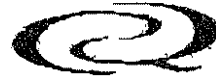




Department of Fisheries
Government of Western Australia



Fish for the future



1. SUBMISSION TO:

THE JOINT COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES

2. SUBMITTED BY:

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3. INTRODUCTION

The fishing industry in Western Australia has access to and is successfully utilising stocks of Patagonian Toothfish in the Australian Fishing Zone (AFZ) adjacent to Heard and McDonald Islands. The future management, exploitation and sustainability of Antarctic fish resources and the continuing ability to access to those resources are of interest to Western Australia.

The Government of Western Australia is concerned that the current level of funding and resourcing provided by the Commonwealth in respect to the Heard and McDonald AFZ is not sufficient to protect the current Patagonian tooth fish fishery and other potential fish resources within the Commonwealth's Antarctic jurisdiction. Antarctica's fish resources are likely to be subject to increasing illegal fishing pressure as high sea fisheries continue to decline.

LACK OF FISHERIES COMPLIANCE RESOURCING IN ANTARCTIC TERRITORIES

Western Australia has maintained an International Fisheries Operations Unit since 1975, with officers providing monitoring, control and surveillance (MCS) services for Commonwealth domestic and foreign fishing activities adjacent to Western Australia and external territories in the Indian and Southern Oceans. Part of the units responsibilities is the provision of fisheries compliance services in the waters of the Australian Fishing Zone surrounding Heard and McDonald Islands on behalf of the Commonwealth through the Australian Fisheries Management Authority (AFMA).

Since 1997, WA fisheries officers have conducted ten dedicated fisheries surveillance and compliance patrols to the Heard and McDonald Islands, which has resulted in the apprehension of six illegal fishing vessels. Western Australian Fisheries Officers have developed considerable compliance expertise in respect to fisheries protection in sub Antarctic waters and report inadequacies in the current compliance program.

From a WA perspective the Southern Ocean fisheries compliance program appears to operate on an ad hoc basis in response to reported illegal fishing activity. It would be timely to conduct a strategic assessment of Australia's future compliance needs to protect and manage our Antarctic marine resource.

The current compliance program is limited to approximately two sea patrols a year and does not have aerial and surface capability or capacity to effectively deter illegal fishing within Australia's Antarctic maritime boundaries. This is at a time of increasing threat by *pirate* high seas fishing fleets, which pose a real threat to the future sustainability of Antarctic marine resources.

Patagonian Toothfish stocks found in waters of the sub Antarctic surrounding the island groups belonging to South Africa have been depleted to the point where illegal fishing has virtually ceased in those waters. Illegal fishing activity is now concentrated on the Kerguelen plateau in French and Australian waters.

Whilst Western Australia recognises the high cost of deploying surveillance assets in Antarctic waters, without adequate surveillance and enforcement, the Kerguelen plateau resource will suffer a similar decline as that experienced in South African subantarctic waters.

There is a requirement for an ice class patrol vessel, capable of undertaking regular and prolonged surveillance patrols in Southern Ocean waters supported by adequate aerial surveillance. It is understood that the New Zealand navy are planning the construction of this class of patrol vessel.

Operationally, such a boat should have sufficient endurance and redundancy to remain on operational patrols for extended periods without the need to resupply or refuel.

It would be preferable for the vessel to be helicopter capable with the capacity to carrying an armed boarding party. The boat should be fitted with appropriate electronic detection equipment and carry boarding craft of sufficient size to provide for maximum safety when boarding. The vessel should be fitted with main armaments capable of stopping offending fishing vessels should they fail to comply with an order to stop.

The recent *Viasa 1* incident where a suspect vessel refused to stop and the resultant 21-day high seas chase before compliance assets from other nations were used to secure the offending vessel, is an indication of the ineffectiveness

of the current program. The chase probably added between \$2-5m onto the cost of apprehending the *Viasa 1*. The inability to stop the vessel *in situ* resulted in the loss of significant evidence gathering opportunities and maximised the ability of the crew to destroy and manufacture evidence to undermine the Commonwealth case.

It is important that the issue of aerial support to patrol vessels operating in the Southern Ocean is also addressed. This could involve aerial support from mainland Australia as well as cooperating with other nations in the region. Australia should explore with other States with fisheries jurisdictions in Antarctic waters, possible cooperative agreements including joint utilisation of surveillance assets including facilities.

The power of fisheries officers under the Commonwealth Fisheries Management Act 1991 to direct and stop fishing vessels found that the AFZ is deficient and limits the efficiency of the existing and any future fisheries compliance program for Antarctica.

6. KEY RECOMMENDATIONS

- The Commonwealth develop a strategic compliance plan for the sustainable management of Antarctic marine resources. Consideration needs to be given to the provision of adequate numbers of expert compliance officers, supported by an appropriate class of patrol boat and aerial surveillance capacity.
- The Commonwealth develop cooperative agreements with other States for the provision of more effective fisheries compliance program in Antarctic waters.
- The Fisheries Management Act 1991 be amended to provide adequate powers to direct and stop fishing boats found within the Australian AFZ.