

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 230

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

**Topic:** CDDA Claim

**Proof Hansard page:** 8

**Senator COLBECK asked:**

**Senator COLBECK:** I have not done it deliberately, because I do not want to identify the person, but I have asked questions about it at estimates before and, in response to my questions on the specific case, the department has answered. I am under no illusion that you do not know what I am talking about.

**Mr Aldred:** I believe I know what case you are talking about, Senator, but I would definitely want to check the timeline of events as you have stated them. They do sound more complex and to have more people involved than I understood was the case. I am happy to follow up and provide details of the activities on notice.

**Answer:**

The Australian Fisheries Management Authority (AFMA) would like to clarify some of the dates and issues regarding when the claim was received and how many officers had been appointed. AFMA received a phone call on 26 March 2012 where the claimant advised he wished to apply under the Compensation for Detriment caused by Defective Administration (CDDA) scheme and asking how to do so, and an email reply was sent on 26 March 2012 providing a CDDA fact sheet and a link to the Department of Finance and Deregulation page. This email did not state that ‘this person would be managing it’. The claim was not received by AFMA on 19 April, the claimant’s letter is dated 19 April, and the CDDA claim is dated 27 April 2012, but the claim was received in the AFMA office on 2 May 2012. The claimant was advised by a letter from AFMA on 24 May 2012 that the claim had been received and the claimant would be contacted with the next steps, which would include appointing a person to review the claim. He was also provided with a contact person – not the reviewing officer.

A summary of further action dates are listed below. There has only been one AFMA officer appointed to investigate the claim, other AFMA staff who had spoken with the applicant have been contact officers.

The timeline of key events in relation to this matter is:

- 2 May 2012—CDDA Claim dated 27 April received by AFMA
- May and June 2012—AFMA collated relevant material spanning more than 10 years.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 230 (Continued)**

- July–September 2012—Given the limited number of Senior Executive Service (SES) in AFMA (3), AFMA sought the Department of Agriculture, Fisheries and Forestry's (DAFF) assistance with the appointment of an officer to investigate the claim. Three DAFF SES officers were approached to undertake the review. At no point during this period had a report been prepared and considered.
- 17 September 2012—AFMA writes to DAFF seeking DAFF Secretary's approval to formally appoint a review officer.
- 4 October 2012—DAFF advised AFMA that DAFF officers did not have the authority to review a claim made against another agency.
- 12 October 2012—AFMA wrote to the Minister seeking approval for him to appoint an AFMA SES officer to investigate the claim.
- 22 October 2012—Minister authorised the Chief Executive Officer of the AFMA to determine claims made under the Scheme for Compensation for Detriment caused by Defective Administration (CDDA) where payment is less than \$100 000.
- 27 October 2012—The AFMA Chief Executive Officer appointed an AFMA SES officer to investigate the claim.
- 9 November 2012—Letter was sent to the claimant advising that an AFMA SES officer had been appointed to investigate the claim.
- 22 February 2013—Investigating Officer wrote to the claimant confirming the Investigation Report is complete, provided a copy of the report and invited the claimant to provide any comments or further submissions.

The claimant has been kept informed of the progress of the claim and for many months had weekly phone calls with the contact officers, and since the appointment of the AFMA review officer, has had frequent contact with them.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 231**

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

**Topic:** Purchasing Norfolk Island's Statutory Fishing Rights

**Proof Hansard page:** 76

**Senator WILLIAMS asked:**

**Senator WILLIAMS:** Why can't they have a commercial fishing industry around Norfolk Island? Why won't AFMA allow them to?

**Dr Rayns:** There are already rights issued for fishing around Norfolk Island, and there have been for many years under a number of management plans, including the Eastern Tuna and Billfish Fishery Management Plan. Those rights were granted some years ago. They apply to the water surrounding Norfolk Island.

**Senator WILLIAMS:** So they cannot fish those fish around Norfolk Island?

**Dr Rayns:** They can if they buy the rights to do so?

**Senator WILLIAMS:** Buy the rights?

**Dr Rayns:** Yes. They are tradeable statutory fishing rights.

**Senator WILLIAMS:** How much does it cost to buy the rights?

**Dr Rayns:** I am not sure; I would have to take that on notice.

**Answer:**

There are two existing commercial fisheries that encompass the waters around Norfolk Island, the Eastern Tuna and Billfish Fishery (ETBF) and the Eastern Skipjack Tuna (ESTF). Access to the ETBF is through longline or minorline boat Statutory Fishing Rights and quota Statutory Fishing Rights for each of the quota species granted under the ETBF Management Plan. Entry to the ESTF is limited to 18 purse seine Fishing Permits. These access rights are fully transferrable and market values fluctuate depending on demand.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 232**

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

**Topic: Figures on the Coral Sea Element of Eastern Tuna and Billfish Fisheries**

**Proof Hansard page: 77**

**Senator Ian MACDONALD asked:**

**Senator IAN MACDONALD:** I am going to ask you about that. The Coral Sea is useful. You used to give me figures on the Coral Sea element of the eastern tuna and billfish fisheries. Do you have current figures on that?

**Dr Rayns:** Apologies, I do not. I have to take that on notice and provide those to you.

**Answer:**

The Eastern Tuna and Billfish Fishery catch figures for the Coral Sea area of the fishery for the 2012 calendar year were:

- Albacore tuna—18 tonnes
- Bigeye tuna—36 tonnes
- Striped Marlin—4 tonnes
- Swordfish—29 tonnes
- Yellowfin tuna—119 tonnes.

There were 11 Coral Sea Zone Boat Statutory Fishing Rights available in the Coral Sea area of the Eastern Tuna and Billfish Fishery during 2012 and three vessels fished during that year.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 233**

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

**Topic:** Seafish Tasmania Submission – Transshipment at Sea

**Proof Hansard page:** 81

**Senator COLBECK asked:**

**Senator COLBECK:** How many of those are form letters or electronically generated and how many of them are what you would call perhaps substantive? I am not trying denigrate anybody; I am just saying form letters versus a substantial submission.

**Dr Findlay:** I am not sure we have those figures available now. We are still going through that analysis. It is quite a large volume. I do not have that material available. I am happy to take it on notice, but I certainly do not have it available today.

**Answer:**

|  |   |
|--|---|
| Total number of responses  | 7802  |
| Electronically generated – emails received by AFMA as a result of people clicking on a website link.   | 6168  |
| Original responses – that is, emails and comments on AFMA’s website individually written and sent to AFMA (324 of these included words copied from campaign websites). | 1634 (324 of these included campaign wording) |
| More detailed individual attachments   | 18  |

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 234

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

**Topic:** Environmental Impacts of Freezer Vessel

**Proof Hansard page:** 83

**Senator COLBECK asked:**

**Senator COLBECK:** Okay. This is more to AFMA, I think, than to you, Minister: are you aware of SEWPaC's assessment of the likely negative environmental impacts of the vessel, signed on 3 September 2012, that it is unlikely that dolphins, seals or seabirds would be negatively affected and also that it is unlikely that the vessel would cause localised depletions or disrupt the feeding patterns of dependant predatory species? Have you sighted the advice to Minister Burke that that is the view of the department?

**Dr Findlay:** I would have to check.

**Dr Rayns:** I do recall something of that nature on the SEWPaC website but, as Dr Findlay says, we would need to check that.

**Answer:**

The Australian Fisheries Management Authority received the Department of Sustainability, Environment, Water, Population and Communities' assessment of the Abel Tasman that was signed by Minister Burke on 3 September 2012.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 235**

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

**Topic:** Gillnet fishing—Australian Sea Lion Interactions and Mortalities

**Proof Hansard page:** 88

**Senator SIEWERT asked:**

**Dr Rayns:** It was during changing the arrangements, so we brought in the tidal arrangements which took effect from January 2012. There were several mortalities and those six that occurred after that—I would have to check if they triggered the closures of the areas. We have three areas now closed to gillnet fishing for ASL protection.

**Senator SIEWERT:** Okay, so those mortalities were prior to the closures being put in place?

**Dr Rayns:** I would have to check. I think they occurred mainly during the first quarter of 2012, and the new arrangements

**Answer:**

During February and March 2012 a total of six Australian Sea Lion mortalities triggered additional fishery closures in accordance with the Australian Sea Lion Management strategy. Since April 2012 when the closures took effect, there have been no Australian Sea Lion mortalities recorded in the Commonwealth Gillnet Hook and Trap Fishery.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 236

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

**Topic:** Management of Southern Bluefin Tuna Fishery

**Proof Hansard page:** 100

**Senator COLBECK asked:**

**Mr Thompson:** There are a whole lot of things to discuss at meetings about these things—timings about quotas and the like. We have no commitment to move to stereo video, and the Japanese keep holding us to that commitment. The AFMA commission makes the actual decision about whether to apply stereo video or not and whether the capacity to do it is there. I think, as you said, the AFMA commission did make the decision to move to stereo video; they did actually call a tender but they did not actually let it at this point in time. That is why as an interim step we are doing the 100-fish sample while some of those technical details and cost details, in particular of stereo video, are still sorted through.

**Senator COLBECK:** So it has not let a contract yet?

**Mr Neil:** I understand they have let the contract. They have a company identified and a contract was let recently. But I would like to confirm that; it is an AFMA contract.

**Senator COLBECK:** I would like to confirm it too. How can we move to something where the technology is not there yet?

**Answer:**

The Australian Fisheries Management Authority signed a contract on 5 October 2012 with Protec Marine Pty to supply monitoring services to the Southern Bluefin Tuna Fishery for four years with the option for a further two years. The first year of the contract (December 2012 to November 2013) will be to provide services based on a 100 fish sample per transfer to the farm cages, an increase from the previous 40 fish sample. The following three years will be to provide stereo video monitoring. Commencement of SV is scheduled for 1 December 2013.

Stereo video trials were conducted in 2001, 2003, 2005, 2007, 2008 and 2011. The trials from 2001 to 2008 focused on scientific aspects of the technology (e.g. assessing accuracy, precision and robustness). The 2011 trial was an assessment of how the technology performed in a commercial environment. The trial demonstrated that stereo-video technology can be successfully deployed in a commercial setting to collect measurements of the length of live, free-swimming Southern Bluefin Tuna transferred between sea cages.



**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 237**

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

**Topic:** Southern Bluefin Tuna – Toxic Waste Spill off Christmas Island

**Proof Hansard page:** 100-101

**Senator COLBECK asked:**

**Senator COLBECK:** Has any work been done on the sinking of refugee vessels in the waters off Christmas Island, with the alleged spilling of up to 20,000 tonnes of toxic waste into the only known spawning ground of the SBT?

**Mr Thompson:** I would have to take that on notice. I am not aware of any work on that.

**Senator COLBECK:** Minister, are you aware of that?

**Senator Ludwig:** Sorry?

**Senator COLBECK:** Are you aware of that allegation?

**Senator Ludwig:** What I am not clear on is: why didn't you ask AFMA when they were here?

**Senator COLBECK:** Because this is not just about fisheries. Fisheries is part of the portfolio as well. We have just been talking about the management of the southern bluefin tuna fishery—

**Senator Ludwig:** Just to be clear then, the premise of your question is that there are vessels which are being sunk in the spawning area of southern bluefin tuna?

**Senator COLBECK:** Correct. With the resultant spilling of—the allegation is 20,000 tonnes of toxic waste.

**Senator Ludwig:** This is what I am trying to establish. It is an allegation. From where?

**Senator IAN MACDONALD:** That is where the SBT spawn—

**Senator COLBECK:** and that is where they sink the vessels.

**CHAIR:** The minister has said, 'Where has the allegation come from?', and I think that is a fair question.

**Senator COLBECK:** I have one source of that being an article in the *Geraldton Guardian* dated 1 February this year.

**Senator Ludwig:** I am sorry if I have not read the *Geraldton Guardian*. I am sure it is an important newspaper.

**Senator COLBECK:** I am asking the department—

**Mr Thompson:** We had not heard those allegations. It is news to us.

**Senator COLBECK:** If that is the area where they are sinking the vessels, it is the spawning ground of SBT—

**Senator Ludwig:** I was not being facetious. The two parts I was getting to are: is it a fact that they are sinking them in a known location and is that known location a spawning ground for the southern bluefin tuna?

**Senator IAN MACDONALD:** Fisheries ought to know where spawning is.

**Senator Ludwig:** They may know the second fact, but they may not know the first fact. The allegation may not be—

**Senator COLBECK:** Rather than fight over that, I ask you to take that on notice for me please.

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

**Question:** 237 (continued)

**Answer:**

The destruction/sinking of suspected irregular entry vessels (SIEVs) is the responsibility of the Australian Customs and Border Protection Service.

We are unable to verify the figures cited in the *Geraldton Guardian*.

We have no evidence of any negative impact on recruitment of the Southern Bluefin Tuna stock. Recent annual aerial surveys of juvenile Southern Bluefin Tuna indicate positive signs for the stock.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 238**

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

**Topic: Woolworths and MSC Certification**

**Proof Hansard page:** Written

**Senator COLBECK asked:**

Has there been any communication with Woolworths regarding the Fishery status reports 2011 as a means of demonstrating the sustainability of Australia's fisheries?

Has there been any communication with Woolworths regarding their new program (to, by 2015, only sell wild caught fish that is MSC certified) "which aims to improve marine conservation in Australia"? What in particular needs improving?

**Answer:**

The Australian Bureau of Agricultural and Economics and Sciences Fishery Status Reports 2011 was released in December 2012. The department is not aware of any specific discussions with Woolworths' representatives since the report's release. Previous informal discussions indicate that Woolworths is aware of the status reports.

Yes.

Woolworths has not advised the department of any particular aims for improving marine conservation.

**Rural and Regional Affairs and Transport Committee**

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 239**

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

**Topic: SBT Quota Calculation**

**Proof Hansard page:** Written

**Senator COLBECK asked:**

What is the cost in 2013/14 of the proposed new stereo video system?

What is the 2012/13 cost of the current system?

What is the difference in costs from 2012/13 to 2013/14?

Has the Government determined if this cost difference meets the requirements under Commonwealth fisheries legislation for a new measure to be cost effective?

Provide details of this assessment.

DAFF stated at Additional Estimates on 11 February 2013 on the question of automating the stereo video that:

“We know that it is part of the contract and that, with the company that is providing it, part of the undertaking is to move to an automated system as quickly as possible.”

Outline exactly what the contract says about automation of the equipment, particularly to give it the capacity to provide real time average weight?

Provide all information held by DAFF regarding the time it would take to automate the equipment to give it the capacity to provide real time average weight.

DAFF stated in Additional Estimates on 11 February 2013 that other tuna farming countries: “...are moving towards stereo video as well.”

Outline the timetable these other countries, including Japan, have given to moving to stereo video.

Provide details of the exact discussions on how they will achieve this.

Currently before the Parliament is a proposed amendment to the SBT Management Plan. The Explanatory Memorandum to that amendment states (page 2) that:

“The Plan is further being amended to give effect to a CCSBT Resolution requiring the adoption of stereo video technology to verify the count of SBT when transfers of fish from tow cages to farms occur.”

Provide the reference for the CCSBT Resolution which requires the adoption of stereo video technology to verify the count of SBT when transferring from tow cages to farms.

**Rural and Regional Affairs and Transport Committee**

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 239 (continued)

In Additional Estimates hearing on 11 February 2013 DAFF noted that:  
“The requirement under the wildlife trade operation is to move to stereo video.”

This appears to be under Condition 6 of the 2010 WTO, which states:  
“if the commercial trials of stereo video in ‘i)’ are successful , and stereo video technology can be implemented in a manner that is cost-effective, practical and delivers estimates of average weight of fish within an appropriate timeframe, implement stereo video by the start of the 2012 fishing season.” (Condition 6 of the August 2010 WTO approval).

Provide information on how these words were developed, and the analysis showing that the unautomated stereo video meets these criteria.

Provide details of what “appropriate timeframe” means?

In the 2011 Report of the Stereo Video Working Group, the experts from DAFF Fisheries, AFMA, ABARES and industry unanimously concluded that:

“Stereo video provides estimates of the weight of fish transferred retrospectively. This could potentially lead to overstocking or understocking farm cages. Overstocking farm pontoons exposes industry to breaches of South Australian aquaculture legislation on stocking rates and environmental impact. Further, overstocking causes major fish health concerns, reduces growth rates, and increases mortalities. Understocking results in the need to use more farm pontoons than would otherwise be necessary, causing substantial additional costs to the industry.”

Provide the risk assessment which the Government would have done to estimate the risk and cost to industry of these agreed problems.

Would automation of the stereo video equipment overcome these problems?

Provide details of the contacts with the SA Government on how the overstocking resulting from stereo video can be dealt with by the SA legislation.

In Australia any dead SBT which are discarded have to be counted against the quota.

Does Japan count dead discards against its quota?

If not, what data has Japan provided on the number and weight of SBT which are discarded?

**Answer:**

1. The cost in 2013–14 of the proposed new stereo video system is budgeted to be \$854 420.
2. For the 2012–13 fishing season the 100 fish sample cost is budgeted to be \$400 950.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 239 (continued)**

3. The difference in budgeted cost from 2012–13 to 2013–14 is \$453 470. This increase in cost is related to the implementation of stereo video based monitoring.
4. Yes.
5. An assessment of the cost effectiveness of stereo video technology was undertaken by the Australian Fisheries Management Authority (AFMA) Commission as part of its 29-30 August 2011 meeting. The main components of the analysis were assessing the increased costs of implementing the technology against the domestic and international benefits arising from the increased precision of estimates and greater auditability of the process compared to the previous 40 fish sample regime.
6. AFMA's current contract for monitoring of southern bluefin tuna does not include provision for automation of stereo video. AFMA is working with the University of Western Australia to automate the analysis of southern bluefin tuna transfers.
7. A research proposal to automate the analysis has been developed between AFMA and the University of Western Australia and the Australian Research Council has approved funding for an automation project. The project is expected to take three years to complete and commenced in July 2012.
8. Members of the International Commission for the Conservation of Atlantic Tuna, of which Australia is not a member, agreed at their annual meeting in 2010 for those Members who farm bluefin tuna to initiate pilot studies on how to better estimate both the number and weight of bluefin tuna at the point of capture and caging including through the use of stereoscopic systems. The farming Members of the International Commission for the Conservation of Atlantic Tuna were due to complete their trials of these systems in 2012 and are required to implement the stereo video systems as soon as possible.  
  
Japan has made statements at the Commission for the Conservation of Southern Bluefin Tuna that they have considered stereo video monitoring, amongst a range of options, for monitoring their pacific bluefin tuna farming operations.
9. AFMA has carriage of the implementation of stereo video in the Southern Bluefin Tuna Fishery. The Department of Agriculture Fisheries and Forestry (DAFF) has not been involved in discussions with other countries on implementation of stereo video monitoring.
10. DAFF is not aware of the referenced document. There is no specific requirement to implement stereo video in a Commission for the Conservation of Southern Bluefin Tuna resolution. Australia committed to implementing stereo video in 2009 after trialling the technology over the last 12 years and has since re-iterated this commitment.
11. The responsibility for Wildlife Trade Operations sits with the Department of Sustainability, Environment, Water, Population and Communities. DAFF does not have access to this information.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 239 (continued)

12. See response to question 11 above.

13. Clause 9 of the *Southern Bluefin Tuna Fishery Management Plan 1995* requires that a person may only take southern bluefin tuna if they hold enough quota to cover their take. The *Fisheries Management Act 1991* defines take, in relation to fish, as catch, capture, take or harvest. For Australian southern bluefin tuna farming operations this means that industry are required to hold enough quota to cover their catches from the time they capture them in the purse seine net. To assist industry to meet this obligation, AFMA allows industry to estimate the weight of fish transferred into tow pontoons at sea before a more precise estimate based on weight estimates and counting fish is made as fish are transferred into farm pontoons. Irrespective of the final method used to estimate the weight of fish transferred into farm pontoons, there is a requirement for industry to have quota for all fish southern bluefin tuna captured.

The Commonwealth and therefore AFMA, does not have jurisdiction over farm stocking either at the time of initial stocking or at any stage during the grow out. Under the proposed stereo video arrangements, commercial operators can still conduct their own weight sampling out of each tow pontoon to estimate the average weight of fish stocked into each pontoon. This would provide industry with exactly the same information for stocking farm pontoons as they currently have. In any circumstance stocking rates will be least dense at the point of initial stocking of farm pontoons before the fish grow. Operators are permitted to transfer fish between farm pontoons at any point during the grow out phase to manage stocking densities.

14. Industry advises that automation of stereo video would address its concerns.

15. Upon request from South Australia, AFMA has agreed to supply farm stocking information to the South Australian Government to assist them manage stocking rates.

16. No.

17. In the report of the seventeenth meeting of the Commission for the Conservation of Southern Bluefin Tuna Scientific Committee, Japan reported the release and discard of 3988 individual southern bluefin tuna in the 2011 calendar year. This report can be found at:  
[http://www.ccsbt.org/userfiles/file/docs\\_english/meetings/meeting\\_reports/ccsbt\\_19/report\\_of\\_SC17.pdf](http://www.ccsbt.org/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_19/report_of_SC17.pdf)

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 240

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

**Topic:** Northern Shark Industry Alliance

**Proof Hansard page:** Written

**Senator COLBECK asked:**

What is the current status of negotiations regarding WA's Northern Shark Fisheries?

Have there been any representations for the JANSF to return to Commonwealth management?

**Answer:**

Responsibility for day to day management of the Joint Authority Northern Shark Fishery (the Fishery) lies with the Western Australian Department of Fisheries (WA DoF).

The Australian Fisheries Management Authority (AFMA) is aware that the WA DoF is in discussions with the Northern Shark Industry Alliance regarding the Fishery and is looking to meet with industry representatives and the Western Australian Fishing Industry Council to discuss industry concerns regarding the future management of the Fishery.

No representations have been made by the Commonwealth Government in relation to the Commonwealth becoming responsible for the day to day management of the Fishery. The Fishery was discussed at the December 2012 meeting of the Northern Australian Fisheries Committee and it was agreed that representatives from AFMA and the Northern Territory Department of Primary Industries would be invited to attend the meeting between WA DoF and the Northern Shark Industry Alliance. AFMA has accepted the offer to attend the meeting that will take place in the next few months.



**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 241**

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

**Topic:** AFMA Advice to Ministers

**Proof Hansard page:** Written

**Senator COLBECK asked:**

Why are the documents referred to in DAFF QON 207 (advice given by AFMA to Ministers Ludwig and Burke) are only accessible by specific request?

**Answer:**

In relation to documents published on the Australian Fisheries Management Authority (AFMA) Disclosure Log, AFMA complies with the provisions of the *Freedom of Information Act 1982* (FOI Act). The requirement under s8D(3) of the FOI Act is for AFMA to publish the information on its website by:

- a. making the information available for downloading from the website; or
- b. publishing on the website a link to another website, from which the information can be downloaded; or
- c. publishing on the website other details of how the information may be obtained.

In relation to the material AFMA released under a freedom of information request, specifically the correspondence with Minister Burke and Minister Ludwig, AFMA complied with its publication obligations under the FOI Act by publishing on the website details of how the information may be obtained (s8D(3) of the FOI Act).

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 242

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

**Topic:** Seafish Application to use FV Abel Tasman as Factory Vessel

**Proof Hansard:** Written

**Senator COLBECK asked:**

Subsequent to Additional Estimates, 11 February 2013, has DSEWPaC sought any advice regarding this application from AFMA?

What is the impact of Minister Burke's announcement of 12 February 2013 on the AFMA approval process?

**Answer:**

No.

None.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 243

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

**Topic:** 7000 Submissions re Seafish Transshipment Plan

**Proof Hansard:** Written

**Senator COLBECK asked:**

1. What issues were raised through the submissions?
2. Will the submissions be publicly available – or at least a summary of them?
3. What was the outcome of consultations with up to 15 stakeholder groups regarding the Seafish transshipment plan?
4. What issues remain unresolved?

**Answer:**

1. A summary of the key issues raised is at Attachment 1.
2. The summary at Attachment 1 will be published on the Australian Fisheries Management Authority (AFMA) website.
3. Comments were received and are included in the summary at Attachment 1.
4. At the time of writing AFMA is still considering the issues raised in submissions.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 243 (continued)

**Attachment 1 – Summary of comments received via website & e-mail regarding transshipment at sea in the SPF**

**Concerns about allowing transshipment**

- AFMA should await outcomes of current review of the fisheries legislation
- The proposal for this type of fishing may also be in breach of the EPBC Act amendment as a ‘declared activity’ which is currently subject to a 2 year ban
- The expert panel which is meant to review the impacts of a super trawler in the SPF has not even been formed, let alone begun its work, so this proposal would be pre-empting this official review
- Ecological effects of more vessels operating would be the same or greater than having a single large vessel operating.
- There is inadequate protection for threatened and protected animals such as seals, seabirds and dolphins, especially given the likely ten-fold increase in fishing activity which would result in an increase in marine mammal interactions.
- No consideration of impacts on predator species.
- There is still no strategy that adequately deals with the potential for localised depletion or widespread stock depletion that this intensive fishing activity could result in.
- Stock assessments are based on old data and there is no requirement for updating this data to ensure quotas are precautionary and will not result in localised overfishing
- There is insufficient scientific data on the movements of target fish species and no way to predict recovery times for areas where fish have been depleted.
- Information about where or when fishing occurs, and how much fish are being caught will not be publicly available and therefore the activities of this fishery will be hidden from public scrutiny
- No commitment to observer coverage for the duration of the fishery for all operations and in particular for transshipment.
- There has been no significant new scientific research or data since the Australian Government's super trawler ban, and there appears to be little prospect of getting the additional research that would be required to address concerns about stock assessments or localised depletions, for example, in the foreseeable future.

**Statements supporting transshipment**

- The SPF has been held back from development by the inability to process and freeze volumes of fish quickly and efficiently.
- Existing management arrangements in the SPF have been approved by SEWPAC.
- Any concerns about localised depletion can be dealt with by the RAG under the meta-rules of the harvest strategy.
- The issue of transshipment is primarily an issue of compliance with monitoring and ensuring the validity of the data collected.
- The use of offshore processing facilities would allow the fishery to use the conservative quota allocated to operators and move from the traditional coastal ports of Triabunna, Eden and Port Lincoln.
- There are a variety of management arrangements in place to limit interactions with seabirds and dolphins.
- No TEP issues in the SPF that warrants increased observer coverage for the purpose of monitoring potential interactions on the catching vessels.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 244

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

**Topic:** Comments by Jon Bryan

**Proof Hansard:** Written

**Senator COLBECK asked:**

Has a retraction been made by Mr Bryan since the Additional Estimates hearing 11 February 2013?

What actions does AFMA have in place, or is planning to put in place, to prevent members of advisory groups and committees misusing their positions and spreading untruths that fuel public misconceptions?

**Answer:**

No.

Members of the Australian Fisheries Management Authority (AFMA) advisory bodies are not prevented from making comments in their own right on any matter within specified constraints as set out in relevant policy documents. AFMA has dealt through the relevant chairperson and directly with the members of advisory bodies in relation to any matters that may contravene these policies. The roles and responsibilities of advisory committee members are set out in *Fisheries Administration Paper No. 12*, which sets out the operation of Resource Assessment Groups, and *Fisheries Management Paper No. 1*, which sets out AFMA's policy for the operation of management advisory committees.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 245

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

**Topic: Committee and Advisory Group Governance**

**Proof Hansard page:** Written

**Senator COLBECK asked:**

What are the selection criteria for members of AFMA committees/advisory groups?

What are the roles and responsibilities of committee/advisory group members?

Where are these documented?

Are there procedures or protocols for dealing with conflict within committees/advisory groups?

Where are these documented?

What are the decision making processes for committees/advisory groups?

Where is this documented?

What are the internal opportunities to appeal decisions made by a committee/advisory group?

Where is this documented?

Is there an induction process that is undertaken for committee/advisory group members to ensure they are aware of the governance issues surrounding their position?

Where is this documented?

**Answer:**

The Australian Fisheries Management Authority (AFMA) has two main types of committees, Management Advisory Committees (MACs) and Resource Assessment Groups (RAGs) and the answers to the above questions are contained in Fisheries Management Paper No. 1 (FMP 1 – MACs) and Fisheries Administration Paper No. 12 (FAP 12 – RAGs). FMP 1 is available on AFMA's web-site and FAP 12 is available on request. FMP 1 is distributed to all MAC members and FAP 12 is distributed to all RAG members.

Selection Criteria

As a general rule, all members are selected on the basis of the expertise that they bring to the MAC or RAG. However, the selection criteria varies with each of the membership categories that exist on these two types of committee (pp. 13-16, FMP 1; pp. 8-11, FAP 12).

## **Rural and Regional Affairs and Transport Committee**

### **ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

### **Agriculture, Fisheries and Forestry**

**Question:** 245 (continued)

#### Roles and responsibilities

The roles and responsibilities of individual MAC and RAG members varies with each membership category. The role of MACs is to develop advice for the AFMA Commission on management issues affecting the fishery. The role of the RAGs is to provide scientific and economic advice, on the status of fish stocks and fisheries, to both the AFMA Commission and the relevant MAC. All individual members of MACs and RAGs are required to act in the best interests of the fishery (pp. 7-12, FMP 1; pp. 8-15, FAP 12).

#### Procedures for dealing with conflict

Both chairs and members have a responsibility to work constructively towards the resolution of any conflict. Where a consensus position has not been reached on a particular issue this is to be clearly and accurately recorded in minutes and all views are to be provided to the Commission (pp. 7-8, 10, 21 – FMP 1; pp. 9-13, 8-9, 6 – FAP 12).

#### Decision making processes

MACs and RAGs are able to develop advice in face-to-face meetings or out of session during teleconferences or via the exchange of emails. The process for framing advice is guided by terms of reference and other processes (pp. 3-4, 6-9, 19-21, 24, 26-29 – FMP 1; pp. 5-7, 12-14 – FAP 12).

#### Opportunities for Appeal

MACs and RAGs are not decision making bodies and hence there are no appeal mechanisms. They are both advisory bodies to the AFMA Commission which considers their advice when making its decisions (pp. 3-4 - FMP 1; pp. 5-7 – FAP 12).

#### Induction

All MAC members, including the Chair, are required to participate in a formal program of induction and training. They are also required to sign a declaration that they have read and understand their obligations. All RAG members are required to sign a declaration that they have read and understand their obligations (pp.9, 25 – FMP 1). At the start of every meeting the Chairs remind members of their obligations under FMP 1.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 246

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

**Topic:** SPF Harvest Strategy

**Proof Hansard Page:** Written

**Senator COLBECK asked:**

1. Were there concerns amongst AFMA advisory groups and committees during the development of the SPF Harvest Strategy?
2. AFMA week ahead and week past documents from May 2008 indicated that “further work to refine the HS over the next 12-18 months” was required. What was the work required? Was this work undertaken? Did the Harvest Strategy change because of this extra work? If so, what were the changes?
3. The week ahead document for 16 June – 26 June 2008 indicates there was “high likelihood of legal action arising from the allocation decision”. What was the legal action suspected to be about and did it occur?
4. Was this high likelihood of legal action related to the sorts of issues that came to the fore during the “supertrawler” debate.
5. What actions were taken to address the high likelihood of legal action?
6. What was communicated to the relevant Ministers and what direction did they give regarding this issue?
7. Given the concerns raised during the establishment of the SPF Harvest Strategy, did AFMA believe there was a risk of additional requirements being needed to protect endangered and protected species?
8. Would the last accreditation of the SPF by the Environment Minister (6 January 2010) have been an opportunity to include any additional requirements needed to protect endangered and protected species?
9. Did the Environment Minister or DSEWPaC request any additional research be undertaken during the accreditation or re-accreditation processes?
10. If no such request was made, did AFMA believe that the activities of the fishery did not pose any environmental uncertainty?

**Answer:**

1. The views of the relevant resource assessment groups and management advisory committees are captured in the relevant meeting records which are published on the Australian Fisheries Management Authority (AFMA) website.



**Rural and Regional Affairs and Transport Committee**

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 246 (continued)

2. The work that was required and completed as part of the program of work to refine the Harvest Strategy and progress against this work is outlined below:

| <b>Recommendation for further work</b>   | <b>Progress</b>   |
|--|---|
| Quantify the appropriate extent of the “ecological buffer” for each group of SPF species as defined by their life histories.   | A project has been proposed by CSIRO to address this and funding sought.  |
| Use scenario modelling to inform the exploitation rates required to deliver that ecological reference point.   | A project has been proposed by CSIRO to address this and funding sought.  |
| Revisit the statement of objectives in the HS to reflect the importance of removing impediments to improve efficiency and agreed that the costs associated with management, monitoring and research would be included in the research plan to be developed in the fishery. | Completed.<br>A SPF research plan has been developed.   |
| Revisit the definition of “localised depletion” and management of localised depletion issues.  | Completed.<br>Harvest Strategy now reads:<br><i>“If, as a result of fishing, there is evidence of localised depletion or a concerning trend/change in age/size structure, SPFRAG must recommend one or more of the following:</i><br><ul style="list-style-type: none"> <li>• <i>an appropriate reduction in the RBC; and/or</i></li> <li>• <i>appropriate spatial or other management measures.”</i></li> </ul>                                |
| Include a statement to specify the preferred operating environment with regard to catch and catch stability over time  | Completed.<br><br><i>Statement added: “The HS reference points are deliberately precautionary to take account of the ecological importance of SPF species as key prey species. By providing for the ecological importance of the species, it is accepted that a lower level of net economic returns than would otherwise be expected by using BMEY as the target reference point will result.”</i>  |
| Review the issue of how straddling stocks will be addressed in the Harvest Strategy  | Completed.<br><br><i>Statement added: “It is recognised that in the absence of formal catch sharing arrangements for straddling SPF stocks between state and Commonwealth fisheries, commensurate adjustments to catch limits cannot be assured between jurisdictions. SPFMAC considers that catch sharing arrangements should be pursued with the relevant states as a matter of priority to provide certainty of access to SPF resources”</i> |

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 246 (continued)

|   |  |
|---|--|
| Remove the reference in the HS suggesting that mass mortality events drive the precautionary approach adopted in the HS | Completed.   |
| Better specify the rationale for Tiers 2 and 3  | Completed.<br><br><i>Statement added: “Maximum RBCs for Tier 2 assessments are based on 7.5% of the estimated stock biomass. These figures should be reviewed periodically with the Harvest Strategy on the basis of any new information on stock status.<br/>An annual fishery assessment is required for RBC setting processes. An annual fishery assessment is defined as a fishery assessment covering the previous fishing season (ie 1 July to 30 June). Progressive information available from the season to date, if available, may also be considered.<br/>Tier 1 and Tier 2 assessment requirements for the 2010/11 and 2011/12 fishing seasons include both length-frequency and otolith information for each stock. Guidelines are to be developed for years beyond 2011/12 on the quantity of length-frequency data and otolith information required on an ongoing basis. The expectation is the otolith data will continue to be collected but that it will only be processed as required to provide a statistically valid key for interpretation of length-frequency information”</i> |
| Develop a statement on the rationale underpinning the approach adopted in the HS  | Completed.<br><br><i>Statement added: “The HS is designed to support the orderly development of the fishery and explicitly provides an adaptive management approach that provides for ongoing refinement of the strategy.”</i>   |
| Develop a strategic research and monitoring plan to support implementation of the HS                                    | Completed.   |

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 246 (continued)

3. In all Statutory Fishing Right (SFR) allocation processes there is potential for legal action in respect of the allocation of SFRs between people who were eligible to be considered for the grant of SFRs.

During the allocation process, there was opportunity for eligible persons to dispute their provisional allocation of SFRs through appeal to the Statutory Fishing Rights Allocation Review Panel (SFRARP). A number of parties made applications to the SFRARP and these matters were resolved without legal action.

4. No.
5. AFMA took all necessary steps when undertaking an allocation process under the *Fisheries Management Act 1991*, including establishing an Independent Allocation Advisory Panel. Eligible persons were able to have their provisional allocations reviewed by SFRARP.
6. Section 18 of the *Fisheries Management Act 1991* provides that the Minister must accept a Management Plan for a fishery if it appears to the Minister that:
- (a) AFMA gave due consideration to any representations it received, and conducted adequate consultations, before determining the plan; and
  - (b) the plan is consistent with AFMA's corporate plan and current annual operational plan.

In this context, the Minister was briefed about the Small Pelagic Fishery Management Plan and the potential for eligible persons to have their provisional allocations reviewed by SFRARP, and accepted the Management Plan.

7. No.
8. This is a matter for the Department of Sustainability, Environment, Water, Population and Communities.
9. No.
10. There is environmental uncertainty when managing any fishery and AFMA manages all fisheries in accordance with the objectives of the *Fisheries Management Act 1991* which includes the precautionary principle.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 247**

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

**Topic: Further Research**

**Proof Hansard:** Written

**Senator COLBECK asked:**

1. Are there any plans for AFMA to request / commission / be involved in research to assess the risk of a vessel such as the FV Abel Tasman disrupting the feeding behaviour of dependent predatory species – as recommended by DSEWPaC to Minister Burke in September 2012?
2. If a survey of biomass is required, is the maximum Government funding available only 20%?
3. Does the fact that the Minister has effectively shut down the fishery in the interests of public good mean that more Government funding should be made available?

**Answer:**

1. No.
2. For research commissioned by the Australian Fisheries Management Authority (AFMA), the percentage of government funding available is set out in the AFMA Cost Recovery Impact Statement 2010. In general, fishery independent surveys, such as Daily Egg Production Model surveys, can attract up to 20 per cent government funding, however many are 100 per cent industry funded. The level of Government funding for any research commissioned by other agencies or departments is a matter for those agencies or departments and is not subject to AFMA cost recovery requirements.
3. The Small Pelagic Fishery is not closed. Government funding arrangements for research commissioned by AFMA in the Small Pelagic Fishery remain unchanged.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 248

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

**Topic:** SESSF Boat SFRs

**Proof Hansard page:** Written

**Senator COLBECK asked:**

As the SESSF boat SFR has dropped by 87% to just under \$2000 from just over \$14,000, is there any opportunity to reinstate the boat SFRs surrendered last year when the price of a boat SFR increased by around 100%?

What would need to be done to be able to reinstate boat SFRs surrendered in such circumstances and then reversed?

Do these dramatic changes in boat SFR give grounds for compensation to be sought?

**Answer:**

There is no provision in the legislation allowing for reinstatement after the surrender of statutory fishing rights.

Legislative amendments would be required to reinstate surrendered statutory fishing rights.

Changes to annual levy rates do not give rise to an entitlement to compensation.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 249**

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

**Topic: SESSF Levies**

**Proof Hansard page:** Written

**Senator COLBECK asked:**

The AFMA “Guide to Levy Arrangements for 2012-13” states the decrease in levy “is due to the fishery independent survey not proceeding for 2011-12 and reducing the occurrence of the survey to every second year.” (p10) If the independent survey in the Great Australian Bight Sector of the SESSF did not go ahead in 2011-12 and the boat SFRs had been increased by over 100% to cover expected costs, what was the extent of the financial windfall for AFMA?

How is this money accounted?

Is this money quarantined for the use in the SESSF?

Should this money be repaid to the fishers or to compensate those that surrendered their boat SFRs because of the dramatic price hike in 2011-12?

**Answer:**

The Australian Fisheries Management Authority does not receive any windfall from an over-collection in levies. Any unspent cost recovered funds are returned directly to the relevant sector the following year.

All expenditures, such as research and surveys, accrued by a sector during a financial year are reconciled against the total levy collected for that sector.

The Southern Eastern Scalefish and Shark Fishery (SESSF) levies are calculated on a sector by sector basis each year. The SESSF is comprised of a number of sectors and levy collection and expenditure is tracked for each sector. Any budget surplus or deficit is carried forward in the levy base for that particular sector.

Any surplus in the cost-recovered budget is returned to fishers the following year. Changes to annual levies do not give rise to an entitlement to compensation.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 250**

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

**Topic: Impact of New Shark Levies**

**Proof Hansard page:** Written

**Senator COLBECK asked:**

In addition to last year's increases, some shark fishers are struggling with an increase in quota levies by over 50%. How was the increase in cost of the shark quota determined?

**Answer:**

The cost of shark quota in the Southern and Eastern Scalefish and Shark Fishery (SESSF) is determined through the levy allocation framework. This framework seeks to ensure that the costs of management are paid by those fisheries and sectors that incur the costs.

Cost increases on shark quota reflect the additional management required to ensure the impact of shark fishing on both target and non-target species is sustainable. In recent years this work includes considerable increases in science and monitoring costs to deal with significant dolphin and sea lion bycatch.

During 2011 and 2012, the Australian Fisheries Management Authority, in consultation with the South East Management Advisory Committee, conducted a review of the levy framework in the SESSF with the aim of allocating levies to more accurately reflect where management and research costs are incurred. As a result of this review some costs have been redistributed between sectors and this has also contributed to the increase in the shark quota levies.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 251

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

**Topic:** SBT Quota Calculation

**Proof Hansard page:** Written

**Senator COLBECK asked:**

What is the anticipated increase in revenue due to increase in the levy for the SBT fishery?

What is the anticipated cost of implementing the requirements of the Commission for the Conservation of Southern Bluefin Tuna? What are these requirements?

How much was the unbudgeted expenditure in the Northern Prawn Fishery?

What research was undertaken in this fishery and what is the timeframe for completion?

**Answer:**

The total levy revenue expected to be collected from the Southern Bluefin Tuna (SBT) Fishery in 2012-13 is \$1 514 987 an increase of \$480 549 compared to 2011-12.

The Commission for the Conservation of Southern Bluefin Tuna (CCSBT) imposes a number of obligations on member countries, including data and reporting requirements and the implementation of a catch documentation scheme. Costs of implementing CCSBT requirements are not budgeted separately. In fisheries that have overlapping domestic and international management obligations it is often difficult to attribute management costs to one source or the other. For example the Australian Fisheries Management Authority's (AFMA) contribution to the cost of providing intersessional science to CCSBT is \$251 884 for 2012-13. This project involves the necessary analysis to run the management procedure used within the CCSBT to set the global Total Allowable Catch. The AFMA Commission also relies on the outcomes of the CCSBT scientific process in setting the catch limits for the Australian domestic SBT fishery. Similarly, AFMA's contribution to the cost of the aerial survey is \$280 203.71 (including GST) for 2012-13 and outputs from this work are used by both the CCSBT and AFMA Commission. Both industry and Government funding sources contribute to meeting these obligations.

Some costs are more readily attributed to meeting CCSBT obligations, for example the cost of administering the CCSBT catch documentation scheme is the primary driver for the \$29 641 increase in the logbook cost to the fishery this year.

The total 2011-12 budget for the Northern Prawn Fishery (NPF) was \$1.795 million, with actual expenditure of \$1.987 million. The main cause for this was increased costs in research and additional expenses arising from the Resource Assessment Group stock assessment.



**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 251 (continued)

The following research was undertaken in the NPF in 2011–12:

- Integrated Monitoring Program for the NPF—Data collection and analysis (ongoing research - complete for 2011-12)
- Integrated Monitoring Program for the NPF—Vessel Charter (ongoing research—complete for 2011-12)
- Resource Assessment Group assessments (stock assessment - ongoing research—complete for 2011-12)
- Contribution to Fisheries Research and Development Corporation (FRDC) project: Incorporation of predictive models of banana prawn catch for Maximum Economic Yield-based harvest strategy development for the Northern Prawn Fishery—(complete)
- Developing and testing harvest strategies for the NPF under input and individual transferable quota controls—(complete)
- Broader marine projects commissioned by FRDC funded through AFMA levy contribution.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 252**

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

**Topic: Observer Coverage in the SSSF**

**Proof Hansard page:** Written

**Senator COLBECK asked:**

Is the increased observer coverage having a positive effect in the Southern and Eastern Scalefish and Shark Fishery?

Is this expected to be an ongoing requirement?

What are the procedures around observer allocation to vessels?

How are personality clashes handled?

What recourse do fishers have if boat cannot leave port because an acceptable observer is not available?

**Answer:**

Higher levels of observer coverage in the Gillnet Hook and Trap sector of the Southern and Eastern Scalefish and Shark Fishery has resulted in more accurate reporting of information regarding the frequency of interactions with and identification of protected species.

Representative independent monitoring of fishing effort is crucial for fisheries management and will continue. The levels of observer coverage are determined by the Australian Fisheries Management Authority's scientific data needs and statutory requirements such as Threat Abatement Plans, Wildlife Trade Operations and approvals under the *Environment Protection and Biodiversity Conservation Act 1998*. Decisions on the level of coverage follow consultation with the relevant Management Advisory Committee and Resource Assessment Group.

In the event that an observer is required on a boat an assessment is made on which observers are available for the duration of the trip. The cost-effectiveness of the deployment and the relative experience and skills of the observers are taken into account when deciding which observer should be deployed.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 252 (Continued)**

All observers are highly skilled professionals that are trained in how to conduct themselves on a fishing vessel. This training includes conflict resolution. While it is rare for conflict to occur between observers and fishing crews, where there is some unease on an observer placement, details of the reasons are recorded and that information is used to match observers and boats in future placements.

It is a legislative requirement that a boat must carry an observer where it is nominated to do so.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 253**

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

**Topic: SPF Fishery**

**Proof Hansard page:** Written

**Senator COLBECK asked:**

What is the expected revenue from the SPF fishery given the intervention of Minister Burke regarding the FV Abel Tasman?

If there is an under recovery compared to budget forecasts, does this affect other fisheries?

**Answer:**

The total levy revenue expected to be collected from the Small Pelagic Fishery for 2012–13 is \$124 834. The ban imposed on large, midwater trawl vessels under the *Environment Protection and Biodiversity Conservation Act 1999* was not a consideration in the setting of the Australian Fisheries Management Authority's 2012–13 levies.

Any budget surplus or deficit is carried forward in the levy base for that particular fishery. It does not affect other fisheries.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 254

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

**Topic:** Squid, Scallops, Trident and Seismic Testing

**Proof Hansard:** Written

**Senator COLBECK asked:**

1. How is the impact of seismic testing taken into account in the annual stock assessments for squid and scallops?
2. Is mortality of scallops and squid and mortality of squid eggs and scallop larvae from seismic testing taken into consideration when setting TACs?

**Answer:**

1. There is currently no evidence that seismic testing has any impact on squid and scallops that should be taken into account during stock assessment.
2. No.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 255**

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

**Topic: Complaints**

**Proof Hansard page:** Written

**Senator COLBECK asked:**

1. How common are complaints against AFMA Compliance staff?
2. What is the screening and selection process for observers and Authorised AFMA Representatives?
3. How is it that it appears AFMA have employed people who have failed private company drugs policies and drug tests?
4. How well are AFMA representatives trained, particularly regarding the requirement to show proof of their position when boarding vessels for inspections?
5. What are the processes for reviewing paperwork and issues related to crimes for minor recording errors or uncertainties?

**Answer:**

1. Formal complaints against the Australian Fisheries Management Authority (AFMA) compliance staff are extremely rare. All AFMA staff are bound by the Australian Public Service (APS) and AFMA Code of Conduct and any alleged breaches which are reported are investigated in accordance with AFMA's complaints policy and procedures. AFMA provides guidance on how to lodge a complaint on its website.
2. AFMA follows the APS merit based system of selection whereby staff engaged with AFMA are recruited through selection processes in accordance with AFMA's Recruitment and Selection Policy. During this process, applicants are subject to referee, police and medical checks and where appropriate, security clearances.

When recruiting fisheries officers, applicants selected for interview are also required to undertake psychometric testing to assess suitability for the role.

Contractors engaged to perform functions on behalf of AFMA are required to undergo a formal tender and evaluation process in accordance with the Commonwealth Procurement Rules (where the contract value exceeds \$80 000). On selection formal contractual arrangements are entered into with the preferred supplier.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 255 (continued)**

3. Private company drug tests are not a matter of public or police record.

AFMA staff are not subject to mandatory drug and alcohol testing before commencing employment, however, the AFMA Chief Executive Officer can require staff to undergo a drug and/or alcohol test if deemed necessary. AFMA staff who are required to board vessels, must adhere to relevant company drug policies and drug tests where this has been agreed with the private company and AFMA determines that this is a requirement. Where it is alleged that an AFMA staff member has not adhered to relevant private company policies or mandatory drug test or may have breached the APS Code of Conduct, an investigation is undertaken in accordance with AFMA's Determining Breaches of the Code of Conduct procedures. AFMA is currently reviewing its drug and alcohol policy.

4. AFMA requires all its fisheries officers to hold a minimum standard of a Cert IV in Government Investigations in accordance with the Australian Government Investigations Standards (AGIS). Most hold higher Diploma level qualifications. In addition all undertake regular internal training programs and adhere to AFMA's Operational Guidelines to conduct their compliance functions.

Under Memorandum of Understanding (MOU) arrangements with the State fisheries agencies, AFMA requires that the state fisheries officers nominated by the State fisheries agencies to perform AFMA compliance functions must be appropriately trained by the State to exercise the duties and perform the functions and have powers of officers under section 84 of the *Fisheries Management Act 1991*.

Section 84(4) of the *Fisheries Management Act 1991* provides a requirement for officers to produce, for inspection by the master of a boat, the officer's identity card when boarding a boat.

5. All alleged breaches of the *Fisheries Management Act 1991* are recorded on AFMA's internal investigation case management system and evaluated in accordance with the Australian Government Investigations Standards (AGIS). During the evaluation process the nominated case officer makes recommendations, based on the evidence available, and these are submitted to the AFMA Operational Management Committee for consideration. AFMA employs a scaled enforcement response to offences detected, based on the nature of the offence/s detected and the prior history of the offender; in order to achieve the most appropriate outcome. The AFMA National Compliance and Enforcement Policy, (publically available on the AFMA website), provides the framework on which the National Compliance and Enforcement Program is based.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question:** 256

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

**Topic:** Illegal Foreign Fishing Vessels

**Proof Hansard page:** Written

**Senator BIRMINGHAM asked:**

What involvement has the Department and/or portfolio agencies (e.g. DAFF Biosecurity and the Australian Fisheries Management Authority) had in the scuttling, destruction, sinking and/or dumping of illegal foreign fishing vessels (IFFVs) or suspected illegal entry vessels (SIEVs)

**Answer:**

DAFF Biosecurity and the Australian Fisheries Management Authority (AFMA) work together in performing land-based destruction of illegal foreign fishing vessels (IFFVs) and suspected irregular entry vessels (SIEVs).

Under certain circumstances, foreign fishing vessels may be disposed of prior to the expiration of a 30 day statutory condemnation period and this sometimes occurs at sea. The authority to undertake such action is contained within the fisheries legislation and each decision to dispose of a vessel at sea is considered on a case by case basis. AFMA also provides fisheries advice to Border Protection Command, including on the collection of evidence for the criminal prosecution of crew on suspected IFFVs apprehended at sea.

AFMA has no role in decisions to sink SIEVs.



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

**Question:** 257

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

**Topic:** Illegal Foreign Fishing Vessels

**Proof Hansard page:** Written

**Senator BIRMINGHAM asked:**

How many vessels have been dealt with in this way in the current and previous financial years? Please detail numbers by location.

**Answer:**

The portfolio holds information on the disposal of illegal foreign fishing vessels.

**Illegal Foreign Fishing Vessels destroyed: Australia's northern waters**

| <b>Year</b> | <b>At Sea</b> | <b>On land</b> |
|-------------|---------------|----------------|
| 2009-10     | 12            | 11             |
| 2010-11     | 5             | 9              |
| 2011-12     | 7             | 5              |
| 2012-13*    | 1             | 6              |

\* Up to 31 December 2012

Source: Australian Fisheries Management Authority

No vessel detailed in the table was disposed of in the vicinity of Christmas Island or Cocos Island.

The portfolio does not hold information on suspected irregular entry vessels destroyed at sea.

**Rural and Regional Affairs and Transport Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2013

**Agriculture, Fisheries and Forestry**

**Question: 258**

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

**Topic:** IFFVs – Environmental Approvals and Analysis

**Proof Hansard page:** Written

**Senator BIRMINGHAM asked:**

What environmental (e.g. under EPBC Act or Sea Dumping Act) or other approvals have been sought?

What consideration has been given to fish breeding grounds, including for Southern Bluefin Tuna, in the conduct of these activities? What analysis has been undertaken before and/or after these activities in relation to pollution and any other risks?

**Answer:**

The Australian Fisheries Management Authority (AFMA) and Border Protection Command (BPC) have developed sea dumping protocols for the disposal of apprehended illegal foreign fishing vessels and suspected irregular entry vessels in defined circumstances. The protocols take into consideration preferred disposal sites, preparation of vessels and the retrieval of any flotsam remaining after the vessel sinks. These arrangements are used for the disposal of vessels that have been apprehended for fisheries offences but are deemed to pose a navigational, safety, environmental or quarantine risk. Responsibility for any environmental approvals are a matter for BPC and the Department of Sustainability, Environment, Water, Population and Communities.

We have no evidence of any negative impact on recruitment of Southern Bluefin Tuna (SBT). Recent annual aerial surveys of juvenile SBT indicate positive signs for the stock.