

Agreement on the Conservation of Albatrosses and Petrels

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REPORT ON THE IMPLEMENTATION OF THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

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GOVERNMENT OF AUSTRALIA — REPORT ON THE IMPLEMENTATION OF THE AGREEMENT ON THE CONSERVATION OF ALBATROSSES AND PETRELS

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Reporting Period

December 2004 — April 2006

Overview of Implementation of Agreement and Action Plan

Introduction

This report has been prepared for the 2nd Meeting of the Advisory Committee to the Agreement. It summarises Australia's efforts to conserve the species of albatrosses and petrels listed on Annex 1 of the Agreement in 2005 and 2006, as required by Article VII (1) c).

Outline of planned actions for national implementation over the next three years

Over the next three years Australia will continue to focus albatross and petrel conservation activities in key domestic and international areas:

- Australia's national recovery plan for albatrosses and giant-petrels will be reviewed and updated to ensure progress on the recovery of threatened species is continued to ensure all of Australia's albatrosses and petrel populations achieve or maintain a favourable conservation status:
- Australia's National Plan of Action Seabirds, currently in final draft form, will be finalised;
- The Threat Abatement Plan 2006 for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations, which results from a review of an earlier threat abatement plan, will be finalised;
- A threat abatement for two other key threatening processes affecting ACAP species will be finalised. These threats are the 'Injury and fatality to vertebrate marine life caused by ingestion of, or entanglement in, harmful marine debris' and 'Predation by exotic rats on Australian offshore islands of less than 1000 km² (100,000 ha)';
- Australia will continue to provide the interim Secretariat to ACAP and support the permanent Secretariat when it is established in Hobart;
- Australia will continue to actively participate in ACAP and implement its obligations under the Agreement.
- Population monitoring studies of key albatross and petrel populations breeding within Australia's jurisdiction will be maintained;
- Funding for an eradication program developed to target rabbits, rats and mice on Macquarie island will be sought;
- Research into the at-sea distribution of albatrosses and giant-petrels breeding at Macquarie Island and at Tasmanian colonies will be continued to assess the degree of overlap with fishing effort and the vulnerability of the species to fisheries pressures;
- Participation in the work of key RFMO's (IOTC, CCSBT, WCPFC, CCAMLR) will be continued to encourage adoption of strategies to minimise the impact of fishing activities on seabirds

Species conservation

Report on any exemptions to prohibitions on the taking or harmful interference with albatrosses and petrels

All albatrosses and petrels listed under Annex 1 of the Agreement are fully protected and there has been no exemptions to the prohibitions on the taking or harmful interference to these species during the reporting period.

Use and trade

Australia is a Party to Convention on International Trade in Endangered Species of Wild Flora and Fauna 1973 (CITES). There has been no trade approved by Australia for any ACAP listed species during the reporting period.

Single or multi-species conservation strategies / Action Plans

All ACAP listed species to which Australia is a range state are protected under Federal legislation (*Environment Protection and Biodiversity Conservation Act 1999*)

Australia has developed a *Recovery Plan for Albatrosses and Giant-Petrels* under Federal legislation (*Environment Protection and Biodiversity Conservation Act 1999*). This plan can be found at http://www.deh.gov.au/biodiversity/threatened/publications/recovery/albatross/index.html.

Australia has also adopted a Threat Abatement Plan for the incidental catch (or by-catch) of seabirds during oceanic longline fishing operations to minimise the effect on seabirds of bycatch in longline fisheries, a listed Key Threatening Process under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Plan was originally prepared in 1998, and was recently reviewed and revised. The revised *Threat Abatement Plan 2006 for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations* is currently in an advanced draft form and is expected to be finalised this year.

Threat abatement plans for two other listed Key Threatening Processes, the 'Injury and fatality to vertebrate marine life caused by ingestion of, or entanglement in, harmful marine debris' and 'Predation by exotic rats on Australian offshore islands of less than 1000 km² (100,000 ha)' are also under development.

Emergency Measures

N/A

Re-establishment schemes

There are no re-establishment schemes either underway or under consideration at this stage. <u>Legal and policy instruments for species protection of albatrosses and petrels</u>

ACAP listed species to which Australia is a range state are protected under the following national and State legislation:

National legislation:

Environment Protection and Biodiversity Conservation Act 1999

Fisheries Management Act 1991

State legislation (New South Wales):

National Parks and Wildlife Act 1974

New South Wales Threatened Species Conservation Act 1995

State legislation (Victoria):

National Parks Act 1975

Wildlife Act 1975

Flora and Fauna Guarantee Act 1988

Victoria Fisheries Act 1995

State legislation (Queensland):

Marine Parks Act 1982

Nature Conservation Act 1992

Queensland Fisheries Act 1994

Fishing Industry Organisation and Marketing Act

State legislation (South Australia):

National Parks and Wildlife Act 1972

Fisheries Act 1983

Native Vegetation Act 1991

State legislation (Western Australia):

Wildlife Conservation Act 1950

Western Australia Fish Resources Management Act 1994

State legislation (Tasmania):

Fisheries Act of 1959

National Parks and Wildlife Act 1970

Whales Protection Act 1988

Tasmania Threatened Species Protection Act 1995

State legislation (Northern Territory):

Fisheries Act 1988

Territory Parks and Wildlife Conservation Act 2000

Legislation (External Territories):

Antarctic Treaty (Environment Protection) Act 1980

Australian Antarctic Territory Migratory Birds Ordinance 1980

Christmas Island Wild Animal Ordinance 1980

Christmas Island Migratory Birds Ordinance 1980

Cocos (Keeling) Islands Wild Animals and Birds Ordinance

Cocos (Keeling) Islands Migratory Birds Ordinance 1980

Coral Sea Islands Territory Endangered Species Ordinance 1980

Coral Sea Islands Territory Migratory Birds Ordinance 1980

Norfolk Island Endangered Species Act 1980

Norfolk Island Migratory Birds Act 1980

Territory of Heard Island and McDonald Islands Endangered Species Ordinance 1980

Territory of Heard Island and McDonald Islands Migratory Birds Ordinance 1980

Territory of Ashmore and Cartier Islands Migratory Birds Ordinance 1980

Antarctic Marine Living Resources Conservation Act 1981

Territory of Heard Island and McDonald Islands Environment Protection and Management Ordinance 1987

The Commonwealth Government applies the Western Australia Wildlife Conservation Act 1950 and the Western Australia Fish Resources Management Act 1994 as Commonwealth Law in the Cocos (Keeling) Islands Territory and the Christmas Island Territory

Legal and policy instruments for environmental impact assessments (EIAs)

All ACAP listed species to which Australia is a range state are listed under the Environment Protection and Biodiversity Conservation Act 1999 as both 'migratory species' and 'threatened species'. Animals listed as migratory or threatened under the EPBC Act are considered to be a matter of national environmental significance and are therefore fully protected. A person proposing to conduct an activity which will impact upon a listed species must first refer the matter to the Minister for the Environment for approval. Such approvals would normally only be given after environmental impact assessments had been carried out and evidence provided that the proposed action would not be to the detriment of affected species.

Habitat conservation

Measures (legal and policy instruments and actions) to implement protection and management of breeding sites including habitat restoration.

Management plans for Australian albatrosses and petrel breeding sites on Macquarie Island, Heard and McDonald Islands, Pedra Branca, The Mewstone and Albatross Island are either in place or in an advanced state of preparation. All of these plans provide for the protection of critical

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breeding habitat, with access to the breeding sites of albatrosses and petrels strictly controlled and managed.

The presence of rabbits *Oryctolagus cuniculus* on Macquarie Island threatens the integrity of vegetation communities across the island. Erosion of habitat at many albatross breeding sites through over-browsing is a considered a high probability unless eradication and management strategies for rabbits are employed. An eradication program has been developed that will target rabbits, rats and mice. Implementation of this program is currently awaiting provision of funds. In March 2006 the 'predation by exotic rats on Australian offshore islands of less than 1000 km² (100,000 ha)' was listed as a key threatening process under the *Environment Protection and Biodiversity Conservation Act 1999*. This listing requires the preparation of a national Threat Abatement Plan to escalate the work on abating the threats posed by exotic rats to native plants and animals, including albatrosses and petrels. At Australian breeding sites rats may be directly predating albatrosses and petrels, and/or impacting their breeding habitats.

Sustainable management of marine living resources which provide food for albatrosses and petrels

Responsibility for ensuring the ecological sustainability of fisheries rests with Australian Fisheries Management Authority (AFMA). The activities of AFMA are governed and guided by the legislative objectives contained in Section 3 of the *Fisheries Management Act 1991*. One of the objectives contained within the Act is that AFMA is responsible for ""ensuring that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development (which include the exercise of the precautionary principle), in particular the need to have regard to the impact of fishing activities on non-target species and the long term sustainability of the marine environment."

Furthermore, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires that all fisheries managed by AFMA are strategically assessed at a broad, ecosystem-level. Strategic assessments for all fisheries operating in Commonwealth waters have now been completed. Further re-assessments under the EPBC Act will be undertaken at least every 5 years as part of the export approval process, or whenever there are significant changes in the management arrangements for a fishery.

The requirements of the EPBC Act and the Fisheries Management Act 1991 are compatible with the Specific Objectives and actions of the Recovery Plan for Albatrosses and Giant-Petrels. The Recovery Plan requires that the dietary requirements of albatross and giant-petrel populations need to be taken into account when management arrangements (e.g. Total Allowable Catches) of fisheries that overlap with the foraging grounds of albatrosses and giant-petrels are being developed or revised. It is, however, particularly difficult to accurately determine the level (and the effects) of competition for food resources between seabird populations and fisheries. Any assessment of the effects of competition for food resources requires a thorough knowledge of (1) the dietary requirements of each species, including seasonal, annual and geographical variability; (2) the foraging range of each species; (3) the number and availability of prey items; and (4) the distribution of fishing effort. We would be interested in discussing with other ACAP parties the approaches they have adopted to address this problem. Australia has endeavoured to ensure that Total Allowable Catches or other management arrangements for fisheries are conservative, to thus ensure that the effects of fishing on both target and non-target species are minimised. Australia is actively pursuing an ecosystem based fisheries management approach, and the AFMA is now undertaking a comprehensive ecological risk assessment and management process for all Australian fisheries. This risk management based approach systematically considers the environmental impacts of fishing on key target species, byproduct and bycatch species, all threatened, endangered and protected species, as well as marine habitats and communities.

Management and protection of important marine areas for albatrosses and petrels

Australia's Oceans Policy http://www.oceans.gov.au/the-oceans-policy-overview.jsp outlines Australian Government commitment towards the establishment of the National Representative

System of Marine Protected Areas (NRSMPA) to protect Australia's extensive marine environment.

The aim of the NRSMPA is to contribute to the long-term ecological viability of marine and estuarine systems, to maintain ecological processes and systems and to protect Australia's biological diversity at all levels. The NRSMPA exists within a broader range of national and state and territory mechanisms to achieve biodiversity conservation and the complementary sustainable management of Australia's marine jurisdiction.

The primary goal of the NRSMPA is to build a national system of marine protected areas that will be:

- Comprehensive include marine protected areas that sample the full range of Australia's marine ecosystems;
- Adequate include marine protected areas of appropriate size and configuration to ensure the conservation of marine biodiversity and integrity of ecological processes; and
- Representative include marine protected areas that reflect the marine life and habitats of the area they are chosen to represent.

Consistent with Australia's Oceans Policy, the Australian Government has developed systems of representative marine protected areas in Commonwealth waters as part of a broader regional marine planning process. The South-east Marine Region was the first region identified for planning under Australia's Oceans Policy. In 2004 the South-east Regional Marine Plan was released, providing the first opportunity to utilise the regional marine planning process to strategically design a comprehensive, adequate and representative system of marine protected areas in Australian waters. It was also the first time a system-wide approach has been taken to establish representative marine protected areas within a large-scale deep offshore marine region. The south-east marine Region provides important breeding and foraging habitat for shy albatrosses, and is also important for many other ACAP species during their sabbatical years.

On 5 May 2006 the Australian Government released the final proposal for the South-east marine protected areas (MPA) network. The South-east MPA network will see more than 226 000 square kilometres of Australia's oceans protected in 13 new reserves. It is expected that these reserves will be declared in late 2006 or early 2007.

Management of human activities

Report on EIAs related to albatrosses and petrels

There have been no proposals for development or other human activities likely to impact Australia's albatross and petrel breeding sites. As a result it has not been necessary to prepare and evaluate an EIA during the reporting period.

Measures to reduce or eliminate incidental mortality in fisheries

Reduction or elimination of incidental mortality in fisheries remains a high priority of the Australian Government. Since 1998 Australia has had in place a *Threat Abatement Plan for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations* (see Section 'Single or multi-species conservation strategies / Action Plans' above). Implementation of the threat abatement plan to date has seen a significant drop in seabird in longline fisheries, with the bycatch of albatrosses in particular almost eliminated.

The Plan has recently been reviewed and revised. The revised Plan aims to reduce the bycatch of seabirds in longline fisheries in Australian waters to extremely low levels. For all longline fisheries bycatch limits of either 0.01 or 0.05 birds/1000 hooks have been established as performance indicators. Each longline fishery identified as having interactions with seabirds is required to adopt 'proven mitigation measures' to achieve the bycatch limit established for it. Failure to achieve the performance indicators will require the adoption of a defined management response to reduce bycatch to the specified level, ultimately leading to closure of all or part of a fishery if adoption of further measures still fails to reduce bycatch to a satisfactory level.

Seabirds killed in longline fisheries and collected by fisheries observers and crew members are returned to shore for autopsy and analysis to determine species, subspecies, provenance (where possible), age, sex and breeding status. This is essential in assessing risk to species and improving knowledge of fishery impacts.

DNA-based analyses of the species composition of albatrosses in Australian waters continue, using the samples returned from fisheries or taken from live-caught birds.

Australia has continued to work within key RFMO's (IOTC, CCSBT, WCPFC, and CCAMLR) to ensure that strategies similar to those adopted within Australia are implemented to minimise the impact of fishing activities on seabirds. The success in this area has been limited. While CCAMLR has seen the widespread adoption of mitigation measures by vessels operating in Convention area lead to extremely low bycatch levels, the results have not been so encouraging in other RFMOs. Australia will continue to work with all RFMOs and their members to promote broad acceptance of the need for international observer programs and adoption of mitigation measures to reduce the current levels of seabird mortality to sustainable levels.

Measures to combat IUU fishing

Australia is a leader in efforts to stamp out IUU fishing and has vigorously pursued a range of national and international actions.

The Government has committed AUS \$217.2 million over five years for fisheries surveillance and patrols in Australian waters around Heard and McDonald Islands. This initiative has significantly reduced illegal fishing in that part of Australia's Exclusive Economic Zone and forced IUU fishers onto the high seas where these vessels were encountered.

There are also strong collaborative efforts internationally to counter IUU fishing. Australia has been working very closely with countries such as France, South Africa, New Zealand and the UK to counter IUU activities.

In addition to on-the-water enforcement, Australia has pressed for stronger international action in a range of forums. As one example, Australia played a leading role in developing the improved measures adopted by CCAMLR at its annual meeting in November 2005. These include publicising IUU vessels, more stringent port inspections and improved vessel monitoring. Australia remains of the view that IUU fishing is a serious threat to the conservation of the Southern Ocean ecosystem and the legal fishing industry. IUU fishers degrade fish stocks and their longlines kill endangered albatrosses and other seabirds.

Measures to minimise discharge of pollutants and marine debris (with reference to MARPOL)

In August 2003, the Minister for the Environment and Heritage approved the listing of "Injury and fatality to vertebrate marine life caused by ingestion of, or entanglement in, harmful marine debris" as a Key Threatening Process under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). During the reporting period the Australian Government Department of the Environment and Heritage and other stakeholders continued work begun early in 2004 to develop a Threat Abatement Plan to manage this threatening process.

The Threat Abatement Plan is expected to provide a national framework to coordinate the implementation of measures to prevent and mitigate the impacts of marine debris, by (1) reviewing existing policies, codes of practice, and activities to determine their effectiveness; (2) building on existing activities to improve waste management practices on land and at sea; (3) enhance measures to recover marine debris and introduce a national approach to data recording and information management that informs policy development and program design; (4) improving awareness of marine debris issues and modifying behaviours that create marine debris; (5) guiding Australia's role in building and strengthening international collaboration to identify the origins of marine debris and designing effective responses to it.

The plan is expected to be released as a draft for public comment in 2006.

The Australian Government is funding a 3 year, \$A 2m, "Ghost Nets Programme". This is removing marine debris from shorelines in the Gulf of Carpentaria through local community activities, and generating information on the sources and impacts of foreign ghost nets. Numerous smaller community based activities have also been funded.

Australia was active in international fora during the reporting period, to raise the profile of marine debris issues and encourage the development of solutions. For example, Australia: (1) participated in the June 2005 meeting of the United Nations Informal Consultative Process on Oceans and Law of the Sea in New York where discussions focused on fisheries and their contribution to sustainable development and marine debris; (2) submitted a project proposal on

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"understanding of the economic benefits and costs of controlling marine debris in the APEC Region" to the APEC Marine Resources Conservation Working Group 2007 project cycle; and (3) has undertaken bilateral discussions on marine debris issues with some neighbouring countries.

Research and monitoring

Ongoing research programs relating to the conservation of albatrosses and petrels.

Population monitoring

In the summer of 2003/04 Australia completed censuses of black-browed albatrosses and light-mantled sooty albatrosses at Heard Island. A satellite tracking program was conducted at the same time to determine the foraging movements of both species of albatross and to assess the potential risks they face from interactions with fisheries. A draft paper has been completed on the results of both the tracking studies and censuses. Further work on these subjects is intended in the future.

In the same season (2003/2004) Australia collaborated with South Georgia Surveys (Falkland Islands) and the British Antarctic Survey (UK) in a whole-island census of wandering, black-browed and grey-headed albatrosses at South Georgia. This was the first time all colonies of these three species of albatrosses had been censused using scientifically robust methodologies. The results of the censuses were published in the international scientific literature in February 2006.

Long-running population monitoring programs for all ACAP listed species that breed on Macquarie Island (wandering, black-browed, grey-headed and light-mantled albatrosses; southern and northern giant-petrels; grey petrel) and around Tasmania (shy albatross) were maintained. Data analysis and publication of results from these studies are ongoing and recent papers are detailed later in this report.

Mitigation research

In 2005 Australia completed a line weighting experiment on a chartered vessel in the Eastern Tuna and Billfish Fishery in support of Australia's Threat Abatement Plan to reduce seabird mortality in longline fisheries. The research produced insights into the effects of (a) bait species and bait life status, (b) swivel weight and (c) distance between swivels and baited hooks on the sink rates of gear. The research resulted in recommendations to the Australian government on methods to maximise sink rates of pelagic gear (as used by domestic vessels) with a view to minimising risks to seabirds. The results of the experiment will be prepared for publication in 2006 and are likely to have relevance to a large number of pelagic fisheries operating in waters where albatrosses and petrels range.

In 2006 Australia completed a multi-factorial seabird by-catch mitigation experiment on the Spanish method of demersal fishing, this method being the dominant hook-and-line fishing practice used in the CCAMLR Convention area. The experiment was conducted in collaboration with Chile and Argentina and was conducted in Argentine waters on a chartered fishing vessel. When analysed, the data obtained are expected to produce insights into the relationships between vessel setting speed, distance between line weights on gear and the weight of line weights on the sink profile of longlines to seabird diving depths. Australia intends to present the results of this collaborative effort to CCAMLR in 2006 along with recommended changes to the Conservation Measures pertaining to Spanish system vessels operating in the CCAMLR Convention area.

An Australian study has questioned the use of blue-dyed bait as a seabird bycatch mitigation technique in pelagic longline fisheries. This study analysed the spectral properties of dyed bait relative to the known visual acuities of Procellariiforme seabirds to assess the crypsis of dyed baits at various depths in the water column. At-sea behavioural studies also assessed the response of Procellariiforme seabirds to dyed baits presented at the surface and on a sinking longline. Complete results from this research will be presented as a research paper when analysis is complete.

Observer programs to monitor fisheries bycatch of albatrosses and petrels

The Australian Fisheries Management Authority routinely collects data for all longline fisheries known to interact with, or potentially interact with, species of seabirds vulnerable to fisheries bycatch through independent observer programs. The level of observer coverage in these fisheries is commensurate with the level of fishing effort and the risk posed to populations of all bycatch species, but particularly for seabirds, turtles and sharks.

National institutions (lists of authorities, research centres, scientists and non-governmental organisations) involved in albatross and petrel conservation

There are a range of institutions involved in albatross and petrel conservation in Australia. These include but are not limited to:

- Department of Environment and Heritage (Australian Antarctic Division)
- Australian Fisheries Management Authority
- Department of Agriculture Fisheries and Forestry
- Department of Primary Industry and Water, Tasmania
- Austral Fisheries Pty Ltd
- Australian National University
- Humane Society International
- Petuna Fisheries
- World Wide Fund for Nature

Education and public awareness

<u>Dissemination of information / training for 'user audiences' e.g. scientists, fishers, conservation bodies, and decision-makers</u>

- Key information on scientific programs related to the conservation of albatrosses and petrels is available on Australian government websites.
- Australian Government departments provide a briefing to vessel masters and crew on Australian-flagged vessels licensed to fish in CCAMLR waters, including on seabird mitigation and observer requirements, at the start of each fishing season.
- The Longline Fishing Threat Abatement Plan Team meets each year to review performance of the TAP, assess ways to further reduce seabird bycatch, and provide information to stakeholders.

Dissemination of information to the general public

- Australian Government departments have regularly updated websites which provide access to albatross and petrel conservation information; key policy documents such as recovery plans, threat abatement plans and bycatch action plans; fishery effort data and reports on observer findings.
- The Australian Fisheries Management Authority provides a briefing to vessel masters and crew on Australian-flagged vessels licensed to fish in CCAMLR waters, including on seabird mitigation and observer requirements, at the start of each fishing season.
- Public enquiries to Australian government departments are answered promptly with factual information.

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