

**BUDGET ESTIMATES, 25, 26 MAY 2005 - ANSWERS TO QUESTIONS ON NOTICE**

Department of Agriculture, Fisheries and Forestry

Fisheries and Forestry Division

**Question: F&F 01**

**Topic: Fishing Rebuilding Strategy**

**Hansard Page: 44**

Senator O'Brien asked:

On notice, can you tell me how long each of these strategies has been in place and how many of them have been judged to have resulted in positive trends in species numbers to date?

Answer:

Formal harvest strategies for the South East Fishery (including rebuilding strategies) will be implemented in 2005 subject to the Australian Fisheries Management Authority Board approval in August. It is the intention that these strategies will form the basis of the Total Allowable Catch (TAC) setting for all quota species (including those that are overfished or subject to overfishing) in the fishery in September 2005 (for the 2006 fishing year).

The strategies set the limit and target reference points for all species, including clearly defined decision rules. Most importantly these are set within defined parameters of risk. Equally the strategies separate the fish stocks into categories based on level of knowledge - the less we know the more precautionary the TAC will be.

The success of harvest strategies will be judged for each species in terms of the stock's performance against the established limit and reference points.

**BUDGET ESTIMATES, 25, 26 MAY 2005 - ANSWERS TO QUESTIONS ON NOTICE**

Department of Agriculture, Fisheries and Forestry

Fisheries and Forestry Division

**Question: F&F 02**

**Topic: Bycatch Plans**

**Hansard Page: 47**

Senator O'Brien asked:

There are some bycatch plans I wanted to be updated on: the Bass Strait scallop, the Northern Prawn Fishery and the sub-Antarctic fisheries.

Answer:

The *Commonwealth Policy on Fisheries Bycatch 2000* requires the biennial review of Commonwealth bycatch action plans for major Australian Fisheries Management Authority managed fisheries.

*Bass Strait Central Zone Scallop Fishery Bycatch Action Plan*

The first bycatch action plan (BAP) for the Bass Strait Central Zone Scallop Fishery was released in 2001. The BAP was revised in 2004 in line with the requirements for biennial review. The BAP will next be reviewed in 2006.

*Northern Prawn Fishery Bycatch Action Plan*

The first BAP for the Fishery was prepared in 1998. This BAP underwent a review and the second BAP was released in 2003. The BAP is undergoing a review and the third BAP for the Fishery is anticipated for release by the end of 2005.

*Antarctic Fisheries Bycatch Action Plan*

The first BAP for the Antarctic Fishery (which includes the Heard and McDonald Islands and Macquarie Fisheries, as well as exploratory fisheries) was released in 2001. The BAP was revised in 2004 in line with the requirements for biennial review and the second BAP for the Fishery was released in March 2004. The BAP will be next reviewed in 2006.

**BUDGET ESTIMATES, 25, 26 MAY 2005 - ANSWERS TO QUESTIONS ON NOTICE**

Department of Agriculture, Fisheries and Forestry

Fisheries and Forestry Division

The Antarctic Fisheries BAP does not include whale exclusion devices. To date there have been no recorded interactions with whales during fishing operations. There are two independent observers placed on each fishing vessel operating in Antarctic waters. Some of the measures in the plan include:

- Implementation of marine protected areas with significant areas closed to fishing;
- Strict catch and bycatch limits;
- Seasonal closures;
- Use of weighted lines; and
- Discharge of dead fish or fish offal is not permitted to minimize feeding opportunities for seabirds or marine mammals around vessels.

**BUDGET ESTIMATES, 25, 26 MAY 2005 - ANSWERS TO QUESTIONS ON NOTICE**

Department of Agriculture, Fisheries and Forestry

Fisheries and Forestry Division

**Question: F&F 03**

**Topic: Australian Territorial Waters**

**Hansard Page: 50**

Senator Brown asked:

I was just seeking where Australia's territorial waters lie. That is not a legal matter. That is a matter that Australia has asserted.

Answer:

The Department of the Environment and Heritage (DEH) has prepared information on the status of Australian territorial waters in response to a question by Senator Webber during the hearings of the Environment, Communications, Information Technology and the Arts Legislation Committee on 26 May 2005. The information was prepared by the Australian Antarctic Division of DEH in consultation with the Department of Foreign Affairs and Trade and the Attorney-General's Department.

This information is now provided in response to Senator Brown's question:

The areas involved are depicted on the accompanying map (13144 AADC).

Australia is a coastal state under the terms of the United Nations Convention on the Law of the Sea (UNCLOS). A coastal state is entitled to assert either jurisdiction and/or rights in certain maritime zones adjacent to its coastline. For the purposes of whale protection the relevant zones are the Territorial Sea and the Exclusive Economic Zone (EEZ).

The Territorial Sea is, broadly speaking, the area up to 12 nautical miles from the territorial sea base line established in accordance with UNCLOS. This area comprises territory of the coastal state.

The EEZ, broadly speaking, extends up to 200 nautical miles from the territorial sea base line. In this region, while the coastal state does not have territorial sovereignty, UNCLOS allows exclusive rights to be exercised with respect to the living and non-living resources of the water column and sea bed.

Under the *Environment Protection and Biodiversity Conservation Act 1999*, the EEZ is also designated as the Australian Whale Sanctuary.

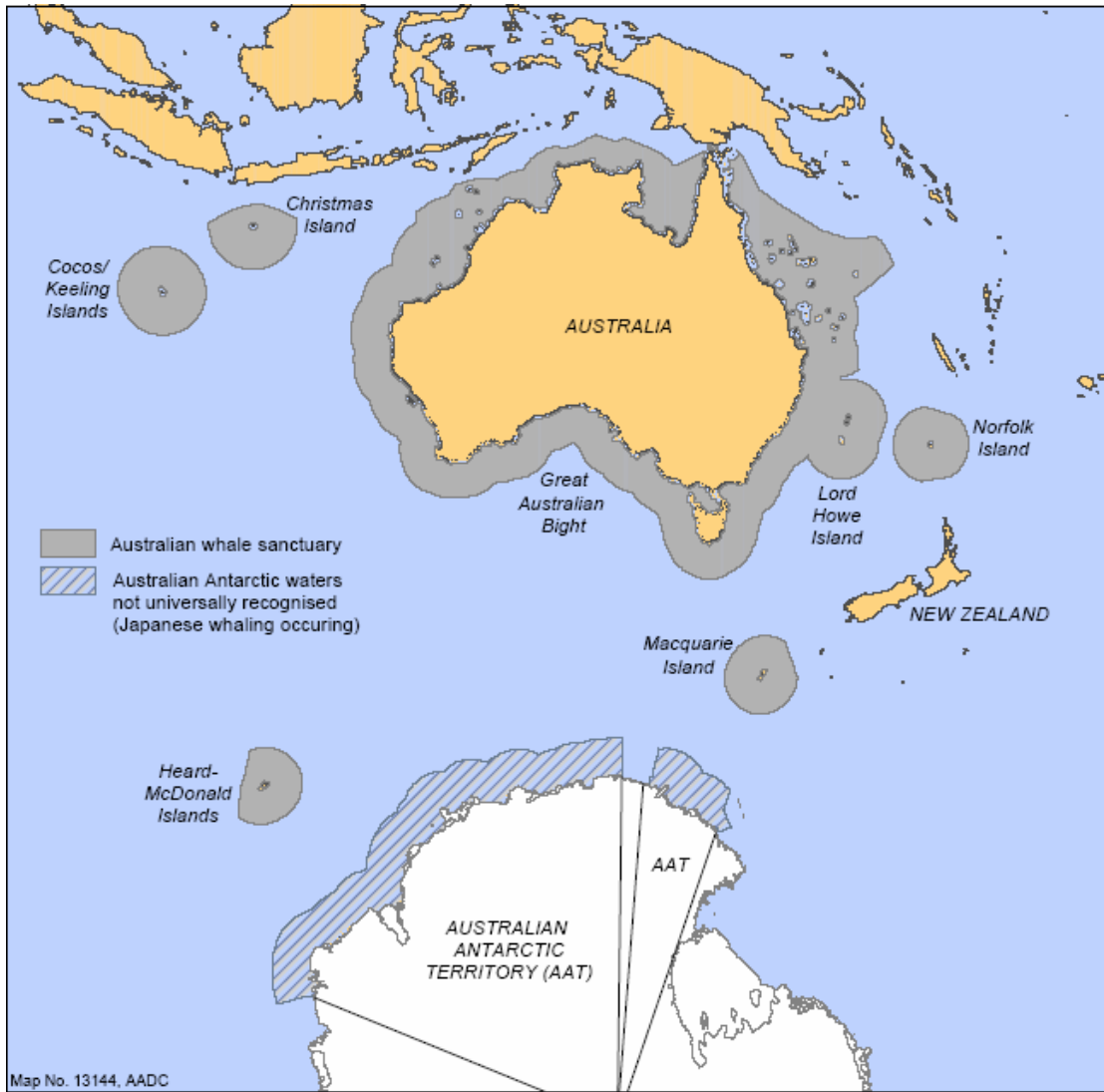
The EEZ around the Australian continent, its islands and external territories (other than Antarctica) is depicted on the enclosed map as the Australian Whale Sanctuary.

Australia claims the Australian Antarctic Territory (AAT) and therefore considers itself to be a coastal state in Antarctica. When Australia proclaimed an EEZ in 1994, this included the Australian waters off the AAT. The accompanying map shows in hatched shading the Australia's Antarctic EEZ, which is therefore also part of the Australian Whale Sanctuary.

Unlike Australia's other territories, and therefore the maritime zones attached to them, the AAT is not subject to universal recognition. In fact, only four other States recognise the validity of the AAT. Australia's interests in the AAT, and the differences of view over questions of sovereignty in Antarctica, are protected by Article IV of the Antarctic Treaty.

As a coastal state, Australia is entitled to assert an EEZ around all of its land territories – in Antarctica this action is protected by the Antarctic Treaty even if our position is not universally recognised. In Australian practice, therefore, the Antarctic EEZ is a whale sanctuary. However, the vast majority of other states (including Japan) do not recognise the validity of the AAT and therefore in Antarctica do not consider that Australia is a coastal state enjoying the right to an EEZ. Such States regard Antarctic waters as high seas and not subject to the jurisdiction or rights of any individual State. In Antarctic practice, each State regulates the conduct of its nationals and activities on the continent and in the waters surrounding the continent.

An assertion of jurisdiction over a foreign vessel in the EEZ of the AAT, even when acting contrary to Australian law, is likely to be considered a breach of the Antarctic Treaty and destabilise that regime contrary to Australia's interests.



**BUDGET ESTIMATES, 25, 26 MAY 2005 - ANSWERS TO QUESTIONS ON NOTICE**

Department of Agriculture, Fisheries and Forestry

Fisheries and Forestry Division

**Question: F&F 04**

**Topic: Indonesia AusAID program**

**Hansard Page: 57**

Senator Stephens asked:

Can you inform the committee of the value of that second stage?

Answer:

Activity 2 of the AusAID funded Government Sector Linkage Program (GSLP) project, "Capacity Building in Indonesian Fisheries Management", has a budget of \$80,125.58. Various organisations have also committed to contributing in-kind support for the Activity. These organisations include the Department of Agriculture, Fisheries and Forestry, the Australian Fisheries Management Authority, the Department of the Environment and Heritage, the Australian Customs Service and some State and Territory fisheries departments. The estimated value of this in-kind support is \$27,900. This means that the total estimated value of the nine-week training secondment for two officials from the Indonesian Ministry for Marine Affairs and Fisheries is \$108,025.58.

**BUDGET ESTIMATES, 25, 26 MAY 2005 - ANSWERS TO QUESTIONS ON NOTICE**

Department of Agriculture, Fisheries and Forestry

Fisheries and Forestry Division

**Question: F&F 05**

**Topic: Illegal fishing [in Australia's northern waters]**

**Hansard Page: 57-58**

Senator Stephens asked:

How do the figures you gave me—194 impounded and 154 boarded—compare to last year?

**Mr P Murphy**—By financial year?

Senator Ian Macdonald—I was just querying this myself. When I issue media releases I talk about this calendar year. These are financial year figures. I just want to make sure you understand there is a difference in case you are checking one of my media releases, because we are talking about different things.

**Mr P Murphy**—I have the calendar year data as well.

**Senator STEPHENS**—Calendar year would be useful, and then I can check the minister's press releases!

**Mr P Murphy**—The figure for apprehensions in the calendar year up to 24 May is 98 and there have been 70 seizures of catch and fishing gear. I have calendar year data for 21 May last year, which shows that 48 boats were apprehended and 41 had forfeitures of catch and fishing gear.

**Senator STEPHENS**—And the year before?

**Mr P Murphy**—I can give you the totals for calendar year or financial year going back.

**Senator STEPHENS**—Maybe you can take that on notice and provide it later—that will be fine.

Answer:

There was a total of 138 vessels impounded and 55 legislative forfeitures in northern waters in the 2003 calendar year.

There was a total of 134 vessels impounded and 83 legislative forfeitures in northern waters in the 2003-04 financial year.



**Question: F&F 06**

**Topic: Illegal fishing: Darwin detention facilities**

**[Detention of illegal foreign fishers]**

**Hansard Page: 60**

Senator Stephens asked:

Would it be 50 days or longer for the person who has been detained longest?

Answer:

The longest period of time a person has been detained is 120 days. This detention was some time ago and precedes the rapid repatriation practices now followed.

**BUDGET ESTIMATES, 25, 26 MAY 2005 - ANSWERS TO QUESTIONS ON NOTICE**

Department of Agriculture, Fisheries and Forestry

Fisheries and Forestry Division

**Question: F&F 07**

**Topic: Illegal fishing news story**

**Hansard Page: 62**

Senator Stephens asked:

For “AQIS’s account of the actual events” and “information about the name of the boat, the type of boat, what it was fishing and what catch was secured, et cetera”

Answer:

An Australian Quarantine and Inspection Service (AQIS) officer received a telephone call from Coastwatch on 20 March 2005 advising that an Indonesian foreign fishing vessel (FFV) was foundering six nautical miles off Caffarelli Island near Derby, Western Australia. The vessel had been located by the Australian fishing vessel, ‘Stormraker’.

Coastwatch advised AQIS that there were no surface response vessels in the vicinity and that they would not be able to arrange for an interception of the vessel for approximately two days. They also advised that the FFV was reportedly being monitored by the ‘Stormraker’ that was drifting nearby.

The AQIS officer specifically advised the Master of the ‘Stormraker’ that AQIS would not direct him to secure the FFV and that it had requested Coastwatch to monitor the movement of the vessel until surface assets were available to respond.

A search and rescue was initiated from nearby Cockatoo Island by local persons using a six metre boat organised by Derby Police - the crew was removed and the Indonesian boat anchored where it was found with the assistance of the ‘Stormraker’ crew. The crew were initially taken to Cockatoo Is before being transferred to Willie Creek near Broome around 20 March 2005 where they were held in immigration detention pending removal from Australia.

The Australian Fisheries Management Authority (AFMA) sought the assistance of the Senior Fisheries Officer, Fisheries WA Broome, to investigate what the fishing boat was doing in this area. The officer attended the Willie Creek facility and had discussions with the crew. As a result of these discussions it was found that the Master was well known to fisheries authorities having been apprehended in Australian waters on five previous occasions.

**BUDGET ESTIMATES, 25, 26 MAY 2005 - ANSWERS TO QUESTIONS ON NOTICE**

Department of Agriculture, Fisheries and Forestry

Fisheries and Forestry Division

AFMA requested Coastwatch to organise for the boat that was anchored six nautical miles off Cafferelli Island to be collected by a patrol boat and brought to Broome. A Customs' patrol boat failed to re-locate the boat on 25 March 2005. The boat is believed to have broken up and sunk.

The Master, 'Udin LAHOYA', was brought before the Broome Magistrates Court on 29 March 2005. He pleaded guilty to two charges, one of fishing inside the AFZ and the other for being in control of a boat equipped with nets, traps or other equipment. He was fined \$5,000 for the first charge and \$3,000 for the second charge. He served 33 days in prison in default of these fines.

**Question: F&F 08**

**Topic: Abalone Discussion Paper**

**Hansard Page: 64**

Senator Stephens asked:

Getting to the issue of abalone, the Department produced its discussion paper in March. It also canvasses some options around the illegal trade, I understand. What is the next step?

Answer:

The Department of Agriculture, Fisheries and Forestry (the Department) released the “*Effective Export Controls for Illegally Harvested Abalone*” discussion paper for public and stakeholder comment on 8 March 2005.

The paper:

- provided a brief outline of the Australian abalone industry (including a discussion of management arrangements and jurisdictional responsibilities);
- identified some of the costs of the trade in illegally harvested abalone;
- outlined a range of options that could possibly be implemented to improve the Australian Government’s control over the export of illegal abalone; and
- invited comments from stakeholders on the feasibility of each of these options.

The original closing date for comment was extended from 22 April 2005 to 13 May 2005. Responses were received from a wide range of stakeholders, including Australian Government agencies, State fisheries agencies, abalone industry representative bodies and individual industry members.

Over the next few months, the Department will be discussing the options which the stakeholders preferred with relevant Australian Government and State fisheries agencies and industry representatives. The matter will then be put to appropriate portfolio Ministers for their consideration.

**BUDGET ESTIMATES, 25, 26 MAY 2005 - ANSWERS TO QUESTIONS ON NOTICE**

Department of Agriculture, Fisheries and Forestry

Fisheries and Forestry Division

**Question: F&F 09**

**Topic: Logging on Tiwi Islands**

**Hansard Page: 67-68**

Senator Brown asked:

Is there clear-fell logging on the Tiwi Islands? Is it intended to increase the project from 30,000 to 100,000 hectares? Is the logging material going to Korea and other places overseas?

Answer:

In accordance with the project plan approved under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*, clearing of land on the Tiwi Islands, and associated salvage operations, are being undertaken to establish plantations.

The Minister for the Environment and Heritage approved a 26,000 hectare project under the EPBC Act. Prior to this a 5,200 hectare project was approved under the *Environment Protection (Impact of Proposals) (EPIP) Act 1974*.

Harvested logs from the conversion operation and plantation logs are being exported to countries in south east Asia, but not Korea to date.

**Question: F&F 10**

**Topic: Forestry Buying Water**

**Hansard Page: 73**

Senator Brown asked:

Is there any forestry operation or plantation in Australia that pays for the water that it withdraws or which does not get into the catchment because of that plantation growth?

Answer:

No forestry operation or plantation is required to pay for water unless it is an irrigated plantation.

In fully allocated water systems, the National Water Initiative requires any proposals for additional interception activities, which are above an agreed threshold size, to obtain a water access entitlement.