



Australian Government

Australian Fisheries Management Authority



Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC)

**DRAFT MINUTES
SOUTHMAC 38
3 MARCH 2020**

SUB-ANTARCTIC FISHERIES MANAGEMENT ADVISORY COMMITTEE (SouthMAC)

CHAIR: Mr Peter Neville

Date: 3 March 2020

Venue: Australian Antarctic Division, Hobart

Attendance

Members

Mr Peter Neville, Chair

Mr Rhys Arangio, Industry Member

Mr Malcolm McNeill, Industry Member

Dr Philippe Ziegler, Scientific Member

Ms Lihini Weragoda, Australian Antarctic Division

Ms Lyn Goldsworthy, Conservation Member

Mr Brodie Macdonald, AFMA Member

Ms Sarah Kirkcaldie (Executive Officer)

Observers

Mr Trent Timmiss, AFMA

Introduction

The thirty eighth meeting of the Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC 38) was held in Hobart on 3 March 2020.

The key items on the agenda were:

- Extension of Macquarie Island Toothfish longline season;
- Management arrangement for new boats in the Heard Island and McDonald islands Fishery(HIMIF);
- Exploratory fisheries proposals for 2020/21;
- 2020/21 budget process; and
- Update on US Marine Mammal Imports.

Agenda item 1 - Preliminaries

SouthMAC 38 was opened at 9.10 am on 3 March 2020 by the Chair, Mr Peter Neville.

Mr Neville welcomed members especially Mr Brodie Macdonald, AFMA member, attending his first MAC meeting, as well as the observer, Mr Trent Timmiss, AFMA.

1.1 Acknowledgement of Country

The Chair on behalf of all members and observers acknowledged the Traditional Owners of the land on which we met and also paid our respects to Elders past, present and emerging.

1.2 Declaration of interests

As outlined in the *Fisheries Administrations Act 1991* and AFMA Fisheries Management Paper No. 1, all members (but not permanent observers or invited participants) of SouthMAC must declare any pecuniary interest in the Fishery at the commencement of the meeting and also at the commencement of each agenda item. If a member discloses an interest in an item, the member must absent themselves from the meeting before the item is considered and the MAC must make a decision as to whether the member can participate in the discussion and in making of a recommendation or remain absent from the meeting for the item.

Mr Neville declared that he was the Principal of a fisheries consulting business (P.J.Neville & Associates) and Chair Fisheries Research and Development Corporation's (FRDC's) recreational fishing sub-program. Mr Neville advised that he has no pecuniary interest in the sub-Antarctic fisheries.

Mr McNeill advised he is the Managing Director of Australian Longline P/L which holds various fishing rights in, and operates vessels in the sub-Antarctic fisheries and New and Exploratory fisheries under the jurisdiction of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Mr McNeill further advised he is a member on SARAG, Board member of the Coalition of Legal Toothfish Operators (COLTO). Mr McNeill was not aware of any investigation or prosecution action by AFMA against his Company or of any legal action taken by his Company against AFMA. Mr McNeill noted that the company is changing its name in April to Australian Longline Fishing Pty Ltd.

Mr Arangio advised that he is employed by Austral Fisheries P/L that owns Statutory Fishing Rights (SFRs) in the Australian sub-Antarctic fisheries and waters under the jurisdiction of CCAMLR. Mr Arangio further advised he is the Executive Officer of COLTO, as well as being a member of SouthMAC and AFMA's Commonwealth Fisheries Marine Mammal Working Group. He was not aware of any investigation or prosecution action by AFMA against his Company or of any legal action taken by his Company against AFMA.

Ms Weragoda advised that she is an employee of the AAD and her colleagues conduct the HIMI stock assessment. Ms Weragoda attends international meetings related to Antarctic fisheries and has no pecuniary interest in Antarctic fisheries and her salary is not dependent on AAD, industry and other research collaborations.

Dr Ziegler advised that he is employed by AAD and is the Fishery scientist responsible for HIMIF work including the HIMI stock assessments. Dr Ziegler has no pecuniary interest in the sub-Antarctic and his salary is not connected to any research grants noting that he is a co-investigator on a FRDC project and potentially future FRDC projects. Dr Ziegler informed members that he is also a member SARAG.

Ms Lyn Goldsworthy advised that she is currently completing a PhD through the Institute for Marine and Antarctic studies and the University of Tasmania. Ms Goldsworthy also conducts contract work for the Antarctic and Southern Ocean Coalition (ASOC) and Deep Sea Conservation Coalition (DSCC). Ms Goldsworthy advised that she has no pecuniary interest in sub-Antarctic fisheries.

Mr Macdonald advised he is employed by AFMA and is the Manager for Antarctic fisheries and has no pecuniary interest in the sub-Antarctic fisheries.

Ms Kirkcaldie advised she is employed by AFMA, is also the Executive Officer for SARAG and Southern Bluefin Tuna MAC and has no pecuniary interest in the sub-Antarctic fisheries.

Mr Timmiss advised he is employed by AFMA as a Senior Manager, Tuna and International fisheries that he is also the member on the Tropical Tuna MAC (TTMAC) and SBTMAC. Mr Timmiss advised that he has no pecuniary interests in the sub-Antarctic fisheries.

1.2 Apologies

Members noted that no apologies were received.

1.3 Adoption of agenda

SouthMAC adopted the agenda with the addition of electronic monitoring to be discussed under other business.

Agenda item 2 – Minutes from SouthMAC 37 and November teleconference

Members noted that the draft minutes from SouthMAC 37 held on 15 May 2019 were circulated for comment on 24 June 2019. Comments were received from Ms Lihini Weragoda, AAD, Ms Lyn Goldsworthy, environment member and Dr Philippe Ziegler, Scientist. Members noted that the minutes from the SouthMAC 37 meeting have now been finalised.

SouthMAC noted that the draft minutes from the teleconference held on 7 November 2019 will be circulated shortly.

Agenda item 3 – Action arising from SouthMAC 37

SouthMAC discussed the action arising from SouthMAC 37.

| Item | Action arising from SouthMAC 37 | Status |
|------|---|---|
| 1 | Extension of Macquarie Island longline season - Industry to write to AFMA and request to extend the longline season by a further week and AFMA will consult with AAD Threat Abatement Plan team and will report back to SouthMAC out-of-session (SouthMAC 37 Agenda item 7). | Members noted that this agenda item will be discussed under agenda item 6. |
| 2 | Five-year Strategic Research Plan - AFMA to incorporate suggested changes to the draft Five-year Strategic Research Plan and circulate out-of-session (SouthMAC 37 Agenda item 15). | SouthMAC noted that this action arising was completed and the suggested changes were incorporated in to the five-year Strategic Research Plan and it was finalised. |

Agenda item 4 – Correspondence

SouthMAC noted that the following correspondence had been received between meetings:

- An email dated 24 June 2019 from Sarah Kirkcaldie seeking comments from members on the draft minutes from SouthMAC 37;
- An email dated 30 October 2019 from Sarah Kirkcaldie seeking comments from members on the draft agenda for the November teleconference;
- An email dated 4 November 2019 from Sarah Kirkcaldie circulating the draft agenda and papers for the November teleconference;
- An email dated 16 January 2020 from Sarah Kirkcaldie seeking individual member comments on the research proposal submitted to the AFMA Research Committee; and
- An email dated 28 January 2020 from Sarah Kirkcaldie seeking recommendations for the Macquarie Island Toothfish Fishery Total Allowable Catch and bycatch limits for the 2020/21 and 2021/22 fishing seasons.

Agenda Item 5– Report on fishing operations

Mr McNeill and Mr Arangio provided SouthMAC with verbal updates on fishing operations in the Heard Island and McDonald Islands Fishery (HIMIF), Macquarie Island Toothfish Fishery (MITF) and CCAMLR Exploratory fisheries.

Mr Arangio noted that Austral Fisheries Pty Ltd had completed the 2018/19 longline season which ended with higher catch rates and only 125 tonnes of quota left in the water. Both companies noted that they only saw one or two sperm whales towards the end of October whereas they normally see more. Members noted that the longline vessels *Corinthian Bay* and *Isla Eden* returned to port for the summer and the *Atlas Cove* went back down to the HIMI Fishery to trawl for Mackerel icefish in December 2019. Mr Arangio noted that the catch rates for Mackerel icefish were down on previous years at around 5 tonnes/day. Members noted that normally when icefish catches are low a lot of skates are caught but this year skate bycatch has been low even though icefish catch rates are low. Mr Arangio further noted that the *Atlas Cove* had triggered the juvenile Mackerel icefish catch twice and had to move-on. The vessel also spent time in January searching for lost gear and recovered about 60km IWL. Members noted that the *Atlas Cove* was re-fitted in February before heading back down to the HIMI Fishery to complete the Random Stratified Trawl Survey. Industry noted that the *Isla Eden* had just completed a month's fishing in the Southern Indian Ocean Fishing Agreement (SIOFA) Area. SARAG noted that the *Isla Eden* and *Corinthian Bay* will leave to go longline fishing at HIMI around 20 March 2020.

Mr McNeill noted that their catch rates also improved in the second half of the 2018/19 HIMI Fishery season and the weather improved also. Australian Longline Pty Ltd put a second vessel into the Fishery towards the end of the season and caught all their quota plus some of Austral Fisheries.

Mr McNeil advised that the *Antarctic Chieftain* then fished in the East Antarctica (CCAMLR exploratory fishery division 58.4.2) and caught 40 tonnes noting that this trip was not profitable as the vessel can only fish a small area and they have to spread gear out for research requirements. Industry expressed a desire to expand that Fishery in future years. The *Antarctic Discovery* fished in the Ross Sea (Divisions 88.1 and 88.2) starting on 1 December 2019 and had a successful and long season and ended up down towards the iceshelf. Industry

noted that although the catch rates were good there was some poor quality fish with 20 tonne going to offal due to jellymeat. Members noted that jellymeat is normally associated with spawning stock and found on the northern seamount in the Ross Sea. Industry will be doing a debrief in the next week and will report back findings on avoiding post spawning fish and seamounts to avoid jellymeat in future seasons (**Action arising 1**).

Observer

SouthMAC thanked the AFMA observer section for providing the detailed update and noted that last year 6 observers did southern ocean trips.

Industry noted that they were taking steps with regard to protecting the crew from COVID-19 pandemic including taking temperatures and tracking movements of crew. Industry requested that the AFMA observer section inform them as soon as possible of any requirements regarding the pandemic (**Action arising 2**).

Agenda item 6 - Extension of Macquarie Island season

Members noted that in early 2018, AFMA received a request from Industry to extend the MITF longline season by one week at the end of the season. In February/March 2018, SARAG 57 and SouthMAC 36 considered the request and supported a one-week extension. The RAG and MAC also agreed that the observer report should be used to assess whether bird observations are higher in the first week in September compared to the last week in August. Members noted that Macquarie Island is home to a number of small seabird populations but acknowledged that some are now recovering.

Following SARAG 57 and SouthMAC 36, the AFMA Commission also supported the one-week extension to the 2018 longline season. The MITF statutory fishing rights conditions were amended to extend the 2018 longline season to 7 September 2018 but due to good catch rates early in the season, no fishing occurred in the extension period.

The AFMA observer explained that the season extension was rolled over to the 2019 longline season but again the catch rates were good, and no fishing occurred in the extension period.

SouthMAC agreed that the one-week extension should be applied to the 2020 longline season. Incorporating the one week extension, the longline season dates will be 15 April to 7 September during 2020. Members noted that if fishing occurs in the season extension then the observer report for the 2020 trip will be used to assess bird observations. Members agreed that if fishing occurs, no further season extensions will be granted until the data from that season extension is reviewed by SARAG. SouthMAC further agreed that until fishing occurs between 1-7 September the season extension should remain in place noting that the data will be reviewed immediately after the season extension is utilised.

The AFMA observer indicated that the AFMA Commission will decide the Macquarie Island Toothfish Fishery Total Allowable Catch for the 2020/21 season next week noting that it is likely that it will increase from 450 tonnes to 555 tonnes. Members noted that the season starts on 15 April 2020 and all other existing conditions apply including if an operator catches one of the 5 protected birds they must cease fishing for the remainder of the season.

Heard Island and McDonald Islands Fishery

Agenda item 7 – William’s Ridge SIOFA update

SouthMAC noted that at its Sixth Meeting of the Parties in July 2019, SIOFA adopted a Demersal Stocks Conservation and Management Measure (CMM 2019/15) to set a total allowable catch of 140t for toothfish on Williams Ridge. It also adopted a range of technical effort control measures which restrict the ability to catch the TAC, effectively reducing the available catch to a lower level. These technical measures include use of grid cells to spread effort where each cell can only be fished once per season; and a maximum number of hooks and lines that can be set in each grid cell.

SouthMAC noted that due to the omission of historical fishing activity on Williams Ridge in the calculation of Australia’s current fishing footprint in SIOFA, the feature is not currently fishable by Australian vessels. The AFMA member explained that AAD has just finalised a revised bottom fishing impact assessment (BFIA) with this previously omitted data to facilitate access by Australian vessels to William’s Ridge, including areas outside those fished by Australian vessels in the past. The BFIA will be presented to the SIOFA Scientific Committee at its next meeting. Members noted that the data had not been included in the original BFIA as only AAD had held the data but not AFMA. Members noted that Spain had been fishing in the area since 1 December 2019, and according to the SIOFA website had fished the fishable grid cells and had caught around 69 tonnes.

Members acknowledged that there is uncertainty at the moment what will happen if meetings are canceled due to COVID-19. Members noted that currently most meetings in Regional Fisheries Management Organisations are being postponed or cancelled altogether. Members noted that if the SIOFA SC meeting did not go ahead, the Government will explore mechanisms to make decisions on essential and important issues.

Agenda item 8 – Skate and Ray bycatch

SouthMAC noted that at SARAG 59 in May 2019 members were informed that the skates caught when trawling (shallow water skates) were different species to the skates caught when longlining (deeper water skates) for Patagonian Toothfish. Members discussed the potential of running an assessment for skates similar to one conducted for the two morphs of grenadier.

At SARAG 60 in August 2019, AAD noted that they had assessed the available data and planned to re-do a Generalised Yield Model (GYM) assessment, similar to the 1998 assessment, but this time, if possible, for the three major species. Members noted that the Random Stratified Trawl Survey gave acceptable estimates for shallow water skates but not the deeper water skates. SARAG also noted at that meeting that data were available on skate length, weight and external maturity data, but not on skate age. There are also only a few tag recaptures of skates at HIMI.

SouthMAC noted that Jaimie Cleeland, a new member of the AAD research team, is currently working on the skate assessment and will present the assessment at the next SARAG meeting (**Action arising 3**).

AAD advised that Genevieve Phillips (both Research Scientists) and Andy Nicholls (Ageing Technician) had also joined the AAD research team. SouthMAC noted that Gabrielle Nowara had recently retired and members thanked Ms Nowara for her 14 years of invaluable work and contribution in particular to the RSTS and skate and ray research.

Agenda item 9 – Management arrangements for new boats

SouthMAC noted two new vessels were about to enter sub-Antarctic fisheries, one vessel owned by ALPL and one vessel owned by Austral Fisheries. Both companies indicated that the new vessels will be seeking access to fish the HIMIF longline season extensions in either 2019/20 or 2020/21.

Austral Fisheries indicated that their boat would be fishing in the HIMI Fishery in the second half of the 2019/20 season and the Australian Longline vessel would begin fishing in the exploratory fisheries in the 2020/21 season. The AFMA observer noted that Martin Tucker was expected to be the observer on both first trips for the new vessels.

Austral Fisheries further noted that the vessel would be doing gear trials on the way to Mauritius or on the way to the HIMIF grounds using a SIOFA permit. Mr McNeil indicated that the Australian Longline vessel will do gear trials out of Hobart under a Southern and Eastern Scalefish and Shark Fishery permit.

SouthMAC noted that all boats, including the new boats, will have to fully comply with seabird mitigation requirements during all parts of longline fishing season. During the season extension periods (April, 15 September – 30 November) any boats that catches and kills three seabirds will be excluded from any further fishing in the seabird extension periods.

CCAMLR New and Exploratory Fisheries

Agenda item 10 – Outcomes of CCAMLR and deliverables

SouthMAC noted that the 38th meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR-38) was held in Hobart from 21 October to 1 November 2019 at the CCAMLR Headquarters. The Scientific Committee (SC), Standing Committee on Implementation and Compliance (SCIC), and Standing Committee on Administration and Finance (SCAF) meetings were held concurrently from 21 to 25 October. The Commission plenary was held from 28 October to 1 November. The Australian delegation was led by the Australian Antarctic Division of the Department of the Environment and Energy and included representatives from the Department of Foreign Affairs and Trade, Department of Agriculture, Australian Fisheries Management Authority, Attorney- General's Department, Tasmanian State Government, conservation NGOs, the fishing industry and academia.

The HIMI Fishery toothfish and icefish stock assessments and recommended sustainable catch limits were adopted by the Commission. The HIMI season extension trials were concluded, streamlining the core season and season extension period and conditions that apply to the season extension period. SouthMAC noted that Australia will continue to apply strict seabird mitigation measures in the HIMI fishery.

SouthMAC noted that at the 2019 CCAMLR meeting, Australia sought CCAMLR agreement to amend Conservation Measure (CM) 41-08 to remove the requirement for new vessels to

demonstrated full compliance with CCAMLR Conservation Measure 25-02 in the previous season. In line with other CCAMLR fisheries, CCAMLR agreed to amend CM 41-08.

SouthMAC noted that the Commission endorsed exploratory fishing in Division 58.4.2, but consensus could not be achieved again for fishing in Division 58.4.1 although a catch limit was endorsed. One vessel from Australia undertook fishing in the 2019/20 fishing season in Division 58.4.2, but the industry member re-iterated that it is increasingly difficult to undertake exploratory fishing there due to the remoteness of the area and the low catch limit. Industry again expressed their interest to undertake exploratory fishing in Division 58.4.1 in the 2020/21 season.

SouthMAC noted that CCAMLR further progressed scientific and management considerations for krill fisheries. It adopted a critical workplan for management of the krill fishery to ensure the most up-to-date scientific data is used to inform catch limits that will lead to the review of CM 51-07 in 2021.

Members noted other outcomes including:

- The Scientific Committee elected Dr Dirk Welsford (AAD) as Chair of the Scientific Committee.
- The Commission adopted a General Capacity Building Fund and associated guidelines, and some initial funds for its implementation.
- The Netherlands became a full Member of CCAMLR with ability to participate in decision making. There are now 26 Members of the Commission.
- The Commission strengthened its notification system for transshipment activities, which will now require that Contracting Parties confirm or update the details of any transshipment in the Convention Area after they occur.
- The Commission improved environmental protections in the Convention Area by prohibiting the discharge of plastics into the sea and expanding restrictions on the dumping and discharge of oil or fuel to the whole Convention Area.
- The Commission adopted a measure that would allow two members to complete a one year trial of net monitoring cables.
- United Kingdom's proposal to host a SCAR lecture on climate change at the next CCAMLR meeting was endorsed.

SouthMAC noted that again, consensus was not achieved on the Australia, European Union and its Member States' proposal for an East Antarctic Marine Protected Area (EAMPA). The EAMPA proposal continued to receive strong support from most CCAMLR Members. Members further noted that consensus was not achieved on any other marine protected area proposals.

Industry thanked the Australian delegation and scientists and noted that they were pleased with the outcomes for the HIMI Fishery. SouthMAC noted that currently the relevant government agencies were negotiating the key priorities for the CCAMLR meetings in 2020.

Agenda item 11 – Exploratory fisheries proposals for 2020/21

The AFMA observer noted that on 11 February 2020, the Guide to CCAMLR New and Exploratory fisheries (the Guide) was sent out inviting proposals from interested Australian parties wishing to participate in New and Exploratory fisheries in the CCAMLR Area for the 2020/2021 fishing season.

SouthMAC noted that the 2020/21 process is similar to previous years and industry members needed to submit a proposal in the format described under Section 4.2 of the Guide to AFMA by 10 March 2020. Relevant Australian government agencies will then carry out a preliminary

examination of the proposals to determine if the applications fall within the CCAMLR guidelines for New and Exploratory fisheries.

Members noted that all Australian applications for New and Exploratory fisheries will be tabled at the CCAMLR Consultative Forum Meeting which is scheduled for late April 2020 and applicants will be invited to present their proposals.

Members acknowledged that the final decision on whether to lodge a proposal with CCAMLR is taken by the relevant Australian government agencies that are also responsible for final preparation and submission of the proposal documents. AFMA will advise applicants by May 2020 of the final decision and, if necessary, any amendments to the proposal that may be required before Australia would support the application. SouthMAC noted that final applications for New and Exploratory fisheries must be submitted by Australia to the CCAMLR Secretariat no later than 1 June 2020. SouthMAC noted that industry will be refunded the application fees if they submitted a proposal to fish in Division 58.4.1 but CCAMLR does not allow access to that area.

Environment

Agenda item 12 – Environmental interactions and gear loss/recovery

SouthMAC noted that during the 2018/19 HIMI Fishery fishing season 17,745,965 hooks were set and four seabirds and five marine mammals were killed as a result of interactions with fishing gear in the HIMI fishery:

- on 22 June 2019 a Southern Giant Petrel was hooked on longline gear when setting and drowned;
- on 31 October 2019 a white chinned petrel was tangled by a snood when setting and presumed drowned;
- four Southern Elephant Seals were found dead after being tangled in longline gear on 16 August 2019, 21 August 2019, 14 October 2019 and 11 November 2019;
- one Southern Elephant Seal was found dead after being hooked on longline gear on 10 October 2019; and
- two White chinned Petrels were found dead after being tangled in the longline gear on 5 November 2019 and 19 November 2019.

During the MITF in the 2019/20 season 1,797,020 hooks were set with no TEP wildlife interactions with fishing gear that resulted in a death. However, members noted that there were 15 Porbeagle sharks killed as a result of interactions with fishing gear. Members noted that a Porbeagle risk assessment was recently completed and the Executive Officer agreed to send this to the conservation member (**Action arising 4**). Members noted that Porbeagle shark are normally a bycatch species of the tuna fisheries off New Zealand. SouthMAC noted that the MITF had the lowest bycatch in history in the 2019/20 season.

Members noted that Australian fishing operations had no bird interactions with fishing gear that resulted in death in CCAMLR Exploratory Fisheries in the 2019/20 season. Members noted that the Australian industry's first seal (unidentified) was killed in CCAMLR statistical area 88.2 on 16 January 2020 as a result of interactions with fishing gear.

Members further noted that there has been a significant increase in the amount of gear lost in the HIMI Fishery in 2019 compared to 2018. The amount of gear recovered was similar to the previous season. Gear loss in the MITF increased in the 2019/20 season compared to the previous season but gear recovery was very similar to the amount lost. In 2018/19 Exploratory fisheries had a significant increase in gear lost when compared to the previous season.

Industry advised that the vessel *Atlas Cove* had recovered 60 km of integrated weighted line in December 2019 and January 2020 and this was not included in the figures. Members also requested that in future recovered IUU gear be included in the table. Industry agreed to report at the next SouthMAC meeting regarding what other countries are doing regarding gear recovery (**Action arising 5**).

Agenda item 13 – Climate Change

SouthMAC noted that the Adaptation of Commonwealth Fisheries to Climate Change project (FRDC project 2016-059) which commenced in early 2018 held a second stakeholder workshop on 26 September 2019 to:

- test stakeholder support for the climate impact risk assessment approach and methodology developed and review the preliminary results of the analysis of the climate risk assessment applied on two case study fisheries;
- consider the applicability of the risk assessment methodology to other fisheries/sectors;
- review key elements of the fisheries management system relevant to risk assessment; and
- seek stakeholder input into the development of the climate adaptation tools including a manual for fisheries managers and a survey.

Members noted that a third workshop is planned for 4 March 2020 where the HIMI Fishery will go through the climate adaptation project methodology. SouthMAC noted that the project is still expected to be completed by June 2020.

Finance

Agenda item 14 – 2020/21 Budget process

The AFMA observer explained that around this time each year AFMA circulates a draft budget with comments due in mid-March and then the budget is finalised in May. The Cost Recovery Impact Statement (CRIS) is also circulated at the same time and explains what fees are collected through the levy base and what is government funded. Members noted that each AFMA Fishery has its own budget. SouthMAC noted that the final CRIS is signed off by the Fisheries Minister and the Finance Minister.

Members noted that AFMA has written to the Commonwealth Fisheries Association proposing draft budgets for consultation in 2020/21 financial year. The total AFMA budget to be recovered from industry has increased by \$148,000, an increase of 1% compared to 2019/20. The CFA letter explains the budget in detail including fishery specific budget breakdowns.

SouthMAC noted that overall the HIMI budget has increased by \$102k (7.3%), almost entirely related to an increase in budgeted observer costs. Observer costs are budgeted to increase by \$98.6k (8.3%) in 2020/21. This is due to higher operational costs, including travel, logistical support and workplace health and safety requirements associated with running the program. The same number of trips are budgeted as in 2019/20, noting an additional trip was undertaken

compared to the budgeted trips in 2019/20 and the TAC has been reduced. There has been a \$10k (7.3%) decrease in the amount budgeted for direct fisheries management costs, mainly due to the removal of bycatch costs and a reduction in the budget associated with MAC and RAG meetings to better reflect actual costs. Vessel Monitoring Systems costs increased by \$3.1k primarily due to increased satellite and monitoring costs. There has also been a change in how AFMA recovers costs associated with logbooks and catch disposal records. Data costs are now recovered based on the entry method, either electronic or manual. There has been an increase on \$8.8k most of which is associated with future systems development, this is partially offset by a \$4.6k reduction in systems costs associated with licensing. The AFMA observer stated that although IT costs have increased this budget as new systems are being developed that this will save money in the future.

Other

Agenda item 15 - Update on US Marine Mammal Imports

SouthMAC noted that in 2016, the US Government published a final rule implementing the import provisions of the *Marine Mammal Protection Act 1972* (MMPA). This rule requires fisheries exporting seafood to the US to protect marine mammals at standards comparable to those required for US fisheries.

The US rule requires harvesting nations to meet US standards for fisheries management with regard to interactions with marine mammals. The provisions will come into force on 1 January 2022.

In 2017, as a first step in the implementation process, the US sought information from importing countries on each export fishery's recorded interactions with marine mammals and as well as details of management measures to mitigate marine mammal interactions.

Members noted that the Australian Government Department of Agriculture and Water Resources provided a submission to the US National Marine Fisheries Service, on behalf of all Australian fisheries exporting to the US, highlighting the level of recorded interactions and regulatory measures to prevent and monitor interactions with marine mammals in April 2017.

Information provided by export countries was used by the US Government to classify fisheries as either 'exempt' or 'export' fisheries under the US rule. The list of those classifications is known as the List of Foreign Fisheries (LOFF) and has now been published by the US National Marine Fisheries Service.

SouthMAC noted that the HIMI, MIT and CCAMLR exploratory (88.1, 88.2) fisheries were assessed under the US classification system as 'export' fisheries. This means to keep exporting product to the US after 2022, Australia will need to demonstrate that the fisheries meet the criteria established by the US through a 'comparability finding'. The criteria include that the fishery must have conditions relating to the prohibition of intentionally killing or injury of marine mammals and also have and maintain bycatch reducing programs that are comparable to the USA's regulatory programs in relation to bycatch of marine mammals.

Nations will need to apply for a 'comparability finding' on behalf of their export LOFF listed fisheries and the Australian Department of Agriculture Water and Environment will lead Australian Government applications to the US for comparability findings.

Members noted that the CCAMLR exploratory fisheries (58.4.1 and 58.4.2) were listed as 'exempt' fisheries.

AFMA indicated that they are currently working with the Department of Agriculture, Water and Environment to update detailed information for Commonwealth fisheries to feed back into the US assessment process. It is expected that following this assessment a number of fisheries currently listed as export may become exempt. If following this update fisheries are still

considered export there will be an opportunity to complete a comparability finding for a fishery to allow it to continue to export to the US. SouthMAC noted that the take of marine mammals is low in the three 'export' fisheries but reporting is 100% due to observer coverage and therefore Australia will seek to have these fisheries placed on the exempt list.

SouthMAC agreed that AFMA should update the CCAMLR Consultative Forum in April and then if there is no progress members will discuss the next steps (**Action arising 6**).

Agenda item 16 - Review of measures to protect Albatross

The AFMA observer presented a paper on Seabird bycatch of longline fishing which has long been recognised as a major threat to seabird populations. Members noted that most management regimes for both demersal and pelagic longline fishing have implemented measures aimed at mitigating seabird bycatch to varying degrees of success. The AFMA observer noted that the effectiveness of seabird mitigation measures are reduced due to sub-optimal management measures, poor compliance with implementation of measures and a lack of independent monitoring.

The AFMA observer presented the best practice mitigation measures recommended by the Agreement on the Conservation of Albatross and Petrels (ACAP), their implementation across various RFMOs (Attachment 2) and monitoring of arrangements that are in place. Members noted the following:

ACAP best practice guidelines

ACAP has developed best practice guidelines for both pelagic and demersal longline fisheries. For pelagic fisheries, ACAP recommends using all three of branch line weighting, night setting and bird scaring (tori) lines. ACAP also has recommended specifications for each measure.

Current recommended minimum standards for branch line weighting configurations include the following:

- (a) 40 g or greater attached within 0.5 m of the hook; or
- (b) 60 g or greater attached within 1 m of the hook; or
- (c) 80 g or greater attached within 2 m of the hook.

Night setting is defined as the time between nautical dusk and nautical dawn.

The most recent best practice guidelines also allow for hook shielding devices to be used, the current approved methods are reusable bait pods and single use smart tuna hooks. Neither method is currently in wide spread use.

SouthMAC noted that there is concern about the practicality and safety of some measures. Line weighting on pelagic longlines has been demonstrated to be dangerous for crews with numerous cases of serious injuries. Members noted that ACAP has done work on trying to make line weighting safer.

The AFMA observer stated that the high risk fleets are those targeting albacore and southern bluefin tuna. However, members noted that placing human observers on longliners is expensive and conditions on-board many of these boats are difficult to work in. Also, many observers are poorly paid and can be subject to intimidation or corruption.

SouthMAC noted that currently, the only alternative to human observer coverage is e-monitoring. E-monitoring is currently fully implemented on the Australian tuna longline fleet and the US Atlantic fleet. Large-scale trials are underway in several other countries including the Seychelles, Solomon Islands and Fiji, mainly on EU, Chinese and Taiwanese boats. Logistics

are challenging but trials have mostly been successful so far, with Solomon Islands, Fiji and New Zealand committing to implement e-monitoring over the next few years.

ACAP has developed best practice guidelines on what is effective for seabird mitigation, but needs to give greater consideration to implementation. This means greater engagement with tuna industries and developing mitigation solutions that work on fishing boats and do not impact on catch rates to the point of making boats unprofitable.

The conservation member thanked the AFMA observer for the comprehensive paper and stated that it should be a priority for Australia to have a consistent approach to best practice in all fisheries. The AFMA observer noted that ACAP is best practice but that this approach is not always practical. The AFMA observer further stated that data collection and compliance is the current aim.

Agenda item 17 - HIMI regulations

SouthMAC noted that in 2019, AFMA began reviewing the HIMI Regulations as they were 'sunsetting' (i.e. would cease to exist) on 1 October 2019. In addition the current Regulations do not comply with current legislative drafting standards. Proposed changes to the Regulations were circulated out-of-session to SouthMAC for comment. In May 2019 AAD and industry provided comments and suggestions for amendments to the Regulations.

Members noted that as there was not sufficient time to amend the Regulations before 1 October 2019 (this is now a two year process mainly due to the need to engage the Attorney-General's Department and the Department of Foreign Affairs and Trade) and AFMA applied for an exemption from sunseting for the HIMI Regulations. As the primary purpose of the instrument is to give effect to an international obligation of Australia the Regulations were given an exemption.

Members noted that during this process a number of issues were identified with the current Regulations including that a number of the CCAMLR obligations have changed and this needs to be reflected in new Regulations. Gear requirements could also prevent trials to mitigate skate bycatch in the trawl fishery. In addition, the Government process to amend Regulations has increased in recent years.

SouthMAC noted that AFMA intends to review the content of these Regulations during 2020, with the ultimate aim to provide more flexibility to industry of moving the substantive parts into other legislative mechanisms including statutory fishing rights and revoking the Regulations. Members noted that AFMA will consult SouthMAC on the specifics of this later in the year or in early 2021.

Agenda item 18 - Other Business

The AFMA observer stated that last year Australian Longline Pty Ltd had volunteered the vessel *Antarctic Discovery* to undergo an electronic monitoring trial. The trial was government funded and cameras were installed by Archipelago Marine Research in New Zealand prior to the *Antarctic Discovery* fishing in the CCAMLR Exploratory fisheries in Statistical Subareas 88.1 and 88.2 on 1 December 2019. Sensors were placed on the hydraulics and line hauler to detect fishing activity and all fishing activity was recorded on video cameras. Cameras were placed to monitor the set, the haul and fish on the conveyor belt (bird's eye view to check footage and take length shot) in the factory.

Members noted that the *Antarctic Discovery* was in Hobart a few weeks ago and AFMA now have decrypted hard drives and preliminary analysis of 'health statement' data indicate no issues with data collection. SouthMAC noted that a full report of the outcomes of the trial will be presented to SARAG at its August meeting. SARAG will also discuss the role of electronic monitoring in the future. SouthMAC members noted that Australia may present a paper to CCAMLR on electronic monitoring. Industry noted that it is part of the Ross Sea client group requirements to have electronic monitoring.

Members noted that the cameras are still on boat as they were a permanent installation.

Agenda item 19 - Next meeting

SouthMAC agreed to meet via teleconference on Thursday 12 November 2020 at 10:30am – 12:30pm AEDT to discuss the outcomes of CCAMLR. Members agreed the next face-to-face meeting of SouthMAC would be held in Hobart in early 2021 in conjunction with SARAG.

The Chair closed the meeting at 12:40pm.

Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC) - Meeting 38

Final Agenda

Tuesday 3 March 2020

9:00am – 3.00pm

Mawson Conference Room 2

Australian Antarctic Division – Channel Highway, Kingston

Introduction

- | | | | |
|-----|--|-------|-----------------|
| 1. | Preliminaries | | |
| 1.1 | Declaration of interests | Chair | For Discussion |
| 1.2 | Apologies | AFMA | For Information |
| 1.3 | Adoption of Agenda | Chair | For Decision |
| 2. | Minutes from SouthMAC 37 & November teleconference | AFMA | For Information |
| 3. | Action Arising | AFMA | For Discussion |
| 4. | Correspondence | AFMA | For Discussion |
| 5. | Update on fishing operations (HIMI, MITF, Exploratory, observers) | All | For Information |

Macquarie Island Toothfish Fishery

- | | | | |
|----|--------------------------------------|------|-----------------|
| 6. | Extension of Macquarie Island season | AFMA | For Information |
|----|--------------------------------------|------|-----------------|

Heard Island and McDonald Islands Fishery

- | | | | |
|----|---------------------------------------|------|-----------------|
| 7. | William's Ridge SIOFA update | AAD | For Information |
| 8. | Skate and ray | AFMA | For Information |
| 9. | Management arrangements for new boats | AFMA | For Information |

CCAMLR New and Exploratory Fisheries

- | | | | |
|-----|---|------|------------------|
| 10. | Exploratory fisheries proposals for 2020/21 | AFMA | For Information* |
|-----|---|------|------------------|

Finance

- | | | | |
|-----|------------------------|------|-----------------|
| 11. | 2020/21 budget process | AFMA | For Information |
|-----|------------------------|------|-----------------|

Other

| | | | |
|-----|---|------------|-----------------|
| 12. | Update on US Marine Mammal Imports | AFMA | For Information |
| 13. | Environmental interactions and gear loss/recovery | Indus/AFMA | For Information |
| 14. | HIMI regulations | AFMA | For Decision |
| 15. | Other Business | Chair | For Discussion |
| 16. | Next Meeting | Chair | For Discussion |

* Verbal update, no agenda paper provided

Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

CCSBT is unique amongst tuna RFMOs in that it is a single species Commission defined by the range of SBT rather than a defined area. This has led to a decade long dispute amongst members. The current situation is that there is a binding Resolution to ensure that all boats on the CCSBT authorised vessel register are required to implement the required seabird (and other ecologically related species) measures in the area they are fishing.

All boats fishing for SBT are required to have VMS reporting to their domestic agencies and 10% observer coverage by flag state authorised observers. There is no provisions for at-sea boarding and inspections.

Indian Ocean Tuna Commission (IOTC)

IOTC has a seabird resolution (12/06) that applies to longline fishing south of 25°S. All longliners must apply two out of three seabird mitigation measures out of line weighting, night setting and tori lines. Night setting and tori line specifications are effectively in line with ACAP best practice. Line weighting requirements align with the ACAP best practice of the time and allow 60g weights at 3.5m (instead of 1m).

There are no VMS requirements in IOTC, nor any effective observer program on longlining fleets. IOTC does not have any high seas boarding and inspection provisions. The Australian domestic fleet is subject to e-monitoring and trials are occurring on longliners in Seychelles and planned for some small scale Sri Lankan boats. Most high seas fleets fishing south of 25°S are not subject to any independent monitoring.

Western and Central Pacific Fishery Commission (WCPFC)

The WCPFC has a seabird Conservation and Management measure (2018-03). It applies separate measures in the North Pacific and the South Pacific.

South of 30°S, all longliners must apply two out of three seabird mitigation measures out of line weighting, night setting and tori lines. Night setting and tori line specifications are effectively in line with ACAP best practice. Line weighting requirements align with the ACAP best practice of the time and allow 60g weights at 3.5m (instead of 1m) and the allowance of 45g weights within 1m of the hook. Hook shielding devices are also approved as a mitigation measure. Between 25°S and 30°S from 1 January 2020 boats are required to use one of the mitigation measures described above.

WCPFC has a regional observer program with non-flag state observers for high seas longlining that is supposed to achieve 5% coverage. This coverage level is rarely achieved. All longliners are subject to VMS and there are provisions for high seas boarding and inspections. Australia regularly undertakes boardings and inspections on the high seas immediately to the east of NSW. The Australian domestic fleet is subject to 100% e-monitoring and several fleets in the tropical fishery are also subject to e-monitoring. Typically the main fleets fishing south of 30°S are not subject to e-monitoring, but some estimates of seabird bycatch are available from observer coverage. This has enabled a risk assessment to be conducted the scientific committee, which has identified a high risk area in the southern Tasman Sea.

Inter-American Tropical Tuna Commission (IATTC)

IATTC covers waters in the eastern Pacific Ocean. It has a binding resolution on seabirds (resolution 11-02) that applies south of 30°S and only vessels over 20m in length. Operators must choose two bird mitigation measures from a range of options, including at least one of line weighting, night setting and tori lines, but other options include blue dyed baits, offal management and line shooters.

IATTC does not have strong monitoring and compliance requirements. Longliners are required to have 5% observer coverage but this is not regularly met.

International Commission for the Conservation of Atlantic Tuna (ICCAT)

ICCAT is responsible for all tuna fishing in the Atlantic Ocean, including some areas of CCAMLR waters (eg around South Georgia). ICCAT has two active recommendations on seabirds. The first (Recommendation 07/07) states that vessels fishing south of 20°S must use a tori line. Swordfish boats can be exempt from tori lines if they night set and use line weighting (60g within 3m of the hook). These measures still apply between 20-25°S but were supplemented with additional measures south of 25°S in Recommendation 11-09. This requires two out of three measures out of line weighting, night setting and tori lines. Night setting and tori line specifications are effectively in line with ACAP best practice. Line weighting requirements align with the ACAP best practice of the time and allow 60g weights at 3.5m (instead of 1m).

ICCAT is aiming to increase observer coverage to longliners to 10% by 2022 and also requires the development of e-monitoring standards by 2021. There are no at sea boarding and inspection requirements.

Southern Indian Ocean Fisheries Agreement (SIOFA)

SIOFA covers all demersal fishing on the high seas in the southern Indian Ocean immediately north of CCAMLR. SIOFA has recently introduced a measure on seabirds (CMM 2019/13) which basically mirrors CCAMLR requirements for large scale longline boats. Autoliners must use tori lines, line weighting and manage offal discharge.

For longline methods there is a 20% observer requirement. SIOFA has recently agreed to implement high seas boarding and inspections, although none have commenced yet.

Members noted that France has submitted a seabird paper to be discussed at the meeting at the end of March.

South Pacific Regional Fisheries Management Organisation (SPRFMO)

SPRFMO covers all demersal fishing on the high seas in the South Pacific Ocean immediately north of CCAMLR. SPRFMO has a seabird measure covering demersal longline methods that require line weighting, tori lines and night setting. There is an exemption for boats that have demonstrated low seabird bycatch (less than 1 bird per 100,000 hooks) over the previous 5 years with 10% observer coverage, which are only required to implement one of those options.

Observer coverage requirements are 10% and there are provisions for high seas boarding and inspection.