

**Senate Rural and Regional Affairs and Transport Legislation Committee**  
ANSWERS TO QUESTIONS ON NOTICE  
Supplementary Budget Estimates October 2009  
**Agriculture, Fisheries and Forestry**

**Question:** AFMA 01

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

**Topic:** Montara oil spill

**Hansard Page:** 105 (19/10/2009)

**Senator Siewart asked:**

**Senator SIEWERT**—I would like to move on to the Montara oil spill if that is possible, please. Were AFMA consulted over the development of the long-term monitoring plan that was just released by the company and the minister for the environment?

**Prof. Hurry**—We have been involved with answering the daily briefings on this and we have just been monitoring it and providing information back to industry and to the Commonwealth Fisheries Association on what is happening. But the level of any involvement we have had in a plan I would be unsure of. It is not really an issue of ours; it has been an issue very much for AMSA on the way through.

**Senator SIEWERT**—That is on the clean-up operation, but they have made it very clear to us that they are responsible for the clean-up operation but not for the long-term monitoring, and the minister for the environment released a plan last week that they had developed in concert with the company.

**Prof. Hurry**—Let me take it on notice and I will come back to you.

**Answer:**

Yes, AFMA was consulted by the Department of the Environment, Water, Heritage and the Arts (DEWHA) and provided input to the monitoring plan.

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**Question:** AFMA 02

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

**Topic:** Montara oil spill

**Hansard Page:** 105 (19/10/2009)

**Senator Siewert asked:**

**Senator SIEWERT**—That would be appreciated, if you could, because obviously we are interested in the impact the oil spill and the chemical dispersants are having on the fishery. If you were putting in place a monitoring plan, looking at the impacts of this particular type of spill, what would you say would be the length of time you should monitor—for looking at long-term impacts on the fisheries in the area—the northern demersal fishery?

**Dr Findlay**—That is something we would seek a fair bit of advice on. We are not experts necessarily in that field. That is very much a scientific question and I think we would be looking for expert advice on that. I do not think we have a view at the moment.

**Senator SIEWERT**—I am looking for some expert advice on that, too. Thank you. If fishers could demonstrate that their fishery had been affected by the oil spill, is there provision for compensation for the fishers from the company?

**Prof. Hurry**—We have had no discussion on that at the moment and I think most of this is a Western Australian fishery—the fishery that is fishing in that area. But again I would have to take it on notice. It is not an issue that we have pursued.

**Answer:**

There is no provision for compensation for fishers under the *Fisheries Administration Act 1991*.

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**Question:** AFMA 03

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

**Topic:** Montara oil spill

**Hansard Page:** 106 (19/10/2009)

**Senator Siewart/Colbeck asked:**

**Senator SIEWART**—In terms of the monitoring plan, I would very much appreciate any information you can provide on input you have distributed through the agency, any request from you for input into that monitoring plan and what role you see AFMA playing into the future in any long-term monitoring.

**Senator COLBECK**—What work have you got or what input have you had into the process that Senator Siewert has just been talking about, about potentially impacted species? The industry up there is telling me it is one of the spawning grounds for tuna, for example. What work has been done in looking at that?

**Prof. Hurry**—We have looked at the spawning times for goldband snapper and red emperor, which are the two species whose eggs will float up into the top of the water and could potentially be impacted. I think one is January and the other is November.

**Dr Findlay**—October for red emperor.

**Senator SIEWERT**—That is what I thought.

**Prof. Hurry**—Yes, and then February for goldband snapper. I think they are the two spawning periods, so goldband should be all right. As to what might happen in October, it is a matter of how dispersed the slick is when the red emperors spawn. That was the concern for us. But I was not aware that this was a tuna spawning ground. The southern bluefin tuna spawning ground is over between there and Indonesia.

**Senator COLBECK**—I am only going on what the fishermen are telling me.

**Prof. Hurry**—I am not arguing with you on this.

**Senator COLBECK**—If that is something new that needs to be put into the equation, so be it. But that was the information that I was given when I was up there three or four weeks ago. They expressed a concern about that for similar reasons, but also about the issue of dispersal and the impact down through the water column and what impact that might be having on the overall fisheries, so I will just get a sense of what your thoughts are on that.

**Answer:**

AFMA provided input into the development of the monitoring plan. AFMA is placing observers on any fishing vessels operating in the North West Slope Fishery to collect data as part of the requirements of the monitoring plan. The monitoring plan was developed between the Department of the Environment, Water, Heritage and the Arts and PTTEP Australasia Pty Ltd.

Any analysis that is to be undertaken on samples collected will be at the cost of PTTEP. This will include samples on scampi to determine if the oil has had any effect on benthic species.

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AFMA 03 (continued)

The peak spawning period for the commercially important Red Emperor is October. As spawning will be occurring in the area of the spill and the resulting larvae float to the surface, the impact of the oil spill on recruitment of this stock is unknown. The exact impact on stock recruitment may not be known for 5-6 years until recruits enter the fishery.

Goldband snappers typically spawn between January to April and may be potentially affected by the oil spill, depending on the length of time the spill takes to clean up.

The area around the oil spill is not a known spawning ground for commercially targeted tuna species.

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**Question:** AFMA 04

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

**Topic:** Montara oil spill

**Hansard Page:** 106 (19/10/2009)

**Senator Colbeck asked:**

**Senator SIEWERT**—Can I just do a supplementary to your supplementary of mine? What do you mean when you say ‘monitoring’? Are you actually doing any physical monitoring of when the spawning—

**Prof. Hurry**—No, we are just staying in touch with the process as it is being managed by AMSA and

advising industry, where we can, on where they are up to. The attempts to cap the wells and where the oil slicks are spreading are part of the briefs that come out, but we are not monitoring over there ourselves.

**Senator SIEWERT**—Thank you.

**Senator COLBECK**—Are you being advised of who is and what they are doing?

**Prof. Hurry**—Have you got any more on that, Dr Findlay, or do we need to come back on that?

**Dr Findlay**—Come back, I think. It is part of the same story.

**Answer:**

Yes, Australian Fisheries Management Authority (AFMA) provided input into the development of the monitoring plan and will place scientific observers on board fishing vessels operating in the North West Slope Fishery.

AFMA has been attending daily meetings convened by the Australian Maritime Safety Authority (AMSA). At these daily meetings AFMA was kept fully informed on all aspects of the oil leak including clean up, monitoring and efforts to stop the leak.

AFMA reports the outcomes of the daily AMSA meetings to Commonwealth fishers, the Western Australia Fishing Industry Council, some state fishers, the Northern Territory Department of Regional Development, Primary Industry, Fisheries and Resources and the Western Australian Department of Fisheries (WA DoF).

AFMA provided information and questions from these stakeholders including WA DoF back to the AMSA meeting.

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**Question:** AFMA 05

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

**Topic:** Number of days *Oceanic Viking* patrolled the Southern Ocean

**Hansard Page:** 106-107 (19/10/2009)

**Senator Macdonald asked:**

**Senator IAN MACDONALD**—Thank you for providing us with the details of the number of patrol days for the *Oceanic Viking* for the last four financial years following last May's estimates. You gave me a figure for 2008-09 of 185 days but you indicated that was up to 9 June, not 30 June. Would you have any idea whether that changed to 30 June?

**Dr Wilson**—I do not have an update on that for those last few days in June. I know that that particular patrol covered June and July. That was a 45-day patrol for June-July.

**Senator IAN MACDONALD**—So it must have been post 9 June.

**Dr Wilson**—I think that is correct, yes. I do not think that included that last patrol.

**Senator IAN MACDONALD**—Just for completeness, could you provide those details on notice. We do count them apparently by financial year, so you might have to go halfway into that last patrol.

**Answer:**

The table below provides the number of days the *Oceanic Viking* has patrolled the Southern Ocean for fisheries matters in the current financial year as well as the previous three financial years.

<b>Financial Year</b>	<b>Number of patrol days</b>
2006/07	199
2007/08	212
2008/09	200
2009/10 (to 26/10/2009)	30

This information has been provided by the Australian Customs and Border Protection Service who manage the patrols conducted by the *Oceanic Viking*.

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**Question:** AFMA 06

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

**Topic:** Number of days planned for fisheries patrols by the *Oceanic Viking*

**Hansard Page:** 107 (19/10/2009)

**Senator Macdonald asked:**

**Senator IAN MACDONALD**—Just for completeness, could you provide those details on notice. We do count them apparently by financial year, so you might have to go halfway into that last patrol. Whilst I appreciate that this is a Customs operation on the boat, although you have people on board and direct operations, what can you tell me about the program for the current financial year, without giving away any secrets? Do you have funding?

**Dr Wilson**—I am not aware of the funding details. As you alluded to, the actual patrol of the boat is a matter for Customs.

**Senator IAN MACDONALD**—But the policy is in your area, isn't it?

**Prof. Hurry**—That is right. We have funding for this program still and we are still actively engaged with it, but the days for the boats are controlled by Customs. They have part of the funding for the operation of the boat. The funding that we have is for the holding of the vessels and the prosecutions and the cost of putting our observers on the boat.

**Senator IAN MACDONALD**—Yes, but they are only doing it to save the fishery which you manage.

**Prof. Hurry**—Yes, that is true.

**Senator IAN MACDONALD**—Without giving away too many secrets, is it intended to maintain approximately 200 days patrol this year?

**Prof. Hurry**—That is my understanding of it. I will check when I go back and if there is any difference in that, I will let you know. But it is our understanding that the patrol continues and we are still involved with the French patrols as well.

**Answer:**

AFMA's 2009-2010 budget provides funds for 200 Southern Ocean patrol days by AFMA officers on board the *Oceanic Viking*.

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**Question:** AFMA 07

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

**Topic:** Indian Ocean Tuna Commission

**Hansard Page:** 107 (19/10/2009)

**Senator Ian Macdonald asked:**

**Senator IAN MACDONALD**—Do you also have access to—or can you get it for me on notice, because I did not ask for it at the appropriate place—what we know of other catches in the Indian Ocean fishery and also what is thought to be sustainable in that fishery?

**Prof. Hurry**—We can do that.

**Answer:**

The table below shows the most recent catch data as extracted from the Report of the Eleventh Session of the Scientific Committee of the IOTC. Also included in the table is; the Maximum Sustainable Yield (MSY) estimates from 2007 and 2008; and latest stock status assessment by the Bureau of Rural Sciences (BRS). BRS assess the status of the stock throughout the entire IOTC area and not just the Australian fishery.



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	<b>Harvest by calendar year (thousands of tonnes)</b>			
	<b>Bigeye (2007)</b>	<b>Yellowfin (2007)</b>	<b>Albacore (2007)</b>	<b>Swordfish (2006)</b>
<b>China</b>	7.2			0.8
<b>Taiwan, China</b>	36.1	25.7	16.9	6.8
<b>Indonesia</b>	7.2	8.5	2.2	1.3
<b>Japan</b>	19.2	20.3	6.4	1.8
<b>Republic of Korea</b>	3.1	3.4	0.3	0.2
<b>Spain</b>	9.8	37.8	0.8	5.2
<b>Portugal</b>				2.2
<b>Seychelles</b>	9.5	16.1	0.4	0.8
<b>France-Reunion</b>	6.1	32.7	1.1	0.9
<b>Australia*</b>				0.3
<b>Guinea</b>				0.8
<b>Mauritius</b>				0.7
<b>South Africa</b>				0.2
<b>United Kingdom</b>				1.1
<b>Sri Lanka</b>		44.1		1.6
<b>Belize</b>			0.7	
<b>Thailand</b>	1.7			
<b>Philippines</b>	2.1			
<b>Maldives</b>		20.6		
<b>Islamic Republic of Iran</b>		15.9		
<b>India</b>				
<b>Pakistan</b>		5.1		
<b>Oman</b>		17.3		
<b>Yemen</b>		16.3		
<b>Comoros</b>		6.2		
<b>Not Elsewhere Indicated*</b>	7.9	12.5	1.6	1.3
<b>other</b>	7.9	33.9	2	1.1
<b>Total catches for the IOTC area</b>	<b>117.9</b>	<b>316.7</b>	<b>32.2</b>	<b>27.3</b>
<b>Sustainable yield (MSY) 2007 '000's tonnes</b>	<b>95 - 128</b>	<b>250 - 360</b>	<b>28.3 - 34.4</b>	<b>31.5</b>
<b>Sustainable yield (MSY) 2008 '000s tonnes</b>	<b>100-115</b>	<b>250-300</b>	<b>no update</b>	<b>28-34</b>
<b>Stock Status (From 2008 BRS Fishery Status Reports)</b>	Not overfished but there are concerns that fishing may have reverted back to unsustainable levels	Overfishing occurring and current levels of fishing coupled with historical average levels of recruitment may move stock to an overfished state	Not overfished and Not subject to overfishing	2006 assessment indicates that levels of fishing may move the stock to an overfished state. Localised depletion evident in southwest Indian Ocean

\* A majority of Australia's data is confidential due to less than five boats operating in the IOTC area and as such AFMA can not release catch information, these catches are included in 'Not Elsewhere Indicated' (NEI) data. The NEI category consists mainly of data that cannot be released on its own due to confidentiality issues.

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**Question:** AFMA 08

**Division/Agency:** Australian Fisheries Management Authority  
**Topic:** Indian Ocean Tuna Commission (IOTC)  
**Hansard Page:** 107 (19/10/2009)

**Senator Macdonald asked:**

**Prof. Hurry**—The policy setting for it has always been a DAFF responsibility in all the regional fisheries organisations. We go along to them to provide technical support, where there is a need for us to do that. We are probably more active in the forum fisheries agency in the western and central Pacific and in the CCSBT than we have been in the Indian Ocean over the years. But we have been to a number of the meetings over the years, and we were at the last one in Oman, and we may well go to the future ones.

**Senator IAN MACDONALD**—Who was there?

**Prof. Hurry**—Trish Stone was at the meeting in Oman last year.

**Senator IAN MACDONALD**—Are you able—if I can seek the indulgence of the committee—to tell us what happened at Oman?

**Prof. Hurry**—No. I would have to go back and check. I have not stayed in touch with it personally, but I can find out for you.

**Senator IAN MACDONALD**—You do not have a website report on those activities, do you?

**Prof. Hurry**—No. They are usually on the IOTC website. There would be a report of the meeting and the minutes of the meeting. But we would have provided a brief, I would imagine, to the western tuna management advisory committee. Let me get that. I will check with our committee.

**Senator IAN MACDONALD**—Could you make that available—

**Prof. Hurry**—I will be happy to do that.

**Answer:**

Indian Ocean Tuna Commission was held in Bali, Indonesia in 2009 and in Muscat, Oman in 2008. Executive Summaries of the reports of both meetings are attached.

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AFMA 08 (continued)

**REPORT OF THE THIRTHEENTH SESSION OF THE INDIAN OCEAN  
TUNA COMMISSION  
EXECUTIVE SUMMARY**

The 13th Session of the Indian Ocean Tuna Commission (IOTC) was held in Bali, Indonesia, from 30 March to 3 April 2009. Representatives of 19 Members of the Commission, one Cooperating Non-contracting Party, FAO, 10 Observers and invited experts attended the Session.

The Chair of the IOTC Performance Review Panel presented the report of the review completed in January 2009. The Commission adopted a Resolution that takes the first steps to progress the recommendations arising from the Report of the Performance Review Panel with the aim of strengthening the effectiveness of the IOTC.

The Commission strengthened its measures for the management of fishing capacity on tropical tuna, swordfish and albacore stocks; and those to eliminate illegal, unreported and unregulated fishing by introducing a Resolution that now enables vessels flagged to CPCs to be included on the List of IUU Vessels. The Commission also has prohibited the use of large-scale driftnets on the high seas in the IOTC Area.

The Commission put in place a programme comprising national observer schemes to collect verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC Area.

In recognition of the threatened status of the populations of the six marine turtle species found in the Indian Ocean, the Commission has adopted measures to improve the data on marine turtle interactions, and ensure the use of best handling practices to improve the levels of survival of turtles returned to the sea after capture.

The Commission adopted an arrangement between the Secretariat for the Agreement for Albatrosses and Petrels (ACAP) with the IOTC to promote cooperation between the two organisations to enhance the conservation of Albatrosses and Petrels in the IOTC Area.

The Commission issued a statement declaring its deep concerns and desire to see the end of the ongoing issue of piracy off the coast of Somalia.

The Commission approved the 2009/10 Program of Work and Budget of the Secretariat, and the schedule of contributions. Senegal, South Africa and Uruguay were granted Cooperating Non-contracting Party status.

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AFMA 08 (continued)

The following resolutions were adopted by the Commission:

- *Resolution 09/01 On the performance review follow-up*
- *Resolution 09/02 On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating non-Contracting Parties*
- *Resolution 09/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area*
- *Resolution 09/04 On a Regional observer scheme*
- *Resolution 09/05 To prohibit the use of large-scale driftnets on the high seas in the IOTC area of competence*
- *Resolution 09/06 On marine turtles*

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AFMA 08 (continued)

**REPORT OF THE TWELFTH SESSION OF THE INDIAN OCEAN TUNA  
COMMISSION  
EXECUTIVE SUMMARY**

The 12th Session of the Indian Ocean Tuna Commission (IOTC) was held in Muscat, Sultanate of Oman, from 7 to 11 June 2008. Representatives of 20 Members of the Commission, two Cooperating Non-contracting Parties, FAO, seven Observers and invited experts attended the Session.

The Commission agreed to defer finalising its options on creating a more effective and efficient Commission until its next session when the results of the IOTC Performance Review are available. The Commission acknowledged the advice of the Scientific Committee on the status of the stocks under the IOTC mandate and reiterated its concerns about the adverse effects that missing and poor quality data are having on the stock assessments. The Commission introduced measures to improve the fisheries data available to scientists by better clarifying the mandatory data requirements and requesting new information from some fishing sectors. Furthermore, the Commission introduced a standardised logbook for the longline vessels.

Acting on recent international advances in eliminating the incidental bycatch of seabirds the Commission introduced a new range of fishing practices to improve its existing seabird mitigation measures.

Continuing its efforts to eliminate illegal, unregulated and unreported fishing in the IOTC Area, the Commission introduced measures to strengthen the monitoring of transshipments at sea. The Commission approved the 2008/09 Program of Work and Budget of the Secretariat, and the schedule of contributions.

Senegal, South Africa and Uruguay were granted Cooperating Non-contracting Party status. The following resolutions were adopted by the Commission:

- *Resolution 08/01 Mandatory Statistical Requirements For IOTC Members and Cooperating non-Contracting Parties (CPC's)*
- *Resolution 08/02 On establishing a programme for transshipment by large-scale fishing vessels*
- *Resolution 08/03 On Reducing the Incidental Bycatch of Seabirds in Longline Fisheries*
- *Resolution 08/04 Concerning The Recording Of Catch By Longline Fishing Vessels In The IOTC Area*

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**Question:** AFMA 09

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

**Topic:** Indian Ocean Tuna Commission (IOTC)

**Hansard Page:** 108 (19/10/2009)

**Senator Macdonald asked:**

**Prof. Hurry**—It has been an issue, because the Indian Ocean Tuna Commission is an agency under the FAO, whereas in all the other regional fisheries organisations around the world which are intergovernmental organisations Taiwan is often in there as Chinese Taipei or the Fishing Entity of Taiwan. They are not members but they are usually associate members of those commissions, so they sit at the table with everybody else and, in effect, just operate as a normal fishing member of those commissions. They have different membership arrangements in each of the bodies. They were the biggest—I do not know whether they still are—catcher in the Indian Ocean for a number of years. But the problem is more the link that the Indian Ocean Tuna Commission has to the FAO. If China is concerned, it is because of that FAO link. I am not sure where the negotiations with the FAO are on that. I know that they started the process and then there was some resistance from the other members of the IOTC—and not just China—about whether they wanted to get out. There are a number of African coastal states and developing Indian Ocean states in that, and you can probably understand the process as well as I can. I do not know where it will end up. It is one of the few fisheries bodies that is left

with the FAO and it is the only tuna commission that is under the FAO at the moment.

**Senator IAN MACDONALD**—If it is possible to give me a two-paragraph summary of where that is at, I would appreciate that.

**Answer:**

Indian Ocean Tuna Commission members have found it difficult to reach a consensus view on the reformation of the IOTC arrangements. All members have agreed that it would be desirable to create a more effective and efficient Commission; however, there remain differences in opinion regarding what steps and procedures should be used to achieve this goal. The matter was considered at the eleventh and twelfth sessions of the Commission where it agreed the Commission would wait for the results of a performance review of the IOTC before making a decision on how to proceed with the matter.

The performance review of IOTC was tabled at the thirteenth meeting of IOTC and advised, amongst other things, that:

the IOTC Agreement is outdated as it does not take account of modern principles for fisheries management

the limitation on participation to this Regional Fisheries Management Organisation, deriving from IOTC's legal status as an Article XIV Food and Agricultural Organisation of the United Nations (FAO) body, conflicts with provisions of the

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United Nations Fish Stocks Agreement (UNFSA) and prevents major fishing players in the Indian Ocean from discharging their obligations to cooperate in the work of the Commission.

the IOTC relationship with FAO, most notably in the budgetary context, negatively affects the efficiency of the work of the Commission, with neither Members nor the Secretariat in full control of the budget. This also raises questions relating to the level of transparency in the Commission's financial arrangements.

The performance review recommended that the IOTC Agreement either be amended or replaced by a new instrument.

IOTC has since adopted a Resolution which, amongst other things, encourages members to bring forward draft resolutions for the consideration by the Commission at its session in 2010. There has not yet been any draft resolutions circulated.

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**Question:** AFMA 10

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

**Topic:** Catch in East Marine Bioregion

**Hansard Page:** 108-109 (19/10/2009)

**Senator Ian Macdonald asked:**

**Senator IAN MACDONALD**—I see my colleague Senator Boswell is here. That leads me on to my next set of questions. I was told by the environment department at last estimates—and I thought I had this this morning when I sort of half asked about this, but I do not think I have, on looking at my notes—that they only had the 2006 east coast marine regionalisation profile catch figures, and they indicated that 2007-08 figures would be available in mid-October. Do you have the catch figures for the Coral Sea Fishery and that part of the Eastern Tuna and Billfish Fishery that is contained within that section? Or do you have separated, and are you able to give me, the figures for the Coral Sea section of the East Coast Tuna and Billfish Fishery?

**Prof. Hurry**—We can, but we will take it on notice and get them to you. The figures would be available.

**Senator IAN MACDONALD**—So you have the 2007-08 calendar year?

**Prof. Hurry**—We would have the 2008 figures.

**Dr Findlay**—We will have everything up to about three months ago. There is a lag with logbook data up to about three months, but we can give you everything up to about three months ago.

**Senator IAN MACDONALD**—That is out of the Coral Sea Fishery and also—

**Dr Findlay**—Eastern tuna as well.

**Prof. Hurry**—Yes, we should be able to give you that as well.

**Answer:**

Total catch in the Coral Sea Fishery was 132 tonnes (\$579 200, Fishery Status Reports 2008, page 56) in 2007–2008 and approximately 15t (ABARE estimates) in 2008–09, excluding the aquarium sector. The 2008–2009 data is not finalised and should be used as an indication only. Recent catches for the aquarium sector are not available publicly as the data is commercial-in-confidence, but are below 50 000 fish (catches in the aquarium sector are recorded by number of fish taken).

Total catch in the Eastern Tuna and Billfish Fishery for waters north of 24°30' S, the southern border of the Coral Sea Conservation Zone, was 1558t in 2007; 1133t in 2008 and 1143t in 2009 to date. These figures are not specific to the East Marine Bioregion region. AFMA has not yet been provided with the exact co-ordinates of the East Marine Bioregion region.



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**Question:** AFMA 11

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

**Topic:** Coral Sea Conservation Zone Consultation

**Hansard Page:** 109 (19/10/2009)

**Senator Ian Macdonald asked:**

**Senator MACDONALD**—Finally, can you tell me—and I ask this of the department—if the management authority, as opposed to the department, has been part of the ongoing consultations on the proposal by the Pew Foundation and by the environment minister to have some sort of conservation zone in the Coral Sea Fishery?

**Prof. Hurry**—We did provide some information on that in a question. We are monitoring it quite closely, but we are not, as far as I am aware—and I will check—actively involved at the table in the discussions on this.

**Answer:**

DEWHA has established a Coral Sea Conservation Zone that includes waters of the Coral Sea, East Coast Tuna and Billfish Fishery and Southern Bluefin Tuna fisheries. AFMA is not part of any ongoing consultations between Pew and Minister for the Environment, Water, Heritage and the Arts on the existing conservation zone.

Pew has provided information about its proposal for a Coral Sea heritage park at the meeting of the Coral Sea Consultative Committee on 6 April 2009. The Coral Sea Consultative Committee, which meets on an annual basis, is comprised of industry members, AFMA, other agencies, such as DEWHA and other stakeholders.

AFMA is taking an active advisory role in the marine planning process to ensure that factual information on fishing effort and areas is made available to DEWHA in relation in the establishment of Marine Protected Areas as part of the East Marine Bioregional Planning process. In this role, AFMA also updates industry with publicly available information from DEWHA.

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**Question:** AFMA 12

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

**Topic:** Timeframes for the release of the East Marine Bioregional Plan

**Hansard Page:** 110 (19/10/09)

**Senator Boswell asked:**

**Senator BOSWELL**—When will the East Marine Bioregional Plan come to fruition? Has there been an extension of six months on that?

**Prof. Hurry**—We said we would need to come back on that. We are unaware of when DEWHA would try and finalise these, but we have been actively involved with the fishing industry on those bioregional marine plans right around the north of Australia.

**Senator BOSWELL**—Is there at present, or will there be in the near future, a bioregional zone in the gulf?

**Prof. Hurry**—I assume there is, because I saw some maps that industry brought in the other day for the Northern Prawn Fishery that showed the initial areas of interest on the Northern Prawn Fishery. It was the large portions of the ecosystem that they were initially interested in, but then they have to come down and take specific areas out of that that then may form part of the final bioregional marine plan.

**Senator BOSWELL**—When is that likely to be finalised?

**Prof. Hurry**—Again, we would have to take it on notice, because it is a timetable driven by DEWHA and not by us.

**Answer:**

The Marine Bioregional Planning process is run by the Department of the Environment, Water, Heritage and the Arts (DEWHA). The following information has been provided by DEWHA.

Bioregional planning across all Commonwealth waters

The Australian Government is undertaking bioregional planning across all Commonwealth waters. Marine bioregional planning is being conducted under Section 176 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Plans will inform the Minister's decisions under the EPBC Act in Commonwealth waters.

The marine bioregional planning process is informed by the Integrated Marine and Coastal Regionalisation of Australia released in 2005, which identifies bioregions in all Australian waters. The planning process will also develop proposed regional representative networks of marine reserves, as part of Australia's national and international commitments to implement a National Representative System of Marine Protected Areas (NRSMPA) by 2012.

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**Question:** AFMA 12 (continued)

East Marine Bioregional Plan

The Minister for the Environment, Heritage and the Arts, the Hon. Peter Garrett AM, MP, has approved a six month extension for the development of the East Marine Bioregional Plan. The revised timings will see a draft plan released in mid 2010 and a final plan released in late 2010.

North Marine Bioregional Plan

The North Marine Bioregional Planning region covers Commonwealth waters (i.e. those waters generally extending from 3 to 200 nautical miles offshore) from the western side of Cape York to the Northern Territory-Western Australia boundary.

A draft North Marine Bioregional Plan is scheduled to be released for a statutory public comment period of at least 60 days in March 2010. The final Marine Bioregional Plan is due to be completed in mid 2010.

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**Question:** AFMA 13

**Division/Agency:** Australian Fisheries Management Authority  
**Topic:** Consultation on the North Marine Bioregional Plan  
**Hansard Page:** 111 (19/10/09)

**Senator Boswell asked:**

**Senator BOSWELL**—I am concerned about this new bioregion in the gulf which will impact on Queensland and the Northern Territory. What information has been put to the user groups, whether they be commercial fishermen or amateur fishermen? Are there any constructive meetings being held?

**Prof. Hurry**—There have been a series of meetings held around the coast. James, do you want to run through where they were held? We were present at them. There was an initial round of discussions with stakeholders on the fisheries.

**Dr Findlay**—Yes, there have been a series of public meetings.

**Senator BOSWELL**—When did they first take place? When was the first one?

**Dr Findlay**—There have been a series of them. I will have to go back and get those dates for you. This is not our process and it is not something I have got to hand, but we are happy to come back with past and future dates for both consultation and finalising the plans, if that helps. There have been a series of stakeholder and general public meetings in Darwin, Cairns and Brisbane.

**Answer:**

The Marine Bioregional Planning process is run by the Department of the Environment, Water, Heritage and the Arts (DEWHA). The following information has been provided by DEWHA.

On 21 September 2009 the Minister for the Environment, Heritage and the Arts, the Hon. Peter Garrett AM, MP, released five Areas for Further Assessment (AFAs) in the North Marine Region as a basis for consultation with stakeholders about the possible socio-economic implications of establishing marine reserves in Commonwealth waters. The Areas for Further Assessment are the first step in a comprehensive analysis of the marine environment and are a way of helping DEWHA collect information on human uses and socio-economic values before any marine reserves are identified. Areas for Further Assessment are not proposed marine reserves. Based on information obtained from stakeholders on human activities within the areas for further assessment, DEWHA will make recommendations on a proposed marine reserve network. Consultations with key sectors and stakeholder organisations on the AFAs commenced in September 2009.

The first key multi stakeholder meeting for the release of the Areas for Further Assessment for the North Marine Region occurred on the 21 September 2009. Since then there has been a series of multi-sector and one-on-one meetings with key sectors and stakeholder organisations including commercial and amateur fisherman associations in Queensland and the Northern Territory.

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**Question:** AFMA 14

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

**Topic:** Detaining Illegal Foreign Fishers

**Legal and Constitutional Legislation Committee Hansard Page:** 122 (20/10/2009)

**Senator Fierravanti-Wells asked:**

In relation to illegal foreign fishers, give me a profile or an outline of how we have dealt with, the process, the numbers we have dealt with over the last year and how we have dealt with them, Start with 'X Bloggs' – do not give me the names, for privacy reasons – and then how we have dealt with them and whether they have been flown backwards and forwards to be dealt with.

**Answer:**

Between 1 July 2008 and 31 October 2009, 261 illegal foreign fishers were apprehended for suspected breaches against fisheries legislation. It is the policy of the Australian Fisheries Management Authority to pursue charges against the master of the vessel and any crew members which are identified as repeat offenders. Those fishers who are not charged are repatriated from Australia. In the case of fishers from Papua New Guinea apprehended in the Torres Strait Protected Zone, they are handed over to the PNG authorities for action under PNG law. This practice is in accordance with the Torres Strait Treaty.

Between 1 July 2008 and 31 October 2009, 98 foreign fishers were convicted for offences under fisheries legislation. Of those 98, 84 were convicted while they remained in Australia as they had pleaded guilty and legal proceedings were promptly concluded prior to their repatriation. Fourteen fishers were convicted after they had been repatriated and then returned to Australia for the conclusion of legal proceedings. These fishers had entered pleas of not guilty and they were repatriated prior to the conclusion of legal proceedings in order to avoid long periods of detention before their court appearances.

Schedules 1 and 2, attached, detail the outcomes of these cases.

In addition to those convicted, a further 10 fishers were charged. Of these:

- charges in relation to one fisher were dropped on compassionate grounds;
- three fishers returned to Australia and were acquitted;
- two fishers did not return a second time after their case had been adjourned;
- two fishers returned and had their cases adjourned and were subsequently repatriated to return for later court dates which are yet to occur; and
- two fishers are not due for return yet as their trials have been set for late November 2009 and March 2010.

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**Question:** AFMA 15

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

**Topic:** Illegal Foreign Fishers – Use of Medical Services

**Hansard Page:** Written

**Senator Fierravanti-Wells asked:**

Further to the information to be provided on notice, can you confirm that some illegal fishers are arranging to be caught in Australian waters so that they can use our generous medical benefits scheme to have minor procedures done in Australia, including having moles removed, dental work and optometry?

**Answer:**

AFMA is unaware of any illegal foreign fishermen arranging to be caught in Australian waters so that they can use the Australian medical benefits scheme.

All illegal foreign fishermen are given a medical examination on arrival in detention. This examination is administered by the Department of Immigration and Citizenship.

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**Question:** AFMA 16

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

**Topic:** Illegal Foreign Fishers – Use of Medical Services and Travel for Court Hearings

**Hansard Page:** Written

**Senator Fierravanti-Wells asked:**

Is it correct that those illegal fishers, once arrested, are sent back to Indonesia and then flown back to Australia for their court hearings, all at the taxpayers' expense?

**Answer:**

Some suspected illegal foreign fishers, who have entered a plea of not guilty, have been repatriated to Indonesia pending their return to Australia to face legal proceedings.

The decision to repatriate and return a fisher to Australia has been made if the fisher would otherwise face an extended period in detention prior to a court hearing. The costs of repatriation and return have been met by the Australian Fisheries Management Authority.

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**Question:** AFMA 17

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

**Topic:** Detaining Illegal Foreign Fishers

**Hansard Page:** Written

**Senator Fierravanti-Wells asked:**

What mechanisms have been put in place to deter illegal fishers?

**Answer:**

Australia's Border Protection Command manages a continuous and comprehensive air and surface surveillance program within the Australian Fishing Zone. Illegal foreign fishing activity carries a high risk of detection and apprehension and fishers may be subject to the forfeiture of their vessel, gear and catch, as well as prosecution under Australian fisheries law.

While held in detention, illegal fishers receive an education program on Australia's fisheries laws.

Convicted illegal fishers incur a debt for the costs of their removal from Australia and for the costs of their detention. A recidivist illegal foreign fisher may incur a custodial sentence in an Australian prison for the non-payment of a fine imposed for a previous illegal fishing offence.

The Australian Government delivers a public information campaign in Indonesia, in collaboration with the Indonesian Government, to provide information on Australian fisheries laws and the adverse consequences of illegal fishing. The campaign is aimed at fishers in fishing villages and is delivered through public meetings, press conferences, radio talkback and TV interviews, and meetings with government officials.

Australia is also actively engaged in a Regional Plan of Action with 10 other countries in the South East Asian region to promote responsible fishing practices and deter illegal, unregulated and unreported fishing. This initiative, led by Australia and Indonesia, is generating co-operative activities aimed at combating illegal fishing in the region.



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**Question:** AFMA 18

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

**Topic:** Detaining Illegal Foreign Fishers

**Hansard Page:** Written

**Senator Fierravanti-Wells asked:**

How many illegal fishers have been detained and held in the Darwin Detention Centre this year?

**Answer:**

The following information has been provided by the Department of Immigration and Citizenship.

From 1 July 2008 to 30 June 2009, 169 illegal foreign fishers were placed in immigration detention in the Northern Immigration Detention Centre in Darwin. From 1 July 2009 to 6 November 2009, 51 illegal foreign fishers have been detained at the Northern Immigration Detention Centre.

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**Question:** AFMA 19

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

**Topic:** Detaining Illegal Foreign Fishers

**Hansard Page:** Written

**Senator Fierravanti-Wells asked:**

How does this number compare to previous years?

**Answer:**

The following information has been provided by the Department of Immigration and Citizenship.

The numbers of illegal foreign fishers placed in immigration detention at the Northern Immigration Detention Centre in previous financial years was as follows:

2007–2008: 1020

2006–2007: 1034

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**Question:** AFMA 20

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

**Topic:** Detaining Illegal Foreign Fishers

**Hansard Page:** Written

**Senator Fierravanti-Wells asked:**

What is the average age of illegal fishers detained at the Darwin Detention Centre?

**Answer:**

The following information has been provided by the Department of Immigration and Citizenship.

From the information provided by detainees, noting the difficulty in establishing accurate ages of illegal foreign fishers, the average age of illegal foreign fishers detained at the Northern Immigration Detention Centre this financial year (2009–10) is approximately 27 years.