

Commission for the Conservation of
Southern Bluefin Tuna



みなみまぐろ保存委員会

**Report of the
Fifth Meeting of the Strategy and
Fisheries Management Working Group**

**6 - 8 March 2018
Canberra, Australia**

The Fifth Meeting of the Strategy and Fisheries Management Working Group

6 - 8 March 2018

Canberra, Australia

Agenda Item 1. Opening

1.1. Welcome and introduction of participants

1. Mr Ian Thompson (Australia) was confirmed as the Chair of the Fifth meeting of the Strategy and Fisheries Management Working Group (SFMWG). Mr Thompson welcomed participants to Australia and the meeting.
2. Members introduced their delegations to the meeting. The list of participants is shown at **Attachment 1**.

1.2. Adoption of agenda

3. The agenda was adopted and is provided at **Attachment 2**.
4. The list of documents for the meeting is shown at **Attachment 3**.

1.3. Meeting arrangements

5. The Executive Secretary announced the practical arrangements for the meeting.

Agenda Item 2. Discussion of Desirable Behaviour and Specification of the new Management Procedure

6. Dr Ana Parma, the Chair of the Operating Model and Management Procedure Technical Group, introduced paper CCSBT-SFM/1803/04 on "*Desirable Behaviour and Specifications for the Development of a New Management Procedure for SBT*" on behalf of the authors of that paper. The presentation provided background information on the CCSBT's current Management Procedure (MP), described why a new MP is now required for the CCSBT, and outlined the advice required from the SFMWG for the development of new Candidate Management Procedures (CMPs) for the CCSBT.
7. Dr Parma noted that the guidance provided at this meeting will be used in the initial round of testing CMPs and would not be the final choice of objectives and properties for the final MP.
8. It was further noted that the advice provided by the SFMWG should span the range of objectives that the Extended Commission (EC) is likely to want. This would mean that results would be informative for a variety of objectives within the range and would allow the EC to refine its objectives at CCSBT 25.

2.1. Initial discussion of management objectives

9. Most Members were of the view that the long term target for the SBT fishery should be a spawning biomass at or above the biomass level that would produce the maximum sustainable yield (MSY). Some Members also noted that MSY is not a constant and that a fixed percentage of the unfished spawning biomass would be a more practical target from a management perspective. This percentage could represent an average of the ratio of SSB_{MSY}/SSB_0 .
10. Members agreed that once the current interim rebuilding target of 20% of the unfished spawning stock biomass (SSB_0) has been reached, there should be a high probability that the stock would not fall below this level beyond 2035.
11. Following extensive discussion, the meeting agreed to the following objectives for use in the initial round of CMP testing:
 - Tuning biomass levels of 0.25, 0.30, 0.35 and 0.40 percent of SSB_0 ;
 - CMPs be tuned to a 50% probability of achieving the tuning biomass levels;
 - The tuning timeframe for CMPs will be 2035, but if the timeframe is too short and the initial results are numerically unstable or unsuitable, the Operating Model and Management Procedure (OMMP) Technical Group will increase the timeframe by five years or whatever is necessary noting that the projections will extend to 2045; and
 - All CMPs should achieve the current objective of providing at least a 70% probability of reaching 20% of SSB_0 by 2035.
12. In agreeing to the above objectives for CMP testing purposes there was recognition of the need to constrain the number of options explored by the OMMP to a computationally practical level. As a consequence, it was agreed to vary the options on one primary axis (target tuning biomass level) and fix the other two main axes (probability and timeframe for achieving the biomass level) to single values. By including a high tuning biomass level in the options, this will allow inferences to be made on probabilities higher than that used in the tuning. Similarly, once projections have been provided for a single timeframe, it will be possible to infer what might be possible with respect to a shorter (or longer) timeframe. This will allow a refined range of options to be identified and evaluated in the second round of MP testing.
13. It was further agreed that projections should be conducted for 10 years beyond 2035 as a diagnostic tool to enable examination of the behaviour of CMPs after the target biomass level was reached.

2.2. Consideration of new parameters, desirable properties and performance measures

14. The meeting considered the performance statistics that were provided in paper CCSBT-SFM/1803/04. It was noted that the EC would not be required to consider all these performance statistics and that the technical experts would examine the statistics in detail and select the most relevant statistics to present to the EC.

15. In relation to catch performance measures, the meeting agreed that smoothness in catch (low average annual variation in catch) and avoidance of large TAC decreases after increases were of particular importance.
16. There was general agreement to the performance measures listed on pages 17 and 18 of paper CCSBT-SFM/1803/04. However, some changes were made to the “SSB performance” statistics with the agreed SSB performance statistics being:
 - Spawning biomass in medium term relative to SSB_0 ;
 - Spawning biomass in short and medium terms relative to current;
 - Minimum spawning biomass relative to current;
 - Proportion of runs above the current biomass at the tuning year;
 - SSB lower (10th) percentile continuing to increase (no decline in 2013-2035) ;
 - Lower 10th SSB percentile in year t, e.g. in 10 years;
 - Probability of meeting the interim rebuilding target by 2035 (aim to have at least 70% of the simulated trajectories rebuild to higher than $0.2SSB_0$ by 2035) ;
 - Probability of dropping below $0.2SSB_0$ in any future year beyond 2035;
 - Year at which 70% of simulations reach $0.2SSB_0$;
 - Median year that SSB_{MSY} is reached; and
 - Probability of being above SSB_{MSY} in last 10 years (beyond 2035).

2.3. Review of existing specification and properties

17. The meeting agreed to the proposal in paper CCSBT-SFM/1803/04 to keep a three-year quota block as is the case with the current MP.
18. The meeting also agreed that the first TAC decision from the new MP would be made in October 2020 and that this would provide the TAC for the 2021, 2022 and 2023 fishing seasons. It was recognised that for both New Zealand and Australia, which commence their 2021 fishing seasons on 1 October 2020 and 1 December 2020 respectively, the late TAC decision will result in significant difficulties if the decision requires a reduction in the TAC. This will not be the case for the second and subsequent TAC recommendations from the new MP because an additional one-year gap will be added between those recommendations and the implementation of the TAC. For example, the new MP will recommend the TAC for 2024 to 2026 in 2022.
19. It was noted that the impact of 3,000 t or 5,000 t maximum TAC change was investigated as part of the MP testing for the Bali Procedure. The results are presented in Table 2 of Attachment 9 of the 2011 report of the Extended Scientific Committee (ESC). These tests indicated that the frequency of TAC decrease, following 2, or 4, consecutive TAC increases, is higher under 5,000 t than for 3,000 t.
20. There was a desire to examine a range of maximum TAC change constraints, in addition to the current default of 3,000 t to explore the impact on CMP behaviour and, in particular, the frequency of TAC decreases following a series of TAC increase (Table 2 of Attachment 9 of the 2011 ESC). Maximum TAC changes of 2,000 t, 3,000 t, and 4,000 t would be examined in the first instance and, if this

did not provide sufficient contrast for comparison, a maximum TAC change of 5,000 t would be added for some scenarios. To manage the total number of scenarios involved in the initial round of testing, each level of maximum TAC change would not necessarily be applied in combination with all levels of rebuilding tuning criteria. The OMMP group would decide on the appropriate scenarios to test each level of Maximum TAC change in this initial round.

2.4. Consideration of possible risks

21. Australia explained that a pilot gene tagging project is currently underway to estimate recruitment of two-year old SBT. Initial abundance estimates from this project are scheduled to be available in early 2018 for the CCSBT Scientific Data Exchange. Preliminary results from the study are consistent with those expected from the design study conducted for this work.
22. The financial contribution to the gene tagging pilot study by Australia, to the long-term gene tagging project in 2017 and 2018 by the European Union together with CSIRO's co-contribution and the cooperation of the three industry companies involved were gratefully acknowledged by the Secretariat and Members.
23. It was recognised that one potential risk in developing the new MP was whether suitable estimates would be provided by the gene tagging research.
24. Scientists from CSIRO, Australia confirmed that:
 - The pilot gene tagging project had been a success to date and had demonstrated the logistics associated with large scale biopsy and genetic processing could be achieved;
 - There appeared to be no risk that the required data wouldn't be collected;
 - The gene tagging method of estimating abundance has some advantages over the aerial survey because if insufficient SBT are tagged, then additional SBT samples can be collected at harvest in order to achieve the target Coefficient of Variation;
 - There is always some risk that in future years a problem could prevent an abundance estimate from being calculated;
 - Exceptional circumstances would be triggered if there was a missing data point in the source data for the new MP; and
 - If this occurred, then the meta-rules process would be followed to determine the approach to take and it is likely that one missing data point would not prevent the MP from being used to make a TAC recommendation.
25. New Zealand noted that one risk mitigation strategy is to rebuild the stock as soon as possible. The risk becomes less as the stock size becomes larger.
26. Japan queried whether there was a risk that the operating model may not fit once the gene tagging data are incorporated. The expert panel confirmed that this did not seem to be the case because the gene tagging data are not expected to destabilise the model. The panel noted the ESC had made a strong recommendation that a robust, fishery independent measure of juvenile recruitment is required because the bulk of SBT are harvested before they can spawn.

27. CSIRO noted that early indications were that gene tagging is producing recruitment abundance estimates consistent with recent estimates of recruitment from the operating model. However, there will be another few years before a time series of gene tagged estimates will be available to compare with the longline CPUE.
28. CSIRO also mentioned that another new data set (Close-Kin data) had been incorporated in the operating model and are available for use in the CMPs. The potential risks associated with the availability of Close-Kin data are no different from the risks associated with the other time series.
29. It was agreed that the ESC should continue to advise the EC of risks that it identifies and of potential options on how best to respond to them.

MP Development

30. The Chair asked which Members were considering developing alternative CMPs. Both Australia and Japan advised that they are planning to develop CMPs.
31. The expert panel encouraged other Members to participate in the CMP development process and requested that any interested Members advise the Panel as soon as possible so that they can participate from the beginning of the process. This type of collaborative work represents a great opportunity to develop technical capabilities across delegations.
32. The Panel confirmed that the OMMP technical group will meet in Seattle during 18-22 June 2018. It was clarified that participants can either bring their own CMPs to the meeting or can provide feedback on the CMPs put forward by other Members.

2.5. CCSBT Fisheries Management Plan

33. The Chair introduced this item, noting that New Zealand has previously offered to develop a draft Fisheries Management Plan (FMP) for the CCSBT, but that at CCSBT 24 there was not much support for developing an FMP. This item was added to the agenda by the European Union to determine whether there is a willingness to develop an FMP in the near future.
34. There was consensus that while consolidating information about the CCSBT's fishery management into an FMP would be useful, it was not considered to be a priority at the present time. It was considered that development of an FMP could wait until more resources became available or until the complexity of CCSBT's management arrangements reached a level that an FMP was required.
35. New Zealand noted that there are some advantages in delaying development of an FMP due to the ongoing work to develop a new MP and upcoming discussions in relation to allocation and an ERS strategy, all of which would impact on an FMP.

Agenda Item 3. Review of future allocation model – particularly in relation to new Members

36. New Zealand presented paper CCSBT-SFM/1803/05 in relation to developing a detailed mechanism for future allocations to new Members. New Zealand noted that there is a risk of non-Members developing a catch history and then seeking an allocation based on such a history and that less risk and greater certainty could be provided to new entrants if allocation rules could be developed in advance. New Zealand also noted that the CCSBT had an opportunity consider new entrants if there are future increases in the TAC. New Zealand proposed that CCSBT should take a proactive rather than a reactive approach for future allocations to new Members.
37. There was no consensus for the CCSBT to develop detailed allocation rules in advance of an application for an allocation of the TAC. Views of different Members included:
- Allocations to new Members/Cooperating Non-Members (CNMs) should be considered on a case by case basis and the new Member/CNM would need to demonstrate a commitment that it would participate in the fishery;
 - New allocations should only occur when excess quota is available (e.g. at the time of a TAC increase), and should not result in the reduction of existing Members' allocations;
 - It was not considered desirable to create a quota reserve for potential new Members/CNMs as creating a quota reserve could create bad incentives for new Members/CNMs to join the CCSBT purely to obtain the reserved quota and not out of interest in participating in the fishery;
 - It does not seem likely that there will be a need to provide new allocations within the current quota block, but nevertheless, States have been identified that might currently be catching SBT and therefore may potentially request an allocation in the future; and
 - The possibility of a quota reserve could be considered in 2020, when the next TAC decision is scheduled.
38. In addition, the European Union noted that it would not want new Members to be granted a higher allocation than itself and if necessary, its allocation is increased accordingly, as it had participated in the fishery for some time and it is contributing to the science.

Agenda Item 4. CCSBT's processes with respect to Ecologically Related Species

4.1. Consideration of the CCSBT's vision in relation to ERS

39. Australia presented paper-SFM/1803/06 (Rev.1) on consideration of the CCSBT's vision in relation to Ecologically Related Species.
40. Most Members agreed that the ERSWG had been ineffective.
41. Members debated whether the CCSBT's Convention provided a mandate to pass measures on ERS. No consensus was reached on this matter, but it was noted

that CCSBT is in a similar situation as ICCAT and IOTC and that both of these RFMOs have also adopted measures in relation to ERS (e.g. seabird mitigation measures). The necessity of the CCSBT adopting mitigation measures was also discussed, noting that SBT fishing occurs in the Convention Areas of ICCAT, IOTC and WCPFC, and that these RFMOs have adopted measures in relation to ERS that CCSBT Members are obliged to comply with if they are Members of these RFMOs. This discussion also failed to reach consensus.

42. Two Members considered it important to consider measures that are additional to those of the other tuna RFMOs because the SBT fleets pose great risks to seabirds that need to be recognised. Moreover, one of these Members pointed out that it would be appropriate to discuss ERS issues related to SBT fisheries within CCSBT.
43. Another Member considered that other RFMOs, in cooperation with seabird experts from ACAP and Birdlife International, had already considered such risks and introduced relevant measures and such matters should continue to be discussed within the fora of the RFMOs that cover the regions of relevance.
44. The meeting agreed that one possible way of implementing binding ERS measures for CCSBT Members without duplicating the effort of other tuna RFMOs is to create a CCSBT Resolution that requires CCSBT Members to follow the ERS measures of the relevant tuna RFMOs. It was agreed that such a proposal would be prepared by the European Union and New Zealand for consideration at CCSBT 25. Japan noted that it would positively consider the proposal although the final position of Japan would be subject to internal consultations including legal scrutiny.

4.2. Review of the terms of reference (role and purview) and priorities of the Ecologically Related Species Working Group (ERSWG)

45. The Secretariat presented paper CCSBT-SFM/1803/07 that provided a draft revision of the Terms of Reference (ToR) for the Ecologically Related Species Working Group (ERSWG).
46. Discussion of the revised ToR focused on the proposed list of relevant species to be maintained by the ERSWG, whether or not the revised ToR would require participants with a different skill set from present ERSWG participants, and whether the ecosystems based approach to fisheries management should be added to the ToR. Consensus was not reached on these matters, so the meeting instead agreed to recommend a limited set of technical changes to the ToR. The recommended technical changes to the ToR are provided at **Attachment 4**.
47. It was further agreed that the Secretariat would circulate the ToR from **Attachment 4** to Members so that Members can make further suggested revisions to this recommended ToR and that the Secretariat will provide a paper to CCSBT 25 containing the combined revisions provided by Members.
48. Substantial debate was held in relation to the meaning of the first paragraph of the ERSWG's original ToR. Agreement could not be reached as to whether this meant that the ERSWG is effectively a subsidiary body to the ESC or whether the ERSWG reports to the EC after providing the ESC with an opportunity to comment on the report. It was noted that the past practise of the CCSBT was for

the ERSWG to report directly to the EC (and providing the opportunity for the ESC to comment on the reports of the ERSWG). Some Members considered that the CCSBT should follow the practise of other tuna RFMOs, namely, a working group dealing with ERS issues reports to the Scientific Committee, which then reports to the Commission. There was no agreement as to whether or not the past practise was correct. The revised ToR at **Attachment 4** contains the identical ambiguity on this matter as the original ToR and further discussion is required to resolve this situation.

4.3. Review of the implementation of the Recommendation on ERS

49. The Secretariat introduced paper CCSBT-SFM/1803/08. At CCSBT 24, the EC agreed that the Secretariat would conduct a desktop review of the implementation of the ERS Recommendation, which could also involve sending questionnaires to Members to complete. CCSBT 24 also requested the Secretariat to compile the results of the questionnaire for presentation to the EC through the Compliance Committee. This agenda item provided an opportunity for the Members to provide comments on the questionnaire before it is distributed to Members for completion.
50. The meeting agreed that the following changes should be made to the questionnaire before it is sent to Members for completion:
 - Tuna RFMO requirements of a non-binding nature (e.g. requirements worded with “should” or “shall, where practical” etc.) will be presented in grey and provision of responses for these non-binding requirements will be voluntary;
 - The date of implementation of requirements in section 2 of the questionnaire will be removed; and
 - The questionnaire will no longer include a request for information concerning Member’s domestic instruments for implementing requirements.
51. Some strong views were expressed regarding the need to consider compliance with requirements. However, there was no consensus to retain the questions in section 2 in relation to the estimated percentage compliance with requirements, the level of confidence in the compliance estimate, or the outcome of compliance evaluation by the relevant RFMO. Consequently, these questions will not be included in the questionnaire.
52. The meeting agreed that the questionnaire should not be conducted on an annual basis and that it should be either a once off or an infrequent survey.

Agenda Item 5. Review of the form and function of the Compliance Committee

53. New Zealand introduced this topic and requested Members to consider whether the current Compliance Committee meeting arrangements are adequately meeting their needs, and whether there might be alternative arrangements that could lead to greater benefits in the future.

54. New Zealand noted two main issues with the current arrangements:
- The Compliance Committee often consists of a subset of individuals who go on to attend the Extended Commission meeting and there are therefore seldom any dedicated compliance practitioners present; and
 - There are missed opportunities with respect to coordinating more operational work such as logistics for joint operations/patrols.
55. New Zealand proposed that it could be beneficial to continue some components of Compliance Committee meetings immediately prior to the EC, such as the assessment of compliance with measures (as occurs currently), but that it might also be useful to convene an expert compliance sub-group at an alternative time to discuss more technical compliance matters.
56. Other Members noted that the Compliance Committee is working effectively, and expressed their preference for maintaining the current meeting arrangements due to logistical and budgetary constraints.
57. The Chair of the Compliance Committee suggested that it might be useful to convene expert compliance workshops on an ad-hoc basis to discuss specific issues such as estimating unaccounted mortality, or relevant new technologies pertinent to risk areas, or the development of an eCDS.
58. Members did not agree to separate the Compliance Committee meeting from the EC, but supported ad-hoc expert Compliance working groups being convened from time to time as required.
59. New Zealand noted it will develop a proposal regarding ad-hoc expert compliance meetings for Members to evaluate at CC 13 and CCSBT 25, and noted that such a proposal may ultimately reduce the technical burden on the Compliance Committee.

Agenda Item 6. Other business

60. There was no other business.

Agenda Item 7. Conclusion

7.1. Adoption of meeting report

61. The report was adopted.

7.2. Close of meeting

62. The meeting closed at 11:54am on 8 March 2018.

List of Attachments

Attachment

1. List of Participants
2. Agenda
3. List of Documents
4. Draft Revised Terms of Reference for the Working Group on Ecologically Related Species (ERS)

List of Participants
The 5th Meeting of the Strategy and Fisheries Management Working Group

First name	Last name	Title	Position	Organisation	Postal address	Tel	Fax	Email
CHAIR								
Ian	THOMPSON	Mr	First Assistant Secretary	Department of Agriculture and Water Resources	GPO Box 858, Canberra, ACT 2601	61 2 62724 623		Ian.Thompson@agriculture.gov.au
COMPLIANCE COMMITTEE CHAIR								
Frank	MEERE	Mr			Australia			fmeere@aapt.net.au
ADVISORY PANEL								
Ana	PARMA	Dr		Centro Nacional Patagonico	Puerto Madryn, Chubut Argentina	54 2965 45102 4	54 2965 45154 3	parma@cenpat.edu.ar
James	IANELLI	Dr		REFM Division, Alaska Fisheries Science Centre	7600 Sand Pt Way NE Seattle, WA 98115 USA	1 206 526 6510	1 206 526 6723	jim.ianelli@noaa.gov
MEMBERS								
AUSTRALIA								
Gordon	NEIL	Mr	Assistant Secretary	Department of Agriculture and Water Resources	GPO Box 858, Canberra, ACT 2601	61 2 62725 863		Gordon.Neil@agriculture.gov.au
Jenny	BALDWIN	Ms	A/g Director	Department of Agriculture and Water Resources	GPO Box 858, Canberra, ACT 2601	61 2 62723 756		Jenny.baldwin@agriculture.gov.au
Neil	HUGHES	Mr	Assistant Director	Department of Agriculture and Water Resources	GPO Box 858, Canberra, ACT 2601	61 2 62716 306		neil.hughes@agriculture.gov.au
Simon	NICOL	Dr	Director	Australian Bureau of Agricultural and Resource Economics and Sciences	GPO Box 858, Canberra, ACT 2601	61 2 62724 638		Simon.Nicol@agriculture.gov.au
Bertie	HENNECKE	Dr	Assistant Secretary	Australian Bureau of Agricultural and Resource Economics and Sciences	GPO Box 858, Canberra, ACT 2601	61 2 62724 277		Bertie.Hennecke@agriculture.gov.au

First name	Last name	Title	Position	Organisation	Postal address	Tel	Fax	Email
Heather	PATTERSON	Dr	Scientist	Australian Bureau of Agricultural and Resource Economics and Sciences	GPO Box 858, Canberra, ACT 2601	61 2 62722 4612		Heather.patterson@agriculture.gov.au
Campbell	DAVIES	Dr	Principal Research Scientist	CSIRO Marine and Atmospheric Research	GPO Box 1538, Hobart, Tasmania 7001	61 3 62325 222		Campbell.Davies@csiro.au
Rich	HILARY	Dr	Principal Research Scientist	CSIRO Marine and Atmospheric Research	GPO Box 1538, Hobart, Tasmania 7001	61 3 62325 222		Rich.hilary@csiro.au
Ann	PREECE	Ms	Fisheries Scientist	CSIRO Marine and Atmospheric Research	GPO Box 1538, Hobart, Tasmania 7001	61 3 62325 222		ann.preece@csiro.au
Matt	DANIEL	Mr	Manager	Australian Fisheries Management Authority	Box 7051 Canberra BC, Canberra ACT 2610	61 2 62255 338		Matthew.daniel@afma.gov.au
Samantha	MAHOOD	Ms	Policy Officer	Department of Agriculture and Water Resources	GPO Box 858, Canberra, ACT 2601	61 6272 3074		Samantha.Mahood@agriculture.gov.au
Tobias	HANSON	Mr	Legal Adviser	Department of Agriculture and Water Resources	GPO Box 858, Canberra, ACT 2601	61 6271 6319		Tobias.Hanson@agriculture.gov.au
Brian	JEFFRIESS	Mr	Chief Executive Officer	Australian SBT Industry Association Ltd	PO Box 416, Fullerton, SA 5063, Australia	61 (0)419 840 299		austuna@bigpnd.com
Terry	ROMARO	Mr	Managing Director	Ship Agencies Australia	PO Box 1093, Fremantle, WA, 6160, Australia	61 8 9335 5499		terryromaro@aol.com
Andrew	WILKINSON	Mr	General Manager	Tony's Tuna International P/L	Pine Freezer Road, Port Lincoln, 5606, SA	61 (0) 8 8682 2266		andrew@tonystuna.com.au

First name	Last name	Title	Position	Organisation	Postal address	Tel	Fax	Email
EUROPEAN UNION								
Orlando	FACHADA	Mr	Head of EU Delegation	European Union	Rue de la Loi 200 (J99-3/46), Belgium	32 2299 0857		Orlando.Fachada@ec.europa.eu
Hilario	MURUA	Dr	Principal Researcher	AZTI Marine Research Division	Herrera Kaia, Portualdea z/g Pasaia Gipuzkoa 20110 Spain	34 667 174 433		hmurua@azti.es
FISHING ENTITY OF TAIWAN								
Ted Tien-Hsiang	TSAI	Mr	Senior Technical Specialist	Fisheries Agency of Taiwan	8F., No.100, Sec. 2, Heping W. Rd., Zhongzheng Dist., Taipei City 100, Taiwan (R.O.C.)	886 2 23835 900	886 2 23327 396	tehsiang@msl.f.a.gov.tw
An-Chiang	HUANG	Mr	Specialist	Fisheries Agency of Taiwan	8F., No.100, Sec. 2, Heping W. Rd., Zhongzheng Dist., Taipei City 100, Taiwan (R.O.C.)	886 2 23835 891	886 2 23327 396	anchiang@msl.f.a.gov.tw
Sheng-Ping	WANG	Dr	Professor	National Taiwan Ocean University	2 Pei-Ning Road, Keelung 20224, Taiwan (R.O.C.)	886 2 24622 192	886 2 24636 834	wsp@mail.ntou.edu.tw
Kuan-Ting	LEE	Mr	Secretary	Taiwan Tuna Association	3F-2, No.2, Yu Kang Middle 1st Rd, Kaohsiung, Taiwan (R.O.C.)	886 7 84196 06	886 7 83133 04	simon@tuna.org.tw

First name	Last name	Title	Position	Organisation	Postal address	Tel	Fax	Email
JAPAN								
Shingo	OTA	Mr	Councillor	Fisheries Agency of Japan	1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8907	81 3 3591 2045	81 3 3502 0571	shingo_ota810@maff.go.jp
Ryo	OMORI	Mr	Assistant Director	Fisheries Agency of Japan	1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8907	81 3 3502 8459	81 3 3502 0571	ryo_omori330@maff.go.jp
Chiaki	YAMADA	Ms	Section Chief	Fisheries Agency of Japan	1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8907	81 3 3502 8459	81 3 3502 0571	chiaki_yamada060@maff.go.jp
Tomoyuki	ITO	Dr	Group Chief	National Research Institute of Far Seas Fisheries	5-7-1 Orido, Shimizu Shizuoka 424-8633	81 54 336 6000	81 543 35 9642	itou@affrc.go.jp
Kiyoshi	KATSUYAMA	Mr	Adviser	Japan Tuna Fisheries Cooperative Association	31-1, Eitai 2-chome, Koto-ku, Tokyo 135-0034	81 3 5646 2382	81 3 5646 2652	katsuyama@japantuna.or.jp
Yuji	UOZUMI	Dr	Advisor	Japan Tuna Fisheries Cooperative Association	31-1, Eitai 2 Chome, Koto-ku, Tokyo 135-0034, Japan	81 3 5646 2382	81 3 5646 2652	uozumi@japantuna.or.jp
Michio	SHIMIZU	Mr	Executive Secretary	National Ocean Tuna Fishery Association	Coop Bldg 7F, 1-1-12, Uchikanda, Chiyoda-ku, Tokyo 101-8503	81 3 3294 9634	81 3 3294 9607	mic-shimizu@zengyoren.jf-net.ne.jp
NEW ZEALAND								
Arthur	HORE	Mr	Manager, Offshore Fisheries	Ministry for Primary Industries	17 Maurice Wilson Ave PO Box 53030 Auckland Airport Auckland 2022	64 9 820 7686	64 09 820 1980	Arthur.Hore@mpi.govt.nz
Dominic	VALLIÈRES	Mr	Manager, Highly Migratory Species	Ministry for Primary Industries	Pastoral House, 25 The Terrace, PO Box 2526, Wellington 6140	64 4 819 4654	64 04 819 4632	Dominic.Vallieres@mpi.govt.nz
Sophie	KALDERIMIS	Ms	Legal Adviser	Ministry of Foreign Affairs and Trade	195 Lambton Quay, Wellington, 6011	021 538 920		Sophie.kalderimis@mfat.govt.nz

First name	Last name	Title	Position	Organisation	Postal address	Tel	Fax	Email
SOUTH AFRICA								
Qayiso	MKETSU	Mr	Deputy Director	Department of Agriculture, Forestry & Fisheries	Private Bag X2, 27 Vlaeberg, 8018, Cape Town, Republic of South Africa	27 21402	27 21402 3048 3734	QayisoMK@daff.gov.za
Henning	WINKER	Dr	Scientist: Large Pelagics	Department of Agriculture, Forestry & Fisheries	Private Bag X2, 27 Vlaeberg, 8018, Cape Town, Republic of South Africa	27 2140	2 3515	HenningW@daff.gov.za
INTERPRETERS								
Kumi	KOIKE	Ms						
Yoko	YAMAKAGE	Ms						
Kaori	ASAKI	Ms						
CCSBT SECRETARIAT								
Robert	KENNEDY	Mr	Executive Secretary					rkennedy@ccsbt.org
Akira	SOMA	Mr	Deputy Executive Secretary					asoma@ccsbt.org
Susie	IBALL	Ms	Compliance Manager		PO Box 37, Deakin West ACT 2600 AUSTRALIA	61 2 6282 8396	61 2 6282 8407	siball@ccsbt.org
Colin	MILLAR	Mr	Database Manager					CMillar@ccsbt.org
Melanie	BACHELOR	Ms	Administrative Officer					sec@ccsbt.org

Agenda
Fifth Meeting of the Strategy and Fisheries Management Working Group
6 - 8 March 2018
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1. Opening
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 - 1.2 Adoption of Agenda
 - 1.3 Meeting arrangements
2. Discussion of Desirable Behaviour and Specification of the new Management Procedure
 - 2.1 Initial discussion of management objectives
 - 2.2 Consideration of new parameters, desirable properties and performance measures
 - 2.3 Review of existing specification and properties
 - 2.4 Consideration of possible risks
 - 2.5 CCSBT Fisheries Management Plan
3. Review of future allocation model – particularly in relation to new members
4. CCSBT's processes with respect to Ecologically Related Species
 - 4.1 Consideration of the CCSBT's vision in relation to ERS
 - 4.2 Review of the terms of reference (role and purview) and priorities of the Ecologically Related Species Working Group (ERSWG)
 - 4.3 Review of the implementation of the Recommendation on ERS
5. Review of the form and function of the Compliance Committee
6. Other business
7. Conclusion
 - 7.1 Adoption of meeting report
 - 7.2 Close of meeting

List of Documents

**The Fifth Meeting of the Strategy and Fisheries Management Working Group
(SFMWG 5)**

(CCSBT-SFM/1803/)

1. Provisional Agenda
2. List of Participants
3. List of Documents
4. Desirable Behaviour and Specifications for the Development of a New Management Procedure for SBT. Campbell Davies, Ann Preece, Richard Hillary and Ana Parma (SFMWG Agenda Item 2)
5. (New Zealand) Review of Future Allocation Model – New Members (SFMWG Agenda Item 3)
6. (Australia) Consideration of the CCSBT's vision in relation to Ecologically Related Species (Rev.1) (SFMWG Agenda Item 4.1)
7. (Secretariat) Terms of reference of the Ecologically Related Species Working Group (ERSWG) (SFMWG Agenda Item 4.2)
8. (Secretariat) Review of the implementation of the Recommendation on ERS (SFMWG Agenda Item 4.3)

(CCSBT-SFM/1803/Rep)

1. Report of the Twenty Fourth Annual Meeting of the Commission (October 2017)
2. Report of the Twelfth Meeting of the Compliance Committee (October 2017)
3. Report of the Twenty Second Meeting of the Scientific Committee (September 2017)
4. Report of the Eighth Operating Model and Management Procedure Technical Meeting (June 2017)
5. Report of the Twelfth Meeting of the Ecologically Related Species Working Group (March 2017)

**TERMS OF REFERENCE FOR THE WORKING GROUP ON
ECOLOGICALLY RELATED SPECIES (ERS)**

(adopted at the Second Annual Meeting ~~(12—15-~~ September 1995))
(updated at the Twenty Fifth Annual Meeting – October 2018)

Terms of Reference for the Working Group on Ecologically Related Species (ERS)

1. The Ecologically Related Species Working Group (ERSWG) will report to the Extended Commission through the Extended Scientific Committee. The Extended Scientific Committee may provide comments to the Extended Commission on the reports (including advice and recommendations) of the ~~Ecologically Related Species Working Group~~ ERSWG.
2. To provide information and advice on issues relating to species associated with southern bluefin tuna (SBT) (ecologically related species), with specific reference to:
 - a) species (both fish and non-fish) which may be affected by SBT fisheries operations; and
 - b) predator and prey species which may affect the condition of the SBT stock.
3. (a) With respect to species identified in 2 a) above, to monitor trends and review existing information and relevant research, including but not limited to studies on:
 - (i) the population biology of ecologically related species;
 - (ii) the identification of factors affecting populations of ecologically related species;
 - (iii) the assessment of the SBT and other fisheries effects on ecologically related species and of the proportion of the SBT and other fisheries effects to the overall effects; and
 - (iv) modification to gear and operational aspects of the SBT fishery to minimise the effects on ecologically related species.(b) With respect to species identified in 2 b) above, to monitor trends and review existing information and relevant research, including but not limited to studies on:
 - (i) the population biology of ecologically related species;
 - (ii) the identification of factors affecting population of ecologically related species; and
 - (iii) the assessment of the effects of ecologically related species on the condition of the SBT stock.
4. To provide recommendations on data collection programs and research projects with respect to species and issues identified in 2 above, including recommendations on research priorities and estimated costs of such research.
5. To provide advice on measures to minimise SBT fishery effects on ecologically related species, including but not limited to gear and operational modifications.
6. To provide advice on other measures which may enhance the conservation and management of ecologically related species.
7. To review these terms of reference and to recommend to the Extended Commission changes as and when appropriate.

8. To co-operate and liaise with relevant experts, scientists (from ~~Convention parties~~Members of the Extended Commission and elsewhere) and inter-governmental and non-governmental organisations, in data collection and analysis on ~~ecologically related species~~ERS subject to the provisions of the data handling criteria (Annex1).
9. To respond to requests for advice on specific matters from the Extended Commission.

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Annex 1 Data Handling Criteria for the Ecologically Related Species (ERS) Working Group

1. Collection of Data and Samples

- a) The ERS ~~WG Working Group~~ will provide recommendations on the information required and advice on how to collect the relevant data and samples.
- b) The collection of data on and samples of ERS should follow agreed data collection protocols consistent with those of the Extended Scientific Committee, and those of the relevant national authority.
- c) The collection of data and samples of ERS should be conducted in a way that ~~do~~ do not interfere with the safe and smooth operation of the vessels.

2. Management of the Data and Samples

- a) The ERS ~~WG Working Group~~ shall adhere to the CCSBT's "Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the CCSBT" ~~use procedures that ensure strict confidentiality~~ in the use and distribution of data.
- b) Unless otherwise agreed, samples of ERS collected on the high seas will be held by the Fflag States Member; that ~~flag States Members~~ should facilitate access by other interested scientists to the ERS samples.
- c) Participants in the ERS ~~WG working group~~ should assist each other's work by sharing data and samples on ERS.

3. Analyses of Data and Samples

Analyses of the data and samples on behalf of the Extended Commission may be conducted by scientists from Members of the Extended Commission ~~the Convention Parties~~ and other relevant experts designated by the ERS ~~WG Working Group~~.

4. Consideration of the Results of the Analyses

Results of analyses which use data and samples collected under these criteria will not be published without the consent of the ~~parties who~~ Extended Commission Members which provided the data and samples.