Hon Giz Watson MLC to the Minister for Fisheries

I refer to the Commonwealth government plan to permit the Dutch super trawler, Margiris, to fill its annual quota of 18,000t of small fish in a fishing zone that includes waters off the West Australian coast, and I ask:

(1) Are you aware of this plan?
(2) Have you and/or your Department been consulted on the plan?
(3) If yes to (2), please table any correspondence in relation to this plan.
(4) What impact do you anticipate the activities of this super trawler will have on marine biodiversity and any WA fisheries?
(5) Have you or your Department responded to the Commonwealth plan?
(6) If yes to (5), please table that response.

I thank the Member for some notice of this question.

(1) Yes.

(2) No, but the Department has received emailed information about the plan.

(3) I table a copy of the information that has been received.

(4) The trawler will be operating in Commonwealth waters within a Commonwealth managed fishery. While this is the case I am concerned about the potential impacts on localised depletion of the target fish species and any downstream effects that this may have on the State’s commercial and recreational fisheries.

(5) No.

(6) Not applicable.
Proposal for large boat to operate in the Commonwealth Small Pelagic Fishery - Background information for State Fisheries Directors

Description of issue: The use of the 143m FV Margiris has been proposed in the Commonwealth Small Pelagic Fishery (SPF). Concerns have been raised about its effect on fish stocks, the marine ecosystem and recreational and other commercial fishers.

Key points

- AFMA has strict regulations in place to ensure that all fishing operations, including those with large boats, fish sustainably.

- AFMA has been involved in preliminary discussions with interested fishing concession holders and other parties about bringing a large boat into the fishery. However no application has been received by AFMA.

- We understand that the Australian Maritime Safety Authority has received an application to register the boat as Australian and they are currently considering the application under the Shipping Registration Act 1981.

- The fishery is managed through a strict quota system, meaning that there is a limit to how much fish can be caught. Individual tradeable catch shares are allocated to fishing operators under the Small Pelagic Fishery Management Plan 2009.

- Catch limits for commercial species in the Small Pelagic Fishery are set at sustainable levels that take broader ecosystem impacts into consideration. Current catch limits are set at below 10 per cent of the biomass estimates which is considered highly precautionary. These limits are based on scientific information and are agreed to in consultation with experts and industry including representatives from state government, recreational fishing groups and environmental non-government organisations.

- Because catch levels are limited, the size of the boat does not matter from a stock sustainability perspective and there is no evidence that larger boats pose a higher risk to either commercial species or broader marine ecosystem.

- Commonwealth fishing boats are required to carry independent AFMA observers to monitor the fishing activities of the boat
including its impact on the marine environment. They also collect biological data which forms part of the scientific information used to decide sustainable catch limits.

- Midwater trawl operations are highly selective and very little bycatch is expected. AFMA also requires midwater trawl boats to use equipment that reduces interactions with wildlife, such as seal excluder devices.

- AFMA will use its management, monitoring and compliance powers to ensure any boat operating in the fishery is doing so sustainably.

- Smaller operators in the fishery will be able to fish any quota they currently hold and the introduction of the large boat will not affect their access entitlements.

- AFMA understands the large boat is proposed to be introduced because it has at-sea processing capacity and is therefore not restricted to areas of the fishery near on-land processing facilities.

- The Department of Agriculture, Fisheries and Forestry (DAFF) is supporting a working party consisting of members of industry and recreational fishing groups to seek agreement on additional operational measures for the FV *Margiris* including options to further reduce concerns about localised depletion. We understand that conservation groups have declined an invitation to participate and have run a full page advertisement in the *Australian* expressing their views. A national protest is expected on 11 August (schedule below) and a petition has been circulated.

- As at 9 August, AFMA understands that the vessel has left Africa and is headed towards Australia.

**National day of action protests planned for 11 August**

**Hobart:** 10.45am on the water at Lindisfarne, 12.30pm Watermans Dock (200 plus boats to attend)
**Launceston:** 9.30am, Launceston Mall
**Melbourne:** 11am St Kilda Beach, behind Luna Park
**Perth:** 11am Julie Bishop’s office, 414 Rokeby Road, Subiaco
**Fremantle:** 11am meet outside Little Creatures, 40 Mews Road, Fremantle
**Adelaide:** 11am Port Adelaide Lighthouse
**Albany, WA:** 10am, Tony Crooks Office, Shop 5 The Link Centre, St Emilie Way
Background

Fisheries legislation requires the Australian government to pursue maximising the net economic returns from management of fisheries resources. Large, highly efficient boats with onboard processing capacity are likely to improve operators’ ability to profitably fish the small pelagic resources in Australia.

The fishery targets species such as blue (slimy) mackerel, jack mackerel and red bait. These are known as small pelagic fish and have similar characteristics to anchovies, sardines and herrings. In many cases these species are used as bait in other fisheries, or for food in fish farms. Fish are mainly targeted using purse seine and mid-water trawling methods. There is currently a limited market within Australia for these species for human consumption. The 2010 Fishery Status Report shows that all major species in the fishery are not overfished and not subject to overfishing, with the exception of redbait west which is uncertain.

Catches in the fishery in recent years have been very small and only a small percentage of the catch limit has been taken. This is partly because the existing fleet lacks at-sea processing capacity and is therefore restricted to small areas of the fishery. The catch limits are set at precautionary levels that take both the species productivity and broader ecosystem impacts (e.g. the role of small pelagic fish in the food chain) into consideration.

The fishery has a new management plan in place that implemented individual quotas from 1 May 2012. Individual transferable quotas will eliminate the ability of one operator to take the entire allowable catch (unless they lease or purchase all the concessions of the other fishers) and an operator’s catch will then be limited to their quota holdings.

No boat size limits apply in this fishery or in any fishery managed solely by the Commonwealth.

AFMA and DAFF officers met with national recreational fishing representatives on 7 August to discuss their concerns.

Frequently asked questions

Q. How would the boat be allowed to come into Australia?

To fish in Commonwealth waters a boat must meet the definition of an Australian boat under the Fisheries Management Act 1991.

There are a number of steps for the boat to become an Australian boat. These include AFMA declaring the boat to be an Australian boat under the Fisheries Management Act 1991, or the Australian Maritime Safety Authority (AMSA) registering the boat under the Shipping Registration Act 1981.
AFMA understands that Seafish Tasmania has applied to AMSA for Australian registration of the FV *Margiris*. AMSA will assess the application in accordance with the *Shipping Registration Act 1981*.

**Q. What is the status of fish stocks in the SPF?**

The ABARES Fishery Status Reports 2010 list all stocks of SPF species, except for Redbait west, as 'not overfished / not subject to overfishing'. Redbait west is assessed as 'uncertain' because of limited information available to assess its status. AFMA has implemented a conservative total allowable catch to reflect this uncertainty.

**Table 1: Status of the Small Pelagic Fishery stocks from ABARES Status report 2010**

<table>
<thead>
<tr>
<th>Biological status</th>
<th>Fishing mortality</th>
<th>Fishing mortality</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian sardine</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Sardinops sagax)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blue mackerel—east</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Scomber australasicus)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Blue mackerel—west</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Scomber australasicus)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jack mackerel—east</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Trachurus decernis, T. murphy)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jack mackerel—west</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Trachurus decernis, T. murphy)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redbait—east</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Enneapterygius nitidus)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redbait—west</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Enneapterygius nitidus)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economic status (Fishery level)</td>
<td>Not economic returns not available</td>
<td></td>
<td>Little economic incentive to participate in the fishery given current prices and costs.</td>
</tr>
</tbody>
</table>

**Q. How will AFMA limit the amount of fish that can be taken from the fishery?**

AFMA sets catch limits for the fishery each year, which are sustainable amounts of fish (by weight) that can be taken from the fishery. The best available science is used to set these limits, and due to the important place of small fish in the food chain, the limits are set at precautionary levels in the SPF. The total allowable catch is divided up between the operators in the form of quota. Operators must inform AFMA of all catch landed and AFMA verifies this information. If operators are found to have caught more than their quota holdings strict penalties apply.

**Q. What does AFMA consider in setting catches?**

Australian Fisheries Management Authority
In setting the total allowable catch each year, the AFMA Commission considers advice from the Small Pelagic Fishery Resource Assessment Group (SPFRAG), South East Management Advisory Committee (SEMAC), AFMA Management and other relevant information. Agreement amongst RAG and MAC members is not always unanimous and the AFMA Commission takes into consideration all views when making its decisions.

SPFRAG is made up of scientific members and members from fisheries management, industry, states and the environmental and recreational sectors. It provides its advice after considering an annual stock assessment prepared by scientists led by the South Australian Research and Development Institute, catch and effort trends, risks and other relevant factors.

SEMAC includes representatives from AFMA, resource assessment groups, states, industry bodies, scientists and economists. It also has representatives from the environment and recreational sectors. SEMAC considers the recommendations of SPFRAG and makes its own recommendations of total allowable catch to the AFMA Commission.

The SPF Harvest Strategy, in place since 2008, specifies decision rules for setting sustainable catch limits based on the level of information known about the stocks. It uses a three tiered approach which allows higher potential catches where there is a higher level of information known about a stock.

Q. How do SPF catch limits compare?

The catch limits for species in the SPF are all at or below 10 per cent of the estimated spawning fish population. This is low compared to other Commonwealth fisheries, and is also considered conservative when compared to international standards for small pelagic fishes.

Q. What are total allowable catches for the SPF for the current season?

The table below outlines the total allowable catches (TAC) for the current season (1 May 2012 to 30 April 2013) and TACs for last season.

<table>
<thead>
<tr>
<th>Species</th>
<th>TAC (t) 2011-12</th>
<th>TAC (t) 2012-13</th>
<th>% of estimated spawning biomass in 2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redbait East</td>
<td>8,600</td>
<td>6,900</td>
<td>10</td>
</tr>
<tr>
<td>Redbait West</td>
<td>5,000</td>
<td>5,000</td>
<td>7.5</td>
</tr>
<tr>
<td>Blue Mackerel East</td>
<td>2,500</td>
<td>2,600</td>
<td>&lt;7.5</td>
</tr>
<tr>
<td>Blue Mackerel West</td>
<td>4,200</td>
<td>6,500</td>
<td>7.5</td>
</tr>
<tr>
<td>Jack Mackerel East</td>
<td>4,600</td>
<td>10,100</td>
<td>&lt;7.5</td>
</tr>
<tr>
<td>Jack Mackerel West</td>
<td>5,000</td>
<td>5,000</td>
<td>7.5</td>
</tr>
<tr>
<td>Australian Sardine East</td>
<td>400</td>
<td>200</td>
<td>&lt;7.5</td>
</tr>
</tbody>
</table>
Q. Why did the Jack Mackerel (East) TAC increase for 2012-13?

The TAC was increased because of research, based on surveys conducted in 2002-2004, that was published in 2011. The research indicated Jack Mackerel (East) had a higher spawning biomass than previously thought.

Based on this information, SPFRAG recommended a take of 7.5 per cent of the estimated spawning biomass. This was reduced by 500 tonnes to account for other factors (such as state catches) to give a TAC of 10,100 tonnes.

Q. Do environmental and recreational sectors have a say in the catch limits?

The views of the environmental and recreational sectors were taken into account when developing the SPF Harvest Strategy and setting TACs for SPF species. Environmental and recreational members sit on SPFRAG and SEMAC, which provide advice to the AFMA Commission in relation to SPF catch limits.

Q. Are state issues considered?

State catches are incorporated into the catch setting process. State representatives also attend meetings of SPFRAG and SEMAC to provide advice on state issues.

Q. How is research funded and are there any stock assessments planned for the coming years?

AFMA continues to facilitate the annual stock assessment of this fishery, which is used to assist in making catch limit decisions and is funded by the fishing industry through levies.

There is a proposal for South Australian Research and Development Institute to undertake a daily egg production method survey later this year which would be funded by Seafish Tasmania. The research proposal has been considered by SPFRAG but would not impact on the TAC for 2012-13.

Q. What is the effect of SPF catches on predator species such as tuna?

The SPF Harvest Strategy recognises that small pelagic species are an important component of the wider ecosystem, providing food for a range of species including larger fish, marine mammals and seabirds. Total allowable catch levels for SPF species are set at precautionary levels that take into consideration both the species’ productivity and broader ecosystem impacts.

At the moment, the total available catch in the fishery for all species does not exceed 10 per cent of the estimated spawning fish population and therefore, at least 90 per cent of the fish remain in the ecosystem for predator species.

Q. What will AFMA do to prevent localised depletion?

The annual fishery assessment report, currently undertaken for all SPF stocks, aims to determine the likelihood of localised depletion or change in the size/age structure of
the catch that cannot be adequately explained by reasons other than a decline in abundance. Scientific advice suggests that, given the mobile nature of small pelagic species, any localised reductions in abundance less likely in comparison to species that stay in one area.

Quota allocations in the SPF have been divided into east and west zones by a line along 146°30’ East (roughly through the middle of Tasmania). This spreads fishing effort across zones and lowers the risk of localised depletion. In addition, large boats with freezing capacity are not restricted to fishing in areas close to processing facilities, as has historically been the case in the SPF, and so can spread fishing effort over more of the geographical distribution of the stock. The fishery extends from southern Queensland to southern Western Australia as shown in the map below.

![Small Pelagic Fishery Sub-areas.](image)

Figure 1: The area of the Small Pelagic Fishery

AFMA will be monitoring this issue closely and will address any suspected instances of localised depletion if they arise.

**Q. How will the boat be required to minimise bycatch of protected species?**

Fishing methods used in the SPF are relatively selective, which means they have comparatively low levels of bycatch.

When requested by AFMA, Commonwealth fishing boats must carry independent AFMA observers to monitor fishing activities and any impact on the marine environment. Observers collect biological data about fish and bycatch, which forms part of the scientific assessment used to decide sustainable catch limits. AFMA will implement high levels of observer coverage on the proposed large freezer boat if it is introduced to the SPF.
Seal excluder devices are required to be used on midwater trawl nets to protect species such as seals and dolphins.

While the risk is not high, AFMA will work with Seafish Tasmania to develop a seabird management plan to minimise seabird interactions. AFMA understands that the proposed freezer boat will be processing whole fish so expects that there will be little offal discharge to attract seabirds.

Q. What monitoring and enforcement powers does AFMA have to deal with fishing operations that break the rules?

All Commonwealth-endorsed fishing vessels (concession holders) are subject to AFMA’s domestic compliance and enforcement programs and monitoring arrangements. The FV Margiris, if permitted to fish in Australian waters, would be subject to these arrangements as is the case with any other Commonwealth-endorsed fishing vessel.

AFMA has in place a range of monitoring programs and technologies which are used to monitor the activity of each of the vessels in the Commonwealth fleet:

- Vessel monitoring systems (VMS) – All Commonwealth-endorsed fishing vessels (including the FV Margiris if it fishes in Australia) are required to fit and maintain a satellite based electronic VMS unit, which reports a vessel’s position to AFMA in near-real time on a regular basis to ensure vessels are not fishing in closed areas.
- Electronic monitoring systems – AFMA has implemented electronic monitoring systems in a number of fisheries. These systems comprise both cameras and sensors which record and monitor all fishing activity.
- Observers – Commonwealth fishing boats must carry independent AFMA observers, when required, in order to monitor fishing activities and any impact on the marine environment. AFMA will implement 100% observer coverage on the FV Margiris, if it is permitted to fish in Australian waters.

AFMA has a program of inspections and at-sea patrols that focus on targeting identified high risk ‘key’ fishing ports, vessels/operators and fish receivers relevant to Commonwealth jurisdiction. These inspections are carried out by uniformed AFMA fisheries officers and are conducted based on risk analysis and relevant intelligence information.

The Fisheries Management Act 1991 and Regulations allow for a range of enforcement measures. These measures can be used in combination or separately depending on the severity of the offence and include:

- Warnings & cautions
- Commonwealth Fisheries Infringement Notices – a $220 “on the spot” fine
- Amendments to fishing concession conditions – to prevent the offence being repeated
- Directions by fisheries officers – such as ordering a vessel to port
- Suspension or cancellation of fishing concessions
Prosecution – Maximum penalties under the Act which can be imposed by a court include:

- fines up to $55,000 for an individual or $275,000 for a corporation
- forfeiture of vessel, catch and fishing equipment;
- suspension or cancellation of fishing concessions or prohibiting a person from being on a boat either within or outside the AFZ for a period prescribed by the court; and
- up to 12 months imprisonment in the case of obstructing, threatening, assaulting or impersonating an officer.