

Senate Rural Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2011

Agriculture, Fisheries and Forestry

Question: 266

Division/Agency: SRM/AFMA – Sustainable Resource Management

Division/Australian Fisheries Management Authority

Topic: Southern bluefin tuna aerial survey and marine bioregional planning

Proof Hansard Page: 108 (23/05/2011)

Senator Colbeck asked:

Senator COLBECK: I was aware particularly of overlap in relation to the survey. I have been through and had a good look at a couple of the previous reports and so have some sense of where those actually run. But, again, I am interested in the interaction in that fishery and how it might impact on the management of the fishery itself. I would not have thought that it would have had an impact on the aerial survey given that there is not too much interaction with the ocean itself, hopefully, apart from having a view from a fair way up.

Dr Dickson: It is probably something you could ask the environment department, but it is not something that they made us aware of in all the discussions we have had on this about any impact on SBT. Given there is a bit of complexity here, it is probably best to take this on notice and get a comprehensive answer to you on the proposed marine park for that region

Answer:

The scientific aerial survey of juvenile southern bluefin tuna (SBT) in the Great Australian Bight is conducted along a series of 15 north-south transect lines between 128°E and 135°E, running from the coast to just off the continental shelf. The scientific aerial survey provides fisheries-independent information on SBT abundance; that is, the area included in the survey is not dependent of the area fished by the commercial SBT industry.

There is some overlap between the transect lines of the scientific aerial survey and the proposed special purpose zones and multiple use zones of the proposed Great Australian Bight (extension) Commonwealth Marine Reserve and the Western Eyre Commonwealth Marine Reserve. At present, there is no overlap between the transect lines of the aerial survey and the proposed marine national park within the proposed Western Eyre Commonwealth Marine Reserve, which extends southward from beyond the continental shelf (southward from 36°24' S).

In recent years, commercial fishing for juvenile SBT in the Great Australian Bight has been concentrated between 131°E and 136°E, and between 33°S and 36°S. There is some overlap between the area fished in recent years and the proposed multiple use zone and special purpose zone of the proposed Western Eyre Commonwealth Marine Reserve. Commercial fishing using purse seine and pole-and-line is permitted within both of these zones under the current proposal.

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Question: 267

Division/Agency: SRM/AFMA – Sustainable Resource Management

Division/Australian Fisheries Management Authority

Topic: 200 metre isobath Offshore Constitutional Settlement boundary change

Proof Hansard Page: Written

Senator Siewert asked:

200 metre isobath OCS boundary change

1. Why is AFMA seeking changes to the boundaries of the Western Deepwater Trawl Fishery and North West Shelf Trawl Fishery that will open up over 6000 square kilometres of ocean floor to destruction by bottom trawling before the completion of the current DEWHA bioregional marine planning processes for South West and North West WA?
2. How is allowing uncapped and unmonitored (no catch limits and no effort controls) trawling in areas that will threaten the sustainability of vulnerable fish stocks, currently closely monitored and managed by WA state fisheries justified?

Answer:

1. The Western Deepwater Trawl Fishery and North West Slope Trawl Fishery boundaries are determined in accordance with the Offshore Constitutional Settlement (OCS) arrangement between the Federal and Western Australian governments. The intent of the OCS is that AFMA would manage waters 'seaward of the 200 metre isobath' with this being defined by a set of agreed coordinates.

In early 2007, AFMA became aware that the north east boundary of the North West Slope Trawl Fishery included areas of water shallower than 200 metres. There are also areas of water in the Western Deepwater Trawl Fishery that are deeper than 200 metres from which Commonwealth operators are excluded.

Following advice received regarding the waters shallower than 200 metres in the North West Slope Trawl Fishery, AFMA issued a closure direction which excluded Commonwealth operators from fishing in this area. This closure direction expired on 31 December 2010.

AFMA, the Western Australian Department of Fisheries and industry representatives from both state and Commonwealth fisheries attended a workshop in Perth in 2010. At this workshop managers and industry representatives from the Commonwealth agreed that in the spirit of co-management the industry would voluntarily close the waters previously covered under the closure direction. This voluntary closure expires in September 2011 and AFMA is seeking resolution to the boundary re-alignment concerns prior to this date.

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Question: 267 (continued)

The Department of Sustainability, Environment, Water, Population and Communities' Marine Bioregional Planning process is a separate issue related to marine biodiversity. AFMA does not view the Marine Bioregional Planning process as an impediment to finalising a resolution to the boundary re-alignment for the Western Trawl fisheries.

2. AFMA is not proposing to allow uncapped and unmonitored trawling in any part of the North West Slope Trawl Fishery or the Western Deepwater Trawl Fishery.

AFMA undertakes monitoring in all fisheries including the North West Slope and Western Deepwater Trawl fisheries. All permit holders are required to submit logbooks detailing catch and effort data. In addition to this reporting, AFMA requires vessels to carry AFMA Scientific Observers to monitor and collect scientific data in both of these fisheries.

The Western Trawl Fisheries are limited entry fisheries (maximum of seven fishing permits in the North West Slope and maximum of 11 fishing permits in the Western Deepwater Trawl). Very little fishing activity has occurred in either of these fisheries in the past five years. Gear restrictions and catch limits apply in both fisheries.

The Western Trawl Fisheries Harvest Strategy (implemented in early 2008) contains three catch trigger rules which initiate management actions that progressively increase data and analysis requirements for the fisheries (Levels 1 and 2) and establish a limit reference point (Level 3). Separate triggers and control rules apply to vulnerable species identified through the ecological risk assessment process.

AFMA is in the process of reviewing the Western Trawl Fisheries Harvest Strategy. In July 2011, a Western Trawl Harvest Strategy Working Group meeting will be held in Fremantle, with a view to revising the trigger rules in place for key species to ensure sustainable harvest, taking into account total harvest across federal and state jurisdictions. This process will allow for complementary arrangements for the key target species between both jurisdictions as it will adopt the Western Australian bioregions and fishery zones when estimating triggers. Representatives from the Western Australian Department of Fisheries will be involved in the review.

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Question: 268

Division/Agency: SRM/AFMA – Sustainable Resource Management

Division/Australian Fisheries Management Authority

Topic: Marine Bioregional Planning Gear Assessments

Proof Hansard Page: 109-110 (23/05/2011)

Senator Colbeck asked:

Senator COLBECK: The assessments do form a critical part of the process because they then go on to form the management plans and what particular activities are permitted in the respective zones under the IUCN categories. They are pretty critical to the overall process, and I would have thought that this agency would be a good go-to, if you like, to provide that quality advice in the case of a report prepared by a consultant for the environment department and then perhaps an assessment of that process and the opportunity to pick up anything that might be raising a red flag to head off any of these particular concerns. Was there any consultation with the consultant that prepared those reports?

Mr Thompson: I am not familiar with the detail of whether or not there was consultation with the consultants during the preparation of that report. There was quite a lot of officer discussion with counterparts in the environment department during the process on sort of day-to-day issues and questions and those sorts of things. I would have to take on notice whether we saw the consultant's report or commented on it formally.

Answer:

There was no consultation with DAFF.

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Question: 269

Division/Agency: SRM/AFMA – Sustainable Resource Management

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Topic: Seismic Work

Proof Hansard Page: 110 (23/05/11)

Senator Colbeck asked:

Senator COLBECK: I want to do a little bit on seismic work. There is a referral under the EPBC Act for BP applications in the GAB for a major seismic and exploratory drilling start. My understanding is that the tuna industry supports the developments but it has some concerns about the seismic survey taking place in the time frame, November through to April, that BP has applied for. Given that it overlaps the aerial survey time frame, has there been any consultation with the department in relation to that and any concern about that overlap?

Mr Neil: I will have to take it on notice to give you any detail. I understand that there has been an issue about seismic work in the north, where there was a question about the limited period when they could do the seismic work due to weather considerations and the fishing. My understanding is they have normally had a very good working relationship in relation to the seismic work and with the industry. On this occasion they do have a problem with the window available to undertake the seismic work as well as the fishing. I understood the issue was still being discussed between the parties. We could possibly provide you with more advice.

Senator COLBECK: If you could do that, I would appreciate it. I am not sure that we are talking about the same locations—

Mr Neil: No, I am not sure either.

Answer:

The proponents were aware of the concerns Australian Fisheries Management Authority (AFMA) and industry about the possible effects of seismic survey on aerial surveys in the Southern Bluefin Tuna Fishery. The company had considered the area of the aerial surveys and had allowed for separation of the two processes. The area proposed for the seismic surveys does not overlap with the area of the aerial surveys. AFMA also advised BP that the area proposed for the seismic surveys does not overlap with historical areas in which fishing for Southern Bluefin Tuna has occurred.

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Question: 270

Division/Agency: SRM/AFMA – Australian Fisheries Management Authority

Topic: Australian Sea Lion Management Strategy

Proof Hansard Page: Written

Senator Siewert asked:

1. What is the calculated reduction of impact upon the endemic Australian Sea Lion as a result of AFMA's Sea Lion Management Strategy and subsequent additional measures put in place?
2. Scientific advice from Goldsworthy Report and international experts, recommends that bycatch of Australian Sea Lions and particularly that of females be reduced to as close to zero as possible. In light of scientific opinion, how does AFMA consider the setting of a 'trigger level' of 104 animals per year (a bycatch rate of 1.5% per breeding cycle) sustainable?
3. In light of the complex genetic structure of sub-colonies of the Australian Sea Lion, how does DAFF/AFMA consider that the proposed strategy and measures will ensure the recovery of all sub-populations of the Australian Sea Lion?
4. How is the proposed bycatch rate of this vulnerable species, listed under federal and state legislation in line with the objectives of the Fisheries Management Act's of ESD and precautionary principles? Particularly in light of national and international science recommending bycatch be as close to zero as possible?

Answer:

1. Gillnet fishing interactions with Australian sea lions are extremely rare and there is too little data available to quantify the risk to these animals from fishing. One report (Goldsworthy et al. 2010) estimated that approximately 374 Australian sea lions were being killed by gillnets each breeding cycle (17.5 months).

Since AFMA's Australian Sea Lion Management Strategy commenced on 1 July 2010 (11 months) there have been two recorded Australian sea lion deaths in the fishery. These reports came from independent observers which covered approximately 11 per cent of fishing effort.

Recent data collection and additional research prompted AFMA to strengthen management arrangements and data collection in relation to interactions between the gillnet fishery and threatened, endangered and protected species including Australian sea lions, dolphins, seabirds and some shark species.

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On 27 April 2011, AFMA announced a range of further measures in the fishery including:

- increasing the existing area closed to gillnet fishing to protect sea lions from 6300 square kilometres to 18 500 square kilometres
- putting in place more precautionary sea lion bycatch trigger limits
- requiring 100 per cent independent monitoring for gillnet fishing off South Australia
- requiring 10 per cent observer coverage for gillnet fishing elsewhere in the fishery
- allowing some fishers currently able to use gillnets to use hooks off South Australia including in the areas closed to gillnets
- requiring 10 per cent observer coverage for shark hook fishing in the fishery
- prohibiting the discharge of offal from vessels while setting gillnets and requiring the removal of biological material from nets before they are set.

Continued comprehensive monitoring of the gillnet fishery by independent observers or through electronic monitoring over time will provide an accurate measure of fishery related interactions with Australian sea lions.

2. The Department of Sustainability, Environment, Water, Population and Communities sought an independent review of AFMA's Australian Sea Lion Management Strategy by American marine mammal expert Professor Daniel Costa in 2010. Dr Costa concluded that the only way to guarantee population recovery was to reduce fishing related mortality to zero, or very close to it.

AFMA worked closely with marine mammal experts to identify an appropriate limit to fishing related mortality.

The Australian Sea Lion Management Strategy contains a series of seven zones which would be closed to gillnet fishing if bycatch reached predetermined levels per zone. These levels or triggers were based on an assumed level of population growth exceeding 3 per cent. The total bycatch trigger level for all zones, based on approximately 11 per cent observer coverage, was 15 observed mortalities. This assumed a real mortality level of approximately 244 across the fishery per year.

In April this year, as part of the range of new measures put in place by AFMA, the bycatch trigger level for each zone has been reduced. The new trigger levels are based on fishery interactions with Australian sea lion females and the assumption that population growth in each zone exceeds 1.5 per cent. This is twice as conservative as the previous assumed growth rate.

AFMA understands that based on the limited information available, females comprise the majority of animals caught in gillnets. Setting a bycatch level based on females is therefore more precautionary than basing one on a total bycatch

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Question: 270 (continued)

(male and female) figure. Further, all animals that cannot be sexed will be assumed to be female.

The gillnet fishery is now 100 per cent monitored off South Australia and AFMA will regularly review any fishery-related mortalities and the need for additional management action.

3. AFMA has reduced the risk of gillnet interactions with Australian sea lions by increasing the area closed to gillnet fishing around sea lion colonies.

AFMA has almost tripled the area closed to fishing to some 18 500 square kilometres around 48 sea lion colonies as part of the new measures.

While all Australian sea lion colonies in South Australia are afforded protection under AFMA's Australian Sea Lion Management Strategy, colonies which have been identified as likely to be genetically distinct, or of small size, are now the focus of additional closures. The waters around these colonies are closed to gillnet fishing in an 11 nautical mile radius, an almost threefold increase from the previous 4 nautical mile closures.

4. There is a very high level of uncertainty around the estimate of the annual bycatch rate of sea lions in gillnets and the level of risk this bycatch poses to the population. AFMA's Strategy will allow sufficient data collection to establish the true extent of interactions while fishing continues in a precautionary manner. This Strategy pursues the *Fisheries Management Act 1991* sustainability, economic and accountability objectives.

Key uncertainties surround the most recent and comprehensive study of Australian sea lion interactions in the gillnet fishery (Goldsworthy et al 2010) including:

- Key assumptions underpinning the model-based projections of risk to sea lion populations as a result of bycatch mean that the projections are better suited to providing an assessment of relative risk to populations rather than actual risk as presented in the report
- Underlying rates of intrinsic growth are unknown for most subpopulations and modelled risks to studied populations do not fit the actual data (eg the largest colony at Dangerous Reef is growing at 5 per cent per breeding cycle but the model based projections assume the population is static (i.e. there is no growth)
- The estimates of fishing mortality are not consistent with population monitoring data for sea lions – if they were correct the historical population would have had to have been much larger than the data shows.

The Department of Sustainability, Environment, Water, Population and Communities sought an independent review of AFMA's Australian Sea Lion Management Strategy by American marine mammal expert, Professor Daniel

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Question: 270 (continued)

Costa, in 2010. Dr Costa concluded that the only way to guarantee population recovery was to reduce fishing related mortality to zero or very close to it. However, this does not mean that some level of fishing related mortality cannot be sustained while still allowing population rebuilding.

Recent changes in the fishery have significantly increased in the area closed to gillnet fishing, further reducing the likelihood of interactions in the fishery. All gillnet fishing in the Australian Sea Lion Management Zone is now subject to 100 per cent independent monitoring. This will ensure that all interactions in the fishery are recorded and management action taken to address any ongoing risk to sea lions.

The area closure triggers for the fishery limit the number of animals that could be killed by gillnet fishery interactions to less than 1.5 per cent of the population per breeding cycle. This rate assumes that population growth exceeds this figure.

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Question: 271

Division/Agency: SRM/AFMA – Sustainable Resource Management

Division/Australian Fisheries Management Authority

Topic: Chair of Recreational Fishing Advisory Committee

Hansard Page: Written

Senator Colbeck asked:

During Additional Estimates there were some questions asked about David Llewellyn's appointment as Chair of the Recreational Fishing Advisory Committee. In answer to QON 12 the Department advised that it was not aware of any real or perceived conflict of interest in relation to Mr Llewellyn.

1. Can you advise that this is still the case that he has not had to declare any real or potential conflict of interest?
2. In his role as a lobbyist registered with the Tasmanian Department of Premier and Cabinet, does Mr Llewellyn now have any registered clients?
3. Please provide details of the payment arrangements in place for Mr Llewellyn.
4. What payments or reimbursements has he received since his appointment?

Answer:

1. Yes.
2. No.
3. The Chair is required to submit a properly rendered tax invoice and receipts in order to claim sitting fees and reimbursement for travel and accommodation expenses incurred to perform the role. He also receives an incidental allowance and meal allowances when he required to travel to perform the role. All reimbursements and allowances are made in accordance with the financial policies and procedures of the department. No additional expenses have been incurred.
4. The Chair has received payment of sitting fees for the equivalent of eight days and reimbursement for associated flights and accommodation based on Tier 2 rates outlined in the Remuneration Tribunal Determination 2009–14.

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Question: 272

Division/Agency: SRM/AFMA – Sustainable Resource Management

Division/Australian Fisheries Management Authority

Topic: Letters to Coles and Woolworths

Proof Hansard Page: Written

Senator Colbeck asked:

Has AFMA received responses from Coles or Woolworths, with regard to the letters AFMA sent the two supermarkets on March 25, 2011? If yes, can AFMA provide copies of the letters?

Answer:

Yes

On 25 March 2011 AFMA wrote to Coles and Woolworths regarding their recently announced sustainable seafood program (Attachment A).

Copies of responses from Coles and Woolworths to AFMA's letters are attached (Attachment B).

[Attachment A – AFMA Letter to Coles and Woolworths]

[Attachment B – Responses from Coles and Woolworths to AFMA Letters]