

**Rural and Regional Affairs and Transport Legislation Committee**

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2017

**Agriculture and Water Resources**

**Question:** 16

**Division/Agency:** Australian Fisheries Management Authority

**Topic:** Consultation with Indigenous fishers

**Proof Hansard page:** 90 (25.05.2017)

**Senator BROWN** asked:

**Senator CAROL BROWN:** I have one more question. Have you consulted with rec fishers and Indigenous fishers in regard to mid-water pair trawling?

**Dr Findlay:** I mentioned in answer to your first question about the process we went through.

**Senator CAROL BROWN:** You talk very quickly.

**Dr Findlay:** We went through quite an extensive process involving marine experts, a number of management advisory committees and the scientific expert panel. The management advisory committee for the southeast, the South East MAC, includes recreational fishers on that group. A lot of the submissions we received during the public comment phase were from recreational fishers or on behalf of recreational fishing associations. I would have to check my list about whether or not any Indigenous fishing or Indigenous groups made submissions during that time.

**Senator CAROL BROWN:** Would you be able to answer that on notice?

**Dr Findlay:** Yes, unless we have it here and we can answer it quickly.

**Dr Rayns:** We had a public consultation period and there were a large number of submissions so we would have to take that on notice.

**Senator CAROL BROWN:** So, other than through that process of people putting in submissions or comments, there has been no other consultation with Indigenous fishers?

**Dr Findlay:** Not specifically, no.

**Senator CAROL BROWN:** But there has been with rec fishers?

**Dr Findlay:** Recreational fishers are represented on the South East Management Advisory Committee and also attend a number of our public forums. There was one of those during that time. Again, Indigenous fishers may have also attended that group, but I would have to check the attendance list.

**Senator CAROL BROWN:** Would you be able to answer that on notice?

**Question:** 16 (continued)

**Dr Findlay:** Yes.

**Answers:**

- a. No submission received during the public consultation process identified itself as being from an individual or representative for an Aboriginal or Torres Strait Islander group.
- b. No attendee at the public forum identified themselves as being an individual or representative for an Aboriginal or Torres Strait Islander group.

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Budget Estimates May 2017

**Agriculture and Water Resources**

**Question: 17**

**Division/Agency:** Australian Fisheries Management Authority

**Topic:** Dolphins

**Proof Hansard page:** Written

**Senator WHISH-WILSON asked:**

1. What would be the cumulative number of lethal interactions with dolphins in the Gillnet, Hook and Trap Fishery (GHTF) if each operator in the fishery reached the maximum interaction rate in a six month period?
2. What would be the cumulative number of lethal interactions with dolphins in the Small Pelagic Fishery (SPF) if each operator in the fishery reached the maximum interaction rate in a six month period?
3. When assessing the exceedances of allowable lethal interactions with dolphins in a given review period: does AFMA take into account a given fisher's previous review periods; or does a fisher 'start anew' at the beginning of each review period?
4. In the GHTF, could a fisher catch 5 dolphins in one 6 month review period; another 6 or more dolphins in the next review period; and another 6 or more dolphins in the next 6 months before being excluded from the fishery?
5. In the SPF, could a fisher exceed the maximum interaction rate twice in 12 months on the Eastern side of the fishery and then move to the Western side of the fishery and catch more dolphins on that side?
6. Can fishers in the GHTF or the SPF fisheries potentially catch 5 dolphins every 6 months ongoing without being excluded from the fisheries?
7. What is typically the target species when dolphins are caught in the GHTF?
8. What is typically the target species when dolphins are caught in the SPF?
9. Were animal welfare considerations taken into account in developing the Dolphin Mitigation Strategies?

**Question:** 17 (continued)

**Answer:**

1. The Gillnet Dolphin Mitigation Strategy defines an interaction with a dolphin as physical contact between the dolphin and fishing gear and/or a vessel. This means that the Strategy responds to all interactions both lethal and nonlethal. The Strategy also reinforces the requirement for compulsory reporting of all dolphin interactions and AFMA's confidence in the reporting is very high due to the presence of electronic monitoring equipment on vessels.

The Strategy seeks to minimise all dolphin interactions. The Strategy requires fishers to take action after even a single non-lethal interaction and establishes escalating AFMA responses to any further interaction. This includes a maximum interaction rate for the Gillnet sector of one dolphin interaction per 210 000 metres of gillnet set.

The number of interactions required to exceed the maximum interaction rate for an individual operator, which includes all interactions not just lethal interactions, is based on their fishing effort during a six month review period. The amount of fishing effort by each operator across the fishery and the number of operators is highly variable through time so it is not possible to estimate a cumulative number of interactions across the entire fishery if each operator reached the maximum rate.

There are also a number of management responses in place designed to respond to all interactions as they occur throughout the review period, in order to prevent a fisher from exceeding the maximum interaction rate. These include the requirement to cease fishing and return to port in order for AFMA to review interaction factors if a fisher has three or more interactions occur across three or more gear sets regardless of the interaction rate.

2. The SPF Dolphin Mitigation Strategy defines an interaction with a dolphin as physical contact between the dolphin and fishing gear and/or a vessel. This means that the Strategy responds to all interactions both lethal and nonlethal. The Strategy also reinforces the requirement for compulsory reporting of all dolphin interactions and AFMA's confidence in the reporting is very high due to the presence of electronic monitoring equipment on vessels.

The Strategy seeks to minimise all dolphin interactions. The Strategy requires fishers to take action after even a single non-lethal interaction and establishes escalating responses for AFMA to any further interaction. This includes a maximum interaction rate for the SPF sector of one dolphin interaction per 50 trawl gear sets.

The number of interactions required to exceed the maximum interaction rate for an individual operator, which includes all interactions not just lethal interactions, is based on their fishing effort during a six month review period. The amount of fishing effort by each operator across the fishery and the number of operators is highly variable through time so it is not possible to estimate a cumulative number of interactions across the entire fishery.

**Question: 17 (continued)**

There are also a number of management responses in place designed to respond to all interactions as they occur throughout the review period, in order to prevent a fisher from exceeding the maximum interaction rate. These include the requirement for an operator to review their mitigation measures if any interaction occurs and the requirement to cease fishing and return to port in order for AFMA to review interaction factors if three or more interactions occur across three or more gear sets regardless of the interaction rate.

3. Both the SPF and GHTF dolphin mitigation strategies seek to minimise all interactions with dolphins, defined as physical contact between a dolphin and fishing gear or a vessel, not just lethal interactions.

Both strategies use an individual accountability approach with significant escalating management responses, including the requirement to cease fishing and return to port in order to review interaction factors if three or more interactions occur in three or more gear sets and closures for operators who are unable to minimise their interactions. The management response, whether it is based on the maximum interaction rate or the interaction cap, takes into account the operator's performance in the previous review periods.

4. The GHTF Dolphin Mitigation Strategy contains a series of escalating responses to dolphin interactions, as interactions include but are not limited to capture. These responses combined with the operational characteristics of vessels mean that it is extremely unlikely the hypothetical situation would ever eventuate. In addition, if an individual was having this level of interactions on an ongoing basis, the management responses under both strategies impose such a cost burden to that individual that continuing to operate in the fishery is likely to become economically unviable.
5. If an operator exceeds the maximum interaction rate twice in 12 months they will be excluded from that half of the fishery (either the eastern or western half). If they continue to have an unacceptable level of dolphin interactions, by exceeding the interaction cap, they will be excluded from the whole fishery for 6 months.
6. Both the GHTF and SPF Dolphin Mitigation Strategies contain a series of escalating responses to dolphin interactions (as interactions include but are not limited to capture). These responses combined with the operational characteristics of vessels mean that it is extremely unlikely the hypothetical situation would ever eventuate. In addition, if an individual was having this level of interactions on an ongoing basis, the management responses under both strategies impose such a cost burden to that individual that continuing to operate in the fishery is likely to become economically unviable.
7. The primary target species for all gillnet operators in the GHTF is gummy shark.
8. The target species for operators in the SPF are Australian sardine, blue mackerel, Jack mackerel and redbait.
9. The Dolphin Mitigation Strategies aim to minimise and avoid interactions.