

Rural and Regional Affairs and Transport Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates May 2013
Agriculture, Fisheries and Forestry

Question: 214

Division/Agency: Sustainable Resource Management Division/Australian Fisheries Management Authority

Topic: Noncompliance incident

Proof Hansard page: 19 (28/05/2013)

Senator RUSTON asked:

Senator RUSTON: Without naming them—in this particular situation that I am referring to, on 21 March the company received a letter from AFMA saying, 'After careful consideration of the facts there will be no further action taken against the company on this matter.' Then on 11 April the company received another letter which advised them that criminal investigations had commenced. So there is some level of confusion in a two-week space of time. They have gone from no further investigation to a criminal action, and that was the first time they had heard of a criminal action. Could you explain how something like that can happen?

Mr Venslovas: I would like to take that on notice to get to the bottom of the facts there in relation to that particular incident. As I mentioned before, I am unaware of the particular circumstances of that incident. But we will be able to provide something on notice.

Answer:

The advice provided to the company in both letters is correct. The first letter dated 21 March 2013 refers to a specific investigation concerning the non-completion of log sheets discovered following a boarding of the Company's vessel. The Australian Fisheries Management Authority (AFMA) issued the Master of the vessel, who was acting on behalf of and as an agent for the Company, with a \$340 Commonwealth Fisheries Infringement Notice. Based on the available evidence at the time, AFMA advised there would be no further action against the Company as an entity in itself. The second letter of 11 April 2013 refers to this matter and a further matter concerning an audit of the Company's tuna farming operations, which is ongoing. At the time of the second letter, the master had not paid the fine and as a result the matter was still ongoing. Until payment is made, the investigation of the alleged criminal offence remains ongoing. If they remain unpaid, the only recourse is to prosecute the alleged offender, in this case the Master of the vessel, before the Courts, with the potential for the Master to implicate the Company. This matter was closed on 14 April 2013 when the Master paid the fine.

Rural and Regional Affairs and Transport Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates May 2013
Agriculture, Fisheries and Forestry

Question: 215

Division/Agency: Sustainable Resource Management Division/Australian Fisheries Management Authority

Topic: Foreign fishing vessel incursions

Proof Hansard page: 26-27 (28/05/2013)

Senator IAN MACDONALD asked:

Senator IAN MACDONALD: So you are not aware of any foreign fishing vessel incursions into any of the Australian fishing zones in the north-east of Queensland in recent times?

Mr Venslovas: In recent times, I would say no.

Senator IAN MACDONALD: When was the last reported illegal event?

Mr Venslovas: I would have to check our records, but it would be at least a couple of years ago if not longer.

Answer:

The Australian Fisheries Management Authority (AFMA) is aware of foreign fishing vessels occasionally transiting through the Australian Fishing Zone in waters off northeast Queensland under their right of innocent passage whilst en route to other destinations. AFMA has a no evidence of illegal incursions occurring in this area since the apprehension of the Papua New Guinean-registered fishing vessel *Wan Feng*, a fishing vessel located fishing off north east Queensland 14.4 nautical miles inside the Australian Fishing Zone on 26 November 2008.

Rural and Regional Affairs and Transport Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates May 2013
Agriculture, Fisheries and Forestry

Question: 216

Division/Agency: Sustainable Resource Management Division/Australian Fisheries Management Authority

Topic: North-Eastern Sector Patrols

Proof Hansard page: 27 (28/05/2013)

Senator MACDONALD asked:

Senator IAN MACDONALD: Can you on notice, or does it give away something, tell me how many patrols have been made in that area of the world, say, in the last 12 months, or does that give away what your assessment is?

Mr Venslovas: I would have defer to the Border Protection Command on that question.

Senator IAN MACDONALD: Okay. Well could you put that to them? If they could tell me, could you give that to me on notice? If they, for operation reasons, do not want to, I obviously understand.

Mr Venslovas: Yes, all right.

Answer:

Due to operational sensitivities the Border Protection Command (BPC) does not disclose publicly its patrol frequency in specific regions.

In addition to surveillance provided by the BPC, the Australian Fisheries Management Authority monitors foreign fishing vessel movements in the Coral Sea region of the Australian Fishing Zone through satellite tracking systems maintained by the Forum Fisheries Agency and the Western and Central Pacific Fisheries Commission.

Rural and Regional Affairs and Transport Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates May 2013
Agriculture, Fisheries and Forestry

Question: 217

Division/Agency: Sustainable Resource Management Division/Australian Fisheries Management Authority

Topic: CDDA Claim

Proof Hansard page: 29 (28/05/2013)

Senator COLBECK asked:

Senator COLBECK: My understanding is that you have a draft Ombudsman's report; can you give me the status of that?

Dr J Findlay: I am not aware that we have got a draft Ombudsman's report. I certainly do not have a copy of that. I would have to take it on notice and check for you, but I am not aware of that.

Answer:

Refer to Hansard, Senate Budget Estimates, 28/05/2013, p 43.

Rural and Regional Affairs and Transport Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates May 2013
Agriculture, Fisheries and Forestry

Question: 218

Division/Agency: Sustainable Resource Management Division/Australian Fisheries Management Authority

Topic: AFMA FOI

Proof Hansard page: 32 (28/05/2013)

Senator COLBECK asked:

Senator COLBECK: Minister, have you made any comment or statement around this particular issue?

Senator Ludwig: They are FOI matters and AFMA is handling it very well.

Senator COLBECK: I mean not so much the issue of the release of the photographs, I am talking about the actual facts around the fishery, the management changes that have been made to the fishery and the actual impact in the fishery of those management changes in support of what our fisheries management system is doing. Have lent your weight in respect of advocacy towards those sorts of things?

Senator Ludwig: I will check with the records. We might have been asked to comment on particular issues, but I would have taken advice from the department and AFMA as to what I said.

Answer:

The Australian Sea Lion Management Strategy was implemented on 1 July 2010, before Senator Ludwig was sworn in as Minister on 14 September 2010. The Strategy was changed on 27 April 2011 to incorporate additional area closures and increased monitoring by observers or cameras. Further changes were implemented from 1 December 2012 that reduced the number Sea Lion mortalities that would trigger the additional area closures. All changes were implemented in consultation with the Department of Sustainability, Environment, Water, Population and Communities the Department of Agriculture, Fisheries and Forestry. The then Minister was informed of changes to the management arrangements.

The Australian Fisheries Management Authority (AFMA) did not ask the then Minister to comment on management arrangements in the gillnet hook and trap fishery and AFMA is only aware of one statement made in relation to this fishery. The following statement was made by Senator Ludwig whilst speaking to the Senate on 23 August 2012:

Enforcing and managing those fisheries is AFMA. From all reports and from the experience I have had with them over the two years, AFMA is a truly tough cop on the beat. They make tough decisions to support the sustainability of the Southern and Eastern Scalefish and Shark Fishery and they took the tough decision to respond to unacceptable bycatch of sea lions in the Gillnet Hook and Trap Fishery. I have had many conversations with the commercial fishers who tell me almost unanimously of the strictness of AFMA, who base their decision-making on the science that is available to them.

Rural and Regional Affairs and Transport Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates May 2013
Agriculture, Fisheries and Forestry

Question: 218 (continued)

The quote above can found at
http://www.maff.gov.au/media_office/transcripts/transcripts/speech-to-the-senate-on-the-disallowance-motion-on-the-small-pelagic-fishery-total-allowable-catch-quota-species-determination-2012)

Rural and Regional Affairs and Transport Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2013

Agriculture, Fisheries and Forestry

Question: 219

Division/Agency: Sustainability Resource Management Division/Australian Fisheries Management Authority

Topic: Research in the Small Pelagic Fishery

Proof Hansard page: 36 (28/05/2013)

Senator COLBECK asked:

Senator COLBECK: Do we know how much research went on in the SPF between 2008 and 2012?

Dr Rayns: I know that there were some projects undertaken, but off the top of my head I would have to take that on notice.

Answer:

The following research projects were conducted or completed relevant to the Small Pelagic Fishery (or related fisheries) between 2008 and 2012:

- **2008** – Lyle, J. M. (2008) Dolphin and seal interactions with mid-water trawling in the Small Pelagic Fishery, including an assessment of bycatch mitigation strategies. Tasmanian Aquaculture and Fisheries Institute (TAFI), University of Tasmania.
- **March 2008** – Ward, T.M et al. (2008) Ecological importance of small pelagic fishes in the Flinders current system. Final report to the Department of Environment, Water, Heritage and the Arts, South Australian Research Development Institute (SARDI) Aquatic Sciences, Adelaide.
- **March 2008** - Bulman, C. et al. (2008) Management zones from small pelagic fish species stock structure in southern Australian waters, CSIRO, Australia. (FRDC 2006/076).
- **May 2008** - Neira, F.J. and Lyle J.M. (2008) Provisional spawning biomass estimates for redbait off southern NSW using the daily egg production method (DEPM). Report prepared for the Australian Fisheries Management Authority (AFMA), Tasmanian Aquaculture and Fisheries Institute (TAFI), University of Tasmania.
- **June 2008** – Knuckey, I. et al. (2008) Review of the Draft Harvest Strategy for the Commonwealth Small Pelagic Fishery, Fishwell Consulting, Queenscliff, Victoria. (R2008/843).
- **August 2008** – Neira F.J. et al. (2008) Evaluation of egg production as a method of estimating spawning biomass of redbait off the east coast of Tasmania. Tasmanian Aquaculture and Fisheries Institute (TAFI), University of Tasmania. (FRDC 2004/039).
- **2009** - Sands, A. et al. (2009) Estimating catches of small pelagic species in eastern Australian fisheries, Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) Australian, Australia.
- **2009** – Rogers, P.J. et al. (2009) Reproductive biology of blue mackerel, *Scomber australasicus*, off southern and eastern Australia: suitability of the Daily Egg Production Method for stock assessment, CSIRO, Australia.

Rural and Regional Affairs and Transport Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2013

Agriculture, Fisheries and Forestry

Question: 219 (continued)

- **2009** - Ward, T.M. et al. (2009) Evaluating the use of the daily egg production method for stock assessment of blue mackerel, *Scomber australasicus*. *Marine and Freshwater Research*, 60: 112–128.
- **May 2010** - Giannini, F. et al. (2010) Management strategy evaluation (MSE) of the harvest strategy for the Small Pelagic Fishery, Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES).
- **2011** - Ward, T.M. et al. (2011) Use of the daily egg production method for stock assessment of sardine, *Sardinops sagax*; lessons learned over a decade of application off Southern Australia. *Reviews in Fisheries Science*, 19(1): 1–20.
- **2011** – Neira, F.J. (2011). Application of daily egg production to estimate biomass of jack mackerel, *Trachurus declivis* - a key fish species in the pelagic ecosystem of south-eastern Australia. Final Report to the Winifred Violet Scott Charitable Trust. Fisheries, Aquaculture and Coasts Centre, Institute for Marine and Antarctic Studies (IMAS), University of Tasmania.
- **2011** - Fulton, E.A. et al. (2011) Lessons in modelling and management of marine ecosystems: the Atlantis experience. *Fish and Fisheries*, 2: 171-188.
- **2011** - Smith, A.D.M. et al. (2011) Impacts of fishing low trophic level species on marine ecosystems. *Science*, 333: 1147-1150.
- **March 2011** – Bulman C.M. et al. (2011) The trophodynamics of small pelagic fishes in the southern Australian ecosystem and the implications for ecosystem modelling of southern temperate fisheries Report to Fisheries Research and Development Corporation. (FRDC 2008/023).
- **March 2011** – Goldsworthy, S.D et al. (2011) Establishing ecosystem-based management for the South Australian Sardine Fishery: developing ecological performance indicators and reference points to assess the need for ecological allocations. Final report to FRDC. South Australian Research and Development Institute (Aquatic Sciences), Adelaide. (FRDC 2005/031).
- **April 2011** - Ward, T.M. et al. (2011) Commonwealth Small Pelagic Fishery: Status Report 2010. Report to Australian Fisheries Management Authority by the South Australian Research and Development Institute (SARDI) Aquatic Sciences, Adelaide.
- **2012** - Fulton, E.A. et al. (2012) SE fisheries and climate simulations: barriers to adaptation. 2010/023 - Quantitative testing of fisheries management arrangements under climate change using Atlantis: Milestone Report Appendix 3. CSIRO, Australia.
- **April 2012** - Ward, T.M. et al. (2012) Commonwealth Small Pelagic Fishery: Status Report 2011. Report to Australian Fisheries Management Authority by the South Australian Research and Development Institute (Aquatic Sciences), Adelaide.
- **November 2012** - Fulton E.A. (Unpublished) Summary of Atlantis work relevant to Australia's small pelagics fishery. 9 p.
- **February 2013** – Lyle J.L. et al. (2013) Re-analysis of mean daily egg production in jack mackerel, Fisheries, Aquaculture and Coasts Centre, Institute for Marine and Antarctic Studies (IMAS), University of Tasmania.

Rural and Regional Affairs and Transport Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2013

Agriculture, Fisheries and Forestry

Question: 219 (continued)

- **February 2013** – Comments on using daily egg production method to estimate the spawning biomass of jack mackerel, *Trachurus declivis*, off south-eastern Australia, Nancy C. H. Lo, Ph. D. statistical consultant, retired from Southwest Fisheries Science Center, National Marine Fisheries Service, La Jolla, CA, USA.
- **Unpublished** – Ward, T.M. et al. (unpublished) Commonwealth Small Pelagic Fishery: Status Report 2012. Report to Australian Fisheries Management Authority by the South Australian Research and Development Institute (SARDI) Aquatic Sciences, Adelaide.
- **Unpublished** – Ward, TM and Lyle J.L. (unpublished) Monitoring and Assessment of Small Pelagic Fishery (SPF) quota species under the SPF Harvest Strategy, Tasmanian Aquaculture and Fisheries Institute (TAFI), University of Tasmania. (FRDC 2010/812).

Rural and Regional Affairs and Transport Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates May 2013
Agriculture, Fisheries and Forestry

Question: 220

Division/Agency: Sustainable Resource Management Division/Australian Fisheries Management Authority

Topic: Stereo Video technology

Proof Hansard page: 38-39 (28/05/2013)

Senator COLBECK asked:

Senator COLBECK: In respect of the automation of the stereo-video system can you tell me where that is at? My understanding is that there is a three-year contract with the University of Western Australia which started in July last year and will take three years to complete. Is that correct?

Dr J Findlay: That is still the case, yes.

Senator COLBECK: Can you give us the status of the contract and the process?

Dr J Findlay: I am actually meeting with a couple of proponents on 29 May, so at this stage I am not in a position to give you an update, but I will be happy to do it next estimates or on notice.

Answer:

The University of Western Australia has a project to investigate the automation of stereo video managed through the Australian Research Council. As co-funder the Australian Fisheries Management Authority signed a contract with the Australian Research Council, the University of Western Australia and other participants in the project on 17 May 2012. The University of Western Australia has now engaged the necessary staff to work on the project and a progress report is due to be made to the Australian Research Council by the end of 2013.

Rural and Regional Affairs and Transport Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates May 2013
Agriculture, Fisheries and Forestry

Question: 221

Division/Agency: Sustainable Resource Management Division/Australian Fisheries Management Authority

Topic: CDDA Claim

Proof Hansard page: Written

Senator COLBECK asked:

1. Has AFMA now received something from the Ombudsman?
2. When do you expect to respond to the Ombudsman?

Answer:

1. A letter dated 28 May 2013 from the Ombudsman's Office was received by the Australian Fisheries Management Authority (AFMA) on 31 May 2013.
2. AFMA responded to this letter on 19 June 2013.

Rural and Regional Affairs and Transport Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates May 2013
Agriculture, Fisheries and Forestry

Question: 222

Division/Agency: Sustainable Resource Management Division/Australian Fisheries Management Authority

Topic: Carrying forward of the levy debt in the Small Pelagic Fishery

Proof Hansard page: written

Senator COLBECK asked:

You have said that any levy under recovery is carried forward in that fishery. What happens if the \$124K expected to be recovered from the SPF in 2012-13 isn't recovered?

Will this result in a levy increase in a fishery that hasn't been fished because of government intervention?

How will the SPF research plan be funded if no levies?

Answer:

If the levies raised in a financial year are not recovered from concession holders in a fishery in that year, the component of the levies not recovered will be billed to concession holders through that fishery's levies in the subsequent financial year.

The Australian Fisheries Management Authority (AFMA) collects levies consistent with its 2010 Cost Recovery Impact Statement (CRIS) and any under collection in a particular fishing year is dealt with as described above.

If AFMA does not collect a levy for research then it cannot fund the research directly.

Rural and Regional Affairs and Transport Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates May 2013
Agriculture, Fisheries and Forestry

Question: 223

Division/Agency: Sustainable Resource Management Division/Australian Fisheries Management Authority

Topic: SESSF levy fluctuations

Proof Hansard page: Written

Senator COLBECK asked:

1. Is there an Industry Equalisation Reserve or similar in AFMA?
2. Please provide an update on the investigation into the granting of SFRs in the ETBF.
3. If there is one – how can the massive swings in levy give fishers any sort of confidence that their access rights are being well managed?

Answer:

1. The Australian Fisheries Management Authority (AFMA) does not have an industry equalisation reserve.
2. AFMA is not investigating the granting of statutory fishing rights (SFRs) in the Eastern Tuna and Billfish Fishery (ETBF).
3. AFMA does not have an industry equalisation reserve.

Rural and Regional Affairs and Transport Committee
ANSWERS TO QUESTIONS ON NOTICE
Budget Estimates May 2013
Agriculture, Fisheries and Forestry

Question: 224

Division/Agency: Sustainable Resource Management Division/Australian Fisheries Management Authority

Topic: Refugee Boats sunk in Southern Bluefin Tuna spawning ground

Proof Hansard page: Written

Senator COLBECK asked:

What evidence does AFMA have that the impact on the SBT spawning ground from sinking of refugee boats?

What assessment has been undertaken into the impacts of the sinking of illegal refugee vessels in the waters off Christmas Island?

What level of certainty does AFMA have of the potential impact of this action on SBT stocks?

Answer:

We have no evidence of any negative impact on recruitment of Southern Bluefin Tuna (SBT).

The Australian Fisheries Management Authority (AFMA) and Border Protection Command have applied to the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) for a permit to dispose of vessels at sea under the *Environment Protection (Sea Dumping) Act 1981*, and will be providing information on potential impacts as part of the permit application. AFMA understands that as part of its assessment of the application, SEWPaC will consider any impacts to the environment as well as any impacts to other users of the sea.

AFMA does not assess the impact of the disposal at sea of suspected irregular entry vessels on SBT stocks.