

	<p><b>Sub-Antarctic Management Advisory Committee</b></p> <p>Box 7051 Canberra Mail Centre ACT 2610</p> <p>Telephone: 02 6272 5465 Facsimile: 02 6272 5167</p>
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## Minutes

### SouthMAC 16

27 August 2002, Canberra

#### Attendance

##### Members

Mr Bill Nagle – Chair  
 Mr Geoff Richardson, AFMA  
 Ms Melissa Brown - Executive Officer  
 Dr Keith Sainsbury, Research Member (via  
 phone link-part meeting only)  
 Ms Margaret Moore, Conservation Member  
 Mr Martin Exel, Industry Member  
 Mr Les Scott, Industry Member  
 Mr Stuart Richey, Industry Member  
 Mr Ian Hay, AAD Member  
 Mr Dave Williams, Industry Member

##### Observers

Mr Dennis Witt, DPIWE  
 Ms Viki O'Brien, AFMA  
 Mr Joseph Pirrello, Everfresh  
 Mr Les Roberts (Macquarie Island only)  
 Mr Mark Flanigan, EA (PM only)  
 Mr John Davis, AFMA (IUU)  
 Ms Tori Wilkinson, EA

The sixteenth meeting of the Sub-Antarctic Management Advisory Committee (SouthMAC16) was held in Canberra on 27 August 2002.

The Chair welcomed members to the meeting. He advised that there had been a number of changes to membership since SouthMAC 15 and welcomed new industry members Dave Williams of HIMI Longline Company and Stuart Richey representing Everfresh Pty Ltd. The Chair thanked Mr Pirrello for his contribution over the years and wished him well in his future endeavours. The Committee noted that Mr Witt was now a permanent observer, due to a cap on the membership. The MAC further noted that Tori Wilkinson would be replacing Mark Flanigan as the EA observer.

Mr Pirrello took the opportunity to thank SouthMAC, in particular the Chair. He advised that he appreciated the opportunity to work with them. He thanked the AFMA Manager for her support and for providing him with the opportunity to voice his opinion. The Chair thanked Mr Pirrello for his participation.

## **Apologies**

The Committee noted Dr Sainsbury would not be attending the meeting and had sent his apologies, however, he had indicated that he would be available for items 8, 9, 10, 11 and 12 via phone hook up.

## **Adoption of the Agenda**

The Agenda was adopted with minor amendment. Agenda Items 8 and 9 were moved to be discussed following item 4.

## **Declaration of interest**

Messrs Exel, Scott, Williams and Richey declared their conflicts of interest on all Agenda items, with the exception of item 17. Mr Hay declared his interest in any items relating to research, environment and CCAMLR.

## **Agenda Item 1 – Adoption of minutes from SouthMAC 15**

The Committee noted that comments from Messrs Witt, Scott and Exel. The minutes from SouthMAC 15 with agreed amendments were accepted as a true and accurate record of the meeting.

## **Agenda Item 2 – Action Arising**

*Action Arising 1 - AFMA Board Chair to write to portfolio Minister's seeking some recommended actions to reduce IUU.*

Ms O'Brien advised that as reflected in the letter from the AFMA Board (Agenda Item 3) this issue was considered at the 23-24 May 2002 meeting of the AFMA Board. The Board agreed that the level of IUU fishing activity in the HIMI region is of great concern. They indicated that AFMA is vigorously pursuing this issue on a number of fronts and does not believe there is any additional value to be obtained by writing to Minister's. The Committee noted that Board's advice on the matter.

*Action Arising 2 - AFMA to further investigate their ability to recover costs for high seas fisheries, such as new and exploratory fisheries under the Commonwealth cost recovery policy particularly in light of the recent ratification of UNFSA.*

SouthMAC considered advice from Paul Ryan, Manager, Foreign Compliance – Strategy, AFMA in relation to the recovery of AFMA's costs for managing high seas fisheries. Noting that the advice suggests that AFMA could recover these costs. Industry believes that this inconsistent with the Commonwealth Cost Recovery Policy. They consider that, as there are no property rights on the high seas operators should not be expected to pay these costs.

AFMA management considers that the current policy, which was developed around 8 years ago, did not expect that UNFSA would take effect for a while and is therefore silent on this issue as it was developed prior to the ratification of the UNFSA. SouthMAC noted that Mr Ryan indicated that the cost recovery policy is set out in *A Review of Cost Recovery for Commonwealth Fisheries* which was produced in March 1994. The policy is now over eight years old and can not always be applied directly to contemporary situations. In situations not directly addressed in the policy, it is important to apply the principles underpinning the policy rather than attempting to define the situation to fit the policy. This approach has been the basis on which Australian Fisheries Management Authority Fisheries Administration Paper Series (FAP NO. 3) INTERPRETING THE COST RECOVERY POLICY has been developed.

Members noted that in 1994 there was a clear distinction between foreign and domestic fishing activity, and the operations of Australian boats were considered to be confined to the Australian fishing zone. Although Australia had signed the United Nations Fish Stocks Agreement (UNFSA) in December 1992, it was expected (correctly) that it would not be ratified and implemented for some time. Accordingly, UNFSA did not influence the drafting of the policy.

The implementation of UNFSA and the extension of the activities of Australian boats to the high seas have introduced a class of operations not explicitly dealt with in *A Review of Cost Recovery for Commonwealth Fisheries*. SouthMAC was advised that the principles that apply to AFMA's involvement with these operations are the same as any other AFMA activity, eg. are the costs of AFMA activities attributable and if so are they recoverable?

SouthMAC noted that the 29 October 2001 discussion paper on UNFSA implementation stated that "operators will be put on notice that AFMA will fully recover costs directly associated with managing Australian fishers' involvement in high seas fisheries including monitoring and VMS. These will be directly linked management and relevant research costs. This approach will be influenced by the outcome of the current Policy Review." The conclusion, it was advised, is that at least some of the costs of managing the high seas operations of Australian boats are attributable.

The situation to which managing the high seas operations of Australian boats are most analogous was said to be the management of exploratory and developmental fisheries. In that situation the cost recovery task force concluded that management costs should not be fully recoverable because of the nature of the property right to exploit any resources discovered. The task force noted, however, that the Government could legitimately recover management costs not covered during exploratory fishing in the future where a commercial fishery is eventually developed. The task force recognised that this might require amendment to the legislation, which has not occurred.

**SouthMAC agreed to write to the AFMA Board seeking clarification on the recovery of costs for high seas fisheries management, in particular CCAMLR, in light of the current cost recovery policy, given that this policy seems to exclude the recovery of costs for high seas fisheries in the Antarctic region.**

***Action Arising 3 - EA to clarify application of EPBC Act to high seas fishing including when catch is landed in Australia and subsequently exported (export permit sought under section 3.03B)***

Mr Flanigan advised that the legal advice received from Attorney Generals is incomplete and EA is continuing to seek advice on the issue. Members noted that the key issue being looked at is how they deal with the export issue surrounding high seas fishing. He informed the Committee that toothfish caught outside the EEZ constitutes an Australian native species under the EPBC Act, therefore, export provisions of the Act would apply if bought into Australian waters. However, if taken on the high seas and landed in Mauritius it does not require an export permit.

Currently, toothfish taken on the high seas do not require export approval as the species is listed on the List of Exempt Native Specimens under the EPBC Act. As of December 2002, export approval would be required for any toothfish taken unless it is taken in accordance with the HIMI Management Plan.

To overcome the problem, EA is seeking a way to issue export permits for toothfish and other species taken on the high seas. Mr Flanigan advised that current legal advice suggests there may be three options.

The Committee noted the following available options:

- when export exemptions are made, they are made very specific and link species to the fisheries in which they are taken. It may be possible to amend the list of exempt native specimens so that it includes a species taken in accordance with a management plan and the species taken on the high seas. For toothfish, this would mean that it is exempted from HIMI and outside Australian jurisdiction; or
- a generic exemption for those fisheries that have a high seas component is made. This would require that it is placed on the exempt species list, as a species that has a high seas component; or
- in a situation where a native specimen has been imported into Australia (ie: brought from the high seas into Australian waters) and then exported, the Environment Minister is able to issue the export permit, provided he is happy that the import was legal in the first place.

The issue not only applies to toothfish but is relevant to a range of fisheries and species. Mr Richardson explained that the FMA has been extended to apply to some areas where Australians fish on the high seas which raises further complications on the issue.

Mr Flanigan advised that the next step is to provide the Environment Minister with a brief on the matter and await his advice. Mr Richardson undertook to provide EA with a list of all fisheries operating on the high seas and the different arrangements under which they operate. The document is required to finalise advice to the Environment Minister. Following the Minister's advice, Mr Flanigan undertook to provide a copy to the Committee.

***Action Arising 4 - AFMA to provide information on whether it is possible to use DCOs on the high seas instead of observers.***

Ms O'Brien advised that this matter is to be discussed at the observer meeting which is to be held in Perth on 5 September 2002.

***Action Arising 5 - Executive Officer to send out an e-mail to Members with timeframes to comment on Agenda Items from SouthMAC 15.***

The Committee noted that the Executive Officer had provided the relevant information to them on 27 March 2002.

***Action Arising 6 - AFMA to draft Fishing Plans for the HIMI Fishery and Macquarie Island Fishery, documenting the fishery objectives, reference measures and management decision rules, for the AFMA Board for consideration at its 22-23 August 2002 meeting.***

The Committee noted that the drafts were provided to members for comment by 16 August 2002. Comments were received from Mr Exel and subsequently incorporated. It was agreed that the Executive Officer would circulate the final drafts to members.

***Action Arising 7 - SouthMAC Chairman to write to AFMA Board Chair with comments/suggested changes to the principles for data management, collection, verification and analysis.***

The Committee noted that a letter had been drafted to the AFMA Board on this issue.

***Action Arising 8 - AFMA's Data Manager to provide Members with the exact cost of providing observers, that is, including the daily at sea rate.***

Ms O'Brien advised that AFMA Management has requested the AFMA Observer Section to provide a response on charge out rates for observer services, however, no firm figures have been calculated. Advice received is that costs would be similar to last years. The Committee agreed that it would discuss the matter further when a final levy base is available and determine whether it should be recovered through the levy base or directly invoiced to operators. Mr Scott requested that the figures be provided at the observer meeting to be held in Perth on 5 September 2002.

***Action Arising 9 - AFMA to provide clarification on the composition of the two new fishery assessment bodies; a high level group to provide leadership, advice and technical expertise to AFMA assessment functions for ecosystem management, and an economic assessment group.***

Ms O'Brien advised that at its meeting on 4-5 July 2002 the AFMA Board considered the proposed new fishery assessment bodies. The Committee noted that it was agreed that no formal bodies would be formed but that working groups would be created on a needs basis and be project specific.

### **Agenda Item 3 – Outcomes of the Board**

The Chair informed members that the Board had written to the SouthMAC on 21 June 2002, concerning the Macquarie Island Fishery. Members noted that the Board had decided that a Management Plan is not warranted at this time, in view of the available information on the species, the current stock and its status and current catches. It further decided that:

- the interim policy for Macquarie Island be extended for three months to allow for the incorporation of any new data from the current fishing year;
- a permit be granted to the existing permit holder for the additional three months extension of the policy; and
- a review of the fishery be conducted, taking account of current fishing activity, the existing policy and possible future options with a view to the development of a new management policy, recognising existing commitments for ongoing rights as set out in section 12 of the current policy.

The Committee agreed to discuss this issue further under Agenda Item 8.

### **Agenda Item 4- Correspondence**

The Committee noted the correspondence received concerning MAC remuneration and the outcomes of the MAC Chairs meeting.

The Chair provided a brief summary of the matters raised at the MAC Chairs meeting. Mr Exel asked what the status was on the paper being prepared by AFMA, which provides clarification on AFMA's objectives. Mr Richardson agreed to follow this up and advise members of the status via the e-mail.

### **Agenda Item 8 – Macquarie Island Future Management Arrangements**

The Chair advised members that the issue of the future management arrangements were dealt with the Board at its May 2002 meeting. As detailed under Agenda Item 3, members noted that the Board had rejected SouthMAC's recommendation that a Statutory Management Plan be developed and agreed to extend the current policy to March 2003 and that a review of the Macquarie Island Fishery be undertaken with a view to developing a new management policy.

Mr Les Roberts, General Manager, Fisheries attended the meeting to provide feedback on the Board's consideration of SouthMAC's recommendations. He advised that the Board considered a detailed paper on this issue and that they had a very long discussion on the fishery's future. The Board was not convinced that there is an ongoing fishery at Macquarie Island given the lack of fishing activity and low catches. Their preference was to put another policy in place until it is demonstrated that there is a commercial fishery at Macquarie Island. He indicated that as AFMA is currently putting in place a number of other management plans, it has limited resources and Macquarie Island Plan was a lower priority.

The Industry and Scientific members of the MAC indicated strongly they do not share the Board's view that a Management Plan is not warranted with research results showing that the stock at Aurora Trough is at around 50% spawning biomass. Industry expressed frustration at what appears to be a duplication of management processes, that is, developing a policy now and having to repeat a number of these processes soon after if a management plan is developed. Mr Scott expressed concern with the Board's decision, in particular its decision to develop a new policy and not consider the option of developing a management plan. He advised that he would like to see SouthMAC given the flexibility to choose between the development of a policy or a management plan following analysis of the data.

SouthMAC acknowledged that given the timeframe prior to the expiry of the current policy, there is insufficient time to develop a management plan and that a policy will need to be developed in any case. However, the Committee asked that the Board remain open to the development of a management plan if this is supported through the review. They considered the three month extension of the policy proposed by the Board to be insufficient time to allow for fishing data collected in December 2002 to be analysed and incorporated into the new policy and recommended that the policy be extended by a total of 6 months. Mr Exel advised that if the policy is extended for 6 months, it may be necessary to remove any perceptions of the current permit holder going down to the fishery and taking all of any revised TAC as a result of reassessments done following results from fishing the December 2002/January 2003 period. In this regard, he advised that Austral Fisheries would be happy to see any revised TAC recommendations for the fishery in April 2003 to be deferred for decision by the Board until after the Policy extension period is completed, so that the new TAC would not take effect until after 1 July 2003.

Ms O'Brien advised that while the Board did not support the development of a management plan at this stage, the new management policy may allow for the development of a management plan.

SouthMAC considered a range of options for undertaking the review including the review being undertaken by AFMA staff or an independent reviewer. They strongly recommended that a working group be established and that SouthMAC and SAFAG should review the outcomes of the working group. The proposed membership of the group is:

Martin Exel;  
Margaret Moore;  
Dennis Witt;  
Stuart Richey; and  
an AFMA representative.

SouthMAC agreed on the amended Terms of Reference for this group as detailed at Attachment 1.

**SouthMAC recommended to the AFMA Board that:**

- **the existing Macquarie Island Policy be extended for 6 months till 30 June 2003;**
- **catch limits for the fishery for the period from 1 January to 30 June 2002 be based on the current TACs for the fishery assuming no recruitment to the fishery and taking into account natural mortality; and**
- **following the consideration of data scheduled to be collected during December 2002 and review outcomes, that the Board remain open to the development of a Statutory Management Plan for the fishery.**

**Agenda Item 5 – Update on IUU Fishing Activities in the HIMI region**

Mr John Davis from AFMA's Compliance Section provided the Committee with an update on the Illegal, Unregulated and Unreported (IUU) fishing activities in the HIMI region.

Mr Davis indicated that government has made a decision to fund patrols in the short term and that a paper had been developed to examine future long term funding options to combat IUU activities. He indicated that a working group to combat illegal fishing had been established and that Australia was involved in talks with the French and South Africa on this issue.

Mr Davis reported on the recent apprehensions and prosecution of the *South Tomi*, *Lena* and *Volga*. He indicated that the master of the *South Tomi* had been convicted and fined \$136,000. The master of the *Lena* and two senior officers have pleaded guilty to all charges and were subsequently fined a total of \$100,000. Charges against the master of the *Volga* have not proceeded due to his death by misadventure before he could enter a plea. The senior officers from the *Volga* have pleaded not guilty and a hearing date has been set down for November 2002.

Mr Davis reported that the Minister had directed that the *South Tomi* and the *Lena* be disposed of by tender. An advertisement to this effect was placed in the press on 27 June 2002 with tenders closing on 19 August 2002. A number of conditions were specified in the tender to minimise the risk of these vessels engaging in future illegal activities, including the posting of a bond and a requirement to carry a vessel monitoring system (VMS) on board. He advised that the tender committee has not yet examined the tenders received.

Mr Davis reported that he was close to finalising the estimate of IUU removals from the HIMI fishery for the past year. This figure will be factored into the TAC setting process for the fishery. He expects that the figure will be slightly higher than last years, but less than the legal TAC for the fishery.

## **Agenda Item 6- Update of implementation of the Management Plan**

Ms O'Brien advised that the implementation of the *Heard Island and McDonald Island Fishery Management Plan 2002* was proceeding smoothly. No appeals were received in relation to the registering of eligible applicants and the provisional grant of Statutory Fishing Rights (SFRs).

AFMA is confident that SFRs will be granted and enter into effect prior to the commencement of the fishing season on 1 December 2002.

*Note: The period allowed for the disallowance of the Plan by Parliament ceased on 28 September 2002, the day following SouthMAC16, with no objections being recorded.*

## **Agenda Item 7 – Review of draft regulations, directions and conditions on SFRs**

Ms O'Brien requested that members review the draft Regulations, Directions and the Conditions on SFRs, that will support the draft *Heard Island and McDonald Islands Management Plan 2002*.

Members noted that under the current HIMI management arrangements, all rules relating to operations in the Fishery are stipulated through conditions on fishing permits, which are 30 odd pages long. Ms O'Brien advised that Sections 28-30 of the draft *HIMI Management Plan* require that certain future management elements of the *HIMI Management Plan* be given effect through:

- Conditions on SFRs;
- Regulations; and
- Directions.

The Committee considered drafts of these documents in detail.

### **Conditions on SFRs**

#### **1 – Prohibition on transshipping and the carrying of fish taken with another boat**

Mr Exel requested that there be a provision or exemption for transshipping, if in the event there has to be an emergency. Ms O'Brien advised that she would discuss the matter with the relevant sections in AFMA.

#### **2 - Size and bycatch limits and move-on provisions**

Ms O'Brien advised that the limits mirror CCAMLR Conservation Measures. The Committee noted that a condition on an SFR can be varied as is done with a Fishing Permit and if CCAMLR was to vary these limits, the conditions could be easily amended to reflect the change.

#### 4 - Notification requirements

Ms O'Brien advised that she has had comment from the observer section, in terms of the 7, 14, 21 days notice to place observers on board. They advised that the current notification requirements provide insufficient time to place observers on board. Mr Exel advised that at times it is operationally impossible to provide notification any sooner than the proposed timeframes. The Committee agreed that these timeframes would be left as is, with operators undertaking to try and give as much notice as possible.

#### 6 - CCAMLR inspection requirements

Point 10, the "as soon as possible" be changed to "within 48 hours".

#### 7 - Contingency arrangements for illness or incapacity of an observer

The Committee agreed that all reports should be the AFMA Duty Officer and that this section should be amended accordingly.

#### 8 - Logbook reporting requirements

The Committee agreed that Section 31 should be amended by replacing "area 58.5.2" with "while fishing in the fishery".

### **Directions**

SouthMAC endorsed the following directions without amendment:

- *Direction 1 - Permanent closure of the area outside the Heard Island Plateau mackerel icefish fishing.*
- *Direction 2 - Permanent closure of waters adjacent to Heard Island and McDonald Islands (territorial waters and 1 mile buffer zone).*
- *Direction 3 - Permanent closure of Shell Bank to mackerel icefish fishing.*
- *Direction 4 - Prohibition on the use of fishing methods other than trawling.*

Mr Exel advised that trawling is not defined anywhere and questioned whether this should be defined in direction 4. AFMA agreed to take this issue up with its Legal Section.

### **Regulations**

#### Part 1 - Introduction

##### *Section 2 - Interpretation*

Mr Hay advised that the definition of a trip needs to be amended. The Committee agreed to amend "Australia" to "a country".

Part 3 – Eligible boats

- (a) would change to “meet the requirements of the FMA 91”. Ms O’Brien advised that AFMA would take comments on board that (a) be removed all together and discuss with Geoff Rohan and advise the Committee of the outcome.
- (c) The Committee agreed to delete (c) as the requirements are already covered elsewhere in the Regulations.

Part 4 – Gear and fish measurements*Section 8 – Definitions*

Mackerel iceifsh - incorrect spelling of the scientific name of mackerel icefish. Amend “means a member of the species” to “an individual of the species”.

*Section 9 – mesh size of trawl nets*

- (1) insert “a minimum of 120mm etc”

The Committee agreed that a bobbin and a rock hopper rubber disc need to be defined. Mr Exel advised that he would provide a definition.

Part 5 – Requirements for observers*Division 1 – Carriage of observers**Section 13 – Assisting observers*

- (c) – “conservation area” should be replaced with “convention area”.
- (d) – “in any other way the holder considers necessary” should be replaced to read “any other reasonable way the observer considers appropriate to preform their duties”.

*Section 15 – Accommodation for observers*

- (2) (d) – should read “Part 10 unless otherwise exempted by AFMA”.

*Section 16 – Safety checklist*

- (2) - Need to add in the words at the end “and completed prior to each trip”

*Section 17 – Costs of observers*

The Committee agreed to delete this section as it is covered in the FMA 91.

*Division 2 – Data Collection Officers*

The Committee agreed that a DCO needs to be defined.

*Section 18 – Appointment of data collection officer*

- (4) - Delete reference to DCO and put in another point that states that no payment can be made to the DCO directly.

*Section 19 – Duties of data collection officers*

Delete (a) and change (b) to the holder must not direct the DCO.

*Division 3 - Observer Safety Assessment*

*Section 20 - Requirement for observer safety assessment*

(2) (d) - refers to the ships logs.

(2) (e) (i) – change “the boat is crewed in accordance with Uniform Shipping Laws Code” to “crewed in accordance with the classification society and/or AMSA”

(2) (e) (iii) - the Committee agreed that the observer safety assessment cannot state that each crew member is medically fit. Therefore, the Committee agreed to delete it.

*Part 6 – ICVMS requirements*

The Committee agreed that it must say that it be fitted with an ICVMS.

*Section 23 – Position report to Link Communications*

(2) - Need to add Link Communications contact number.

*Part 8 – Contingency arrangements in certain events*

*Division 1 – Contingency arrangements – breakdown of meal plant*

The Committee agreed that this section should reference that the holder must assist the observer.

*Section 30 – When contingency arrangements do not apply*

The Committee agreed to delete this section.

*Division 2 – Contingency arrangements – disposal of fish meal*

*Section 32 – Disposal of fish meal*

(2) (a) delete the section

Ms O’Brien thanked members for providing comments and advised that following the amendments, AFMA will provide revised copies to them out-of-session for further comment.

## **Agenda Item 9 – Trialing of longline mitigation in the HIMI Fishery**

The Chair advised members that they need to discuss the issues associated with the trialing of mitigation measures and agree to a timetable for trialing and reviewing longline mitigation measures. Ms O'Brien advised that last year approval processes for the introduction of longlining were agreed to by SouthMAC for the introduction of longlining and that these processes form the basis of the draft timetable which had been prepared by AFMA.

The Committee noted that in line with the requirements of Threat Abatement Plan a discussion paper was developed by Barry Baker and Graham Robertson from Environment Australia, entitled *Longline Fishing in the Sub-Antarctic – A discussion paper relating to the threat abatement plan for the incidental catch (or bycatch) of seabirds during oceanic longline*. This was the first step towards allowing Australians to longline in sub-Antarctic waters.

This paper has been submitted to the Environment Minister for decision, with a view of trialing mitigation measures in sub-Antarctic waters. A number of applications were received from Mr Williams and Mr Scott, which have been put forward at this years annual CCAMLR meeting for assessment.

The Committee noted that the Environment Minister is yet to sign off on the measures. Ms Moore advised that she has been a member on the TAP Team and noted that in her opinion it has been an appalling process. She stated that the environmental movement is concerned about the use of longlining in sub-Antarctic waters and that the measures have not been trialed or used before. She also raised concerns over the bycatch and what could be issues for predator prey relationships.

Mr Scott advised that he would be more than happy to sit down and go through Petuna's application, with those that have concerns. The Chair requested that he provide a brief summary of the application to the Committee. Members noted that the Petuna application is for the HIMI Fishery, with a view of undertaking a trip in May – August 2003. This time period was agreed to following discussions with those involved, as it is the best time to avoid interactions with seabirds. Paired streamer lines will be used on all sets of the longline. Line weighting measures will be trialed, and in any case will exceed the standard in CCAMLR Conservation Measure 29 XIX. Members further noted that the system to be used is the Mustad system. The vessel has a meal plant on board, therefore there would be no discharge of offal. He informed members that the whole application has been designed around the mitigation measures in the TAP paper. The proposed vessel the *Janus*, has worked in Antarctic and high Antarctic waters and has not caught a bird in two years. At the conclusion of the first phase, an assessment will be undertaken to determine if the second phase of the trial will be undertaken. In terms of bird limits, he understands that there will be a limit of 5 giant petrels and wandering albatross and 10 other bird species, if one of these limits is reached the vessel will have to leave the fishery and no more fishing will take place. In regards to bycatch, skates and rays will be the highest, however he advised that it has been proven so long as they are released on the surface and not put on the deck there is a high survival rate of skates.

Mr Williams advised that his application is for 58.4.2 and will follow a similar process to the Petuna program. It will mirror what is in the TAP and the research plans that have been developed by AAD. In terms of bycatch, there is not a lot of information available and therefore cannot identify what will be taken.

Ms O'Brien advised of the recommendations from the Environment Minister in relation to the HIMI Strategic Assessment. One of the recommendations is that AFMA report on the deleterious effects of longlining. AFMA indicated that they will endeavor to have a preliminary report for the next meeting of SouthMAC. The report will look at the fish mix, the benthic impact and the potential bycatch. It will also scope what additional information needs to be gathered through the trials. It is envisaged that the final report will be completed in around 18 months following the completion of the longline trials.

The Committee noted that AFMA is currently seeking advice of whether the introduction of longlining will trigger another Strategic Assessment for the HIMI Fishery. EA advised that when a formal decision is made to incorporate longlining under the Management Plan, they will make a determination on this issue. Their decision will be based on the longlining trials and the report on the deleterious effects of longlining. If they determine that another strategic assessment is required this would be limited to the impacts of longlining. This would involve limiting the terms of reference so that they were applied to issues relating to longlining, including an analysis of the impact of longlining on the stock, bycatch, protected species and the broader marine environment. It is not yet determined if another assessment would require another public consultation process.

#### *Setting of the TAC*

The Committee noted that the setting of a TAC for the longline fishery was previously discussed by SouthMAC when developing the HIMI Management Plan. At that time it was agreed that the more precautionary TAC, being the trawl TAC, would be adopted for both methods.

#### *Fish bycatch*

The Committee noted that there is a potential for a large bycatch of skates, rays and macourids to be taken.. Ms O'Brien advised that AFMA and AAD are currently investigating the development of different bycatch provisions for the longlining sector.

#### *Access to 58.5.2 by foreign fishing vessels*

Ms O'Brien advised that Dr Constable is confident that he can stop the other interests in the fishery as has been done in the past.

#### *Number of boats permitted*

Members noted that during the trial, boat numbers will be kept to a minimum. Ms O'Brien advised that following every trip, the data will be analysed to determine whether additional trips should be permitted.

**The Committee noted the progress to date and agreed to the timetable for the introduction of longlining with the additional amendments.**

### **Agenda Item 10 – Heard Island and McDonald Islands Marine Protected Area**

The Committee noted that Environment Australia had recently undertaken public comment on the revised Notice of Intent (NOI) for the HIMI Marine Protected Area (MPA). This notice was developed in close consultation with all stakeholders and differs from the original NOI through the inclusion of conservation zones. Additional research will be undertaken in these conservation zones to further evaluate the commercial and ecological values of these areas before a determination is made as to whether these areas should be included in the MPA.

Ms O'Brien advised that Environment Australia has indicated that very few public comments had been received and they were hoping to be in a position to be able to declare the MPA in late September 2002.

### **Agenda Item 11 – Bycatch Action Plan**

Ms O'Brien advised that this is a standard item on the agenda, in order to provide members with an update on progress in implementing the Action Plan. The Committee noted that in line with the Commonwealth Policy on Fisheries Bycatch, SouthMAC and SAFAG must commence the review of the plan during 2002, in order to have the review completed within the life of the plan (March 2003). The Committee agreed that it would commence the review at its November 2002 meeting.

### **Agenda Item 12 – Proposed CITES listing of Patagonian toothfish**

Ms Moore advised that there have been a total of three meetings to progress the CITES listing of Patagonian toothfish. The Committee noted that Environment Australia have been concentrating on gaining support for the listing from CCAMLR parties. Ms Moore believes it will not be long before the Secretariat of CITES is in discussion with the Secretariat of CCAMLR on the matter. Members further noted that level of support is approximately 5 to 6 countries. The CITES listing will be held in Santiago in November 2002.

### **Agenda Item 13 – Expenditure report as at 30 June 2002**

Ms O'Brien advised that during the 2001/02 financial year a saving of \$65,132 has been made across all the sub-Antarctic Fisheries. A large saving was achieved in the area of observer administration with observers now being used more frequently in other fisheries. New and Exploratory Fisheries was overspent due to the amount of work undertaken to develop the proposals for longlining. The Committee noted that the levy base would be finalised out-of-session.

## **Agenda Item 14 – Industry Representative for CCAMLR**

Ms O'Brien advised of a request from AAD to provide them with a nomination for the industry representative to CCAMLR. She indicated that there is currently only one industry position on the Australian delegation to CCAMLR and that Mr Exel has been representing the Australian industry for a number of years. However, Mr Scott has also expressed an interest to be on the delegation for this year's CCAMLR meeting. The Committee noted that industry members are proposing that two representatives attend this year, being Mr Exel and Mr Scott. If this is unacceptable their second preference would be to share the industry position, with them attending different sessions ie Mr Exel attending Trawl and Mr Scott longlining. Mr Hay advised that his view is that there should be the one person throughout, but doesn't preclude that person discussing views with others throughout the meeting. Ms O'Brien suggested that the matter be taken to the IDC that the delegation be extended. The Committee agreed that its preferred position is that there are two industry representatives on the delegation, noting that other countries have more than one industry representative. The alternative position being that Mr Scott stands in for longline issues.

**SouthMAC endorsed the negotiating position.**

## **Agenda Item 15 – Industry Representative for SAFAG**

Ms O'Brien sought SouthMAC views on industry's request for additional industry representatives for the Sub-Antarctic Fisheries Assessment Group. The Committee noted that AFMA places no limit on the number of industry members that can be appointed to a Fisheries Assessment Group, however, funding for these group's is limited. The Committee noted that under the current HIMI arrangements there are four fishing permit holders. Ms O'Brien advised that AFMA believes it would be acceptable to have additional industry representatives on SAFAG given the increased interests now held in the sub-Antarctic Fisheries. Members further noted that in order to address confidentiality concerns of the current single permit holder in the Macquarie Island Fishery, it would be a requirement of additional members that during discussions concerning the fishery, they would be requested to absent themselves from the deliberations. Industry agreed to continue to fund their attendance at the FAG.

**The Committee agreed to nominate Mr Scott and Mr Richey to the FAG.**

## **Agenda Item 16- Industry report on fishing activities**

Mr Exel advised that Austral Fisheries are currently fishing at HIMI. The Committee noted that they have completed the 20 day Random Stratified Trawl Survey and that the data is currently being analysed. Members further noted that all research requirements have been completed, with the survey results looking similar to last years.

The Committee noted that the majority of mackerel icefish quota has been taken and that there have been no difficulties with bycatch.

## **Next meeting**

The Committee agreed that the public meeting would be held on 19 November, followed by SouthMAC on 20 November 2002 in Hobart.

The meeting closed at 4.55pm