



Australian Government

Australian Fisheries Management Authority

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# Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC)

MINUTES  
SOUTHMAC 31  
28 NOVEMBER 2012

## **SUB-ANTARCTIC FISHERIES MANAGEMENT ADVISORY COMMITTEE (SouthMAC)**

**CHAIR:** Ms Kerry Smith

**Date:** 28 November 2012

**Venue:** CSIRO Marine Laboratories, Hobart

### **Attendance**

#### **Members**

Ms Kerry Smith– Acting Chair

Dr Malcolm Haddon, Scientific Member

Ms Lihini Weragoda, AAD

Mr Martin Exel, Industry Member

Mr Les Scott, Industry Member (by phone)

Mr Jon Bryan, Conservation Member

Mr Peter Neave, AFMA Member

Ms Sarah Kirkcaldie (Executive Officer)

### **Introduction**

The thirty first meeting of the Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC 31) was held in Hobart on 28 November 2012.

The primary objectives of the meeting were to discuss:

- the outcomes of the thirty first meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR XXXI);
- the Bycatch and Discard Workplan for sub-Antarctic fisheries;
- the extent to which the performance criteria outlined in the Heard Island and McDonald Islands (HIMI) Fishery and Macquarie Island Toothfish Fishery Management Plans have been met; and
- the Antarctic fisheries budget acquittals for 2011/12 and the levy-base for 2012/13.

### **Agenda item 1 - Preliminaries**

SouthMAC 31 was opened at 9.10 am on 28 November 2012 by the Acting Chair, Ms Kerry Smith.

The Industry Member, Les Scott, participated in all the discussions by phone.

#### **1.1 Declaration of interests**

The AFMA member stated that as outlined in the Fisheries Administrations Act 1991 and Fisheries Management Paper No. 1, all members of SouthMAC must declare any pecuniary interest in the Fishery at the commencement of the meeting (Table 1) and also at the commencement of each agenda item. The Committee noted that 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 the making of a recommendation or remain absent from the meeting for the item. The AFMA member stressed that the MAC must fully comply with these requirements in relation to conflicts of interests during the meeting.



The AFMA member further noted that, regardless of the MAC’s decision on the member’s involvement in the discussion, in each and every case the minutes of the meeting must:

- i) record the fact of the disclosure relating to a conflict;
- ii) record the determination of the Committee whether the member may or may not be present during discussion of the matter which is the subject of the conflict; and
- iii) produce minutes (not just a Chair’s summary) for all MAC meetings, regardless of whether or not they are face- to- face.

SouthMAC noted that the requirement to declare an interest at the beginning of each agenda item was for members and not for permanent observers or invited participants.

Members acknowledged that AFMA has members on the consultative groups such as Management Advisory Committees because of people’s expertise in areas that are relevant to discussions.

**Table 1: TTMAC members/permanent observers’ declarations of interest**

<b>Member</b>	<b>Declared interests</b>
Kerry Smith	Employee of AFMA, no pecuniary interest in Antarctic Fisheries
Peter Neave	Employee of AFMA, no pecuniary interest in Antarctic Fisheries
Malcolm Haddon	CSIRO scientist, CSIRO colleagues conduct research on Antarctic fisheries and completed the Macquarie Island stock assessment, is a member on the Shark Resource Assessment Group, Scallop Resource Assessment Group and Slope Resource Assessment Group, no pecuniary interest in Antarctic fisheries
Lihini Weragoda	Employee of the Australian Antarctic Division, colleagues conduct HIMI stock assessment, attends international meetings, no pecuniary interest in Antarctic fisheries
Martin Exel	Works for a company that owns Statutory Fishing Rights (SFRs) in the Heard Island and McDonald Islands (HIMI) Fishery and the Macquarie Island Toothfish Fishery (MITF). Chair of Commonwealth Fisheries Association, Chair of the Coalition of Legal Toothfish Operators, and Board Member of the Institute for Marine and Antarctic Studies, at the University of Tasmania. He was not aware of any investigation or prosecution action by AFMA against his Company and was not aware of any legal action



	taken by his Company against AFMA.
Les Scott	Managing Director Australian Longline P/L an Australian resident company which holds various fishing rights in, and operates vessels in the Australian Sub-antarctic fisheries (Heard Island and McDonald islands, Macquarie Island fisheries) and waters under the jurisdiction of CCAMLR. Member of SlopeRAG, SEMAC, Threat Abatement Plan and industry representative Australian Delegation to CCAMLR. Director of Commonwealth Fisheries Association and Director of South east Trawl Fishing Industry Association. Mr Scott was not aware of any investigation or prosecution action by AFMA against his Company and was not aware of any legal action taken by his Company against AFMA.
Jon Bryan	Employee of Tasmanian Conservation Trust, member on Small Pelagic Fishery Resource Assessment Group and Scallop Management Advisory Committee
Sarah Kirkcaldie	Employee of AFMA, no pecuniary interest in Antarctic Fisheries

## 1.2 Apologies

No apologies were received.

## 1.3 Adoption of agenda

SouthMAC adopted the agenda without change.

### Agenda item 2 – Adoption of Minutes from SouthMAC 30

SouthMAC noted that the Minutes from SouthMAC 30 held on 1 December 2011 were considered and adopted by Members out-of-session and have been posted on the AFMA website.

### Agenda item 3 - Action arising from SouthMAC 30

Mr Exel declared an interest under agenda item 3. In line with the requirements as a MAC member who has declared an interest under an agenda item, Mr Exel left the room. The remaining members of SouthMAC agreed that Mr Exel should be allowed to return for all discussions and recommendations made under Agenda item 3. Mr Scott also declared an interest and disconnected from the phone call. The remaining members of SouthMAC agreed that Mr Scott should be allowed to return for all discussions and recommendations made under Agenda item 3 and called him back for the phone link.

SouthMAC discussed the action arising from SouthMAC 30.



Item	Status
<p><b>Trawl capacity determination</b> - SouthMAC supported determining a minimum quota holding of 25.5% for trawl operations in a determination, which is the figure currently specified in the Management Plan. This means that currently no more than three trawl boats can operate in the Fishery, and this would translate to limiting the maximum number of trawlers to three if a determination using the 25.5% figure is made. Industry members strongly supported this approach.</p>	<p>Completed.</p> <p>SouthMAC noted that following further out-of-session discussion by SouthMAC in July 2012, the AFMA Commission agreed to determine the trawl capacity in the HIMI Fishery at 25.5% for a period of 3 years, to 30 November 2015. Members noted that if no significant issues were identified then it was likely that the determination would lapse. Industry members stated that in obtaining Marine Stewardship Council (MSC) certification the submission stated that only 3 boats were allowed in the Fishery. The AFMA member acknowledged that the Commission was aware of this and noted that the trend now is to longline in the Fishery. Industry noted that they would request longline season extensions to decrease the amount of trawling although noted that the community perception of trawling was not correct.</p>
<p><b>Budgets</b> - SouthMAC noted that the acquittal of the 2011/12 budget and levy-base calculations for 2012/13 were expected to be released by AFMA in early December. AFMA would provide an explanation of the implications on the budgets to Members out-of-session.</p>	<p>The 2011/12 budget acquittal and 2012/13 budget were discussed under agenda item 10.</p>

#### Agenda item 4 – Correspondence

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

- 23 February 2012 – a letter from the AFMA CEO, James Findlay, to all MAC Members regarding travel expenses;
- 15 March 2012 – a letter from the AFMA Chair, Michael Egan, on the outcomes from the February 2012 AFMA Commission meeting;
- 4 September 2012 – a letter from the AFMA CEO, James Findlay, on managing conflicts of interest;
- 10 September 2012 - a letter from the AFMA Chair, Michael Egan, on the outcomes from the August 2012 AFMA Commission meeting;
- 14 September 2012 – a letter from SouthMAC Chair, Bill Nagle, resigning as SouthMAC Chair;
- 2 October 2012 – an email from Peter Neave advising that the Macquarie Island Management Plan amendments (principally to move the season dates to a determination) were released for a period of public comment; and



- 14 November 2012 – an email from Peter Neave advising that the Commonwealth's Bycatch Policy and Harvest Strategy Policy were open for a period of public comment; and
- 14 November 2012 – an email from Peter Neave providing Members with a copy of AFMA's submission to the Borthwick review of Commonwealth Fisheries Legislation.

SouthMAC noted that no public comments were received on the Macquarie Island Management Plan amendments. The AFMA member stated that the Plan amendments would now go to the Commission and then the Minister for Fisheries for acceptance. Once the amendments are accepted, signed and registered, AFMA can do a determination changing the start date of the Macquarie Island Toothfish Fishery to 1 May. AFMA agreed to keep SouthMAC and SARAG informed of progress on the Management Plan amendments.

Members noted that individual comments on the Commonwealth's Bycatch Policy and Harvest Strategy Policy are due on 14 December 2012. SouthMAC comments are due on 11 December 2012 to enable them to be included in the AFMA submission.

**Action arising 1:** AFMA to draft a letter of thanks to Mr Bill Nagle for his many years of service as SouthMAC Chair.

### **Agenda Item 5 – Report on fishing operations**

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

Mr Exel noted that the fishing vessel 'Austral Leader 2' had been extended and this had taken longer than expected and therefore had not been able to fish in the HIMI season extension in 2012 but planned to fish in April 2013. Mr Exel further noted that the 2012 longline season had been successful and that Austral Fisheries Pty Ltd had the highest Mackerel Icefish catch rates trawling in 2012. Mr Exel reported that two seabirds had unfortunately been caught towards the end of the 2012 longline season. Mr Exel noted that the company was speaking to experts as to why this may have happened and how to avoid it in the future. Issues identified included a combination of large swells, strong winds, tori lines blowing off the mainline, and birds coming around the stern underneath the tori lines to access baited hooks. Members noted that the birds were caught in consecutive shots and the skipper had moved the boat 160 miles and ceased day time setting as a result of the deaths. SouthMAC noted that investigations were on-going and that the company was looking at additional mitigation measures including water cannons and blocking the seabirds coming around the stern of the boat.

Mr Exel stated that 100% of the Patagonian Toothfish Total Allowable Catch will be taken in the 2011/12 season.

SouthMAC noted that Austral fisheries were continuing to pot but that unless catch rates improved this would be the company's last attempt as it was not currently commercially viable. Members noted that there had been no seabird or marine mammal interactions during potting operations.

Mr Scott stated that no Australian Longline Pty Ltd vessels had any interactions with seabirds or marine mammals in either the HIMI or Macquarie Island fisheries. Mr Scott noted that the birds were not as aggressive at Macquarie Island and no further mitigation measures were required. Mr Scott stated that currently gear was not getting recovered fast enough at Macquarie Island which meant the industry was not maximising the TAC.

Industry further noted that there had been a decrease in the amount of gear lost in the 2011/12 season and this was due to stronger weighted lines and anchor.



Industry members noted that the premium size of Patagonian toothfish is 4-8kg. If fish is greater than 10kg the value declines as the main markets prefer smaller fish.

## CCAMLR

Mr Exel, Mr Scott and Ms Weragoda declared their interest under Agenda Item 6. The remaining members of SouthMAC agreed that Mr Exel and Ms Weragoda should be allowed to return for all discussions and recommendations made under Agenda item 6.

### Agenda item 6 – Report on the outcomes of CCAMLR XXXI

SouthMAC noted the report (Attachment A) prepared by AFMA on the outcomes of CCAMLR XXXI and associated meetings which were held in Hobart during the period 23 October to 1 November 2012.

SouthMAC noted that the AFMA Commission had determined the CCAMLR agreed total allowable catches (TACs) in the HIMI Fishery for the 2012/13 season. The catch limits are:

#### Target species:

Patagonian Toothfish ( <i>Dissostichus eleginoides</i> )	2,730 tonnes
Mackerel Icefish ( <i>Champscephalus gunnari</i> )	679 tonnes

#### Bycatch Species:

<i>Macrourus</i> spp	360 tonnes
Unicorn Icefish ( <i>Channichthys rhinoceratus</i> )	150 tonnes
Skates and Rays ( <i>Bathyraja</i> spp.)	120 tonnes
Grey Rockcod ( <i>Lepidonotothen squamifrons</i> )	80 tonnes
All other species	50 tonnes (for each species)

SouthMAC noted that Marine Protected Areas (MPAs) was a main focus for Australia at CCAMLR and was the main item for discussion and negotiation among Members at the 2012 CCAMLR meetings.

Members noted that despite intensive lobbying by all parties to get agreement, a number of countries sought further science to justify the establishment of MPAs. The AAD member noted that discussions were difficult and only heads of delegations were involved. Consensus was not achieved on Australia's proposal for an East Antarctica MPA and in order to achieve some progress, New Zealand proposed a Special Meeting of the Commission to be held in July 2013 in Germany. SouthMAC noted that a US/NZ proposal for a Ross Sea MPA stalled the East Antarctic discussion.

SouthMAC noted that the Special Meeting of the Commission will consider MPA issues and make decisions, if possible, on the joint New Zealand and the USA MPA proposal on the Ross Sea region and the joint Australia, France and EU MPA proposal in East Antarctica.

SouthMAC noted that there was near zero levels seabird mortalities as a result of interactions with fishing gear in longline operations in the 2011/12 season except in the French EEZs in subareas 58.5.1 (157 seabirds in Kerguelen Island) and 58.6 (65 seabirds in Crozet Islands).



The AFMA member noted that, as mentioned earlier, two giant petrels were killed in the HIMI longline fishery in the 2011/12 season but these occurred after CCAMLR.

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

Mr Exel and Mr Scott declared their interest under Agenda Items 7 and 8. The remaining members of SouthMAC agreed that Mr Exel and Mr Scott should be allowed to return for all discussions and recommendations made under Agenda items 7 and 8.

### **Agenda item 7 – Fishery Update**

SouthMAC noted that in September 2012, AFMA determined the trawl fishing capacity and set the minimum quota holding requirement at 25.5%, which means that no more than 3 trawlers can operate in the HIMI Fishery at any one time. The Determination will remain in place until 30 November 2015.

Members further noted that, in making the decision, the Commission sought to align a review of the measure with the review of the ecological risk assessment (ERA) for the HIMI trawl Fishery, scheduled for 2014 after five years of operation. The Commission's expectation is that the 25.5% figure would not be retained after 30 November 2015 unless the ERA review determines that management of the Fishery would be adversely affected by removing the requirement.

Industry members informed the Committee that market interest levels in Patagonian toothfish had increased with Marine Stewardship Council (MSC) certification. In particular, there was increased interest from Europe, the United States and Japan. Members noted that one of the major benefits of MSC certification is that it is simple to explain that the fishery is sustainable and well managed by producing the MSC certificate.

Mr Exel noted that the process of getting toothfish assessed by the Monterey Bay Aquarium Seafood Watch Program was nearly finalised and the likely outcome was unknown.

## **Macquarie Island Toothfish Fishery**

### **Agenda item 8 – Fishery update**

The AFMA member provided an update on the amendment to the MITF Management Plan to move the dates of the 'fishing year' to a Determination. The Plan amendment will soon be provided to the Minister for Agriculture, Fisheries and Forestry for consideration.

Members noted that following acceptance of the Plan amendment by the Minister a Determination of the 'fishing year' will be made, which will extend the current 'fishing year' to 30 April 2013, and have future 'fishing years' starting on 1 May.

SouthMAC acknowledged that the amendment will allow operators to catch the remaining toothfish quota from 2012/13 by non-longline methods before 1 May and allow for longline operations to commence from 1 May in the 2013/14 fishing year. Industry requested that if possible they are informed by February 2013 if the change is going ahead.



## Bycatch

Mr Exel, Mr Scott and Ms Weragoda declared their interest under Agenda Item 9. The remaining members of SouthMAC agreed that Mr Exel, Mr Scott and Ms Weragoda should be allowed to return for all discussions and recommendations made under Agenda item 9.

### Agenda item 9 – Bycatch and Discard Workplan

SouthMAC noted that although bycatch was well managed in the sub-Antarctic fisheries, the Sub-Antarctic Resource Assessment Group (SARAG) believed it was still important to prepare a sub-Antarctic fisheries Bycatch and Discard Plan. Members noted that a workplan had been drafted and endorsed by SARAG.

SouthMAC provided comments on the workplan and AFMA agreed to incorporate the comments suggested and then distribute the workplan for final endorsement. It was agreed that the workplan should be reviewed annually and fully reviewed every five years. Once finalised the Bycatch and Discard workplan will be published on the AFMA website.

**Action arising 2:** AFMA to incorporate suggested changes and distribute final Bycatch and Discard Workplan for endorsement.

## Finance

Mr Exel, Mr Scott and Mr Neave declared their interest under Agenda Item 10. The remaining members of SouthMAC agreed that Mr Exel, Mr Scott and Mr Neave should be allowed to return for all discussions and recommendations made under Agenda item 10.

### Agenda item 10 – 2012/13 budget and 2011/12 acquittals

SouthMAC noted the acquittal of the 2011/12 budget and that the levy regulations for 2012/13 are currently being prepared. Members noted that in 2011/12, there had been a significant observer overspend in the MITF as a result of a greater than anticipated number of seadays due to a number of factors including difficult fishing and a major vessel breakdown.

SouthMAC re-iterated concerns regarding the cost of observers in the 2012/13 budget. The industry, scientific and conservation members requested that the Chair write to AFMA seeking information on the cost of observers including the reasons for a 10% increase in costs, the allocation of overheads, and market testing of observer services. Members did acknowledge the importance of observers particularly in achieving Marine Stewardship Council certification for all target stocks in sub-Antarctic fisheries and for the comprehensive data collection used in the annual stock assessments. Members also discussed e-monitoring and noted that SARAG had discussed this issue and agreed that given sub-Antarctic boat data requirements there was a need for physical observers on the boat. Industry members stated that carriage of a second observer was outside and additional to CCAMLR requirements and therefore of public benefit and that industry may be capable of collecting some data without the need for a second observer on the boat. The AFMA member noted that the quality of the data and the time series is of benefit to the Fishery. Industry highlighted that their main concern was the daily rate paid to AFMA observers which was in excess of \$1,500 per sea day.

SouthMAC members noted that the six and nine month acquittals were assisting industry to understand where money was being spent.



SouthMAC noted that the process for preparing the budgets for 2013/14 would commence in AFMA in December 2012.

**Action arising 3:** Chair to write to AFMA seeking information on the cost of observers including the reasons for a 10% increase in cost, the allocation of overheads and market testing of observer services.

## **Other**

Mr Exel and Mr Scott declared their interest under Agenda Item 11. The remaining members of SouthMAC agreed that Mr Exel and Mr Scott should be allowed to return for all discussions and recommendations made under Agenda item 11.

### **Agenda item 11 – Management Plan measures - review**

SouthMAC noted that it is a requirement under the HIMI Fishery and MIT Fishery management plans for SouthMAC to assess the extent to which the performance criteria outlined in the plans have been met.

Members discussed the report prepared by AFMA which showed the level of achievement as at 30 June 2012. Members noted that there was a slight overcatch of toothfish in the HIMI Fishery in the 2010/11 season and there was provision in the HIMI Fishery Management Plan to accommodate this circumstance, with the overcatch being immediately deducted from the new season's quota allocation before fishing began in the new season. The Committee agreed that the bycatch and discarding workplan should be included next year.

### **Agenda item 12 - Other business**

There were no additional items discussed under 'Other business'.

### **Agenda item 13 - Next meeting**

SouthMAC agreed that a meeting via teleconference is required in March 2013 to discuss SARAG consideration of the MITF stock assessment prepared by scientists from CSIRO. It was expected that the next face-to-face meeting of SouthMAC would be held in Hobart in late November 2013.

SouthMAC noted that Mr Neave would be on leave 13 January until 8 March 2013 and then would be retiring in August 2013.

The meeting was closed at 12.50 pm.



**REPORT ON THE KEY OUTCOMES OF THE THIRTIETH MEETING OF THE  
COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING  
RESOURCES (CCAMLR XXX)**

**Hobart, Australia**

**24 October to 4 November 2011**

This document sets out the key outcomes of the thirtieth meeting of CCAMLR and in particular, as they relate to fishing activities in the Convention Area. More detail on the discussions of CCAMLR and decisions made for other parts of the Convention Area can be found in the following documents which will shortly be available on the CCAMLR web site [www.ccamlr.org](http://www.ccamlr.org).

- Report of the Thirtieth meeting of the Commission (CCAMLR XXX)
- Report of the Thirtieth meeting of the Scientific Committee (SC)
- Schedule of Conservation Measures in Force 2011/12
- Report of the Working Group on Ecosystem Monitoring and Management (WG-EMM)
- Report of the Working Group on Fish Stock Assessment (WG-FSA)
- Report of the Working Group on Incidental Mortality Associated with Fishing (WG-IMAF)
- Report of the Standing Committee on Inspection and Compliance (SCIC)

## **FISHERIES OUTCOMES**

### **Heard Island and McDonald Islands Fishery (part of Statistical Division 58.5.2)**

Table 1 shows the catch limits agreed to by CCAMLR for the Heard Island and McDonald Islands (HIMI) Fishery for the 2011/12 season, which commences on 1 December 2011, and a comparison with the catch limits set for the 2010/11 season.

<b>Target species</b>	<b>2011/12 limits (tonnes)</b>	<b>2010/11 limits (tonnes)</b>
Patagonian toothfish	2,730	2,550
Mackerel icefish	30	....78
<b>By-catch species</b>		
Skates and Rays	120	120
<i>Macrourus</i> spp.	360	360
Unicorn icefish	150	150
Grey rockcod	80	80
Each other species	50	50

**Table 1: Catch limits for the HIMI Fishery**



### *Patagonian Toothfish*

Scientists from the Australian Antarctic Division (AAD) prepared a stock assessment for Patagonian Toothfish which was peer-reviewed by WG-FSA and the Scientific Committee. The AAD scientists calculated a sustainable yield of 2730 tonnes for the 2011/12 and 2012/13 seasons which were agreed to by CCAMLR. This is an increase of 180 tonnes from the total allowable catch (TAC) of 2550 tonnes which applied in each of the 2009/10 and 2010/11 seasons.

The yield satisfied the harvest strategy adopted by CCAMLR and Australia which is:

- that the probability that spawning biomass will fall below 20% of the pre exploitation level over the 35 year projection period must not exceed 0.1; and
- the median escapement for the fishery of the spawning biomass shall not be less than 50% over a 35 year projection

noting that the lower figure derived from these calculations is taken as the TAC.

The significant change from the previous stock assessment was the application of a new value of 0.155 (previously 0.13) for natural mortality (M) which resulted from work undertaken by AAD. The effect of a higher M was to give a lower estimate of the initial biomass (B<sub>0</sub>) with a compensatory increase in recruitment.

The estimated illegal, unregulated and unreported (IUU) catch was zero tonnes.

### *Mackerel icefish*

Scientists from AAD also prepared a stock assessment for Mackerel Icefish which was peer-reviewed at WG-FSA and by the Scientific Committee. CCAMLR agreed to a TAC of 30 tonnes for Mackerel Icefish for the 2011/12 season. This is a decrease of 48 tonnes from the TAC of 78 tonnes set in 2010/11.

The yield satisfied the harvest strategy adopted by CCAMLR and Australia which is:

- that the probability that spawning biomass will fall below 20% of the pre exploitation level over the two year projection period must not exceed 0.1; and
- the median escapement for the fishery of the spawning biomass shall not be less than 75% over a two year projection

noting that lower figure derived from these calculations is taken as the TAC.

CCAMLR agreed to implement the following limit reference point: where the stock assessment indicated a stock biomass (represented by the lower one-sided 95% confidence limit of the survey biomass estimate) of less than 1000 tonnes, or the decision rules indicate a catch limit of less than 100 tonnes, a commercial catch would not be set. Instead, a 30 tonnes combined research and bycatch limit would apply, which would allow the annual trawl survey to continue to monitor the stock and accommodate by-catch of icefish that may occur in toothfish trawl fishery.

The limit reference point was triggered and applies because the total biomass from the 2011 survey was estimated to be 983 tonnes ie: below 1000 tonnes. This is not uncommon as the stock is subject to high natural recruitment fluctuations. Setting the TAC at 30 tonnes will mean that there is no targeting of icefish in the 2011/12 season.



### *Bycatch species*

No new assessments were carried out on the bycatch species in 2011. Accordingly, CCAMLR agreed to retain the bycatch limits from the 2010/11 season for the 2011/12 season.

### **HIMI Fishery Conservation Measures**

Apart from the change in the TACs for Patagonian Toothfish and Mackerel Icefish and the season dates, the only change to the Conservation Measures which apply to the HIMI Fishery was the removal of the night setting requirement during the longline extension period 15 – 30 April. This measure will be trialed over two years.

### **Other Conservation Measures and resolutions**

The other Conservation Measures relevant to Australian operations generally remained unchanged.

Conservation Measure 10-02 (Licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area) was changed to include the requirement for flag states to investigate every very serious marine casualty (which covers total loss of a fishing vessel, loss of life, severe damage to the marine environment, serious injury to its own or another State's nationals or serious damage to its own or another State's vessels or installations).

Conservation Measure 10-04 (Automated satellite-linked vessel Monitoring Systems (VMS) was modified to allow the VMS data to be made available by the Secretariat for surveillance and inspection planning purposes.

Conservation Measure 21-02 (Exploratory fisheries) was amended in line with krill fishery requirements whereby a member may only nominate in respect to vessels flying its flag or that of another CCAMLR member at the time of notification of an intention to operate in an exploratory fishery.

Conservation Measure 22-09 (Protection of registered vulnerable marine ecosystems in subareas, divisions, small scale research units, or management areas open to bottom fishing) is a new measure and lists registered vulnerable marine ecosystems. Division 88.1 has two areas defined with a radius of 1.25 nautical miles around a defined point.

Recalling the sinking of the FV Insung No. 1 in the Ross Sea in 2010, and Members concerns for the safety of fishing vessels, crew and scientific observers operating in the Southern Ocean, CCAMLR adopted a resolution to enhance the safety of fishing vessels in the Convention Area.

### **New and Exploratory fisheries**

No Australian operators sought access to New and Exploratory fisheries in 2011/12. Australia advised the Commission that it retained a strong interest in participating in exploratory fishing and developing robust assessments for exploratory fisheries.

The Scientific Committee agreed that it could provide no new advice on catch limits for Divisions 58.4.1, 58.4.2 and 58.4.3a.

Table 2 shows the toothfish catch limits that were agreed by CCAMLR for 2011/12.



Statistical Division	2011/12 limits (tonnes)
58.4.1	210
58.4.2	70
58.4.3a (Elan Bank)	86
58.4.3b (BANZARE Bank)	0 (research fishing with a 40 tonnes catch limit is planned by Japan)
58.4.4 (Ob and Lena Banks)	0 (research survey with a 70 tonnes catch limit is planned by Japan)
88.1 (Ross Sea)	3282
88.2 (Ross Sea)	530

**Table 2: Catch limits for New and Exploratory fisheries**

In 2010 the Scientific Committee adopted a term 'data-poor exploratory fisheries' to include all fisheries that are closed or exploratory fisheries for which stock assessments are lacking. It was noted that for some of these fisheries, despite many years of structured research and tagging programs, data are currently insufficient to undertake a stock assessment. A generalised work-plan was developed for implementing research in data-poor exploratory fisheries.

The Commission agreed that a precautionary catch limit of zero would be set for BANZARE Bank. However, Japan intends conducting fishery-based research at BANZARE Bank (Division 58.4.3b) during 2011/12 with the number of longline sets limited to 48 with a catch limit of 40 tonnes. Historically, considerable IUU fishing has occurred in BANZARE Bank.

CCAMLR endorsed the Scientific Committee recommendation that in data poor fisheries the number of research hauls should be increased and the tagging rates should be increased to 5 tags per tonne caught in subareas 48.6 and 58.4 (Indian Ocean sector) to increase the amount of data and number of tags available for recapture.

### **Krill resources**

Six CCAMLR members fished for krill in 2010/11, with about two-thirds of the catches taken in sub-area 48.2. As at 24 September 2011, 179,131 tonnes had been caught, which was a reduction from the 211,974 tonnes taken in 2010/11.

The changes in relative distribution of catch between sub-areas 48.1, 48.2 and 48.3 between 2009/10 and 2010/11 were largely due to the extent of winter sea-ice in sub-area 48.1.

Notifications for krill fishing in 2011/12 were received from seven Members with a predicted catch of 401,000 tonnes.

CCAMLR endorsed a recommendation that the investigation of recruitment variability of krill should be afforded a high priority because, if recruitment variability is too high or there are long-term trends in recruitment, this may require reassessment of the catch limit or an alternative application of the decision rules.



## **ILLEGAL FISHING ACTIVITIES**

### **Estimated annual IUU catch of toothfish in the CCAMLR area**

CCAMLR noted advice from the Scientific Committee that there is no evidence to suggest that IUU fishing has declined and that it continued at a relatively low level. The Scientific Committee recommended that the Secretariat should monitor trends in IUU effort rather than estimate IUU catch, but that estimates of total removals are needed for stock assessments. The IUU catch was predominantly Antarctic toothfish.

There remains uncertainty surrounding gillnet catch rates and the bycatch of fish and seabirds and impact on benthos are unknown. All IUU fishing catches in the Convention Area during the 2010/11 season appeared to be taken in gillnets.

## **INCIDENTAL MORTALITY ASSOCIATED WITH FISHING**

The Working Group on Incidental Mortality Associated with Fishing (WG-IMAF) hold meetings biennially, and met in 2011.

The total extrapolated seabird mortalities as a result of interactions with fishing gear in longline operations in the 2010/11 season were estimated to be 220 seabirds in the French EEZs in subareas 58.5.1 (Kerguelen Island) and 58.6 (Crozet Islands) with near zero levels elsewhere in the CCAMLR area of waters.

One seabird (northern giant petrel) was killed in the HIMI longline fishery in 2010/11.

There were no marine mammal mortalities reported in the Convention Area in the 2010/11 season.

## **MARINE PROTECTED AREAS (MPAs)**

Continuing on from the work initiated in 2010, Australia again proposed the establishment of a representative system of Marine Protected Areas (MPAs) through the adoption of a general conservation measure. A new Conservation Measure 91-04 (General framework for the establishment of CCAMLR Marine Protected Areas) was introduced.

The Conservation Measure states CCAMLR MPAs shall be established on the basis of the best available scientific evidence, and shall contribute, taking full consideration of Article II of the CAMLR Convention where conservation includes rational use, to the achievement of the following objectives:

- I. the protection of representative examples of marine ecosystems, biodiversity and habitats at an appropriate scale to maintain their viability and integrity in the long term;
- II. the protection of key ecosystem processes, habitats and species, including population and life history stages;
- III. the establishment of scientific reference areas for monitoring natural variability and long-term change or for monitoring the effects of harvesting and other human activities on Antarctic marine living resources and on the ecosystem of which they form part;
- IV. the protection of areas vulnerable to impacts by human activities, including unique, rare or highly biodiverse habitats and features;
- V. the protection of features critical to the function of local ecosystems; and
- VI. the protection of areas to maintain resilience or the ability to adapt to the effects of climate change.



CCAMLR endorsed the Scientific Committee's advice that proposals for MPAs should include a clear description of the balance between the protection of ecological function and allowance for, and impact on, harvesting. CCAMLR welcomed the development of planning domains for representative system of MPAs and that these be the basis for planning MPAs in the Convention Area.

Australia and France jointly presented a proposal for a representative system of MPAs in the East Antarctica planning domain. A conservation measure will be prepared by Australia and France for consideration by CCAMLR in 2012.

New Zealand and the USA introduced papers on establishing MPAs in the Ross Sea which will be subject to further discussion during 2012, with an intention to bring forward proposals for the formal establishment of an MPA for consideration by CCAMLR in 2012.

## **COMPLIANCE ISSUES**

The Development of a Compliance Evaluation Procedure developed by Australia was further discussed by CCAMLR. Members were encouraged to actively engage with Australia to contribute to inter-sessional work toward drafting a conservation measure for consideration by CCAMLR in 2012.

CCAMLR noted advice from SCIC that Singapore had been non-responsive to communications from the Secretariat and Members, and that Singapore have not taken appropriate action to fully implement the Catch Documentation Scheme (CDS). It was noted with concern that ports in Malaysia and Singapore continue to be used by IUU-listed vessels. CCAMLR endorsed SCIC's recommendation that Singapore's status as a Non-Contracting party cooperating with CCAMLR by participating in the CDS be revoked. The Chair will write to Singapore in relation to the matter.

Australian Fisheries Management Authority

November 2011



## Performance criteria against which the measures taken may be assessed

### **Heard Island and McDonald Islands Fishery Management Plan 2002**

<b>Performance Criteria</b>	<b>Level of Achievement as at 30/06/11</b>
The target species meet sustainable reference points set for each target species.	Achieved – Stock assessments completed for target species with application of reference points. The catch from illegal, unregulated and unreported (IUU) fishing was estimated to be zero.
A total allowable catch is set for each target species for each fishing year, and that (unless provision is made for corresponding reductions in subsequent years) the amount of fish that may be taken in a fishing year is not exceeded in the year.	Achieved. The catch limits for both target and bycatch species were not exceeded for the fishing season, which ended on 30 November 2010. The stock assessments prepared by AAD are peer-reviewed by CCAMLR.
Transferable statutory fishing rights are granted to eligible persons.	Achieved. Statutory fishing rights have been granted to eligible persons and are fully tradeable.
No more than three boats operate in the fishery at any time.	Achieved. Three boats operated in the fishery during the year.
Effective strategies are in place to ensure that stocks of any depleted fish resources are being rebuilt.	Strategies are not required, as no depleted fish stocks have been identified in the fishery. IUU fishing continues to be a threat to the sustainable practices adopted by Australian operators. A strong compliance program has been implemented to deter IUU activity and, after discussions with French authorities, a joint research program will continue as part of a multi-year effort to assess the strength of a shared stock relationship for toothfish on the Kerguelen Plateau.
The catch of non-target species is reduced to, or kept at, a minimum, and below a level that will allow stocks of the species to be maintained at ecologically-sustainable levels.	Achieved. The bycatch of the fishery has remained well below defined reference points. A review procedure has been established by the Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC) to examine fishing operations if bycatch limits approach an agreed trigger level.  There are significant areas of the exclusive economic zone (EEZ) around HIMI that have been set aside as marine protected areas, which have been established under the National Representative System of Marine Protected Areas. The HIMI Marine Reserve is one of the world's largest protected marine reserves and provides representative ecosystem protection across the physiological classifications, setting aside over 39% of all waters shallower than 1000 metres in the EEZ
Cost-effective and high quality research is carried out in relation to the fishery in accordance with a five year strategic research plan, the results of which are  included in the assessment process of the fishery  published in the assessment reports of the fishery  taken into consideration in determining the total allowable catch, and other management arrangements, in a fishing year.	Achieved. A comprehensive research, data gathering and survey program is in place in line with the five year strategic research plan for the fishery. The data gathered are analysed and reviewed annually by the Sub-Antarctic Resource Assessment Group (SARAG) and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).  The results are fed into the annual SARAG, SouthMAC and CCAMLR process and are reflected in the TACs for the fishery.  Reports on the fishery are published annually.



<b>Performance Criteria</b>	<b>Level of Achievement as at 30/06/11</b>
	A collaborative research program between Australia and France has commenced to determine whether the HIMI toothfish stocks straddle the adjacent areas. This program has been progressed under the Australia – France Co-operation Treaty.
The monitoring required by the fisheries assessment plan has been undertaken.	Achieved. The survey requirements of the HIMI Fisheries Assessment Plan 2010-2011 were successfully completed in March to May 2011. The tagging requirements of the HIMI Fisheries Assessment Plan 2010-2011 were successfully completed by the operators.
Data is collected and analysed in a timely manner to enable <ul style="list-style-type: none"> <li>evaluation of the effectiveness of the strategies to maintain or rebuild the resources of the fishery to an acceptable level</li> <li>modification of those strategies.</li> </ul>	Achieved. Comprehensive survey, logbook and observer data was gathered on the fishery throughout the year. This data was analysed in a timely manner and formed the basis of management decisions in relation to the setting of catch limits. The fishery's stocks are currently maintained at sustainable levels.
The cost-effectiveness of management is assessed periodically.	In July 2011 the draft budgets for the fishery for the 2011/12 financial year were reviewed and comments from SouthMAC were provided to AFMA. AFMA's expenditure is reviewed against the budget at each SouthMAC meeting.
Economic efficiency of the fishery is assessed periodically using economic data provided, on request, by statutory fishing right holders.	ABARES in their 'Fishery Status Reports 2010' state that there has been little quota latency in recent years. The TACs are regularly filled which indicates positive net economic returns for the fishery and it is an example of how ITQs can be used as a primary management control in conjunction with input controls aimed at protecting the environment. The use of ITQs provides the best chance that profits will be maximised subject to a precautionary harvest strategy and strict operational constraints placed on vessels. A Management Strategy Evaluation project is being undertaken to assess management inputs and options for management.
The budgetary objectives of the fishery are achieved.	Achieved. Expenditure for the fishery was within budget.
AFMA and SouthMAC must, at least once every five years, assess the effectiveness of the Plan including the measures taken to achieve the objectives of this Plan by reference to the performance criteria mentioned above.	The operation of the HIMI Fishery was reviewed through the strategic assessment review process which was completed in March 2007. An annual status report was prepared for the 2010/11 financial year. AFMA has reviewed all Management Plans and removed parts which are covered in other legislative instruments. AFMA commenced a process to amend the Plan to: <ul style="list-style-type: none"> <li>remove the minimum quota holding requirement for non-trawl fishing methods;</li> <li>move the mechanism for setting the minimum quota holding for trawl fishing methods to a determination; and</li> <li>make minor changes to some definitions and remove specific reference to the Bycatch Action Plan.</li> </ul>



<b>Performance Criteria</b>	<b>Level of Achievement as at 30/06/11</b>
AFMA must include in its annual report for a financial year a statement of the extent to which the performance criteria mentioned above were met in the year.	Achieved.
Each year, SouthMAC must assess the extent to which the performance criteria mentioned above have been met in that year.	Achieved. SouthMAC provided input into the annual review of the Management Plan.



## Macquarie Island Toothfish Fishery Management Plan 2006

<b>Performance Criteria</b>	<b>Level of Achievement as at 30/06/11</b>
AFMA includes in its annual report details of the range and cost of services provided by AFMA in that year.	Achieved.
AFMA's management of the fishery is assessed periodically and is acknowledged by government and key stakeholders to be pursuing a cost effective service.	In July 2011 the draft budgets for the fishery for the 2011/12 financial year were reviewed and comments from SouthMAC were provided to AFMA. AFMA's expenditure is reviewed against the budget at each SouthMAC meeting.
Patagonian toothfish population numbers must not fall below the sustainable reference point set.	Achieved. The total allowable catch (TAC) for both the Aurora Trough and Macquarie Ridge were set using the agreed reference points.
A total allowable catch is set for Patagonian toothfish for each fishing year, and that (unless provision is made for corresponding reductions in subsequent years) the amount of fish that may be taken in a fishing year is not exceeded in the year.	Achieved. The catch limits were not exceeded the Aurora Trough was exceeded in the 2010/11 season which ended on 14 April 2011. The catch limits bycatch species were not exceeded in the 2010/11 fishing season
Statutory fishing rights are granted to eligible persons.	Achieved. Statutory fishing rights have been granted to eligible persons and are fully tradeable.
No more than three boats operate in the fishery at any time unless AFMA has authorised more.	Achieved. One boat operated in the fishery during the 2010/11 fishing season.
Effective strategies are in place to ensure that stocks of any depleted fish resources are being rebuilt.	Strategies are not required, as no depleted fish stocks have been identified in the fishery.
The catch of species other than Patagonian toothfish is reduced to, or kept at, a minimum, and below a level that will allow stocks of the species to be maintained at ecologically-sustainable levels.	Achieved. The bycatch of the fishery has remained well below defined reference points.  There are significant areas of the exclusive economic zone (EEZ) around Macquarie Island that have been set aside as marine protected areas, which have been established under the National Representative System of Marine Protected Areas. The Macquarie Island Marine Park comprises almost one third of the EEZ around Macquarie Island and contains one of the world's largest 'no take' areas. The Aurora Trough sector is the main trawl ground where the majority of the trawl catch is taken and covers a total of 130 square kilometres. The Marine Park covers 162,000 square kilometres, from a total EEZ area of 476,000 square kilometres.
Cost-effective and high quality research is carried out in relation to the fishery in accordance with a five year strategic research plan, the results of which are <ul style="list-style-type: none"> <li>• included in the assessment process of the fishery</li> <li>• published in the assessment reports of the fishery</li> <li>• taken into consideration in determining the total allowable catch, and other management arrangements, in a fishing year.</li> </ul>	Achieved. A comprehensive research and data gathering program is in place in line with the five year strategic research plan for the fishery. The data gathered are analysed and reviewed annually by the Sub-Antarctic Resource Assessment Group and are used in the annual stock assessments prepared by CSIRO.
The bycatch action plan is reviewed each 6 months and a report about the operation of the plan is prepared for the AFMA Board.	There is no longer a bycatch action plan. Low levels of bycatch were reported by observers. There were no interactions reported with Threatened, Endangered or Protected species.



<b>Performance Criteria</b>	<b>Level of Achievement as at 30/06/11</b>
The monitoring required by the fishery assessment plan has been undertaken.	Achieved. The tagging and data collection requirements specified in the MITF Fishery Assessment Plan 2010/11 were successfully completed by the operators.
Data is collected and analysed in a timely manner to enable <ul style="list-style-type: none"> <li>evaluation of the effectiveness of the strategies to maintain or rebuild the resources of the fishery to an acceptable level</li> <li>modification of those strategies.</li> </ul>	Achieved. Comprehensive logbook and observer data was gathered on the fishery throughout the year. This data was analysed in a timely manner and formed the basis of management decisions in relation to the setting of catch limits. The fishery's stocks are currently maintained at sustainable levels.
Economic efficiency of the fishery is assessed periodically using economic data provided, on request, by statutory fishing right holders.	ABARES in their Fishery Status Reports 2010' states there is a low level of latency of quota which indicates positive net economic returns for the fishery. A Management Strategy Evaluation project is being undertaken to assess management inputs and options for management.
The management measures implemented for the fishery allow the holders of statutory fishing rights to pursue practices consistent with maximising economic efficiency in the fishery	Achieved. In April 2011, following a successful trial which showed toothfish could be successfully targeted by longline and effective mitigation strategies could be used to avoid seabird interactions, longline fishing became an approved fishing method which provides operational flexibility. ITQs are used in the fishery.
AFMA has prepared annual budgets, and recommendations for levies have been agreed by the AFMA Board.	Achieved. SouthMAC are provided with expenditure reports against the budget at each meeting.
The government's targets for cost recovery have been achieved through AFMA's cost recovery policy.	Achieved. The cost recovery policy was applied to the costs of managing the fishery.
The budgetary objectives of the fishery are achieved.	Achieved. Expenditure for the fishery was within budget.
AFMA and SouthMAC must, at least once every five years, assess the effectiveness of the Plan including the measures taken to achieve the objectives of this Plan by reference to the performance criteria mentioned above.	The operation of the MITF was reviewed through the strategic assessment process which was completed in November 2010. The effectiveness of measures is reviewed on an ongoing basis as part of the management process for the fishery.
AFMA must include in its annual report for a financial year a statement of the extent to which the performance criteria mentioned above were met in the year.	Achieved.
Each year, SouthMAC must assess the extent to which the performance criteria mentioned above have been met in that year.	Achieved. SouthMAC provided input into the annual review of the Management Plan.

