COMMONWEALTH OF AUSTRALIA

JOINT STANDING COMMITTEE ON TREATIES

Reference: Convention on the Conservation of Migratory Species of Wild Animals (the Bonn convention)

HOBART

Tuesday, 4 August 1997

OFFICIAL HANSARD REPORT

CANBERRA

JOINT STANDING COMMITTEE ON TREATIES

Members:

Mr Taylor (Chairman)

Mr McClelland (Deputy Chairman)

Senator Abetz	Mr Adams
Senator Bourne	Mr Bartlett
Senator Coonan	Mr Laurie Ferguson
Senator Cooney	Mr Hardgrave
Senator Murphy	Mr Tony Smith
Senator Neal	Mr Truss
Senator O'Chee	Mr Tuckey

For inquiry into and report on:

Convention on the Conservation of Migratory Species of Wild Animals (the Bonn convention).

WITNESSES

JOINT STANDING COMMITTEE ON TREATIES

Convention on the Conservation of Migratory Species of Wild Animals (the Bonn convention)

HOBART

Monday, 4 August 1997

Present

Mr Taylor (Chairman)

Senator Abetz

Mr Adams

Mr Bartlett

Mr Tony Smith

The committee met at 8.35 a.m.

Mr Taylor took the chair.

CHAIRMAN—I formally open the hearing. We have received the following documents: submission Nos 2 and 2A from the CSIRO; submission No. 9, which is an additional annexe from the Department of Environment, Sport and Territories; submission No. 10 from Dr Rosemary Gales and Mr Nigel Brothers; and submission No. 11 from the Australian Tuna Boat Owners Association, we think.

Resolved (on motion by Mr Adams):

That this committee authorises publication of the submissions given before it at public hearing this day.

This is the second hearing into the amendments to the Bonn convention. Later today we will be moving onto a second line of inquiry into the UN Convention on the Rights of the Child. In terms of the Bonn convention, amendments to the convention on the conservation of migratory species of wild animals, as it is more fully known, proposes the listing of two species of dolphins and porpoises, and 11 species of albatross, as per appendices 1 and 2. We have already held a public hearing in Canberra on these amendments. We have taken evidence from Commonwealth government departments and agencies as well as a number of non-government organisations with an interest in the conservation of species of wild migratory animals.

The issues raised by these amendments have already been dealt with or referred to in two of our reports: notably, the one on southern bluefin tuna. If anyone would like a copy of these documents posted to them please talk to the secretariat today.

We will also take evidence today from CSIRO's Division of Marine Research, the Australian Antarctic Division, the Tuna Boat Owners Association—again, we think—and from two prominent Tasmanian researchers in albatross conservation, Rosemary Gales and Nigel Brothers.

HILL, Dr Burke Joseph, Acting Program Manager, Resources, CSIRO Division of Marine Research, GPO Box 1538, Hobart, Tasmania 7001

TUCK, Dr Geoffrey Neil, Fisheries Scientist/Resource Modeller, CSIRO Division of Marine Research, CSIRO Marine Laboratories, Castray Esplanade, Hobart, Tasmania 7001

CHAIRMAN—Welcome. We have received your letters of 11 June and 10 July. Are there any amendments or corrections to either of those letters?

Dr Hill—No, there are no amendments.

CHAIRMAN—I now invite you to make a short opening statement.

Dr Hill—I am not directly involved in the research of the matters being addressed here but I am involved in a broader research program being carried out by the division into the effects of fishing. Dr Tuck is directly involved in research on the matter of incidental catch of seabirds on tuna long-lines. He is a mathematician. He is developing a modelling framework to examine the effects of long-line fishing on albatross populations and he is also involved in a program that we have using a special type of tag that we call an archival tag, which could be used for tracking albatross movements. Together with a colleague, Dr Neil Klaer, he is also involved in the estimation of catch and catch rates of seabirds on long-lines. They are examining the effects of environments and the various mitigation measures that are being used to see the effect on the catch rates of seabirds and on southern bluefin tuna.

The division is also participating in the development of the threat abatement plan to protect albatross from the impact of long-line fishing. We also participate in other activities including the ecologically related species working group, which was set up as part of the Commission for the Conservation of Southern Bluefin Tuna. That working group is also examining the matter of incidental catch of seabirds on tuna long-lines and is collaborating on international work in this area. We have provided a series of documents to assist your inquiry and we are prepared to explain points that you may wish to ask on those documents.

The division supports the nomination of the Amsterdam albatross, diomedea amsterdamensis, to appendix 1 of the Convention on the Conservation of Migratory Species and Wild Animals. This species has been identified as the world's rarest species of seabird, and there are serious threats to the species from both on-land mortality and through interactions with long-line fisheries.

The division also supports the addition of 12 albatross species to appendix 2 of the convention. Ten of the 12 species of albatross added to appendix 2 occur within Australian

waters or waters controlled by Australia. The current status of those albatrosses is uncertain, with several populations showing marked declines. These albatross species are taken as by-catch from long-line fishing vessels, and mortality associated with long-line fishing has been implicated in declines in abundance.

We will reiterate our willingness to assist in the implementation or development of actions resulting from Australia's obligations in relation to this species.

CHAIRMAN—Thank you. We should clarify one point. In the opening statement I talked about 11 species of albatross, and you have just said 12, so can we get the mathematics right? Are we wrong, or perhaps you might—

Dr Hill—You are probably correct, Mr Chairman.

CHAIRMAN—Perhaps we can check that later. It is incidental—I ask just for consistency. Could I open the questioning by talking about collaboration with the Japanese, both in terms of the fishing zone and on the high seas in terms of mitigation? Would you like to tell us a little bit about what is happening with that collaborative research?

Dr Tuck—The collaborative research has been on a scientific basis with the Japanese scientists mainly doing their own fairly independent research and then presenting papers to meetings such as the ecologically related species working group meeting that we had in June. At that meeting they presented papers on their own catch rate analysis for, for example, the seabird catch rates on the high seas. We have papers along those lines as well. Also at that meeting the industry were able to tell us that they were going to make tori poles mandatory from August, so that was another positive move.

CHAIRMAN—That is on the high seas?

Dr Tuck—On the high seas, but it is already mandatory within the zone.

CHAIRMAN—On that Australian research, is the emphasis of our research on the AFZ or is it on both?

Dr Tuck—It is on both.

CHAIRMAN—On both. And theirs is on both, or is it principally the high seas?

Dr Tuck—Theirs is principally on the high seas.

CHAIRMAN—Is there a consistency between the two, or is there at this stage any sort of common thrust to the findings of both studies? Are they consistent or are they poles apart?

Dr Tuck—I would say they are fairly similar. In fact, at the recent meeting of the ERS working group, I was pleasantly surprised at the results that the Japanese scientists came forward with in regard to catch rates during day and night. So I would say it is actually quite positive in that area.

Mr ADAMS—Let me get this right, Dr Tuck. The Japanese figures were consistent with our figures on catch rates in the high seas?

Dr Tuck—From the point of view that we believe—and I am thinking of one particular example here—that night setting has a significant reduction in seabird catch rates. Their figures also showed that.

Mr ADAMS—We have had evidence before saying that their figures were not very good. We have had other evidence, I think, about New Zealand where it was said that night shoots did not make much difference to what was taken. Have you seen that research at all?

Dr Tuck—I do not recall that particular paper, I am sorry.

Mr ADAMS—So there is a little inconsistency there. Those might be new figures that you have seen, which makes their information consistent with ours, and that is pleasing to see, because the evidence we have received over the last year or so has been that the Japanese have not been very interested in this. Would you like to elaborate on that?

Dr Tuck—I do not understand what you mean by 'not interested'.

Mr ADAMS—The Japanese have not been overly interested in the conservation of the albatross.

Dr Hill—I chaired the ecologically related species working group. My impression was that there was quite a difference of opinion between Japanese scientists and Japanese industry. A paper that was tabled by Japanese scientists, showing that night setting had a positive effect—there was a lower catch of seabirds, fishing at night—was a fact that was withdrawn by the Japanese during the course of the meeting, after they had tabled it. My impression was that that came about because of pressure from industry who, for some reason of their own, were very much against the idea of night setting being proven to be beneficial.

Mr BARTLETT—Has that trend been evidenced in other areas as well—a conflict between industry and science?

Dr Hill—I think it does happen fairly frequently.

Mr BARTLETT—Relating to the issue of the albatross by-catch?

Dr Hill—I have had very limited experience of this one. It was evident to me at that particular meeting but I am not sure about other areas.

Mr BARTLETT—Has CSIRO done any work with other countries involved in southern bluefin tuna—say, Indonesia, Taiwan and so on—which are not part of a convention?

Dr Tuck—In relation to seabird work?

Mr BARTLETT—Yes.

Dr Tuck—Not as far as I am aware, with the parties external to the CCSBT. We are keeping in touch with New Zealand's research. Again, that is through the ERS working group meetings, but not, as far as I am aware, with the external countries that you mentioned—say, Indonesia, Taiwan and Korea.

Dr Hill—Those countries are of concern because it is very difficult to get accurate data from them. The Taiwanese, for example, do publish data, but their own scientists have told us that you cannot really rely upon the data.

Mr BARTLETT—Is it your opinion that they are committed to reducing incidental by-catch?

Dr Hill—I could only give you an opinion that I doubt it.

Mr BARTLETT—What do you think is the way ahead?

Dr Hill—If the convention parties do accept measures, that will be a strong incentive to other countries. The fact that Japan has now made tori poles mandatory on the high seas as well is very encouraging. I think that all the fishing industries around the world are conscious of the driftnet ban and that international pressure can force quite drastic changes in fishing practices. So I see Australia as being a very important component in this, in setting a lead which gets picked up by the other countries. If it works through the convention, that, in a way, is pressure on other countries.

Mr BARTLETT—So it is your opinion that the convention has assisted in that process?

Dr Hill—I would say that we are far better off with it than without it.

CHAIRMAN—In terms of the threat abatement plan, your division is doing some work for the department. Would you like to talk a little about your input to that threat abatement plan?

Dr Hill—We provide input on the technical side and Geoff can enlarge on that.

Dr Tuck—I guess that question relates to the actual work that CSIRO is doing. That is mainly in the area of catch rates—estimation of catch rates within the zone. Doctors Neil Klaer and Tom Polacheck have written quite a few papers on the estimation of catch rates in the Australian fishing zone. The other input we have is from the data that we have on the high seas. That is fairly minimal but we do have some catch rates from there. The other input that we have is from me. I am doing some modelling on the impacts of long-lining on seabird populations. Some work is also being done on the effects of night setting—this is a fairly important point—on catch rates of not only seabirds but also on their target species of southern bluefin tuna. That is a very important point as far as the Japanese are concerned.

Mr ADAMS—I understand that shooting at night is less productive than through the day because of the water temperatures. I think industry would be reflecting that with the Japanese, and the Japanese industry would be aware of that.

Dr Tuck—My feeling is that, from the data that I have seen and from the analysis that has been produced so far, the effect on SBT catch rates is still unclear. It is certainly not the case that there is any evidence that it decreases catch rates of southern bluefin tuna. In fact, from what I have seen, it has either a neutral effect or even possibly a positive effect.

Mr ADAMS—How is your modelling going to be a positive thing? How will your research fit into this overall lot?

Dr Tuck—There are two main points to the modelling that CSIRO is currently doing. Firstly, we were interested to know whether the effects of long-lining could explain some of the decreases in abundance that have been seen over the last 30 years in the two well-studied populations—that is, the Crozet Island wandering albatross population and the South Georgia wandering albatross population. Secondly, we were also interested in looking at projecting into the future potential different catch effort levels and seeing what the effect on the population was from there. Essentially, we are looking at the possibility of trying to get some kind of handle on sustainable levels of seabird take.

CHAIRMAN—Are there any particular alarm bells ringing at this stage? How far have you progressed with the modelling and the associated research? The bottom line is should we be worried, particularly within the fishing zone?

Dr Tuck—Firstly, the results are still preliminary. They have yet to go through an internal or external review so I hesitate to say. My feeling at the moment is that alarm bells should be ringing, given that currently below 30 degrees south there is, we believe, the greatest level of activity in that fishery that there ever has been. So that is certainly reason for concern. The other thing that the modelling shows up is that, even with some of

these populations where you have breeding pairs of over 500, it only takes between 40 and 80 birds to be caught per year from those populations to cause the significant decreases that have been seen in the past.

CHAIRMAN—When will your studies be to a stage where you can be more specific?

Dr Tuck—I would like to think by at least the end of this year.

CHAIRMAN—And will that then go as part of the threat abatement plan or as independent research by the division?

Dr Tuck—I would like to think that it could be built into the threat abatement plan but that is something for the threat abatement plan to decide.

Mr TONY SMITH—I did see in another piece of evidence or in a report that there was one occasion recently where something like 60 birds were caught in a night. I am not quite sure where I picked up that evidence, but I will just read you this evidence from a Mr Gladman who was a Greenpeace campaigner from New South Wales. He said:

> . . . the New Zealand fishery which indicated that the rate of by-catch was about 1.13 birds per vessel per day,. . . we have also been informed that there was an instance. . . in New Zealand where, over a period of four nights, one vessel took 65 birds, 41 of which were believed to be albatrosses. The very significant thing about that incident is that it took place at night. . . in the dark phase of the moon and we understand that tori poles were used.

Would you like to comment on mitigation methods in the context of night setting and tori poles, if that evidence is correct?

Dr Tuck—I had heard of that catch rate of seabirds off New Zealand. In fact after reading that in a local paper, I sent an e-mail to Dr Talbot Murray, who is one of the head SBT and sea bird scientists in New Zealand, asking him what had happened. Because, as you say, it is a little unusual to catch that number of birds when you are setting at night and also when you are using tori poles.

Firstly, tori poles—and I guess it has been said in the previous report—need to be set correctly. So it is possible that the tori poles were not set correctly. The other question I asked was: was there actually an observer on board and from my memory Talbot said there was. He said that it is quite possible that it could happen. To quote Talbot, he said, 'Oh well, shit happens.'

CHAIRMAN—Are there any other final points that you would like to make?

Dr Hill—Perhaps I could explain a bit of the background of our interest. Basically we are a division relating to fishing and looking at sustainable catches in fishing. In

fishing you look at animals that reproduce at an early age and that reproduce in very large numbers. All of the basics of albatross go against being a species that you could fish. They only mature when they are quite old by fishing standards. They produce very few young by fishing standards; one a year is very different to hundreds of thousands of eggs per year.

Intuitively, without knowing anything else about albatross, you would realise that you cannot in fact take very many of them before you would impact on the population. They are just not the sort of animals that you should be taking or harvesting and that is effectively what is happening.

CHAIRMAN—You mentioned in your opening remarks about the archival tag. Would you just like to talk a little more about that? You are doing that in conjunction with Zelcon Technic, are you not?

Dr Tuck—That is correct. The archival tag is about four centimetres in length. It had previously been used on southern bluefin tuna as a means to firstly obtain some information about their biology and their internal and external temperatures. It has a depth sensor in it, so you can tell how deep they are diving and when. The other second important objective of using these tags is that it records light. Now from the times of dawn and dusk you can actually get an estimate of position—latitude and longitude.

We saw the potential for these tags to also be used on albatross. So, in conjunction with some British and French scientists, in the initial pilot study we put nine tags on wandering albatross from South Georgia and the Crozets and we got those tags back at the beginning of this year. We are in an early phase of analysing that data.

The main objective that we saw from them was to get some idea of where the birds are going because, up until that point, the main devices to get an idea of where the birds were going were from satellite tracking devices or just from band returns. The satellite tracking devices, while they are very good and they give you very accurate data, we did not feel had the long-term measuring capability of these archival taggers, which have the potential to be on the bird for a number of years.

The reason that you would want to do this is that you do not see the birds for a number of years after the time of fledging. At this stage, and Nigel might like to comment on this later, we really do not have a very good handle on where the birds actually do go as juveniles and also as non-breeders. These tags, we felt, had the potential to show where the birds were and, in doing so, to give some indication of the interaction between where the birds are and where the fishing vessels are.

Mr TONY SMITH—This may sound a very elementary question but it links, I hope, to the problem with by-catch. Why do we have long-line fishing? Is it to catch as many fish as possible? Or is it to cast as wide a net as possible to catch a limited number

of fish that are around? Is all that linked to catching more birds by way of by-catch?

Dr Hill—The point about southern bluefin tuna is that it is a species that, in the adult phase, is very dispersed; in other words, it is not like most fish that occur in large numbers in small areas. For this reason they have to use very long lines in the hope of catching them. The catch rates are very low. How many hooks do they set in a night?

Dr Tuck—Three thousand hooks.

Dr Hill—And they would catch how many fish?

Dr Tuck—One or two perhaps.

Dr Hill—So it is very, very dispersed.

Mr TONY SMITH—So I guess your answer is that it is more that the fish are dispersed rather than that there are fewer of them although, having regard to something in the paper just recently, there seem to be a lot fewer of them.

Dr Hill—Yes, there are certainly a lot fewer now than there were 20-30 years ago. Even so, the adults seem to live this very isolated sort of life. Even if you said there were 20 times as many, the catch rate of 40 or 80 fish on 3,000 hooks is still a very low catch rate.

CHAIRMAN—Thank you, gentlemen.

[9.05 a.m.]

BAKER, Mr Geoffrey Barrington, Assistant Director, Wildlife Management Section, Biodiversity Group, Environment Australia, PO Box 636, Australian Capital Territory, 2601

HAY, Mr Ian John, Senior Policy Officer, Australian Antarctic Division, Channel Highway, Kingston, Tasmania 7050

JACKSON, Mr Andrew William, Acting Assistant Director, Policy and Planning, Australian Antarctic Division, Channel Highway, Kingston, Tasmania 7050

ROBERTSON, Dr Graham George, Senior Research Scientist, Australian Antarctic Division, Channel Highway, Tasmania 7050

CHAIRMAN—Welcome. The committee has received some comments on the issues before us. Are there any amendments, errors, omissions to that written submission?

Mr Jackson—The Antarctic Division, as such, has not made a submission but the portfolio has.

CHAIRMAN—Yes. Do you want to make a comment about that and are there any amendments to that?

Mr Jackson—No amendments to that. We would be happy to make a brief opening statement. I understand that you would like to talk to Antarctic Division representatives this morning about two issues—that is, illegal fishing in the subantarctic and also the research which is being undertaken by the Antarctic Division with respect to albatrosses.

CHAIRMAN—Just before we start, is any of this evidence commercial-in-confidence? Is it diplomatically sensitive? In other words, do you want to stay on the open record?

Mr Jackson—We would not like to be on the record with respect to the diplomatic issues involved or the matters which are currently before cabinet because they are quite sensitive. There are some limitations, of course, which you would appreciate, with respect to those issues which we either should not discuss or put on record.

CHAIRMAN—Let us get the balance of it out of the way and then we will come back. We may have to clear the room for that. Just start with the less sensitive issues.

Mr Jackson—I will make a very brief statement about where we stand with respect to the issue of illegal fishing and then perhaps you might like to draw out from us

what you would like to know in more detail.

The question of illegal fishing for patagonian toothfish by foreign vessels has been occurring for some months in Australia's exclusive economic zone, particularly around the Territory of Heard Island and McDonald Islands. Heard Island is some 2,200 nautical miles south-west of Perth and its remoteness makes surveillance and enforcement action particularly problematic. That is why there are issues currently before cabinet about how there should be a national response to those issues.

The illegal fishers are using long-lines which are associated, obviously, with significant by-catch of seabirds, including albatrosses. It is not known whether these fishers are using mitigation measures to reduce seabird by-catch. However, from previous experience elsewhere, this seems unlikely. The extent of seabird by-catch cannot be estimated.

Many of the incidents of illegal fishing are presently under investigation by the Australian Fisheries Management Authority, which has a prime responsibility in accordance with the Fisheries Management Act. It is doing that in consultation with other agencies including the Australian Antarctic Division. As we have mentioned, there is also diplomatic action being pursued to some extent on that.

Mr ADAMS—What research has the division undertaken in relation to the albatross?

Dr Robertson—I have been on I think four Japanese tuna boats to get familiar with their system of fishing, to be able to know whether one's input is being practical. With Nigel Brothers and Andrew Foster from parks and wildlife, I have done some work on the sink rate of baits, under controlled conditions. Last June we had an observer from the division work on a Japanese tuna boat to get a bit more detail on bait performance in the water column under real conditions, the influence of sea condition on that and the influence of the ship's turbulence on the performance of the bait when it is trying to sink. This is to try to determine the best possible way and the quickest way of getting the bait to beyond, say, 20 or 30 metres so that it is out of reach of diving birds. They are probably the only direct things that I have done. The other things are the indirect production of this report here, the running of the albatross conference, and currently editing the proceedings of the albatross conference.

Mr ADAMS—Are there any conclusions on looking at the bait and how to get it down?

Dr Robertson—As you know, the early work we did thawing the bait out makes it sink faster. What I was alluding to a minute ago was whether the sea condition might tend to minimise or negate subtle differences in the thaw status of the bait in terms of it sinking. The last time I was on a tuna boat it occurred to me that Japanese fishermen

probably do not like to handle totally thawed squid, and that fish are probably different. When they pick up a 10-kilogram pallet of squid and it is totally thawed it is covered in mucus and it is sloppy, so they cannot undo this and dump it onto the conveyer belt. So, without getting inside their heads, I figured it is probably worth testing the effect of half-thawed squid versus totally thawed squid in terms of sinking. That was one of the things we were trying to do last June. We have not actually analysed the results of that yet. It is early days.

Mr ADAMS—As a mechanic, have you been involved at all with any mechanical processes to get the bait down quicker?

Dr Robertson—What do you mean—putting weights on or—

Mr ADAMS—I understood that there was some engineering taking place in relation to throwing the baits in or throwing the baits underneath the boat?

Dr Robertson—I am aware of those but, no, we have not been involved in that sort of work.

Mr TONY SMITH—You mentioned Heard Island. What sort of surveillance do we have down at Heard Island? Some people do live down there, do they not?

Mr Jackson—No, Heard Island is completely uninhabited. We have not had a permanent presence there since 1954 when we closed down the Antarctic station there. We have had occasional summer visits to the island for research, and occasionally we have done some marine research in the offshore area. The only other presences there currently are commercial fishing vessels from Australia.

Mr TONY SMITH—In the late 1970s I know the cape vessels used to go down there. I was on the *Cape Pillar* at one stage, and I think it went down there. They do not run those ships any more, though, do they?

Mr Jackson—No, that is correct.

Mr TONY SMITH—Have they got replacement vessels?

Mr Jackson—For the cape vessels?

Mr TONY SMITH—Yes.

Mr Jackson—I do not think they are doing that research any more. That was, as I understand it, surveying work, and I do not think that is being undertaken any more.

Mr TONY SMITH—They have not got a vessel that goes down in that area to do

any sort of research?

Mr Jackson—No. The primary research platform is *Aurora Australis* which is chartered by Antarctic Division now. That vessel can be used for other research work if they become part of the Antarctic program.

Mr TONY SMITH—Even the presence of the cape vessels from time to time would be a deterrent. Would you agree?

Mr Jackson—Had there been a problem at the time the cape vessels were operating, yes, I think that would have been the case.

Mr TONY SMITH—Do you see a need for some form of patrol vessel or a vessel to be used as a supply vessel or something—a vessel that can be used for a number of purposes, I suppose?

Mr Jackson—*Aurora Australis* is obviously a multi-purpose vessel. We use that for research and also for re-supply of our Antarctic stations, so that is a vessel which is quite capable of doing it. If you are asking about whether there should be a more regular presence in the Heard Island area, they are the sorts of matters that are currently before cabinet now, to talk about what sorts of options there are if the problem of illegal fishing were to continue.

CHAIRMAN—I think we might now go in camera. This means we are going to have to clear the room. Just before we do that, just to highlight for you what the impact of in camera discussion is: we can use the evidence that is taken but we cannot use it without referring it to you first. In other words, we can do it without attribution. If we do attribute then we have to seek your concurrence. That is the rough order of the rules. The other point is that if you name anybody, and we use it, then they get the right of reply. Are you happy to proceed on that basis?

Mr Jackson—My problem with that is that it would be very difficult and probably inappropriate, even in camera, to talk about the possible methods of responding to the illegal fishermen such as the methods for detecting them, for apprehending them and for further preventing illegal fishing; because if that evidence is used, that will jeopardise the action that may or may not be intended to be taken. That would not be in our interest at the moment with this particular issue.

CHAIRMAN—It is unlikely that we will use it. They are the general rules. Anything that is ultra vires to cabinet consideration, of course, we as a parliamentary committee would be very circumspect about. We can certainly give you that assurance, but I think that we need to have a free and frank discussion on some of these things, and it should have in camera status.

Mr Jackson—Let us proceed on that basis.

Evidence was then taken in camera, but later resumed in public—

CHAIRMAN—Did you want to make any other general comments?

Mr Hay—Pertinent to the question of seabird conservation, I would simply like to flag that Australia, within the Convention on the Conservation of Antarctic Marine Living Resources, has made significant efforts to improve the mitigation measures operating in the southern ocean fisheries, for legal fishers anyway. To that end, I propose to table a booklet which has been produced for fishers in the southern ocean area which, among other things, describes the by-catch mitigation measures that are employed and shows the extent of the boundaries that those measures operate within.

CHAIRMAN—We will make it an exhibit. It is called *Fish the Sea not the Sky*, a publication by the Commission for the Conservation of Antarctic Marine Living Resources, Hobart.

Mr Hay—As a one-line summary of those mitigation measures, we have within the CCAMLR area been able to achieve in some cases up to an 80 per cent reduction in seabird by-catch. So that provides a useful comparison with other fisheries elsewhere.

Mr TONY SMITH—In the report it mentions that funding for the preparation of the threat abatement plan, including meeting costs and the employment of the consultant to draft the plan, has been allocated from the endangered species program. Are you familiar with that?

Mr Jackson—I think we would need to ask the other part of the department to provide some information for you on that.

Mr TONY SMITH—Right. My question, just for the record, is: why not from the long-liners by way of the licence fee?

Mr Hay—I think we may be able to provide the answer immediately.

Mr TONY SMITH—The question just related to funding. Funding for the preparation of the threat abatement plan, including costs of employment of a consultant, had been allocated from the endangered species program. Is it not preferable for that to be factored into the licence fee when you negotiate these licence fees every year with the SBT agreement?

Mr Baker—That may be practical and that is an issue that we will be discussing at a meeting with the threat abatement team tomorrow. But obviously those negotiations need to be conducted with the Australian Fisheries Management Authority.

CHAIRMAN—Thank you very much. We will give you a copy of the in camera evidence in due course and consult with you as appropriate.

[10.17 a.m.]

JEFFRIESS, Mr Brian Charles, President, Tuna Boat Owners Association of Australia, PO Box 416, Eastwood, South Australia 5063

CHAIRMAN—Thank you very much. We do not have a written submission; would you like to make an opening statement?

Mr Jeffriess—Yes, thank you, Mr Chairman. I apologise first of all for not having a written submission. We have got a very diverse membership, and it has not been able to reach consensus on the submission at this point. It will be submitted by the middle of this week. Basically, in summary, we support the listing under the Bonn Convention of the albatross species and of the two dolphin species. We will support listing where similar problems can be identified with other species.

The large majority of our membership do not affect seabirds at all. Around 95 per cent of the Australian southern bluefin tuna quota goes into farms or is caught by poling where there is no interaction with seabirds, except that the seabirds do identify where the tuna may be. Of the other tuna species caught in Australia, only a small proportion is caught in albatross areas. However, as an association we accept the representation responsibility on seabirds, firstly, because we are concerned about any marine by-catch, secondly, because it reflects badly on the tuna industry in general and, thirdly, because we have a close relationship with the Japanese, through the CCSBT and we need to share in the task of reducing the by-catch.

As a result, we do participate—at some cost to ourselves—in the threat abatement plan process, the Macquarie Island recovery plan process and the ecologic related species discussions within the CCSBT. We clearly accept that there is a problem and it must be addressed. We see it as needing an education and engineering solution; this is where the efforts must be made. Those efforts range from basic mitigating devices like tori poles, experimenting with night setting, bait throwers, underwater setting, et cetera. It is quite clear that progress is being made on this issue, but it certainly needs to be accelerated. That is quite clear, particularly in some regions.

We see two major problems in accelerating the solutions. There have been improvements in the process itself but, in our view, the process itself—that is, IUCN action, listing under the Bonn Convention and other areas—does not address the problem quickly enough.

The second big problem that we see is that, no matter what Japan, Australia and New Zealand do—and we have certainly decreased hook numbers in the water, as Japan has, and will reduce them further in albatross regions in the next two years—the real influence on seabird by catch in the next decade will be by the non CCSPT countries and non Bonn countries such as Taiwan and Korea. Although we are less worried about

mainland China than we used to be, certainly Taiwan and Korea will be the major influences. The problem is that these countries are essentially outside our influence at the moment and it is only Japan to some extent that can influence those countries simply because a whole range of those vessels fishing under those flags, Taiwanese and Korean flags, have Japanese fishing masters.

The other area where we can influence them is by particular individuals in Australia. Nigel Brothers, for example, does have some status with these countries and can influence them. That is why we maintain, even though it is frankly no advantage to us, that it would be better to maintain the Japanese presence in the zone so we can have influence on them and in turn have influence, hopefully, over Taiwan and Korea.

Why the Bonn convention? Why would we even bother supporting a listing under the Bonn convention? Because it does provide possible regional funds and it does at least possibly suggest some regional cooperation with organisations like CCAMLR et cetera, although New Zealand does not belong to the Bonn convention, of course. We are a bit worried about the diffusion of effort, for example, through the ecological rate of species of CCSPT, CCAMLR, IUCN. Now FAO are seeking to play a major part in seabird by-catch, the threat abatement process et cetera.

We feel that we can accelerate the whole movement towards slower seabird catch by, first of all, a greater focus on the issue. Secondly, we have to concede that it is the priority issue for tuna fishing, which the Japanese now do. It is tuna fishing which is now under threat equally as much as the albatrosses themselves. If we provide that focus, the funding should follow. Thirdly, what we need to do with that funding is more towards facilitation rather than putting so much money into the process.

On the question of the dolphins, we actually do interact with the bottlenose dolphins, particularly in tuna farming. Up until a year ago, we did have what was a worrying netting in the tuna farm nets of those fish. We now have hopefully solved that problem by changing our practices, but obviously we must keep on improving in that area. We do not, of course, interact with these particular two dolphins, but it is quite possible with global warming et cetera that these dolphins will move into the zone, although there have been very few sightings of them so far.

CHAIRMAN—Thank you. Just on the tori pole situation, first of all—which the Japanese have agreed to use on the high seas—has that come about as a result of persuasion, or is that something that was a logical development of what had been in existence in the zone?

Mr Jeffriess—We see it as persuasion, but a part of that persuasion has been their presence in the zone. These groups, Japan Tuna Federation for example, which control are quite simple structures. There are two or three people who do the work, in one case an ex-fisherman, who has tremendous personal influence with each fishing master. If he

recognises at the end of the day that it is the top priority, as he does now, he will put in the effort, and that is what follows.

The second issue is persuasion with the government itself. The Japanese government is now all the time seeming to want to be a better corporate global citizen, and these things automatically follow. The real issue, once you make it compulsory, is to make it effective, and that is a different challenge.

Mr ADAMS—The Tuna Boat Owners Association of Australia has some influence with the Japanese, some involvement with the Japanese. A lot of the fish go there. The fish that they catch and farm go to Japan. Is the Tuna Boat Owners Association raising this issue of the by-catch of albatross with the Japanese?

Mr Jeffriess—Yes, continually. We see it as the major issue affecting tuna fishing around the world, particularly in southern regions. We have a close personal relationship with the Japan Tuna Federation and we are seeking to influence them all the time.

My view is that they have come to terms with the issue and do regard it as the major issue affecting both high seas fishing and any access to a zone. I think that has occurred in the last six months and it will bring substantial results. Changing the process—for example, the law on tori poles—really does not necessarily make it effective. There are a whole range of practical implementation measures which need to be followed on the Japanese boats. Even the observer reports on Japanese fishing in the zone in the Tasmanian winter this year really do show some need for significant upgrading of the practices rather than the process.

Mr ADAMS—That is the training; I understand tori poles have to be set correctly otherwise they are inefficient, and those sorts of things?

Mr Jeffriess—That is right. It gets back to what we have been saying for many years. To some extent, if this is our priority, which it now is, all of the observers have to be very versed in the engineering issues surrounding the seabird by-catch.

Mr BARTLETT—You mentioned that it is the non-CCSBT countries that will be the major influence on the amount of by-catch in years to come. Do you think the new approach is to try to incorporate them into the convention?

Mr Jeffriess—We would like to see them in the convention. I cannot see where there is any bait for them to enter the convention. They have expanded their catch from 2,000 tonnes three years ago to 4,000 tonnes in 1996. There is a significant amount of re-flagging going on. The problem is that if you get Korea, Taiwan and Indonesia in, then people simply re-flag to Belize, Honduras and Vanuatu.

The problem is that the way they have done it in the equivalent organisation for

northern bluefin tuna is simply to ban imports from any country which is not following their ICAT policy. That is okay when virtually all your non-adherents are small countries like Belize and Honduras. When you are dealing with Japan's second or third biggest trading partner, it is a different issue.

The issue for Australia is: to what extent are we prepared to put pressure on Japan, which is the type of pressure required to influence key members of the Diet, to agree to some kind of trade restrictions on Taiwan and Korea? That is the problem.

Mr BARTLETT—Is that the key approach to it?

Mr Jeffriess—It is the only thing Australia can do, in my view. Australia can fiddle about in the CCSBT, debating how much we should offer them to enter the CCSBT, but why would they at this stage, if you look at it from their point of view? They have made commitments over the years in various forums—Taiwan, for example—but they have never lived up to those commitments. There is no reason why they should now. I think the only way to influence this problem is for Japan to ban imports from these countries. How do we achieve that? What part does Australia play? The only part they can play in my view is to seek to influence the Japanese government to do it. We, at the same time, would have to do the same thing. Although our imports of tuna are minimal, we would have to do the same thing. Getting DFAT and other departments to even consider discriminatory trade measures based on environmental criteria is a very big step.

Mr BARTLETT—Do you think there is any scope to use coercion through their access to our fishing zones, to bring about that response?

Mr Jeffriess—Korea and Taiwan do not have access to our fishing zone.

Mr BARTLETT—No, Japan.

Mr Jeffriess—I do not think that would be effective, in the sense that it would not necessarily influence the Japanese government. Their access to our zone has value in persuasion in other ways. It means we get access to their boats; it means people like Tasmanian Parks and Wildlife get access to their boats; it means we get professional observers on their boats who can change their approach.

With regard to Japan, we are talking about a country in which it is very difficult to get a cultural and mental change within a period of 20 years on any issue. In comparative terms, they have moved quickly on this issue, but it is never quickly enough, of course.

Senator ABETZ—What is the association's reaction to the professional observers on the boats? Have you had any feedback from some of our overseas fishers in relation to these observers?

Mr Jeffriess—The whole history of observers in Australia has been a positive one, there is no question about that, but I do not think their culture has moved with the priorities. I think we should have had professional observers, who understood engineering aspects of seabird by-catch, three, four, five years ago. I think that was easily anticipatable and should have been done.

Being an observer on a boat is a very difficult function. For example, when an observer comes on a Japanese boat he immediately takes over the cabin of the fishing master, which is the only single cabin on the boat. The Japanese fishing masters, who are the kings of the boat, have got used to that. But the functions of an observer—to carry that through, to try to chastise a bit, to monitor and to advise—really are very difficult for any person, let alone someone that has been taken off the streets, as used to happen. In our view, they are now much more professionally trained.

Mr TONY SMITH—You made some comment, which I did not quite pick up, about Taiwan. You said there were commitments made.

Mr Jeffriess—Taiwan over the years has made a number of commitments with the Japanese industry, as has Korea, in what is called the Tripartite Agreement. That has now been expanded to include the Indonesian industry and the mainland Chinese industry. They have made a whole range of commitments, particularly Korea on boat numbers and on fishing on SBT. They have been breached year after year. Taiwan has made some informal commitment within the CCSBT to stick to 1450 tonnes. It is now quite clear that they have no intention of doing that, if they are indeed able to do it. I would argue that they have a very centralised industry group who has very strong control over their fishing groups. They are basically centralised in one port in Taiwan. When they adopted bait throwers, which can be a significant mitigating device for seabird by-catch, that spread like wildfire. Often they tend to be large groups of companies. Some of them own 20 or 30 boats.

The problem is why should they stick to it. If you went to the Taiwan cooperative and asked them that question they could not tell you. There is no great incentive for them to stick to the rules, to stick to their commitments. It is easy for an academic representing the government to come to a CCSBT meeting and make some general commitment but, up until now, it has proved meaningless.

Mr TONY SMITH—What can be done to bring that about?

Mr Jeffriess—The only thing is banning imports into Japan. The second alternative is for them to enter the CCSBT at certain tonnages and for their imports into Japan to be restricted to that tonnage, or 20 per cent below, or whatever it may be. That is the second alternative. Everyone can waffle on for days in the CCSBT, or elsewhere, which is what has been happening for three or four years now, but it does not seem to head anywhere.

CHAIRMAN—Regarding the implementation of our southern bluefin tuna report, the government indicated that it was moving a little way towards what we were recommending but of course the timing was perhaps wrong. Are you happy and are you pressuring behind the scenes to make sure that a lot of what we have recommended is implemented?

Mr Jeffriess—There was only one thing that we found hard to rationalise and that was the widening of the exclusion zone to such a degree around Tasmania. We lease most of the quota to Tasmania that goes to Tasmania. There is a limited will in Tasmania by the government and to some extent the industry to expand the long-lining industry. There are three or four key operators who, if you talk to them, follow the Japanese boats. The mystery to me is why one would kick the Japanese out further—that recommendation would in fact kick them out of the zone, there is no question about that, based on the pattern. We found that one a bit hard to rationalise. But I thought it was a very good report, frankly, and I thought it showed a good grasp of the issues in such a short time. I think most of all it proved that the review process is a good one.

CHAIRMAN—The committee was a little surprised at the government reaction to that particular one. They came up with something a little different to what we recommended. But in these things you have to walk before you run. You obviously do not agree with that for a number of other reasons. We are told that a lot of what was recommended is going to be progressively implemented anyhow.

Mr Jeffriess—Yes, I think the government has a policy of replacing Japanese effort over time, which the Japanese themselves completely understand and agree with. It is a matter of whether it is a rational replacement. There is certainly no indication that the Australian industry wants to take up significant fishing around Tasmania. I wish there were, but the capital costs, the operational costs and the operational difficulties are just so great.

CHAIRMAN—Is there any evidence of joint ventures returning to Australia?

Mr Jeffriess—We have put proposals to the government and the government has looked upon them quite favourably. What we preferred, and the Japanese preferred, is that the joint ventures be on the high seas because then, with observers, you would get effective monitoring. Since Australia lost the real time monitoring program we have not had any real observer coverage on the high seas. This was an opportunity to do so.

I think what everyone has to remember all the time is that the Australian industry is being severely tarnished, whether it be by WWF or government sources, for being associated with the tuna industry, even though we have very little interaction if any with seabirds. We are the ones suffering from this, so even if we were not interested in marine by-catch as a principle, just for our own self-interest we would have to protect ourselves. That just seemed a logical approach.

We were even prepared to use spare quota at very little cost to get experiments on night setting on the high seas with observer coverage. The government has decided not to take that up. The New Zealand government has taken exactly the same position; they are not prepared to vary the rules to get some outcome on seabirds. That is the problem. We find it hard to see, all the time, whether the government sees it as the priority that it deserves to be. Often they say that it is a priority.

CHAIRMAN—I did read something in Queensland last week about the Queensland government in terms of marlin recreational fishing. Does that have an impact in terms of the southern bluefin tuna?

Mr Jeffriess—No, it does not.

CHAIRMAN—There is no impact from that? It was not spelt out exactly but it looked as though marlin fishing was going to be fairly difficult.

Mr Jeffriess—CSIRO published a paper showing that commercial fishing in area E has very little, if any, impact on charter boat fishing. So how the parliamentary committee review on Commonwealth fisheries came to that conclusion, again we do not know.

If people can rationalise an answer and say that Australia is better off because of it then we can always accept it. It is when things are plucked out of the air against what we consider a rational approach , for example, even if the CCSBT quota for Australia were to be changed, if it were rationally based, then you would not hear a whimper from us.

CHAIRMAN—Thank you very much.

[10.40 a.m.]

BROTHERS, Mr Nigel Peter, Wildlife Management Officer, Marine Ecosystems, Department of Environment and Land Management, Parks and Wildlife Service, PO Box 44A, Hobart, Tasmania 7001

GALES, Dr Rosemary Patricia, Project Officer, Marine Ecosystems, Department of Environment and Land Management, Parks and Wildlife Service, PO Box 44A, Hobart, Tasmania 7001

CHAIRMAN—Once again, thank you very much—Mr Brothers, in particular. You have given us a very short note. Obviously, you will want to expand on that. Did you want to make some sort of opening statement?

Mr Brothers—Yes; just briefly, for everyone's benefit, I guess. We tackle the bird by-catch issue, particularly the issue of albatrosses, from two fronts. One is the simplified issue, on land, of chasing the birds. We give them a hard time on land. We learn as much as we can about their life history and what makes them tick. That helps for today's problems. But we are also very much interested in tomorrow's problems.

For today's problems, we work in the fishing industry in particular, and more particularly, in long-line fishing. As you know, this involves hands-on experience and exposure to the problems at sea with fishers on Australian and foreign boats. The work we do on land does connect very much with this work that we do at sea.

We have also been very much involved in the development of mitigation measures. In fact, that would be the main thrust of our interest in this problem to solve the problem as quickly as possible. I think that will do for now.

CHAIRMAN—In that note that you gave us, you said that interaction and population monitoring of seabirds has contributed substantially to the preparation of the amendments to the Bonn Convention. Would you like to tell us a little more about that? How have you substantially contributed to those amendments?

Mr Brothers—The most substantial contribution, I suspect, started 10 years ago, when it was basically the work from my department that identified the severity of, in particular, albatross by-catch by long-line fishing boats. You would have all heard the magic number 44,000. I wish I had a dollar for every time that had been quoted since.

Mr ADAMS—I am interested in what the chair just said. The importance to us, as a committee and as the parliament, is that treaties play a role in overcoming this issue and that adding to the Bonn Convention can assist us in getting down the figure from 45,000. Have you been actively involved at all in the Bonn Convention or in putting material together for that or for our submissions to it?

Mr Brothers—Yes. Rosemary might want to answer that question more particularly as she has been very much involved in reviewing the status of the albatross populations not only here in Australia but worldwide.

Mr ADAMS—So you know where I am coming from, I am trying to relate research to getting results—that is the important aspect.

Dr Gales—In 1993 I did a review of the world's species of albatrosses and that, I guess, brought everything together and highlighted the declines in the populations. The review was commissioned by Environment Australia, as it is now. They also asked for recommendations for any changes that might be appropriate for the Bonn Convention. We made those recommendations and then assisted in the drafting by Environment Australia for the revision.

Mr BARTLETT—In the submission, you state that the conservation status of species and the viability of fisheries can be maintained, providing the correct moves are made. Could you just elaborate on what you see as the correct moves?

Mr Brothers—The correct moves to me are doing the right things politically. For example, the amendments to the Bonn Convention is, in my view, one of the right moves. Another right move is to go about finding solutions to the problem that are acceptable and that work.

Mr BARTLETT—Can you suggest what those solutions might be?

Mr Brothers—As Brian Jeffriess said, the industry sees the solution to the problem as one of engineering. I guess we have to listen to what the industry says. If things are going to work, the industry is the one that is going to have to make the changes that stop birds being killed in such large numbers.

Mr BARTLETT—So in your opinion the right engineering approach would enable us to maintain fishing activities and still not endanger the conservation objectives?

Mr Brothers—Without a doubt. That is for the conservation of seabirds.

Mr TONY SMITH—I think you may have been here when I asked earlier about long-liners and the extent of the hooks and so forth. Was that really to pick up every imaginable fish that might be around and thereby be indicative of the numbers situation or what?

Mr Brothers—I think an accurate summary of the question that you asked was why does a long-line have to be so long; is that right?

Mr TONY SMITH—Yes.

Mr Brothers—That is a very complicated question from the point of view of a fisherman, particularly on a high seas type fishing boat like a Japanese boat. One issue is keeping all the guys on board busy and occupied so that you do not have other obvious problems. You have to keep your boat going. How do you keep your boat going? You put enough hooks in the water to keep everyone busy. Maximum profitability is everyone's concern in industries of any sort these days and putting as many hooks in the water as you can handle gives you a better chance of improving the economics of the operation. Tuna, as I think CSIRO implied, are tricky little buggers to catch. It is very complicated getting the hooks in the right patch of water—the right water temperature and where the feed is in the water—and the ocean is very big. The longer your line, the more chance you have of getting a few hooks in the right spot.

Mr TONY SMITH—And at the same time you might pick up something else, too. Isn't that part of the process, too? While your primary objective is to catch the bluefin tuna, your secondary objective is to pick up secondary fishing as well—things that may be at least partly valuable so that you are not wasting your time totally?

Mr Brothers—Yes, but species other than the ones that you are actually targeting are incidental. No fisherman would care at all if he did not catch anything but the target fish.

Mr TONY SMITH—I noticed Mr Battam's comment in Canberra when he was asked, 'Are you trying to set the scenario for the end of long-line fishing?' Mr Battam, in a typically strident response, said, 'Bloody oath I am! I used to think we could live with them, but for some species I am sure that it must be curtailed.' Are we really reaching a stage where we have to look at this situation realistically, or are we just ignoring the fact that the number of these fish is getting fewer and fewer and we are doing a lot of damage to the albatrosses at the same time? In trying to catch fewer and fewer fish, we are catching albatrosses.

Mr Brothers—In relation to present fishing methods, I would suspect, except for growing fish in cages, using hooks to catch fish is probably the least destructive. One factor that has driven our work is that, because hooks are so much less destructive than other ways of catching fish—and there is a lot of interest in catching fish worldwide still—we should do our best to make it as clean as we possibly can—for want of a better word, 'clean' will do. Getting rid of by-catch is part of that business of making fishing with hooks as clean as we can.

Mr ADAMS—We had some evidence given that the big birds follow the big fish because the big fish churn up some amount of feed. Is that something you would adhere to—there are fewer fish now, so there are fewer birds?

Mr Brothers—I have heard that because I read it in the document there.

Mr ADAMS—It is evidence that this committee has been given; do you want to say that it does not fit your research or your knowledge?

Mr Brothers—No, I would not say that. It does not fit much at all. It is a theory. One part of that theory which is probably true is that birds probably have an interest in the same patches of water as big predators like tuna, for reasons of oceanography, topography, et cetera. Hence everyone's interest—or a lot of people's interest—in finding out where albatrosses fly by putting gadgets on them to look at the relationship between albatross movements and fishing operations. But, if you take a quick look at the distribution of the fishing effort—in the southern ocean in particular—you do not have to be a whiz bang scientist to work it out. Why bother putting gadgets on birds? They go everywhere where fishing is.

Mr ADAMS—That is because there are fish there, and they eat fish.

Mr Brothers—And because the boats are there and catch birds.

Mr ADAMS—If there are no boats there, will the birds still be there?

Mr Brothers—If the fish are there. As you probably know, birds are certainly attracted to boats—and more attracted than ever, because there is a free feed there. They do not learn quickly enough that the free feed is a bit of a hazard.

CHAIRMAN—Thank you very much.

Mr Brothers—Thank you.

CHAIRMAN—Ladies and gentlemen, that completes the first part of our program today—a little faster than we had expected. I would like to thank everybody associated with this morning's evidence. Without your contribution, written and oral, our task of tabling a report would be that much more difficult.

The timetable is quite tight. Bearing in mind that we do not go back to sit again until the end of the month, at which time we will have our first committee meeting and then we need a little lead time to table the report, we are hoping to table this report in the first week in September, on about the 2 September or thereabouts.

Resolved (on motion by Mr Adams):

That this committee authorises publication of the evidence given before it at the public hearing this day.

CHAIRMAN—I declare this meeting closed. We will reconvene again at 1.15 p.m. for the CROC discussion.

Committee adjourned at 10.53 a.m.