors*
- 5.3 Promote accurate messages in the public domain about commercial fishing*
- 6.4 Provide assistance to sectors*
- 8.1 Pursue changes that enable improvements in industry efficiency*
- 8.2 SIV to provide the role of facilitator*

Policy statement

The SIV Policy position on Resource Conflict and Mining and Petroleum Sectors is as follows;

- Where access and resource sharing issues and conflicts arise they are best addressed through mediation leading to comprehensive negotiated outcomes;
- Mediation and negotiation should be carried out according to the principle that pre-existing users should be compensated for significant losses;
- SIV considers that the payment of compensation should be at the responsibility of the commercial proponents;
- Issues relating to environmental impacts be negotiated with the commercial fishing industry as a formal requirement of environmental decision making process; and,
- Where a proponent has failed to engage in meaningful consultation with the commercial fishing industry, SIV shall seek to have regulatory approvals deferred for those projects proposals that may significantly impact upon the interests of our members.

Rationale

1. Allocation of coastal/offshore access rights to commercial proponents

Where a commercial proponent asserts that its access to the marine environment should take precedence over the access of other commercial users (i.e. exclusion of commercial fishing operations), the access allocation process must provide for the upfront determination of compensation and identification of who is responsible for its payment. Compensation is accepted and relevant in the case where exclusion of the commercial fishing industry generates commercial benefits to the commercial proponent.

Developments within a region (including port developments) can have impacts similar to those of major projects. For example, an expansion of mooring areas may progressively exclude fishers from accessing a viable marine resource. In this case, the regulatory agency should have regard to the incremental impact the authorised activity imposes on the commercial fishing operator.

2. Environmental Impacts

Additional issues arise when projects impact on the marine environment to the detriment of fishing operations. Impacts may be short term such as temporary displacement (construction or seismic activities) and other impacts are long term where the environmental effects of a project development are of such magnitude that commercial fishing is no longer viable.

3. Consultation

An increasing number of mining and petroleum related developments are underway that overlaps with commercial fishing interests. SIV finds it challenging to engage with, and respond to, ever increasing mining and petroleum related proposals. The levels of consultation employed by commercial proponents are inconsistent and often inadequate. It is not sufficient for proponents of major developments to expect SIV, or those fishers affected, to have the responsibility of investigating and reviewing complex environmental reports. These reports may not even address the interests of commercial fishers, or the links between their activities and the environment.

A particular feature of the commercial fishing industry is the geographical nature, in addition to their unusual operational hours. This means that consultation mechanisms such as local community meetings, email correspondence, will generally not be effective methods of engagement with relevant fishing stakeholders.

It is SIV's position that the decision making process for project proposals must require proponents to demonstrate that their consultation and negotiation strategies engage appropriately about both environmental and access issues with intersecting and adjacent fishing interests. The duty to consult lies with the commercial proponent, and appropriate methods and techniques must be used during consultation. SIV does not consider information provision alone as constituting appropriate and meaningful consultation.

The stakeholder engagement process should consist of;

Informing	Provide stakeholders with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.
Consulting	Obtaining stakeholder feedback on analysis, alternatives and/or decisions.
Involving	Work directly with the stakeholders throughout the process to ensure that community concerns and aspirations are consistently understood and considered.
Collaborating	To connect with stakeholders in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
Empowering	Place the final decision making in the hands of the stakeholders.

Refer to the following reference materials:

- *Fisheries Act 1995*
- *SIV Strategic Plan 2013-2017*
- *SIV Policy on Stakeholder Engagement*

Policy review

- SIV will review this policy, and related documents, every 5 years.
- SIV Members are essential stakeholders in the policy review process and will be encouraged to be actively involved.

Policy created date 8 January 2013

Policy review date 8 January 2018

Signatures



Renee Vajtauer
Executive Director