

Senate Rural and Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2010

Agriculture, Fisheries and Forestry

Question: AFMA 01

Agency: Australian Fisheries Management Authority

Topic: Cost to AFMA of Oceanic Viking

Hansard Page: 96 (08/02/2010)

Senator Colbeck asked:

Senator COLBECK—Obviously there was some uncertainty at the time about what was going to happen with the vessel and with logistical arrangements, so I think a week is reasonable. Did the officer take any role with respect to the people who were taken onto the ship, do you know?

Mr Venslovas—Our approach is that where officers are deployed on patrol boats that become involved in the apprehension of SIEVs, our officers normally do not get involved in the law enforcement aspects of that program. However, from a logistical point of view, where there is practical value that can be added by the officer, they become involved in certain areas. On this occasion, the female officer, or AFMA officer, on board was assisting in the searching of female asylum seekers.

Senator COLBECK—Okay. I understand if you have to take this on notice, but could you give us the cost implications of the time that was lost during that particular process from the time that the people were picked up to when the officer was repatriated to Darwin and the costs associated with that, please?

Mr Venslovas—Yes.

Answer:

The cost of salary and associated allowances for the AFMA officer on board the Oceanic Viking from the time the asylum seekers were picked up until the officer was flown home were \$2,430. A further \$545.07 was spent on the airfare to fly the officer home.

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Question: AFMA 02

Agency: Australian Fisheries Management Authority

Topic: Recognition of Statutory Fishing Rights

Hansard Page: 97 (08/02/2010)

Senator Colbeck asked:

Senator COLBECK—Hopefully that is something that is positive coming forward. I think we had some discussion at an earlier estimates hearing in relation to recognition of statutory fishing rights. The department or AFMA was doing some work on the recognition of those where they sat. Is there anything further that you can report to me on that, or is there any information that you might be able to give us as far as how they are being recognised? I understand there was some legal advice being sought on the actual statutory nature of the rights.

Prof. Hurry—I think we took that question but it is going back a while.

Senator COLBECK—It is a little while. I am just wondering if there is anything further on that.

Prof. Hurry—Unless Dr Findlay has something, I would probably be better placed to take it on notice and come back to you.

Answer:

As advised by the Sustainable Resource Management Division and AFMA in response to a Question on Notice in October 2009 (SRM 31, Hansard Page 112-13, 19/10/09);

“The Department of the Environment, Water, Heritage and the Arts has engaged a consultant to review the legal basis of property rights as part of its process to establish a new policy for managing activities displaced by the implementation of marine protected areas. This report has not been made public. DAFF is involved to the extent of its participation in a steering group guiding the development of this policy. The steering group has met once.”

The department has since advised AFMA that the steering group has not met further since the last response. However, a stakeholders’ advisory group, including industry members, will be provided with a copy of the draft report ahead of its next meeting. The industry group includes representatives of the fishing industry.

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Question: AFMA 03

Agency: Australian Fisheries Management Authority

Topic: Operation of the Oceanic Viking

Hansard Page: Written

Senator Colbeck asked:

1. Can AFMA advise on the operation of the Oceanic Viking for the first half of this financial year?
2. In the 2009-2010 budget funds were set aside for the vessel:
“More than 6 million over two years will also be provided for the Oceanic Viking to undertake an additional 80 days of surveillance and patrol in Australia’s northern waters”. (12 May 2009 media release by the Minister for Home Affairs).
3. As far as I am aware, the vessel was in Northern waters on 20th of September (most probably there much earlier) and remained there until early to mid December. This would put the time in Northern waters at 80 days or well over.
4. How many days did AFMA officers spend on the ship in northern waters?
5. What was the role of the AFMA officers with respect to refugees transported by the vessel to Christmas Island or Indonesia?.
6. If they were on the vessel at this time what was the cost of their wages etc?
7. Have there been any sightings or arrests of poachers by the Oceanic Viking in the Southern Ocean since December?

Answers:

1. In the first half of financial year 2009-2010 the Oceanic Viking undertook one southern patrol and three northern patrols.
- 2-3 This question should be directed to the Attorney-General's Department.
4. Of the total of 125 days spent in northern waters AFMA officers were onboard the Oceanic Viking for 80 days. For 34 days there were three AFMA officers embarked and for 46 days one AFMA officer was embarked.
5. During the transportation of the Asylum Seekers AFMA officers assisted Customs officers by providing Indonesian translation services between the Customs Officers and Indonesian crews.

One female AFMA officer also assisted Customs by searching the female asylum seekers.
6. The total cost in salary and associated allowances for AFMA officer time on all northern patrols specifically related to the collection and transportation of asylum seekers was \$23,000.

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Question: AFMA 03 (continued)

7. The last sighting in the Southern Ocean inside the Australian Fishing Zone was of the *Taruman* in June 2005. The vessel was sighted adjacent to Macquarie Island. The vessel was subsequently arrested on the high seas in September 2005. This was the last arrest made by the Oceanic Viking in the Southern Ocean.

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Question: AFMA 04

Division: Sustainable Resource Management and Australian Fisheries Management Authority

Topic: South Pacific Regional Fisheries Management Organization

Hansard Page: Written

Senator Colbeck asked:

1. In November there were media reports of Spanish vessels fishing with gillnets in the Tasman Sea as well as a significant length of gillnet being found in Antarctic waters.
2. Can AFMA confirm these?
3. Does AFMA have any further details of sightings or reports?
4. Were these ships with Australian waters or international waters?
5. Is this the first time AFMA had become aware of such fishing practices – by Spanish vessels or anyone else?
6. Was this matter raised directly with the EU or Spain?
7. Can you provide details on the status of the ban that was discussed in the meeting of the South Pacific Regional Fisheries Management Organisation in Auckland in November?
8. Has this been implemented? What will be the effects, if any, on Australia's commercial fishing sector?

Answers:

1&2 AFMA has received two reports from New Zealand authorities regarding Spanish fishing vessels. On 8 December 2009, the New Zealand Ministry of Fisheries reported to AFMA that the fishing vessel *Arnela* had entered the New Zealand Territorial Sea off New Plymouth to disembark personnel. At this time, New Zealand authorities established that the vessel was using nets as the principal method of fishing and that the vessel had been operating in the Tasman Sea. On 28 January 2010, the New Zealand Ministry of Fisheries reported to AFMA that the fishing vessel *Mar De Maria* was sighted by a New Zealand surveillance patrol transiting through the New Zealand Exclusive Economic Zone.

The fishing vessel *Mar De Maria* also previously reported its position, course and speed to AFMA during its transit of the Australian Fishing Zone (near Norfolk Island) in May 2009.

In April 2009 the Australian Customs and Fisheries patrol vessel *Oceanic Viking* located approximately 130km of abandoned gillnets on the high seas in Antarctic waters.

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Question: AFMA 04 (continued)

3. Yes, AFMA receives a broad range of information on possible illegal fishing activity.
4. Please refer to the answer to part 1.
5. Gillnetting is widely employed in fisheries around the world and in some fisheries in Australia. AFMA manages a gillnet fishery in accordance with the Commonwealth Harvest Strategy Policy and the Southern and Eastern Scalefish and Shark (SESS) Harvest Strategy Framework which provides for the sustainable management of the fishery. The SESS fishery is accredited by DEWHA and in February 2010 was granted a new Wildlife Trade Operation Declaration. The SESS Management Arrangement Booklet 2010 outlines the various restrictions on the gillnet fishery which includes a 183m depth restriction. The Western Central Pacific Fishing Commission also permits limited gillnetting on the high seas. Demersal gillnetting for Patagonian Toothfish has developed in the illegal, unreported and unregulated fleet of the Southern Ocean in recent years.
6. Yes. The Australian delegation to the eighth negotiating session (9-13 November 2009) to establish a South Pacific Regional Fisheries Management Organisation (SPRFMO) raised this issue with the head of the European Union delegation at that meeting. Australian, New Zealand and European Union delegates worked together to secure the measure to ban deepwater gillnets in the high seas throughout the area that will be under the competence of SPRFMO, once established.
7. Participants to the eighth negotiating session to establish SPRFMO agreed to apply the following interim measure:

Participants commit themselves to:

1. *require any vessel flying their flag not to use deepwater gillnets in the Convention Area until relevant conservation and management measure are adopted by the future Commission, which will be established following the entry into force of the Convention; and*
2. *require any vessel flying their flag seeking to transit the Convention Area carrying gillnets to give advance notice of its intent, including the expected dates of its passage through the Convention Area, to the Interim Secretariat.*

The Interim Measure will have effect for all participants from 1 February 2010. If a participant informs the Interim Secretariat before 1 February 2010 that it will not apply this Interim Measure, this Interim Measure will not apply to that participant.

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Question: AFMA 04 (continued)

The ban came into effect on 1 February 2010. According to the Interim Secretariat, no participant advised that it would not apply this measure.

8. The ban came into effect on 1 February 2010 and applies to the high seas only. Implementation of the gillnetting ban in the SPRFMO convention area will have no effect on Australia's commercial fishing sector based on current levels of activity. Current Australian high seas permits do not authorize gillnetting on the high seas.