

GOVERNMENT RESPONSE TO THE JOINT STANDING COMMITTEE ON TREATIES REPORT NO. 9 AMENDMENTS TO THE BONN CONVENTION

Preamble

The Government has considered the report of the Joint Standing Committee on Treaties into amendments to the Convention on the Conservation of Migratory Species of Wild Animals (the Bonn Convention), and is pleased to provide the following response. The Government appreciates the support expressed by the Committee for the listing of one species of albatross in Appendix I, and ten species of albatross and two species of cetaceans in Appendix II of the Bonn Convention.

Response to recommendations

The Joint Standing Committee on Treaties recommends that the Australian Government continues its efforts to optimise membership of international agreements such as the Bonn Convention, the Commission for the Conservation of Southern Bluefin Tuna, the Commission for the Conservation of Antarctic Living Marine Resources and the Convention on the International Trade in Endangered Species.

The Australian Government will continue to pursue optimising membership of international agreements with a view to ensuring that as many as possible of those nations affected by or influencing the subject matter of each agreement, are a party to the agreement.

Australia will be actively endeavouring to conclude a southern hemisphere regional agreement on albatross conservation under the Bonn Convention. Under the terms of the Convention, membership of Regional Agreements should include all Range States of the listed species, including those which are not members of the Bonn Convention. The Australian Government will seek the cooperation of a number of nations which are not members of the Bonn Convention in concluding and implementing the proposed Regional Agreement. A first step will be detailed discussions with Valdivia Group members on the feasibility and nature of the proposed Regional Agreement.

The Government proposes that the effect of a Regional Agreement will be to ensure effective global action, in concert with actions in other fora, to address the conservation of albatrosses. The Regional Agreement will complement the actions already taken by Australia and New Zealand within their respective Exclusive Economic Zones. The Regional Agreement will provide a necessary and complementary addition to the range of international actions already underway to deal with albatross-fishing interactions, such as those introduced by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

The fourth annual meeting of the CCSBT was held in Canberra in September 1997. Among other issues, at that meeting the Australian Government actively sought expansion of Commission membership to include all nations and entities which take a significant quantity of southern bluefin tuna. While the Commission was unable to reach agreement on a number of important issues and the meeting has not been officially closed, agreement was reached on the need for urgent action to facilitate closer cooperation in the work of the Commission of key nations and entities fishing southern bluefin tuna. Specifically, efforts are to be made to encourage accession to the Convention of the Republic of Korea and the Republic of Indonesia, and to secure the cooperation of Taiwan with the Commission's conservation and management measures.

The Joint Standing Committee on Treaties recommends that all Departments and agencies involved in managing Australia's membership of the Bonn Convention ensure that funds are used to harness the available expertise in the most effective way, including the new technology in such areas as bait setting

The Government emphasises the need for effective communication and coordination between all agencies responsible for implementing Australia's membership of the Bonn Convention to minimise duplication and ensure the maximum benefit is obtained. Those agencies have developed close, cooperative links and regularly exchange views on issues such as those relating to conservation, management and research.

The incidental capture of albatrosses during fishing operations is a major source of mortality. It also is a major source of cooperation between nature conservation and fisheries management agencies. These agencies and representatives of the Australian fishing industry are cooperating in the development of a Threat Abatement Plan (TAP) for the incidental catch (or bycatch) of seabirds in longline fishing operations, due for completion in July 1998.

Discussions between the Australian Fisheries Management Authority (AFMA), the Department of Primary Industries and Energy, Environment Australia and the fishing industry have identified, as a high priority, research into longline gear intended to reduce albatross mortality, examination of the different impacts of day and night setting upon albatross catches, and dissemination of information on seabird bycatch reduction to fishers.

In terms of introducing effective mitigation at the international fisheries level, the Government considers the CCSBT to be a critical area of focus. Issues relating to the incidental capture of seabirds are discussed by the Commission's Ecologically Related Species Working Group (ERSWG). A formal Australian ERSWG committee is to be formed to coordinate Australian actions both in and directed towards that forum. Membership of the committee will be drawn from all agencies with responsibilities relating to the conservation and management of both ecologically related species and fisheries.

CCAMLR is another critical fisheries forum in which action is being taken to conserve albatrosses. In 1994 the Commission formed a Working Group on Incidental Mortality of Albatross in Longline Fishing. Also in that year the Commission first introduced conservation measures requiring the use of various mitigation devices, initially "tori poles" but now a suite of measures. Australia will continue to actively pursue effective mitigation of the incidental capture of albatross at both the Commission and Working Group.

To ensure the actions taken in one forum are consistent with and complement those taken in another, close liaison takes place between lead agencies. This is particularly the case in the development of the Australian positions for major international meetings such as the CCSBT and the Bonn Convention.

The Joint Standing Committee on Treaties recommends that the Australian Fisheries Management Authority examine all aspects of its observer program to establish the likely costs and benefits of placing appropriately trained observers on vessels within the Australian Fishing Zone and its Exclusive Economic Zone

AFMA is currently considering the draft TAP to abate the threat posed by oceanic longlining to seabirds. AFMA is a member of the Threat Abatement Team, formed to develop the TAP. The draft TAP has raised the issue of observer coverage for the purposes of collecting data on mitigation measures and seabirds. Further, it seeks to maintain current observer coverage on foreign vessels operating in the Australian fishing zone (AFZ) and is considering its introduction on domestic vessels.

The cost of this initiative is substantial (up to \$1 million per annum if applied to the pelagic longline fleet). AFMA is currently reviewing its existing observer program to improve its ability to deliver a flexible, cost-effective service that can meet the needs of a number of Government departments and agencies in relation to the collection of fisheries-related information. The Authority is also examining who should pay for each aspect of the observer program through the application of the Commonwealth Fisheries Cost Recovery Policy (March 1994). The review is scheduled for completion during 1998.

Under its current observer program AFMA regularly employs (under contract) observers with scientific training and expertise in seabird biology and field experience in pelagic longline operations, to complement the information gathered by regular observers. These observers are also given extensive training and briefing on seabird bycatch monitoring.

The Joint Standing Committee on Treaties recommends that the Australian Fisheries Management Authority hold discussions with the tuna fishing industry with a view to arranging observed testing of such techniques as night setting of bait on the high seas.

It should be noted that the overwhelming body of existing scientific evidence is that night setting substantially reduces seabird bycatch. A smaller body of evidence suggests that catch rates of target tuna species are largely unaffected by night setting. It is this latter point, and the associated safety aspects of night setting, that would be the focus of night setting trials.

Preliminary discussions with representatives from both the domestic and Japanese tuna fleets, scientists and managers on night setting trials occurred during August and September 1997 under the aegis of the CCSBT. However, a major issue as to whether not to proceed with the trials is the finalisation of the TAP which is considering compulsory mitigation measures (including night setting) for domestic and foreign longline vessels operating in the AFZ. The draft TAP also proposes provisions to enable domestic operators to work cooperatively with AFMA to design new mitigation techniques and refine existing measures. The Authority supports this approach.

Australian vessels rarely fish the high seas for more than a short period. Further, conducting trials from foreign (most likely Japanese) vessels on the high seas is a complex matter, although it could be pursued by the Government through the CCSBT. A more practical approach currently being considered is to have the trial conducted on Japanese or domestic vessels or a combination of the two in the AFZ.

Overall, AFMA in association with Environment Australia and the fishing industry will assess how night setting trials should be progressed in the context of the development and implementation of the TAP within the AFZ. It is possible that the development of the TAP and experimentation on mitigation measures such as night setting can continue in parallel.

The Government is aware there has been active discussion in the CCSBT forum of the benefits and impacts of night setting. Night setting is one focus of Australia's discussions within the CCSBT and in other relevant fora. At its first meeting the CCSBT's Ecologically Related Species Working Group clearly identified night setting as the single most effective seabird bycatch mitigation measure. This view continues to be held, although there are insufficient data at present to determine whether this affects the catch of SBT.

The Government will actively pursue the introduction of mitigation measures such as night setting in the CCSBT and other suitable international fora.