



**COMMONWEALTH OF AUSTRALIA**

# **JOINT STANDING COMMITTEE ON TREATIES**

**Reference: Long-line tuna fishing**

**CANBERRA**

**Tuesday, 15 October 1996**

**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 Carr	Mr Laurie Ferguson
Senator Denman	Mr Hardgrave
Senator Ellison	Mr Tony Smith
Senator Neal	Mr Truss
Senator O'Chee	Mr Tuckey

For inquiry into and report on:

The subsidiary agreement between the government of Australia and the government of Japan concerning Japanese tuna long-line fishing 1996 and the agreement on the establishment of the Indian Ocean Tuna Commission.

**WITNESSES**

<b>BATTAM, Mr Henry, Assistant Secretary, Southern Oceans Seabird Study Association, PO Box 142, Unanderra, New South Wales 2526</b>	<b>426</b>
<b>HERMES, Mr Neil, Acting Director, International Relations, Fisheries and Aquaculture Branch, Department of Primary Industries and Energy, Edmund Barton Building, Broughton Street, Barton, Australian Capital Territory</b>	<b>430</b>
<b>JENKIN-SMITH, Mrs Janice, Secretary, Southern Oceans Seabird Study Association, PO Box 142, Unanderra, New South Wales 2526</b>	<b>426</b>
<b>SMITH, Mr Lindsay Edward, Vice President, Southern Oceans Seabird Study Association, PO Box 142, Unanderra, New South Wales 2526</b>	<b>426</b>
<b>WARD, Mr Peter, Fisheries Biologist, Bureau of Resource Sciences, Department of Primary Industries and Energy, Brisbane Avenue, Barton, Australian Capital Territory</b>	<b>430</b>

JOINT STANDING COMMITTEE ON TREATIES

*Long-line tuna fishing*

Canberra

Tuesday, 15 October 1996

Present

Mr Taylor (Chair)

Senator Abetz

Mr Adams

Senator Denman

Mr Bartlett

Senator Ferguson

Mr Tony Smith

The committee met at 8.38 a.m.

Mr Taylor took the chair.

**BATTAM, Mr Henry, Assistant Secretary, Southern Oceans Seabird Study Association, PO Box 142, Unanderra, New South Wales 2526**

**JENKIN-SMITH, Mrs Janice, Secretary, Southern Oceans Seabird Study Association, PO Box 142, Unanderra, New South Wales 2526**

**SMITH, Mr Lindsay Edward, Vice President, Southern Oceans Seabird Study Association, PO Box 142, Unanderra, New South Wales 2526**

**CHAIR**—We have had extensive public hearings on this bilateral agreement on southern bluefin tuna in Hobart, Perth, Adelaide, Port Lincoln and here in Canberra. One of the issues that has been raised repeatedly is the question of by-catch. Without wanting to pre-empt what our report may or may not say, one important element of what we have to say to the parliament will be in the area of by-catch and, in particular, the albatross. If you go back over the *Hansard* record, you will see that that has been raised in all the places we have taken evidence. For this reason, we welcome your contribution this morning. One or two of the members will conduct most of the questioning. What I would like to do is, if we could, be finished by nine o'clock. I am sure we can get to the nub of the issues and equally sure you have some important data. Your submission has been introduced into the evidence and will be published and be part of the evidential record of this committee. Would someone like to make a short opening statement?

**Mr Battam**—The Southern Oceans Seabird Study Association is an incorporated association formed by some serious amateur ornithologists back in 1994. It has about 250 members composed of scientists, the fishing fraternity, interested supporters and bird people. Its purposes and objectives are directed towards seabirds and seabird environmental research and conservation. It actively conducts research including albatross research; we are conducting the longest running continuous study of the wandering albatross in the world. That has been going since 1956. SOSSA also undertakes consultancies and tries to make informed contributions to conservation issue debates and discussions.

SOSSA's conservation concept is simply the wise use of natural resources. We have no problems with harvesting renewable resources in a way that is ecologically sustainable but we are opposed to the mining of renewable natural resources in a singular harvesting of any resource without regard to proximate and ultimate environmental impacts. This latter statement suggests that SOSSA views the mass harvesting of large predatory fish, without any knowledge of the effects on populations and other marine organisms, as extremely hazardous and always a cause for concern. That is what our position is. We are here to represent the albatross's and seabird's interests.

**CHAIR**—Thank you very much for that.

**Mr TONY SMITH**—The impression I get from the evidence so far is that there

does not seem to be enough commitment to eliminating by-catch. The word 'minimisation' is being used instead of 'elimination' and that allows for flexibility in how we treat this issue when it seems to me that because of its serious nature, we need to look at much more serious abatement means. What do you consider is effective as far as abatement is concerned? Do you know about Tori poles and those sorts of things? Can you make some comments about that?

**Mr Battam**—The current amelioration or threat abatement practices are Tori poles and line setting at night, which I will go a little bit further on. Line setting at night does appear to reduce albatross by-catch but there is one particular species, called the white-chinned petrel, which has a fairly wide distribution across the Great Australian Bight and the Indian Ocean, and which is exclusively a nocturnal feeder. Long-lining is creaming them. Line setting at night is okay in some areas, but you cannot use it as a widespread method.

**Mr ADAMS**—Is there any evidence on that, any numbers, or has there been a survey done, that sort of thing?

**Mr Battam**—Unfortunately, the numbers you get back from by-kill are typically, 'Report a lot of this number.' No-one actually quantifies or counts, and that is a very difficult problem. This is one of the main problems with getting a handle on this by-kill, because the statistics are almost nonexistent.

**Mr TONY SMITH**—What sort of means do you think are going to be effective? Night setting is no good in relation to that particular species but good as far as albatross is concerned, it would seem, apart from moonlit nights.

**Mr Battam**—Yes.

**Mr TONY SMITH**—What other methods?

**Mr Battam**—We see that probably the major solution is an engineering solution, something that will get the baits under the water so that they never float. Probably it will help if that line is taken. Obviously, it is going to take a bit of development—it will not appear overnight—but it is the only way to go. The baits have to get off the surface of the water.

**CHAIR**—You are aware of some initiatives that have already been taken on that?

**Mr Battam**—Yes.

**CHAIR**—Have they been reasonably effective, whether it be in terms of the baiting itself or of the throwing?

**Mr Battam**—Do you mean the hydraulic thrower?

**CHAIR**—Yes.

**Mr Battam**—I was talking to Nigel Brothers not too long ago—

**CHAIR**—In Tasmania?

**Mr Battam**—Yes. He has got a fair handle on it; he is probably the only person in Australia that has really got a handle on it. His assessment is that, at the same time as the bait throwers, the Tori poles and everything came in, the Japanese changed to monofilament tracers on their long-lines. Monofilament is a lot lighter, so the baits floated for a longer period on the surface and this virtually offset the effect of the bait throwers and Tori poles. So the by-catch rate did not actually drop. It is still running at the same rate as it has been for the last whatever—15 or 20 years.

**Mr ADAMS**—Did the thawing of the bait work?

**Mr Battam**—Thawing of the bait should help, because it lets the swim bladders collapse, yes.

**Mr ADAMS**—But you think something like the hooks going out the bottom of the boat—

**Mr Battam**—Some way, yes, whatever—even if they had some sort of tube or something at the back to get them underwater. Yes, that would probably be the most effective—

**Mr ADAMS**—Do you know if there has been any engineering done on that at all?

**Mr Smith**—I believe that some work has been started in New Zealand on design and also there is some work being conducted in Norway, on through the whole deployment of baits. Unless you can deploy the baits satisfactorily beneath the surface, you are always going to have a by-catch problem.

**Mr ADAMS**—The shearwater is one of those other birds, isn't it?

**Mr Smith**—The petrels in general. One of the biggest problems that we see facing the identification of these species is that a lot of people are unable to tell petrels from shearwaters and things like that. Because of that, it comes back to having an observer on the boat that is capable of identifying all species of seabirds.

**Mr LAURIE FERGUSON**—I do not know whether this has come up previously in evidence, but I am unaware of the training of the monitors on these boats. Is there any

part of their course which deals with this problem?

**Mr Smith**—I am not certain. I can find no reference to it, other than the fact that one of the books produced by Tasmanian Parks and Wildlife, *Catch Fish, Not Birds*, had an identification criterion for some birds. A lot of these birds vary substantially in their plumage characteristics when they are juvenile birds, some of them not maturing till they are seven or eight years old.

**Mr ADAMS**—So it would pay for some work to be done on that, to have an identification booklet put together?

**Mr Smith**—Certainly. As I say, the identification is critical. It will help us. Different species forage in different zones, at different water levels, and things like that.

**CHAIR**—I will just interrupt for a moment. We will get the DPIE representative to join the witnesses at the table, to get him on the public record. He is obviously wanting to make a contribution on this and this is our last opportunity, so we might as well let him do so. DEST still does not want to come onto the record, but just observe.



**HERMES, Mr Neil, Acting Director, International Relations, Fisheries and Aquaculture Branch, Department of Primary Industries and Energy, Edmund Barton Building, Broughton Street, Barton, Australian Capital Territory**

**WARD, Mr Peter, Fisheries Biologist, Bureau of Resource Sciences, Department of Primary Industries and Energy, Brisbane Avenue, Barton, Australian Capital Territory**

**CHAIR**—Welcome, gentlemen. Would you like to comment on the question that Mr Adams asked?

**Mr Ward**—Yes, the question was: what sort of training are the observers given in terms of seabird identification? The observers go through an annual training process before the coverage of their fleets commences. That involves fish taxonomy, fishing gear, fishing techniques, and there is also a fairly close working relationship with Tasmanian Parks and Wildlife.

They are instructed in the identification of seabirds and also there have been situations where it is often more difficult to identify the seabirds when they are brought on board. So, as a general rule, all seabirds that are caught on Japanese long-liners are retained, taken back and given to Tasmanian Parks and Wildlife for identification.

**Mr TONY SMITH**—Would you like to see more important measures introduced, such as mandatory requirements in relation to the by-catch—in other words, to have some requirement in the procedure of long-line fishing that would eliminate rather than minimise?

**Mr Smith**—Our view on that is that by-catch should be eliminated totally, or that every effort should be made to ensure no by-catch, zero by-catch. That has to take a lot of development and a lot of time. If you do not set the goal as zero by-catch, then you will go nowhere quickly; it will take a long time to achieve. However, the situation with seabird populations at the moment is that many of them are under extreme threat and can no longer withstand the types of by-catch rates we have.

**Mr TONY SMITH**—So you do not think we are going forward at the moment?

**Mr Smith**—We do not appear to be. We need to take another view and act on it urgently.

**Mr BARTLETT**—Are there significant differences in the amount of by-catch between Australian and Japanese fleets—and perhaps also Taiwanese and Indonesian fleets?

**Mr Battam**—Between Australian and Japanese there are. The Australian boats are

a lot smaller, and because the rear of the boat where the lines are released from is a lot closer to the water, the lines get in a hell of a lot more quickly. Also they set smaller hooks. They are setting only about 10 per cent to 30 per cent of the number of hooks that the Japanese are setting.

**Mr BARTLETT**—The by-catch is much lower—

**Mr Battam**—Yes.

**Mr BARTLETT**—What about the attitudes of Australian fleets compared to some of the others? I notice in one of the articles here in *Catch Fish, Not Birds* that there are suggestions of how to extract hooks from birds and so on. Are there noticeable differences in the degree of effort applied to releasing birds?

**Mr Battam**—I cannot really comment. I have no knowledge of that at all.

**Mr ADAMS**—Some work from the CSIRO indicates advice to an endangered species subcommittee estimating that the kill of albatross species in Australian waters south of 30 degrees south in 1994 was approximately 6,500 birds. Do you think that is a reasonable assessment? You must have looked at these statistics. You must try to get a handle on it yourself.

**Mr Battam**—That is very comparable to the number that Nigel Brothers gave back in 1991. And if you allow for the decreased effort, which has gone from about 100 million hooks back to 70 or 80 million, that ties in very closely.

**Mr ADAMS**—So you think that is about right?

**Mr Battam**—Spot on.

**Mr ADAMS**—And how does that deal with the species' sustainability or survival?

**Mr Battam**—The wanderers and probably the grey-headed cannot sustain that level. In the total world population of wandering albatross, there are five subspecies currently recognised.

**Mr ADAMS**—Do you want to name those five?

**Mr Battam**—There are the antipodean albatross, the Auckland Island albatross, what is called the southern race, the Amsterdam and the one from the Atlantic Ocean. I guess we could call the dabbenena the Atlantic race. So the three that use Australian waters commonly are the antipodean, the Auckland Island and the southern race. The total world population of those three races is about 24,000 breeding pairs—total. Their total output in a good year is about 8,000 chicks; that is what they will raise to fledgling stage.

The estimated by-kill for wanderers in the Southern Ocean is about the same number, probably a bit more. That means there is no recruitment. In fact, the populations measured on South Georgia, the Crozets and Macquarie Island are all in terminal decline.

**Mr ADAMS**—Do all these birds hatch on the southern islands?

**Mr Battam**—They do indeed, yes.

**Mr Smith**—All with the exception of dabbenena, which is on Gough Island.

**Mr Battam**—That is the Atlantic race, and we have never reported those in Australia.

**Mr BARTLETT**—Are there any estimates of the white-chinned petrel?

**Mr Smith**—I have some estimates of the breeding population on South Georgia.

**Mr Battam**—We have only just got this recent paper. It only turned up last week. I am looking for the white-chinned. There is, unfortunately, very little published on it.

**Mr Smith**—It is hot off the press, so we should have some idea of these things.

**Mr Battam**—We have got no estimate of by-kill of white-chins. No-one has ever counted them. We know that they are taken; we have had them reported as large numbers. But that is about it.

**CHAIR**—We will take a copy and introduce that into the evidence as well, I think.

**Mr Smith**—I think here it is a pretty high rate. It certainly numbers in the hundreds of thousands around the world.

Resolved (on motion by Mr Bartlett):

That the document be introduced into the evidence.

**CHAIR**—So that is a major problem?

**Mr Smith**—If you are setting the lines at night you are going to catch white-chinned petrels below 30 degrees south.

**CHAIR**—I do not think that has been mentioned in any of the evidence at all.

**Mr Battam**—In another document I passed around with my opening address there is a bit of other evidence. I would like a couple of minutes on the biology of albatrosses,

just to give you a feel for where these seabirds sit, ecologically. Essentially, all of these petrel type birds are at the top of the food chain. They are called top predators. Generally there are five or six energy transfer layers; that is, different layers of organisms between the phytoplankton, where the energy is captured, up to these seabirds. That means they are in a pretty shaky condition all the time. They are reliant on the health of all of these layers to sustain their food resource requirements. The way they maintain their population is by always living, always keeping their population, at the carrying capacity of their environment. In fact, the health of the population is carried in the breeding population, the breeding stock.

As to the wanderers, all these birds are characterised by long life and very low mortality rate in adults. They have delayed maturity; they do not breed till late in life—wanderers, typically, at around 11 years. Wanderers have to live to 30 years, on average, to replace themselves in their breeding population. They only lay one egg every two years. If that is lost, they cannot re-breed. With a generation of 11.2 years, it takes several decades for a damaged population to recover. So you can see the situation they are in. Their energy usage, energy management strategy virtually has them living on a knife edge. They just acquire enough to maintain their population. I guess evolution has pushed them into this corner. They maintain a very low world population; probably their total population is about 60,000-odd, or probably about 80,000 birds.

On the Crozets, where the breeding population was reduced by 50 per cent in a period of about seven or eight years, that is probably going to take 40 or 50 years to recover at their breeding rate. Petrels generally are of that ilk—that is the way they have developed—so they are very vulnerable to this sort of selection pressure.

**CHAIR**—Do you have any comment to make about your experience, anecdotal or otherwise, of the Japanese attitudes to the albatross in particular and the by-catch? Are they responsible? Are they irresponsible? As DPIE said, under the observer thing, they tend to bring the carcass in, do they not?

**Mr Ward**—That is while the observers are on board.

**Mr Battam**—The Japanese are a totally different culture from us. Historically, I do not think it has changed in thousands of years. I made a couple of points in that document that I passed around. I am an engineer and I am also a biologist—I have a foot in both camps. I read a lot of engineering and technical papers; I read a lot of ecological papers. If you look at the technological expertise of the Japanese, they are all into commerce and high tech stuff. There are thousands of papers; this is very well represented.

If you look at the ecology side, you hardly ever see a Japanese author. There is incredible imbalance in the Japanese compared to the American and European side, where there is a reasonable balance. I think their environmental record is abysmal, really. Again, that gets back to the culture. They do not teach about the environment, or anything like

that, in their schools, so you must expect this sort of thing. I think it is possibly about time that some of the more developed nations should start to hammer it home: 'You guys have taken the technology from the Western world; it is about time you started to become environmentally responsible.'

You cannot blame the fishermen. They are just ordinary guys out there earning a buck. That is the way they are brought up. They probably only see a few birds at a time and they are just a bit of a nuisance. They toss them off the hook and back into the ocean.

**CHAIR**—So they are just an extension of the Japanese society, basically, that is what you are saying?

**Mr Battam**—That is dead right, yes. The problem is not an easy one. It is a deeply rooted problem.

**Mr ADAMS**—So has it been the new technologies? How long ago did it start? I have not read all work from Nigel Brothers; I do not have the dates. When did the new technologies of the Japanese fishing start?

**Mr Battam**—Long-line fishing kicked off in about 1952. Around the late 1950s, they initially kicked off by taking the juvenile fish up in the north-west shelf. They took a lot of those out. Then they found the fish in the southern waters which were bigger and there were lots more of them. They brought massive numbers of boats in and applied a massive effort. They virtually creamed the SBT in two years; they virtually took 90 per cent of the breeding stock out. That is when the problem started because when the stock started to drop, they just threw more effort at it, and they got it to 120 million hooks in one year. That was the early 1960s. The effect on albatross was not picked up until 20 years later in the mid-1980s and by then a hell of a lot of damage had been done. On South Georgia—

**Mr ADAMS**—So you are saying 20 years up until 1986?

**Mr Battam**—Yes, and that is when Nigel woke up and he started to introduce these measures. Now we are 11 years down the track and we are not much better off.

**Mr ADAMS**—Are we holding our own now, do you think?

**Mr Battam**—No.

**Mr Smith**—They are still killing birds at the same rate, or at very similar rates.

**Mr BARTLETT**—If a 50-mile exclusion zone was applied around Tasmania, would that have any impact on by-catch of albatross?

**Mr Battam**—Probably not, because Tasmania is where they are getting the best fish. It is a very good bit of area.

**Mr BARTLETT**—Yes, but if they were excluded?

**Mr Battam**—If you push them out, that means they are going to have to apply a bigger effort on the high seas, so they are going to have to set more hooks to catch the same number of fish.

**Mr BARTLETT**—So greater by-catch—

**Mr Smith**—Yes, it comes down to catch per unit. The more hooks you set, the greater the chance you have of catching birds.

**Mr Hermes**—I would just like to make one small point and that is to emphasise the tool that we have been using—the bilateral arrangements to actually impose equipment requirements on the Japanese boats. One of the mechanisms has been the compulsory use of the Tori poles. One of the ways in which we can encourage better behaviour on the high seas is by imposing requirements within our zone and then mounting the equipment on the boat. When they leave our zone, of course, the equipment is there.

That is one of the techniques whereby we can influence behaviour on the high seas and one of the advantages we see in using the bilateral arrangements to impose some view of the world that we would like to see on the high seas. But the equipment has to work. For that theory to work, for that to have influence on the high seas, you have to have equipment that people learn to use as a requirement in the Australian zone, recognise that it works, have it on board and then they might as well use it when they are outside where we have no legislative power.

**CHAIR**—What will be the reduction factor in terms of the by-catch as a result of using the thawed bait?

**Mr Battam**—I could not quantify that at all.

**CHAIR**—Is it substantial?

**Mr Battam**—It would probably be significant, but I do not think substantial. The trouble is, a lot of birds, if they see the bait, most of the petrels can dive. So even if they see it on the surface, they can estimate where it is and they will go down after it. Another problem is that when you get a lot of small petrels around the boat, they will go down and bring it back to the surface and then the bigger birds will hit it. Bait thawing will probably reduce it, but I would say, statistically, you could pick it up significantly. You might get it down to five or 10 per cent, but I would not expect it to be—

**CHAIR**—With the Japanese, is there any control over them in terms of the thawed bait?

**Mr Battam**—No.

**CHAIR**—Has that been looked at, as to whether part of the agreement should include the use of thawed bait?

**Mr Hermes**—The whole suite of different techniques are looked at, but in terms of whether or not they are used as compulsory requirements or they are encouraged to be used, that is part of how we try to change behaviour.

**Mr ADAMS**—We raised these issues with the Japanese scientific people. What was their response?

**Mr Hermes**—Within the CCSBT we have established the ecologically related species working group, of which there has now been one meeting. So we now have an environment in which the technical detail of things like thawed baits, bait throwers, et cetera, can be discussed in the high-seas environment. There has only been one meeting of that working group of scientists and conservation groups from three sides and essentially what has happened is that the scientific information has been put on the table. One of the points that has already been made is that the Japanese do not have a lot of expertise in the area and we, in a sense, have a large amount of information, some of it contradictory. The Japanese have no experience and no background, except in the technological areas where they have been doing work. So it is a question of getting everyone to look at this. The CCSBT is just for the high-seas environment. It is an area where any changes in behaviour have to be by consensus and by people wanting to change. It is not a question of legislating for it.

**Mr TONY SMITH**—Also, it is a culture here, is it not, that we have to be far more concerned about what is a very serious situation? Don't we have to get that message across to the Japanese? We will not have these birds, the way we are going.

**Mr Hermes**—We do, but it is our view that, at the end of the day, the Australian waters are a very small part of the ocean in which albatross occur. If you want to have an effect, you have to be changing the behaviour on the high seas. Australia has a much higher standard now with the TAP process going through and will have a much higher standard again in terms of behaviour within our zone, but these albatross are doing circuits of huge areas of ocean and they may only be in Australian waters for short periods. Really, where the major effect has to be is on the high seas.

**Mr ADAMS**—There is also the situation of going to where we certify the meat for the fish that is sold. If it is not certified as coming from areas and from fishing techniques that take into consideration looking after other species, then it does not get certified and,

therefore, the market will start to put some pressure on the Japanese. They are pretty sensitive to that end of the world as well.

**Mr TONY SMITH**—It seems to me that it is in the fishermen's interests to develop an absolutely fail-safe, bird-free technique.

**Mr Battam**—It sure is.

**Mr TONY SMITH**—That is what I cannot understand about this.

**Mr Battam**—Yes. What we can't understand is, with the technical expertise of the Japanese, they have never been proactive in developing any long-line practices or methods themselves. They have always relied on us. They have been reactive when it has been given to them but they have never moved.

**Mr ADAMS**—Do you have any connections with a similar group to yours in Japan?

**Mr Battam**—I do not think similar groups exist in Japan.

**Mr Hermes**—At the albatross conference in Hobart two years ago there was one Japanese scientist.

**Mr Battam**—There were two actually.

**Mr Hermes**—There were hundreds from elsewhere.

**Mr Battam**—They work as individual scientists, not in any group. To be fair, there is only one species of albatross that occurs on this small island just south of Japan. It is not a major species around the waters of Japan.

**CHAIR**—Yes, but they are important international citizens.

**Mr Hermes**—That one species is probably the second rarest albatross in the world.

**Mr Battam**—Plus they also have some black footeds there too, a few petrels and things like that.

**CHAIR**—If there are no more questions from the committee, thank you very much for coming today. That has just rounded off the inquiry nicely. I think you have confirmed what we have received in evidence. It is something that we will inject into the report, the details of which we have not worked out yet. The by-catch is an important element of what we are about to say in terms of this bilateral agreement. We thank you very much for coming this morning.



**Mrs Jenkin-Smith**—I would like to leave you with this poster, something to keep in mind.

**CHAIR**—Thank you.

Resolved (on motion by Mr Adams):

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

**Committee adjourned at 9.10 a.m.**