

Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2015

Agriculture

Question: 9

Division/Agency: Australian Fisheries Management Authority

Topic: Illegal fishing vessels

Proof Hansard page: 51 (23.02.2015)

CHAIR asked:

CHAIR: Could you provide this committee with the details of ships that you have done that to and, having done that, do you know who owned them? Or did you just get everyone off it and say, 'Put it to the bottom'?

Mr Venslovas: To answer your first question, yes, we can.

CHAIR: Do not be frightened to talk up. Just turn the volume up in your mouth.

Mr Venslovas: Normally I am accused of being too loud.

CHAIR: No, you can be as loud as you like.

Mr Venslovas: To answer the first part of your question, we can provide details of those vessels that have been confiscated and disposed of or destroyed by the Australian authorities. In relation to the application of the legislation and how it works, when a foreign fishing vessel is detected illegally operating inside Australian waters—that is, inside the Australian fishing zone—legislative forfeiture provisions apply under the act where the vessel is automatically forfeited to the Commonwealth, and the onus is on the owner to then take action in a civil court to challenge that action. That is a separate legal process to the criminal prosecution of the master, which is dealt with in the criminal courts. If there is no successful challenge launched by the owners, the vessel is condemned as forfeited after 30 days and is available for disposal by the Commonwealth.

Answer:

Below is a list of vessels that have been apprehended by Australian authorities in the Southern Ocean and their subsequent disposal since 1997.

Question: 9 (continued)

Date of apprehension	Name of boat	Flag	Apprehending platform	Fate of vessel
16/10/1997	<i>Salvora</i>	Belize	HMAS <i>Anzac</i>	Vessel released following posting of a bond. On conviction the bond (\$1,069,731) was forfeited to the Commonwealth.
17/10/1997	<i>Aliza Glacial</i>	Panama	HMAS <i>Anzac</i>	Vessel released as a result of action taken under the Admiralty Act by the mortgagers of the vessel.
21/02/1998	<i>Big Star</i>	Seychelles	HMAS <i>Newcastle</i>	Vessel released following posting of a bond. On conviction the bond (\$1,174,000) was forfeited to the Commonwealth.
29/03/2001	<i>South Tomi</i>	Togo	ACV <i>Southern Supporter</i>	Sunk as a dive wreck off WA.
04/02/2002	<i>Lena</i>	Russian	HMAS <i>Canberra</i>	Sunk as a dive wreck off WA.
07/02/2002	<i>Volga</i>	Russian	HMAS <i>Canberra</i>	Vessel scrapped.
28/08/2003	<i>Viarsa 1</i>	Uruguayan	ACV <i>Southern Supporter</i>	Vessel scrapped.
24/01/2004	<i>Maya V</i>	Uruguayan	HMAS <i>Warramunga</i>	Vessel scrapped.
06/09/2005	<i>Taruman</i>	Cambodian	ACV <i>Oceanic Viking</i>	Vessel scrapped.

Source: Australian Fisheries Management Authority

Question: 9 (continued)

In regard to vessels apprehended by Australian authorities in Australia's northern waters, the following details are provided:

Year	Apprehensions
2000-01	66
2001-02	98
2002-03	144
2003-04	133
2004-05	203
2005-06	367
2006-07	216
2007-08	156
2008-09	27
2009-10	23
2010-11	14
2011-12	12
2012-13	7
2013-14	26
2014-15	5
TOTAL	1497

The vast majority of these vessels were destroyed.

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Question: 10

Division/Agency: Australian Fisheries Management Authority

Topic: Ownership of boat

Proof Hansard page: 55-56 (23.02.15)

CHAIR asked:

CHAIR: So I want to know: who owns the boat?

Dr J Findlay: Seafish Tasmania owns the boat in Australia and—

CHAIR: No, they control the boat. Who owns the boat?

Dr J Findlay: I told you. Parlevliet & Van der Plas owns the boat.

CHAIR: Could you put all of that onto paper for me so I can do a tax-research issue on it?

Dr J Findlay: I think so, if I could take that on notice.

CHAIR: If you are going to approve this thing you have to know who you are approving. So please give me the details of whoever in Tassie is leasing it or has the rights to it—or is sharing equity or whatever they are doing—and the company and their ID that it is registered under, and their registration, so I can get the Parliamentary Library to do a bit of research for me.

Dr J Findlay: I do not think that is a problem. We can do that. I think it is a matter of public record anyway.

Answer:

Documentation provided to the Australian Fisheries Management Authority (AFMA) indicates that the owner is Seafish Tasmania Pelagic Pty Ltd (ABN 87157913776).

A check on the Australian Securities and Investments Commission's (ASIC) database indicates that Seafish Tasmania Pelagic Pty Ltd has three directors – Dirk-Jan Parlevliet, Dirk Van Der Plas, and Gerald John Geen. The most recent ultimate holding company of Seafish Tasmania Pelagic Pty Ltd is PP Groep Katwijk B.V.

Prior to nomination with AFMA of the *Geelong Star*, the Australian Maritime Safety Authority (AMSA) had certified the vessel to be an Australian boat.

It should be noted that under AFMA's legislation, a concession holder can nominate any Australian boat to his/her/its concessions in a fishery before fishing for the first time in that fishery. AFMA has no active role in this process, neither to approve nor reject such a nomination.

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Question: 11

Division/Agency: Australian Fisheries Management Authority

Topic: South-east Asian portside control

Proof Hansard page: Written

Senator WHISH-WILSON asked:

What steps has AFMA taken to improve the level of South-east Asian portside controls to stop the offloading of fish illegally caught in the Southern Ocean?

Answer:

Australian Fisheries Management Authority (AFMA) has provided training to assist South East Asian countries to improve their capacity to combat Illegal, Unreported and Unregulated (IUU) fishing through the development of effective port controls. This training has included elements of the Food and Agriculture Organization (FAO) Port State Measures Agreement and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Catch Documentation Scheme (CDS). Both initiatives are designed to block the flow of IUU caught fish into national and international markets. AFMA has provided training on port controls to member countries of the Association of South East Asian Nations (ASEAN) and signatories to the Regional Plan of Action to Promote Responsible Fishing Practices including Combating IUU Fishing in the Region (RPOA-IUU) at the following forums.

- a. June 2008 and June 2009 - Vessel inspection and toothfish identification training in Malaysia.
- b. June 2011 - Workshop in Malaysia on the implementation of port state controls and enhancing port management capacity to combat illegal fishing. All eleven RPOA-IUU countries attended.
- c. April 2012 - Presentations at the FAO workshop on implementing the FAO Port State Measures Agreement in Thailand. All eleven RPOA-IUU countries attended.
- d. August 2012 - Specific training to the RPOA-IUU Secretariat to enhance their effectiveness.
- e. November 2012 - Law of the Sea training to Indonesian fisheries personnel in Jakarta.
- f. February 2014, June 2014 and November 2014 - Port State inspection training in three Indonesian nominated fishing ports (Benoa, Batam and Ambon).

Question: 11 (continued)

- g. January 2015 - Port State inspection training in Singapore. All ten ASEAN countries, which include eight RPOA-IUU members, attended.

The awareness provided by these activities has assisted in leading the eleven countries cooperating under the RPOA-IUU to agree to deny port access to any vessel on IUU vessel lists agreed to by Regional Fisheries Management Organisations.

In addition, in November 2014, AFMA delivered training in Australia on the CCAMLR CDS to officials from Hong Kong, which is not a member of the RPOA-IUU or ASEAN. Hong Kong is expected shortly to introduce legislation that will make the requirements of the CCAMLR CDS part of Hong Kong law. China is a member of CCAMLR.

AFMA has also worked in conjunction with the CCAMLR Secretariat in Namibia in 2001 and Mauritius in 2005 and 2009 to implement the requirements of the CCAMLR CDS. Port inspection workshops were also conducted in South Africa in August 2010 and July 2012 and in Tanzania in July 2012. Namibia and Mauritius are no longer being used by IUU vessels as an offload port as they have implemented CDS, with Namibia becoming a member of CCAMLR and Mauritius an acceding State.

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Question: 12

Division/Agency: Australian Fisheries Management Authority

Topic: Southern Bluefin Tuna (SBT) quota

Proof Hansard page: Written

Senator WHISH-WILSON asked:

1. What evidence did AFMA use to support the decision to increase Australia's SBT quota in October 2013?
2. Did the Parliamentary Secretary for Agriculture, Senator Colbeck, discuss with AFMA the pending assessment of the SBT tuna quota prior to the decision to increase Australia's SBT quota in October 2013?
3. Did the Parliamentary Secretary for Agriculture, Senator Colbeck, express a view to AFMA regarding the pending assessment of the SBT tuna quota prior to the decision to increase Australia's SBT quota in October 2013?
4. Did the Australian Southern Bluefin Tuna Industry Association discuss with AFMA the pending assessment of the SBT tuna quota prior to the decision to increase Australia's SBT quota in October 2013? If so, is this standard practice?

Answer:

1. AFMA's main information source is the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) Management Procedure and underlying CCSBT stock assessment.

The Management Procedure is designed to rebuild the southern bluefin tuna stock to 20 per cent of unfished biomass by 2035 with a 70 per cent probability.

Based on the results of the Management Procedure, the 2011 CCSBT meeting set the global total allowable catch (TAC) and agreed allocations for members and co-operating non-members for 2012, 2013 and 2014. Australia's allocations under this Resolution were:

Year	2012	2013	2014
Australian Allocation (t)	4528	4698	5147

Question: 12 (continued)

During 2013, the Management Procedure was run with the latest data from the CSIRO aerial survey and Japanese catch rates and this resulted in higher TACs for the 2015-17 period. The result of 2013 Management Procedure confirmed the original 2011 decision on 2014 catch allocations.

Based on the information available, and in line with the *SBT Management Plan 1995*, the AFMA Commission set the domestic TAC at a level not greater than the Australian allocation from CCSBT.

2. The CCSBT Management Procedure was completed by the CCSBT Scientific Committee which met from 2 to 7 September 2013 prior to Senator Colbeck being appointed as the Parliamentary Secretary to the Minister for Agriculture.
3. The CCSBT Management Procedure was completed by the CCSBT Scientific Committee which met from 2 to 7 September 2013 prior to Senator Colbeck being appointed as the Parliamentary Secretary to the Minister for Agriculture.
4. The results of the 2013 Management Procedure were discussed at the 25 September 2013 Southern Bluefin Tuna Management Advisory Committee (SBTMAC) meeting, where several Australian Southern Bluefin Tuna Industry Association (ASBTIA) members, including the Chief Executive Officer, were present. Scientific and Recreational fishing representatives were also present at this meeting. ASBTIA members and AFMA staff were also present on the Australian delegation to CCSBT where the results of the Management Procedure were discussed. This is normal practice.

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Question: 13

Division/Agency: Australian Fisheries Management Authority

Topic: Small Pelagic Fishery (SPF)

Proof Hansard page: Written

Senator WHISH-WILSON asked:

In regards to the SPF and AFMA's announcement this month that it received a new notification that Seafish Tasmania Pty Ltd has nominated the Geelong Star to fish its concessions in the Small Pelagic Fishery:

1. Has AFMA made a decision to abandon the specific recommendation of the recent expert panel report to require 100% coverage by independent observers in the SPF?
2. Has the Parliamentary Secretary to the Minister for Agriculture, Senator Richard Colbeck, pre-empted AFMA's considered decision with his recent announcements regarding the Geelong Star?
3. Given the expert panel was clear on the need for 100% observer coverage, does AFMA have faith that any "move-on" provisions, protected species bycatch mitigation, or discards policies are adequate?
4. Is it true that AFMA's most recent review of the SPF recommended that target exploitation rates for the SPF should be species-specific and possibly even stock-specific, and that Tier 2 exploitation rates should be well below 7.5% for two SPF species targeted by the Geelong Star?
5. Will the Geelong Star have to abide by these recommendations?
6. Has the Parliamentary Secretary to the Minister for Agriculture, Senator Richard Colbeck, pre-empted AFMA's considered decision with his recent announcements regarding the Geelong Star?

Answer:

1. In line with conditions imposed by Australian Fisheries Management Authority (AFMA) several years ago, any new mid-water trawl boat that enters the Small Pelagic Fishery (SPF) is required to have observers for the first ten trips. This period of 100 per cent monitoring may be extended depending on assessed management and compliance risks. If it is not extended on-going observer coverage of 20 per cent of days fished still applies. Further, fishing operators are required to carry an AFMA Observer at any time when directed to do so by AFMA.

Question: 13 (continued)

2. No. AFMA has followed its normal processes in relation to the nomination of *FV Geelong Star* by Seafish Tasmania Pty Ltd.
3. AFMA has developed a vessel-specific management plan that sets out the requirements to minimise interactions with protected species. The plan draws on the advice of the Expert Panel and other experts in Australia and overseas. Implementation will be achieved through observer coverage, support from bycatch officers, correct use of approved mitigation gear, adaptive management and strong compliance arrangements. AFMA will review the plan as required in response to new information about the fishery and/or the operation of the vessel.
4. The Commonwealth Scientific and Industrial Research Organisation (CSIRO) report *Review and update of harvest strategy settings for the Commonwealth Small Pelagic Fishery* reviewed maximum harvest rates for SPF species and their role in the ecosystem. The harvest rates vary between stocks and Harvest Strategy Tiers. The research project will be considered by the Small Pelagic Fishery Resource Assessment Group (SPFRAG) and the South East Management Advisory Committee (SPFMAC) during late March and early April 2015. The CSIRO report along with the RAG and MAC advice will then be considered by the AFMA Commission when setting total allowable catches (TACs) for the SPF in late April 2015.
5. The TACs set by the AFMA Commission are allocated as quota to fishing concession owners. Seafish Tasmania can only fish the quota allocation it holds. It is up to Seafish Tasmania which boat it uses to take its quota.
6. Refer to answer to question two.