

# SouthMAC

**Sub-Antarctic Fisheries  
Management Advisory Committee**

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## MINUTES

### SouthMAC 18

2 May 2003, Hobart

#### Attendance

<b>Members</b>	<b>Observers</b>
Mr Bill Nagle – Chair	Ms Viki O'Brien, AFMA
Dr Keith Sainsbury, Research Member	Mr Sean Riley, DPIWE
Mr Martin Exel, Industry Member	Mr Dick Williams, AAD
Mr Stuart Richey, Industry Member	Ms Liza Fallon, University of Tasmania
Mr Les Scott, Industry Member	<b>Apologies</b>
Mr David Williams, Industry Member	Mr Geoff Richardson, AFMA Member
Mr Ian Hay, AAD Member	Mr Dennis Witt, DPIWE
Ms Margaret Moore, Conservation Member	
Mr Peter Neave, Executive Officer	
<b>Permanent observer</b>	
Ms Tori Wilkinson, EA	

#### Introduction

The eighteenth meeting of the Sub-Antarctic Management Advisory Committee (SouthMAC 18) was held in Hobart on 2 May 2003.

The primary objectives of the meeting were to discuss the review of and latest stock assessments for the Macquarie Island Fishery, proposals to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) for New and Exploratory fisheries, a proposed change to the *Heard Island and McDonald Islands Fishery Management Plan 2002*, draft Regulations for the Heard Island and McDonald Islands (HIMI) Fishery, bycatch management for the HIMI Fishery, and the review of the Sub-Antarctic Bycatch Action Plan.

#### Agenda item 1 - Preliminaries

The SouthMAC 18 meeting was opened at 9.15 am. The Chair, Mr Bill Nagle, welcomed members and observers to the meeting.

The Chair approved the attendance of Mr Sean Riley from the Tasmanian Department of Primary Industries, Water and Environment (DPIWE), as an observer standing in for Mr Dennis Witt for this meeting, and Mr Dick Williams from the Australian Antarctic Division (AAD) who attended the meeting for discussions under agenda items 8 and 9 (New and Exploratory Fisheries).

The Chair approved a request from Ms Liza Fallon from the University of Tasmania to attend the meeting as an observer. Ms Fallon is currently undertaking a doctorate on 'The role of state and non-state actors in the management of Patagonian toothfish (*Dissostichus eleginoides*)'.

### **Declaration of interests**

Members declared the same conflicts of interest as they declared at SouthMAC 17 on 20 November 2002. That is, Messrs Exel, Scott, Richey and Williams declared their conflicts of interest on all agenda items, and Dr Sainsbury declared his conflict of interest as a scientist.

### **Apologies**

Apologies were received from Mr Geoff Richardson, the AFMA Member and Mr Dennis Witt, the permanent observer from DPIWE.

### **Adoption of Agenda**

The agenda was adopted with the addition of the 'AFMA Environment Update No.19' under agenda item 19 (Other business).

### **Agenda Item 2 – Adoption of minutes from SouthMAC 17**

The draft minutes from SouthMAC 17 were circulated to members on 19 December 2002. Comments were received from Mr Exel and were incorporated into the minutes presented to the Committee. The minutes were amended accordingly.

Ms Moore moved that the minutes from SouthMAC 17 be accepted as a true and accurate record of the meeting. Mr Exel seconded this motion.

### **Agenda Item 3 - Action Arising from SouthMAC 17**

SouthMAC discussed the action arising from SouthMAC 17, noting that several items were to be discussed under specific agenda items later in the meeting.

**High seas data collection** - SouthMAC discussed the use and role of data collection officers (DCOs) on the high seas. Mr Exel reported that his Company would be willing to provide the data to AFMA. Members were of the view that the collection of data would be valuable even if there was not a relevant Regional Fisheries Management Organisation in place. Ms O'Brien undertook to raise the issue with the AFMA data manager, and report back to the next SouthMAC meeting.

### **Action arising**

**Longline mitigation measures** – At SouthMAC 17 clarification was sought on the whether an application to CCAMLR was required for a continuation of longlining in the HIMI Fishery next season. Ms O'Brien advised that for continued longline operations in the HIMI Fishery in 2003/04 season an application would not need to be submitted to CCAMLR. However, Australia would notify CCAMLR of its intention to continue longlining in the area next season. SouthMAC noted that longline trials were currently underway in the HIMI Fishery, and the issue should be considered following completion of operations by the *FV Janas*.

**Bycatch limits** – Mr Exel sought adoption of a mechanism which would not shutdown the Fishery if a bycatch catch limit was reached. He believed that if a bycatch limit was reached it should be taken up at CCAMLR the following year with a view to introducing appropriate mitigation measures to address the issue. Mr Hay advised the goal should be to have a uniform approach across CCAMLR, and it was an issue that should be raised at the CCAMLR Consultative Forum.

## **Action arising**

**New and Exploratory fisheries** – SouthMAC noted the revised ‘Guide to CCAMLR New and Exploratory Fisheries’ prepared by AFMA, in consultation with AAD. Industry members raised the issue of the definition of an Australian boat, and believed a change to the definition was appropriate to allow vessels to be imported more easily to meet the CCAMLR requirement that vessels be Australian flagged. SouthMAC agreed that a proposal to change the definition be developed and the Chair would write to the AFMA Chair seeking a Board discussion on the issue.

## **Action arising**

**Macquarie Island export approval** – SouthMAC discussed the issue of export approval under a range of scenarios for Antarctic and sub-Antarctic fisheries, including the Macquarie Island Fishery. Ms Wilkinson provided the meeting with verbal advice on the situation in relation to both high seas and in-zone catches. Members agreed it would be appropriate for the Chair of SouthMAC to formally write to Ms Wilkinson on the issues raised, and she could respond in writing on behalf of Environment Australia. Industry members undertook to provide the Executive Officer with the issues they wish to have addressed.

## **Action arising**

**Data management** - SouthMAC sought clarification of the status of data collected under MAC initiated research fund (MIRF) programs, and in particular why there was not joint ownership of data. AFMA advised that they own the data collected for MIRF funded projects. Ms O’Brien undertook to investigate the matter further and report back to the next meeting of SouthMAC.

## **Action arising**

### **Agenda Item 4 – Correspondence**

SouthMAC noted correspondence dated:

- 11 December 2002 from the Chair of AFMA to the Chair of SouthMAC regarding the outcomes of SouthMAC 17;
- 24 December 2002 from the AFMA Data Manager to the Executive Officer of SouthMAC concerning the AFMA data confidentiality policy;
- 29 January 2003 from the AFMA Managing Director to the Chair of SouthMAC concerning the cost recovery for Fishery Assessment Group activities;
- 24 February 2003 from the Chair of AFMA to the Chair of SouthMAC concerning the draft budget for 2003/04; and
- 26 February 2003 from the AFMA Research Manager to the Chair of SouthMAC concerning FAG issues including a paper on Fishery Assessment Groups - Roles, Responsibilities and Relationship with Management Advisory Committees.

SouthMAC discussed the AFMA paper ‘Fishery Assessment Groups – Roles, Responsibilities and Relationship with Management Advisory Committees’ and expressed strong concern with the issue of indemnity of members. Members expressed the view that a lack of adequate liability insurance will undermine members’ ability to effectively participate in the FAG. A number of members advised that they would not be prepared to operate without liability protection. It was recognised this was an issue for all FAGs and unless members had liability protection membership and effective functioning of the FAGs could be severely limited.

Members agreed that the Chair of SouthMAC should write to the Chair of AFMA outlining SouthMAC’s views on this issue.

## **Agenda Item 5 – Industry report**

SouthMAC noted the verbal reports from Messrs Exel, Scott and Williams on operations in Antarctic and sub-Antarctic waters.

## **Report from SAFAG**

### **Agenda Item 6 – Chairman's Report from SAFAG 17**

The seventeenth meeting of the Sub-Antarctic Fisheries Assessment Group (SAFAG 17) was held in Hobart on 1 May 2003. Major issues considered by the Group included the latest Macquarie Island stock assessment for Patagonian toothfish, the review of the Sub-Antarctic Bycatch Action Plan, and updating the five-year strategic research plan for Antarctic fisheries. The issues raised in the report were discussed and reported under agenda items 7 and 15.

## **Macquarie Island Fishery**

### **Agenda item 7 – Review of the Macquarie Island Fishery and new Management Policy**

#### **Stock assessment**

SouthMAC discussed a report from SAFAG 17 on the status of the Patagonian toothfish stocks in the Aurora Trough and Northern Valleys regions of the Macquarie Island Fishery. Dr Sainsbury reported that the Aurora Trough stock assessment has been recently updated following a survey carried out by the Austral Leader in December 2002. The Aurora Trough has been closed to commercial fishing since 1999.

Dr Sainsbury advised that:

- based on the December 2002 survey results the Aurora Trough stock is well above the minimum threshold of biomass that has been set to permit fishing. A conservative total allowable catch (TAC) of 354 tonnes has been recommended for the 2003/04 season, commencing from 1 July 2003. This harvest level equates to 10% of the mid-point of the currently estimated biomass;
- the expected long term average TAC for Aurora Trough is in the approximate range of 100 (10% of estimated biomass) to 300 (30% of estimated biomass) tonnes per year depending on the harvest strategy adopted. Because toothfish at Macquarie Island have to date shown multi-year periods of good and poor recruitment, the TAC in any year may be higher or lower than the expected long-term average; and
- the recommended TAC of 354 tonnes or 10% of the estimated biomass is considered precautionary and conservative, noting in the model a harvest of 30% (1000+ tonnes) would maintain the spawning stock biomass at or above the agreed reference level of 50%.

SouthMAC was of the view that the precautionary approach using 10% was appropriate at this time. Members noted that CSIRO is currently funded to undertake further studies into alternative management strategies for this Fishery. This assessment is expected to be completed by the end of 2003 and may result in changed harvest strategies being adopted for the Fishery.

Dr Sainsbury advised that during December 2002 poor catches and few tag returns were recorded in the Northern Valleys. He reported that SAFAG considered this information inadequate to provide for a new reliable stock assessment, and recommended that the stock assessment

undertaken on data collected in 2000 should continue to be used as the basis for setting the TACs for this area, as was done last year. This is considered to be the most reliable data currently available for this area.

SouthMAC recommended that the TAC setting process applied last season be maintained for the forthcoming season for the Northern Valleys. That is, it is recommended that TACs for the period 1 July 2003 – 30 June 2004 be based on the current TACs (205 tonnes and 665 tonnes) for the Fishery, assuming no recruitment to the Fishery, taking into account natural mortality and catches taken from the Fishery in December 2002.

These revised TACs for the Northern Valleys were not available for the meeting and it was agreed that the Board's endorsement of the new TACs should be sought in conjunction with the introduction of new management arrangements for the Fishery.

**Action arising**

### **Macquarie Island Fishery review**

SouthMAC discussed progress with the review of the Macquarie Island Fishery. Ms O'Brien advised that on 23 September 2002 the Macquarie Island Working Group met in Hobart to discuss the Terms of Reference of the Review. The Group agreed that there were two issues, which needed to be considered prior to the finalisation of their report:

1. data to be gathered during the December 2002 fishing trip to Macquarie Island; and
2. the outcomes of the Commonwealth Fisheries Policy Review in relation to the use of auction and tender.

SouthMAC noted the outcomes of the recent stock assessment and that the Commonwealth Policy Review is expected to be released shortly.

SouthMAC continued to support the introduction of a formal Management Plan for the Fishery. Members noted the AFMA Board's advice of November 2002 advising that:

*'In relation to the Macquarie Island Fishery the Board noted SouthMAC's request that the Board remains open to the development of a management plan, if this is supported by the review. However, the Board feels it needs to be convinced that there is a viable continuing fishery at Macquarie Island before considering the development of a management plan for the fishery.'*

Ms O'Brien advised that the Board would be unable to consider the Macquarie Island Fishery review at its May 2003 meeting due to other commitments, but would postpone consideration until the July 2003 meeting. This would result in no policy being in place between 1 July and 31 August 2003, following expiry of the current policy on 30 June 2003.

Ms O'Brien undertook to write to the current operator in the Fishery to provide assurance that the break in the policy would not impact on their continuity in the Fishery. This was supported by other industry members on SouthMAC.

**Action arising**

SouthMAC agreed that the Working Group should reconvene to consider the stock assessment results and incorporate the information when considering the Terms of Reference. It was recommended that the Group should meet within a month to progress the review and report back to both SAFAG and SouthMAC out-of-session.

**Action arising**

### **New and Exploratory Fisheries**

#### **Agenda item 8 – Guide to CCAMLR New and Exploratory Fisheries**

SouthMAC noted the revised 'Guide to CCAMLR New and Exploratory Fisheries', which outlined the procedures and costs associated with submitting proposals to fish in CCAMLR waters in 2003/04. Industry members remain opposed to the AFMA cost recovery policy being

applied to high seas fisheries, and advised that the Australian Seafood Industry Council and the Commonwealth Fisheries Association had raised the matter with Government.

### **Agenda item 9 – Expressions of interest**

SouthMAC noted that a large number of expressions of interest to operate in CCAMLR New and Exploratory fisheries had been received from five Australian companies. Industry members outlined the statistical areas within CCAMLR waters to which they will be seeking access.

SouthMAC noted that applications had been received for a number of Australian operators to longline in CCAMLR statistical areas 88.1 and 88.2 (Ross Sea). Ms O'Brien advised that Australia recognises that New Zealand has a claim for sovereignty over the Ross Sea dependency and Australia has not previously progressed applications for this area. SouthMAC noted that last year 16 applications were received from a number of countries for this area. SouthMAC considered it timely for the Australian Government to seek New Zealand's view on Australian access to this area. Members noted that adoption of this approach may lead to New Zealand vessels seeking access to statistical area 58.4.2, to which Australia claims sovereignty.

#### **Action arising**

Members noted that other countries are also likely to apply to operate in CCAMLR waters, and it is probable that a selection process for Australian boats would be required prior to the October/November 2003 CCAMLR meeting if numerous applications were received to fish in the various CCAMLR statistical areas. CCAMLR historically has set precautionary effort or catch limitations (usually between 200 and 500 tonnes) in new areas while fisheries research data is being collected for stock assessment purposes.

SouthMAC noted that competition between countries to access various CCAMLR statistical areas was an issue that needed to be addressed by CCAMLR in future. Mr Hay advised that a competitive TAC is likely to remain the mechanism in an area for the foreseeable future, but Australia should flag this as an issue for discussion in future CCAMLR meetings. He also advised that Australia was looking to promote standards adopted by Australian vessels, including the requirement to undertake research in new areas, with other countries.

#### **Action arising**

Ms O'Brien advised that for continued longline operations in the HIMI Fishery in the 2003/04 season an application would not need to be submitted to CCAMLR. However, Australia would notify CCAMLR of its intention to continue longlining in the area next season.

#### **Action arising**

Following this preliminary discussion the industry members and Ms Fallon left the meeting, while other members, the EA permanent observer, Ms O'Brien, Mr Riley and Mr Dick Williams discussed the procedures for dealing with New and Exploratory fisheries applications.

AFMA sought a general discussion on the issues that may be considered should the need to rank applications be required. It was recognised that AFMA has the ultimate decision, but given the requirement to go through CCAMLR for approval, a whole of Government approach (through the Inter-Departmental Committee (IDC) comprising representatives from AFMA, AAD, AFFA, DFAT, Attorney-General's and Environment Australia) would be best placed to rank applications.

Following the closed discussions the full meeting was reconvened and the meeting was given a summary of the issues discussed during the closed session. AFMA advised that they would send a letter to applicants who submitted expressions of interest, advising them, prior to the requirement to submit a pre-proposal, that:

- Australian applications would be encouraged; and
- the level of interest shown by Australian operators.

SouthMAC agreed that no judgement should be made as to how TACs would be divided, noting that it was expected potentially around 1750 tonnes of toothfish in total may be available for all nations in the CCAMLR statistical areas sought.

Further, the sub-group of SouthMAC recommended that the following criteria could be considered as a basis for ranking Australian applications, should this be necessary. It was recommended that ranking should be determined for each statistical area as one applicant may have a greater claim in one area than another as a result of their past fishing activities in these areas:

- preference will be given to established operators;
- the tangible benefits to Australia from the proposal, for example, the applicants commitment to research, mitigation of seabird bycatch, the economic benefit to Australia from the proposal, or activities undertaken to monitor and provide information on Illegal, Unregulated and Unreported (IUU) fishing;
- the applicants commitment to follow through on undertakings made in the application, for example, whether the vessel is already flagged to Australia;
- the standard of the vessel proposed; and
- the logistical feasibility of the nominated vessel being able to fish the number of areas nominated within the timeframe.

AFMA informed SouthMAC that these views may be considered by the IDC, but the information provided in the pre-proposal application under Section 4.2 was the key matter that applicants needed to address.

## **Heard Island and McDonald Islands Fishery**

### **Agenda item 10 – Change to Management Plan**

SouthMAC discussed the need to change the Area of the Fishery in Schedule 1 of the *Heard Island and McDonald Islands Fishery Management Plan 2002*. Members noted that the area description in Schedule 1 of the HIMI Management Plan does not reflect the current description for CCAMLR statistical area 58.5.2. The area described in Schedule 1 reflects the area of the Fishery at the time public consultation on the Plan was undertaken. However, CCAMLR has subsequently changed the boundary of statistical area 58.5.2.

The area description in the current Plan has the southern boundary at 55°S, whereas the CCAMLR southern boundary for statistical area 58.5.2 is at 56°S.

The intention of the Plan was to cover the area of HIMI waters in the AFZ that occurred in Statistical Area 58.5.2. If approved, this will mean that under the *Heard Island and McDonald Islands Fishery Management Plan 2002* Australian vessels will have access to an additional degree of latitude in the AFZ around HIMI. The Industry Members who operate in the HIMI Fishery advised they are not looking to operate in waters between 55°S and 56°S this season.

SouthMAC endorsed the proposed change to area of the HIMI Fishery and recommended that AFMA seek the approval of the Board to amend the Management Plan before 1 December 2003, the start of the next season.

**Action arising**

Ms Wilkinson advised that AFMA should write to the Environment Minister advising that the proposed change is to the area only, and no other amendments would be sought.

**Action arising**

### **Agenda item 11 - Draft Regulations**

SouthMAC noted the draft Regulations for the HIMI Fishery provided by the Office of Legislative Drafting. Members were asked to provide comments to AFMA. AFMA aims to implement the Regulations by 1 December 2003.

**Action arising**

### **Agenda item 12 – Management Plan for the HIMI Marine Reserve**

SouthMAC noted the Management Plan for the HIMI Marine Reserve had been discussed at SAFAG 17, following a presentation by Mr Ewan McIvor of AAD. Mr McIvor had advised SAFAG that AAD were seeking comments by 19 May 2003.

The main issue of concern raised by SAFAG Members was in relation to the potential impacts of Illegal, Unregulated and Unreported (IUU) fishing, and to the level of compliance and surveillance required to maintain the integrity of the objectives of the Marine Reserve. Members advised that IUU fishing is known to occur in the HIMI region and measures will need to be implemented to stop the conservation values being eroded. To date surveillance around HIMI has been seen as a fisheries issue, and Members were of the view that this also needs to be recognised as a conservation issue requiring a whole of Government approach.

Members also noted that it is important that AAD, in conjunction with fishing operators, continue to monitor fish stocks by undertaking survey work. This will require ongoing access to areas of the Marine Reserve that are closed to commercial fishing. Additionally, Australian commercial fishing vessels should also maintain the ability to steam through the Marine Reserve.

SouthMAC agreed that the issues discussed should be raised in a letter to AAD from the SouthMAC Chair.

**Action arising**

### **Agenda item 13 – Conservation Zones**

SouthMAC noted the situation regarding fishing activity in the Conservation Zones around the HIMI Fishery. The Conservation Zones will be explored for their fishery potential as part of the assessment for Ministers to consider whether a Conservation Zone should be included in the Marine Reserve. Mr Exel advised that some preliminary survey work had been undertaken, but no fishing had taken place.

Members noted that the AAD had advised that fishing can occur in the Conservation Zones as part of the AFMA authorisation to operate in the HIMI Fishery. No additional authorisation is required from AAD to operate in the Conservation Zones.

### **Agenda item 14 - Bycatch management**

SouthMAC considered an AFMA paper on bycatch management between trawl and longline operators in the HIMI Fishery. Members noted that the catch of skates and rays was approaching the 20 tonne review trigger agreed at SouthMAC 17. It was noted that the increased catch of skates and rays was a result of trawl operators in the Fishery targeting mackerel icefish. The TAC for icefish is 2980 tonnes for 2002/03 compared with 885 tonnes in 2001/02.

Mr Exel advised that the full icefish TAC was expected to be taken by the end of the current trips. Trawl operators will then concentrate solely on toothfish fishing and this bycatch rate is not expected to be maintained at the level recorded when icefish fishing. Following this assessment

SouthMAC considered it appropriate that an additional review of the trawl skates and rays bycatch should be undertaken if the 30 tonne trigger was reached.

SouthMAC agreed that AFMA should closely monitor the catch of bycatch species, particularly skates and rays, to assess whether the bycatch had reduced when not fishing for icefish.

**Action arising**

Members agreed to amend the review triggers for bycatch species as shown in the following table.

<b>Bycatch species</b>	<b>2002/03 limits (tonnes)</b>	<b>2002/03 combined longline/trawl review trigger (tonnes)</b>	<b>2002/03 trawl review trigger (tonnes)</b>	<b>2002/03 longline review trigger (tonnes)</b>
Skates and Rays	120	60	30	30
<i>Macrourus</i> spp.	465	232	20	212
Unicorn icefish	150	75	20	55
Grey rockcod	80	40	20	20
Each other species	50	25	10	15

If a trigger is reached in the future the review team will provide a report to SouthMAC and SAFAG and will:

- document the bycatch and bycatch rates by fishing operations (eg: gear type, area, time);
- determine the likelihood of exceeding the bycatch limit for that year and operational issues that are significantly contributing to that likelihood;
- develop and recommend measures that will reduce the likelihood of exceeding the bycatch limit to a negligible level; and
- identify the monitoring and further review that will be used to ensure that the bycatch limit is not exceeded.

**Environment**

**Agenda item 15 – Review of Bycatch Action Plan**

SouthMAC noted the requirement to review the Bycatch Action Plan (BAP) for Antarctic fisheries. A draft BAP will need to be prepared by 30 June 2003 for consideration by AFMA’s Environment Committee. AFMA undertook to prepare a draft for consideration by SouthMAC and SAFAG out-of-session.

**Action arising**

Members noted that the format for all Commonwealth BAPs will be standardised and include fishery specific issues/risks, strategies/actions which includes data collection and analysis and management responses, performance indicators and a communication strategy.

## **Finance Report**

### **Agenda item 16 – 2003/04 budget**

SouthMAC noted that the AFMA Board would be considering the draft 2003/04 budget at its meeting on 15 and 16 May 2003. Members had considered the issue and provided input to AFMA out-of-session.

### **Agenda item 17 – Cost recovery for FAG activities**

SouthMAC noted that the AFMA Board would be considering the issue of cost recovery for Fisheries assessment Group (FAG) activities when discussing the draft 2003/04 budget at its meeting on 15 and 16 May 2003. Members had considered the issue and provided input to AFMA out-of-session.

### **Agenda item 18 – Expenditure report**

SouthMAC noted the expenditure report for sub-Antarctic fisheries for the nine months ended 31 March 2003.

## **Other**

### **Agenda item 19 – Other business**

SouthMAC noted the 'AFMA Environment Update No.19' provided by AFMA at the meeting.

Mr Exel made a presentation on the establishment of the Coalition of Legal Toothfish Operators (COLTO). He advised that COLTO was being launched in Brussels on 7 May 2003, and further details could be obtained on the COLTO website ([www.colto.org](http://www.colto.org)).

### **Agenda item 20 – Next meeting**

The date for the next meeting of SouthMAC was not discussed. A meeting will be held in mid November 2003 following the annual CCAMLR meetings. An interim meeting may be scheduled depending on progress with issues such as the Macquarie Island review and consideration of CCAMLR New and Exploratory fisheries applications.

The meeting was closed at 3.00pm.