



Andrew Wilkie MP
INDEPENDENT MEMBER FOR DENISON

17 AUG 2012

Ms Alison Larkins
Commonwealth Ombudsman
GPO Box 442
CANBERRA ACT 2601

Dear Ms Larkins

I am writing further to my letters of 26 Jul 12 and 3 Aug 12 regarding the Australian Fisheries Management Authority's (AFMA) failure to comply with the *Fisheries Administration Act 1991* when it set the Total Allowable Catch (TAC) relevant to the controversial super trawler Margiris.

As you are aware my concern is that AFMA failed to comply with the Act when the proponent for the vessel, Seafish Tasmania's Mr Gerry Geen, was improperly allowed to remain in the 26 Mar 12 South East Management Advisory Committee (SEMAC) teleconference and not explicitly authorised by the committee to stay.

More information relevant to this matter has now come to my attention, specifically that there appears to have been another serious failure of proper process associated with the SEMAC teleconference, this time regarding the advice the committee took from AFMA's Small Pelagic Fishery Resource Assessment Group (SPFRAG).

In essence, some members of SPFRAG remain concerned that the deliberations about increasing the TAC relevant to the super trawler at their 28 Feb 12 meeting were not recorded properly, nor communicated properly to SEMAC for its teleconference one month later. At least the [REDACTED] and [REDACTED] of SPFRAG, [REDACTED] and [REDACTED] believe their views were misrepresented in the advice provided to SEMAC, in particular their concern that increasing the TAC would simply be unsustainable.

Interestingly Mr Geen is also a member of SPFRAG, and the minutes of the crucial 28 Feb 12 SPFRAG meeting are also missing from the AFMA website. You would recall my concern with the missing minutes from the 26 Mar 12 SEMAC teleconference.

I believe this latest information makes for a compelling case that there are serious problems within AFMA regarding its work relevant to the super trawler. I urge you to investigate all of these matters as soon as possible in light of the fact the vessel is en route to Australia.

Yours sincerely

Andrew Wilkie MP
Independent Member for Denison

cc. The Hon Julia Gillard MP, Prime Minister
Senator the Hon Joe Ludwig, Minister for Agriculture, Fisheries and Forestry
Dr James Findlay, Chief Executive Officer Australian Fisheries Management Authority