

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

**Question: 225**

**Division/Agency:** Sustainable Resource Management Division

**Topic:** Super Trawler Ban

**Proof Hansard page:** 42-43 (28/05/2013)

**Senator SIEWERT asked:**

**Senator SIEWERT:** I want to confirm the date in 2014 when the current super trawler ban ends. Is that the end and what happens after that date?

**Mr Thompson:** The procedure in place is that the investigation by the expert panel takes place. I think the declaration under the EPBC Act is the review that they can take up until then or sooner. So, it may actually be somewhat quicker than that. As we discussed earlier today, the process has just started. I am just checking the date. I think the date you provided sounded about right to me.

**Dr J Findlay:** It is 19 November for the declaration for fishing activity and 26 April for the free-to-vessel activity.

**Senator SIEWERT:** So, 19 November for 2014. What was the April date?

**Dr J Findlay:** It will be 26 April 2015.

...

**Senator COLBECK:** Is there any instructions to the panel about when they can report or whether they have to take their full time?

**Mr Thompson:** I am not aware of anything in that area. It would be a question that would have to be asked of SEWPaC who are running the secretariat.

**Senator SIEWERT:** There are two scenarios and you have already outlined one which is that they report earlier, potentially?

**Mr Thompson:** Possibly.

**Senator SIEWERT:** Possibly. What happens if they do not report by those dates, if there is no action before those dates?

**Mr Thompson:** I would have to take that one on notice. I think it would be one that we would need to check with SEWPaC. But my understanding of the construction of the legislation is that the requirement is that that review be undertaken by that date and, if it is not completed by that date, that declaration lapses. But whether that is the actual thing is another matter, because other declarations could be made for other reasons or something of that sort. So I would prefer to take the detail of that one on notice.

**Senator SIEWERT:** If you could. So, if there is no action taken and the declaration is not renewed, it goes back to the status quo from before the process was put in place. Would that be a correct interpretation?

**Mr Thompson:** It could be. I would prefer to take that on notice, because the other thing that comes into play is that the actual amendment to the EPBC Act is sunsetted as well.

**Senator SIEWERT:** Yes

...

**Senator COLBECK:** Is it possible to make a new declaration? That would be the question.

**Senator SIEWERT:** And does that mean that the boat can come back?

**Mr Tucker:** We can take that on notice, but SEWPaC are the administering department for that legislation, so it would probably be best if you could direct your questions to them.

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**Question:** 225 (continued)

**Senator SIEWERT:** Yes. Since NRM is on next door at the same time it is on here, it is really hard to be in two places at once, I have found. I will ask SEWPaC, but could you also take it on notice to go through those timelines—so what is the scenario when the sunset clause kicks in, and when the other deadlines kick in, and what happens if the review is not completed, or the process is not complete. Does that mean automatically that the boat can come back?

**Mr Thompson:** We will take that on notice.

**Answer:**

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is administered by the Department of Sustainability, Environment, Water, Population and Communities. However, we are able to provide the following information. We have consulted with the Department of Sustainability, Environment, Water, Population and Communities in preparing this response.

Following the *Final (Small Pelagic Fishery) Declaration 2012* (the Declaration 2012), the Environment Minister must appoint an expert panel to conduct an assessment and report to the Environment Minister about the declared commercial fishing activity. Minister Burke formally announced the membership of the expert panel and the terms of reference on 6 February 2013.

As set out in the EPBC Act the expert panel must give the Environment Minister the report on the assessment by the date specified in the terms of reference. The terms of reference state that the expert panel, for the Declaration 2012, must report to the Environment Minister by 22 October 2014. The EPBC Act is silent on what happens if the expert panel does not meet the date specified in the terms of reference.

Neither the EPBC Act nor terms of reference provide for any extension past this date. However, the terms of reference do provide that the expert panel may report prior to this date. As set out section 390SF of the EPBC Act:

“(3) *A final declaration:*

- (a) *comes into force at the end of the day on which it is registered in the Federal Register of Legislative Instruments; and*
- (b) *remains in force until the earliest of the following times:*
  - (i) *the end of the day on which the report of the expert panel is published on the Department’s website under paragraph 390SL(a);*
  - (ii) *the end of the period specified in the declaration as the period for which the declaration is in force;*
  - (iii) *if the declaration is revoked—when the revocation comes into force.”*

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**Question: 225** (continued)

Under section 390SF(4) of the EPBC Act, the Environment Minister must specify in the final declaration the period for which the declaration is in force and this must not be for a period longer than 24 months. The Declaration 2012 is in place until the end of the day on which the expert panel report is published on the department's website, midnight on the 18 November 2014 or if revoked.

The effect of section 390SM of the EPBC Act is that a new declaration under Part 15B is unable to be made 12 months after the day the amendment commenced. The Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Bill 2012 received Royal Assent on 19 September 2012. Therefore a new declaration is unable to be made under section 390SM of the EPBC Act after 19 September 2013. However, a new declaration may be made under section 390SM of the EPBC Act for other reasons prior to 19 September 2013.

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**Question:** 226

**Division/Agency:** Sustainable Resource Management Division

**Topic:** Caring for our Country administration costs

**Proof Hansard page:** 45 (28/05/2013)

**Senator SIEWERT asked:**

**Senator SIEWERT:** Thank you. In terms of the administration of the new division, can you take on notice an update on the figures for the administration costs. Obviously you can only give me yours, I would presume, and I will have to ask SEWPaC for theirs. Has there been or will there be any increase in the administration costs? This seems like a very confusing approach, to put it mildly.

**Mr Thompson:** Unless Michelle Lauder has it to hand, we could certainly take on notice the number. But, from a Commonwealth point of view, the amount we spend on administration is no more—in fact, at least from our portfolio's point of view, it is less—than we spent last year, because we are automating quite a number of the reporting processes and streamlining some of the assessment processes. So, from a government point of view, we will be spending less on administration. What we are trying to do is ensure—through things like electronic reporting, simplified contract provision and prepopulated report templates—that we also keep the administration down for the regional bodies as well. From their point of view, they should be seeing one body administering their funds, and from our point of view we will have a couple of sets of people looking into it, but there always was a team of three or four people looking at one state or one region anyway, so that has not changed in reality.

**Answer:**

The total administration costs for the Sustainable Agriculture stream of Caring for our Country, includes staff, monitoring and reporting and communications activities, over the period 2013–14 to 2017–18, is \$58.3 million. This is a reduction in administration costs and equates to less than ten per cent of the budget for the sustainable agriculture stream being spent on administration by the Australian Government.

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**Question: 227**

**Division/Agency:** Sustainable Resource Management Division

**Topic:** Camels

**Proof Hansard page:** 56-57 (28/05/2013)

**ACTING CHAIR asked:**

**ACTING CHAIR:** I have read reports recently that the \$70 levy was withdrawn in the APY lands, particularly. Are you aware of that?

**Ms Lauder:** No, not really.

**ACTING CHAIR:** It was in *The Australian* supplement.

**Ms Lauder:** It could be the fact that the funding that we provide finishes this year, so if that funding is coming from the project that the Australian government is funding, that would be why. This 135,000 camels is over four years, not five, because it has been a four-year project.

**ACTING CHAIR:** Could I ask that question on notice, the levy that has been recently reported in the media in respect to the APY lands where they are mustering and sending camels to Peterborough is in jeopardy because of the withdrawal of that levy? Could I get someone to tell me where that rests?

**Mr Tucker:** We will take that on notice. Just to make it clear, our program does not input a bounty, so it may be a state program.

**Ms Lauder:** No.

**ACTING CHAIR:** Thank you.

**Answer:**

The “\$70 levy” mentioned in *The Australian* refers to the Camel Removal Assistance Scheme, offered and administered by the South Australian Government. The Scheme is co-funded by Ninti One Ltd using Caring for our Country funds.

The Camel Removal Assistance Scheme provides a rebate of \$78 per camel removed, subject to certain conditions. The rebate can be taken as cash for camels removed for commercial use, or as a contribution to costs of aerial culling.

As it is a South Australian Government program, its future after the completion of the Caring for our Country project is a matter for the South Australian Government.

The continued mustering and sending of camels to the Peterborough abattoir is a matter for the relevant land managers.

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**Question: 228**

**Division/Agency:** Sustainable Resource Management Division

**Topic:** Camels

**Proof Hansard page:** 57 (28/05/2013)

**Senator EDWARDS asked:**

**Senator EDWARDS:** So, is there no biological or other control method; no herd control method. What you just said sounded very important but I am not sure what you actually meant.

**Ms Lauder:** So, additional camels culled—

**Senator EDWARDS:** You have been able to destroy 115,000 over four years—

**Ms Lauder:** It is 135,000, yes.

**Senator EDWARDS:** Apologies, 135,000 over four years. How many more are you going to cull in six months?

**Ms Lauder:** To tell you the truth I cannot remember. We can take that on notice.

**Answer:**

Ninti One Ltd estimates that up to another 40 000 camels could be removed by both commercial and non-commercial means before the completion of the project. This number is dependent on a number of factors, including the weather.

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**Question: 229**

**Division/Agency:** Sustainable Resource Management Division

**Topic:** Funding of Tasmanian Forest Agreement

**Proof Hansard page:** 64 (28/05/2013)

**Senator SIEWERT asked:**

**Senator SIEWERT:** Yes. I am trying to get to the bottom of what is being funded out of Caring for our Country. I have been next door and found out what is coming out of there. With the Tasmanian Forest Agreement I understand that \$94.5 million is coming out of Caring for our Country. Is that correct?

**Mr Thompson:** I could not answer that question. We would have to take that one on notice.

**Answer:**

In the 2012–13 Budget \$124 million was taken from the future years of Caring for our Country for Tasmanian Forests. Through the 2013–14 budget process, no funding was taken from the Department of Agriculture, Fisheries and Forestry components of Caring for our Country for the Tasmanian Forests Agreement.

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**Question:** 230

**Division/Agency:** Sustainable Resource Management Division

**Topic:** Tasmanian Forest Agreements

**Proof Hansard page:** 66 (28/05/2013)

**Senator COLBECK asked:**

**Senator COLBECK:** In terms of our understanding of the budget papers that is the provision for the Tasmanian Forest Agreements for the budget papers and for this department in terms of drought reform for Caring for our Country.

**Senator Ludwig:** So that we do not give you the run-around we will take it on notice for this portfolio and direct you obviously to SEWPaC in a reasonable way. So, when we come back to answer our questions we will say whether we are wrong or right in the sense of whether it is in this portfolio or not in this portfolio. To that extent, you can ask SEWPaC whether it is in their portfolio budget statement.

**Senator SIEWERT:** Thank you.

**Answer:**

In the 2012–13 Budget \$124 million was redirected from the future years of Caring for our Country for Tasmanian Forests. Through the 2013–14 budget process, no funding was redirected from the Department of Agriculture, Fisheries and Forestry components of Caring for our Country for the Tasmanian Forests Agreement.

In the 2013–14 budget process, \$98.8 million was redirected from the Caring for our Country program (Sustainable Agriculture stream) over five years to fund the Farm Household Allowance.



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**Question:** 231

**Division/Agency:** Sustainable Resource Management Division  
**Topic:** Marine Parks - Transitional Business Assistance  
**Proof Hansard page:** Written

**Senator COLBECK asked:**

How is the Transitional Business Assistance program development progressing?

Is the program being run by SEWPaC?

Is any assistance being provided by DAFF?

What knowledge of industry does SEWPaC have?

**Answer:**

1. Draft guidelines for the Transitional Business Assistance element of the Fisheries Adjustment Assistance Package have been released for public consultation and are available on the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) website at: [www.environment.gov.au/marinereserves](http://www.environment.gov.au/marinereserves).

The public consultation period closes on 1 July 2013.

2. Yes.
3. Yes, the Department of Agriculture, Fisheries and Forestry (DAFF) is providing input to the development of the Fisheries Adjustment Assistance Package including the Transitional Business Assistance element.
4. DAFF is unable to comment on SEWPaC's knowledge of industry.

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**Question: 232**

**Division/Agency:** Sustainable Resource Management Division

**Topic:** Commonwealth Marine Reserves

**Proof Hansard page:** Written

**Senator MACDONALD asked:**

1. Can the department indicate if it has assessed the number of commercial fishers who will be displaced by the Commonwealth Marine Reserves coming into effect?
2. Can the department provide data on the projected impact on fisheries catch? What is the projected reduction in catch that is anticipated by the re-zoning?

**Answer:**

1. The Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) was commissioned by the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) to identify and assess displaced commercial fishing activity and implications this may have for commercial fishers and regional communities. Displaced fishers will also be assessed during the implementation of the Fisheries Adjustment Assistance Package.
2. The final proposed network displaces 1482–1529 tonnes of catch per annum with a total Gross Value Production (GVP) impact of \$10.1–11.1 million. Table 1 provides a summary of the displaced GVP of catch for each jurisdiction.

<b>Jurisdiction</b>	<b>Estimated displaced GVP (\$ million)</b>	<b>Per cent of wild capture GVP displaced</b>
Commonwealth	\$5.95-6.86	1.9-2.2
Western Australia	\$2.66-2.73	1.0
Queensland	\$0.67	0.3
Northern Territory	\$0.37	1.2
South Australia	\$0.27	0.1
New South Wales	\$0.23	0.3

**Table 1 - Displacement from the final marine reserves by jurisdiction (source: Larcombe, J & Marton, N 2012, *Final Commonwealth marine reserves network proposal: ABARES social and economic assessment*, ABARES, Canberra, August).**