

Mr WILKIE (Denison) (14:30): My question is to the Prime Minister. The government is relying on the Australian Fisheries Management Authority in the super trawler *Margiris* matter. But AFMA has admitted that it did not take the Fisheries Administration Act literally when it decided the quota relevant to the vessel, meaning the quota was unlawfully determined and is now invalid. As the Commonwealth Ombudsman is looking into these matters, will the government hold off registering the super trawler until the ombudsman has finalised her inquiries?

Ms GILLARD (Lalor—Prime Minister) (14:31): I thank the member for Denison for his question. The member for Denison is raising with me, effectively, a legal issue about the operation of the Australian Fisheries Management Authority. As I am advised, the Australian Fisheries Management Authority has acted in a lawful way. What he is referring to is the work of the advisory committee. It is not the advisory committee that makes the relevant decisions, and industry members do not make the relevant decisions; the Australian Fisheries Management Authority does that independently. But perhaps I can say to the member for Denison more broadly that I certainly do understand that there is a—

Mrs Bronwyn Bishop: Madam Deputy Speaker, a point of order: the Prime Minister, in answering the question, said she was being asked for a legal opinion. A question that asks for a legal opinion is out of order, and therefore the question remains out of order on the admission of the Prime Minister.

The DEPUTY SPEAKER (Ms AE Burke): I must apologise. I was seeking to clarify something that has nothing to do with anybody else in the chamber at the moment, and I did not hear that. If she did, then the member for Mackellar is correct, and legal opinion cannot be sought.

Mr Wilkie: I did not ask for it.

The DEPUTY SPEAKER: You did not ask, and you have not sought to clarify it on that basis.

Ms GILLARD: I am not promising a legal opinion; I am referring to some advice I have received about the Australian Fisheries Management Authority working within the ambit of the Fisheries Administration Act.

Mr Wilkie: I am not asking for a legal opinion, I am—

The DEPUTY SPEAKER: The member for Denison is seeking clarification on the question that the Prime Minister has heard and is answering. I thank the member for Denison.

Ms GILLARD: I was just about to say to the member for Denison that I am well aware of concerns about this vessel, this super trawler, because they have been raised with me by Tasmanian members of the government, and raised with me very clearly. They have heard community concern about this matter, and they have relayed that community concern to me. And I understand that the member for Denison is concerned about the matter too.

I would just say to the House that the size of a fishing catch is not determined by the size of the vessel; it is determined by the Australian Fisheries Management Authority on what it believes to be the available science on sustainability of the fishing stock. Having said that, there are issues with vessel size in the sense that the bigger the vessel the more fish it can take from a localised area—and I know that is causing some concerns for the community of Tasmania.

Because we have heard those concerns, the fisheries minister, Senator Ludwig, as well as the parliamentary secretary, the member for Braddon—who is a Tasmanian himself—have established a special working group to facilitate discussion between the company and interested parties, including recreational fishers. The potential for that localised depletion of fish stocks is one of the areas of discussion and one of the matters under consideration because of these concerns.

Mr Wilkie: Madam Deputy Speaker, a point of order on relevance: I have pointed out simply that the ombudsman is making inquiries into the behaviour of AFMA—and that is a fact. I have simply asked the Prime Minister, and I would be grateful for an answer: is she prepared to delay any decision on the registration of the vessel until the ombudsman has had the opportunity to complete her inquiries?

The DEPUTY SPEAKER: The Prime Minister has concluded her answer.

Mr WILKIE (Denison) (14:35): Madam Deputy Speaker, I ask a supplementary question. Prime Minister, it is a fact that the ombudsman is making inquiries into the conduct of AFMA, as it should—and that is a fact. My question, and I would be very grateful—in fact, Tasmania would be grateful—for a direct answer, is: will the government delay making any decision about the registration about the super trawler until the ombudsman has completed her inquiries?

Ms GILLARD (Lalor—Prime Minister) (14:35): I do understand the concerns; I have heard them loud and clear. But the approach the government is going to take is that we will have this work process: the minister for

fishing and the parliamentary sector, right in this chamber—a person from Tasmania—will work these issues through. That is the approach we are taking, because we do understand that there are issues for the community in Tasmania and that other Australians are also very concerned about the potential for localised depletion of fish in our oceans.