

# **SOUTHMAC 13 MEETING**

6 August 2001

Canberra

## **MINUTES**

### **In Attendance**

Bill Nagle, Chair  
Geoff Richardson, AFMA  
Les Scott, Industry  
Martin Exel, Industry  
Margaret Moore, WWF  
Dennis Witt, Tasmanian Government  
Ian Hay, AAD  
Keith Sainsbury, CSIRO (from 9:30 am)  
Melissa Brown, Executive Officer

### **Observers**

Viki O'Brien, AFMA  
Bill Palmer, AFMA Legal  
Mark Flanigan, EA  
Victoria Wilkinson, EA  
Gerry Geen, Everfresh  
For Strategic Assessment only  
- Katrina Maguire, AFMA  
- Anthony de Fries, AFMA  
- Joanna Fisher, AFMA

The thirteenth meeting of the Sub-Antarctic Fisheries Management Advisory Committee was held in Canberra on 6 August 2001. The primary objective of this meeting was to discuss the draft statutory Management Plan and Strategic Assessment Report for the Heard Island and McDonald Islands Fishery, prior to their release for public comment.

### **Declaration of interests**

Messrs Exel, Scott and Geen declared their conflicts of interest on all Agenda items, in particular item 4 on the draft Management Plan. Dr Sainsbury also declared his conflict of interest as a scientist.

### **Adoption of agenda**

The draft agenda was adopted without amendment.

### **Apologies**

Apologies were received from Joe Pirrello who was unable to attend due to business commitments. The Committee noted that Keith Sainsbury would be arriving late, at approximately 9.45am.

### **Agenda Item 1 - Adoption of minutes from SouthMAC 12**

The Committee noted that the draft minutes from SouthMAC 12 had been circulated to members on 31 July 2001 and that comments of a minor nature had been received from Mr Exel. The Committee discussed the comments and agreed to amend the minutes accordingly.

Mr Scott moved that the minutes of SouthMAC 12 be accepted as a true and accurate record of the meeting. Mr Exel seconded this motion.

### **Agenda Item 2 - Action Arising from SouthMAC 12**

*Action Arising 1 – SAFAG to discuss a suitable representative at its September 2001 meeting to be involved in next years stock assessment process.*

As SAFAG had not met since SouthMAC 12, the Committee noted that this item will be on the agenda for discussion at SAFAG 12.

*Action Arising 2 – Ms O’Brien to circulate to members the timeline for the annual HIMI TAC setting process.*

Ms O’Brien advised that the timeline had been finalised and provided a copy to members during the course of the meeting.

*Action Arising 3 – AFMA to update the HIMI Management Plan following SouthMAC 12 discussions.*

The Committee noted that the draft Plan had been updated and was to be discussed under Agenda Item 4.

### **Agenda Item 3 - Draft HIMI Strategic Assessment Report**

The Chair welcomed Katrina Maguire, Anthony de Fries and Joanna Fisher to the meeting to discuss the draft HIMI Strategic Assessment Report. Mr de Fries informed members that because of time constraints he would be focussing in detail on Part 3 of the Report “Environmental Assessment”, and requested that comments on Parts 1 and 2 to be provided separately to AFMA.

Members noted that the Report had also been forwarded to Environment Australia and SAFAG for consideration, with comments received from Dick Williams (AAD) and Geoff Tuck (CSIRO) of SAFAG. Mr de Fries advised that if AFMA were to meet the proposed public release date of 30 August 2001 the Report would need to be amended and forwarded to AFMA’s Environment Committee for consideration by 17 August 2001.

Dr Sainsbury commented that the Report did not reflect arrangements in place in the fishery, further stating that some of the information is assumed to be known and not indicated in the Report. Other members of the committee agreed with these concerns, commenting that this report needed to reflect the large number of measures and

arrangements dedicated to ensuring sustainability of the fishery. Mr Flanigan suggested that the Report should cover the effects of the Fishery on bycatch and associated risks, as just stating the bycatch as a percentage of the total catch is not sufficient. Other members agreed and noted that bycatch and byproduct were not clear within the Report. The Committee agreed that for the purposes of the Report, bycatch and byproduct should be addressed under the heading of bycatch.

Following discussions, a number of members provided AFMA's Environment Section with written comments for incorporation into the Report. The Committee generally felt that the Report was not yet suitable for public release and expressed concerns over some of the wording that it contained, in particular that the Report missed some opportunities to spell out the positive management and scientific arrangements in place vis-à-vis the principles and guidelines set down given the expected high level of interest in the Report both locally and internationally. Consequently the Committee were of the view that some major edits were in order and, if time allowed, requested the opportunity to review a revised Report prior to its submission to the Environment Committee.

The Committee noted that, as the HIMI Management Plan can not be approved prior to the approval of the Strategic Assessment Report by EA there was a real challenge to incorporate comments into the Report to meet the timetable for the release of the HIMI Management Plan.

The Committee agreed that it would like to have the opportunity to comment on the Report prior to it going to the Environment Committee. Mr de Fries advised this was not possible and SouthMAC agreed to make comments in parallel to the Environment Committee.

#### **Agenda Item 4 - Draft Management Plan**

The Chair advised members that following SouthMAC 12, the Plan had been amended in accordance with the comments received. Ms O'Brien informed members that following AFMA internal meetings, additional comments had also been incorporated.

Prior to discussing the Plan, Mr Exel questioned if the Directions and Regulations had been drafted. Ms O'Brien advised that some rough drafting instructions had been compiled, however, they still required work. Members noted that there was no urgency to have these legal instruments finalised, as they do not have to be approved and in place until Statutory Fishing Rights are granted and come into effect, ie 1 December 2002. The meeting agreed that it would be essential to incorporate details of the Regulations, Directions and Conditions on SFRs as part of the process for effective consultation to take place, as a number of items in the Management Plan cross refer to these and they are important facets of management for the fishery. Ms O'Brien indicated that this information would form part of the information package to be released with the draft Management Plan.

Following preliminary discussions, the Committee agreed to go through the Plan section by section. The major amendments agreed to are listed below:

### ***Section 3 – Definitions***

*Bycatch* - Ms O’Brien advised that at SouthMAC 12, it was agreed that the definition of bycatch would be amended to include reference to seabirds and marine mammals. However, following the meeting the AFMA Environment Section advised against the inclusion of these species in the definition of bycatch. The Committee agreed to use the wording from the Sub-Antarctic Bycatch Action Plan Background Paper, that is, “bycatch means the incidental catch of marine life other than target species”.

### ***Section 6 – Performance Measures***

The Committee agreed that:

- 6(g) be reworded to include target species and non-target species; and
- a new measure be inserted to take account of reference points. It should read “determining reference points for maintaining ecologically sustainable stocks of each target species”.

### ***Section 7 – Performance Criteria***

Mr Flanigan requested that the lead in sentence be amended to read that the performance criteria against which the measures taken “must” [and not “may”] be assessed are. Mr Palmer advised that this has been taken from the *Fisheries Management Act 1991* and cannot be changed and is consistent with other statutory Plans of Management.

To ensure that the Plan is meeting its objectives, the Committee agreed to insert the following performance criteria “each year, SouthMAC must assess the extent to which the performance criteria mentioned in subsection (1) have been met in that year”.

The Committee also agreed that the whole Plan should be reviewed every five years.

## **Part 2 -Statutory Fishing Rights**

### ***Carryover provision***

Mr Exel queried the fact that no provision had been made in the Plan for carryover, which had previously been recommended to the Board and agreed to. The Committee noted that carryover provisions are currently in place in the HIMI Fishery for toothfish. These are aimed at covering any unintentional over catches which might occur as a result of conversion errors when estimating weights at sea and any unintended over catch on the last haul of the season. The current Permit conditions allow for an over catch of 30 tonnes per operator per season with any over catch being deducted from the operators catch allocation for the next season.

A number of members expressed concern at allowing the current carryover arrangements to continue under the Management Plan, particularly with an increase in the number of operators in the fishery. This could lead to the 4 potential operators in the fishery catching 120 tonnes of toothfish in excess of the TAC. While this possible over catch is taken into account in setting the TAC the Committee agreed there should be a disincentive in the Plan to avoid this situation. At the same time, it was recognised that operational issues with fish being caught and processed on the grounds (such as determining drip loss, conversion factors, and thaw testing) could inadvertently result in small overruns of the TAC as catch recordings at sea are only estimates. Operations over the previous 5 years have shown that estimates can be out by up to 5% of the total catch on a single vessel. The need to have a small level of carryover to cover these incidents was agreed by the MAC.

It was also recognised that the 20 tonnes overcatch limit was being implemented to cover overcatch at the end of the season only, and under normal circumstances, the ability to trade (lease or purchase) quota to cover any overruns should eliminate any need to utilise the overcatch provisions.

The Committee agreed to recommend that further to the Board's previous decision to allow for the carry over of toothfish catches, that the Management Plan provide for:

- *an overcatch limit of 20 tonnes per vessel; and*
- *that for every kilogram caught in excess of an operator's quota holdings, and not covered by quota from leasing or purchase, 2 kilograms be deducted from that operator's allocation for the subsequent year.*

#### **Section 12 – Right to use a boat for scientific research**

The Committee agreed that in Directions, there be a note inserted which regulates the mesh sizes, being 120mm when targeting Patagonian toothfish and 90mm when targeting mackerel icefish, except in the case of research under a Scientific Permit as per Section 33 of the Act, at which time smaller mesh may be used.

#### **Division 2.4 Additional target species**

##### *Section 18 – Declaration of additional target species*

The Committee agreed to the following additional provision:

- Before making a declaration, AFMA must:
  - (a) consult, and consider the views of CCAMLR, SouthMAC and SAFAG; and
  - (b) assess the stock of the species in the area of the fishery and be satisfied that the species can be harvested in a sustainable manner.

##### *Section 19 – Grant of SFRs for additional new target species*

The Committee agreed that AFMA ensures that the Office of Legislative Drafting incorporates comments to meet the requirements of the FMA91.

## **Division 2.5 Obligations of holders of SFRs**

### ***Section 20 – Environmental requirements***

Mr Exel expressed concerns over having the environmental requirements within the Plan. He requested that the Plan required SFR holders to meet all the environmental requirements as set out in a section of the Regulations, as it would be more efficient to amend them in the event of a change. The Committee reiterated its previous decision from SouthMAC 12, that they would be put into the Plan, as it would be more likely that the Plan would be approved under the environmental legislation.

### ***Section 29 – Total Allowable Catch***

The Committee agreed to delete the reference “to consult with a wider range of people” as AFMA may at any time consult with a wider range of people as it sees fit.

### ***Sections 21 and 22 – Contingency arrangements – breakdown of meal plant***

Mr Exel requested that the details of contingency arrangements and disposal management be removed and placed in Directions. The Committee agreed that they would sit better in Directions and be easier to amend if required.

### ***Section 24 – Other obligations on holders of SFRs***

The Committee agreed to amend the reference in note 1, to allow for the use of new technologies developed to assist in monitoring fishing.

Mr Flanigan requested that the performance parameters for going from 1 to 2 observers be contained within the Plan, that is “and that AFMA is satisfied that the SFR holder, skipper and vessel combination has and will continue to operate in an environmentally responsible manner”.

Mr Flanigan questioned if AFMA can issue at a later date any Regulation or Direction that it sees fit or can it only encompass what has been identified in the Plan. Mr Palmer advised that the Plan is very broad and basically repeats what is in the Act. Mr O’Brien indicated that she was confident that the management tools available eg SFRs, Regulations, Directions, Temporary Orders would be able to implement any future changes to management arrangements. If something was outside the Plan then measures could be implemented under the *Fisheries Management Act 1991*.

Ms O’Brien indicated that an information package would be released in conjunction with the draft Plan. This package would contain an overview of the Plan and as agreed outline documents, such as Regulations and Directions that will be put in place to support the

Plan. The Committee noted while AFMA is moving to formalise these legislative instruments as soon as possible, they do not need to be in place until SFRs have been granted and come into effect. Given the proposed interim management arrangements, this will not be until 1 December 2002.

#### **Agenda Item 5 – Other Business**

There was no Other Business raised.

#### **Agenda Item 6 – Next Meeting**

The Committee agreed that its next meeting be held in Hobart over 21-22 November 2001 in conjunction with SAFAG to provide for an exchange of information between the two Committees. It was also agreed that part of the 21 November 2001 also be advertised as a public meeting.

The meeting closed at around 6pm.