

The Southern Indian Ocean Fisheries Agreement (SIOFA) 2nd Meeting of the Compliance
Committee
21-23 June 2018

Cape Panwa Hotel, Phuket, Thailand

CC2-Doc12

Australia Report on Implementation of SIOFA CMMs

Relates to agenda item: 3

Proposal Other Document Info Paper

Delegation of Australia

Abstract

Australia provide a report on the implementation of SIOFA CMMs

Australia – Report on Implementation of SIOFA CMMs

For the purposes of this report, unless otherwise stated, “relevant period” refers to the period between SIOFA 4 and the submission of this report to the SIOFA Secretariat

CMM 2017/01 – CMM for the Interim Management of Bottom Fishing in the Agreement Area

As Australia has fished more than 40 days in a single year in the Agreement Area when the CMM was first adopted, paragraph 9 (1)(a) of CMM 2017/01 applies to Australia.

Pursuant to paragraph 9(1)(a) of CMM 2017/01, Australia established and applies a range of measures to its flagged vessels fishing in the Agreement Area.

Together, these measures satisfy the requirements listed in paragraph 9(1)(a)(i) – (iv) and paragraphs 11 and 12 of CMM 2017/01. Australia disclosed these measures to MoP4 in accordance with paragraph 9(2) of CMM 2017/01.

9(1)(a)(i): limit bottom fishing effort and or catch

Australia limits catch against average annual levels over the period 1 January 1999 – 31 December 2009. This equates to an average annual catch limit of 1100 tonnes for Australian flagged vessels in the Agreement Area.

Australia also prohibits vessels flying its flag that are authorised to fish in the Agreement Area from taking the following species: Blue Marlin (*Makaira indica*); Black Marlin (*Makaira mazara*), Black Cod (*Epinephelus daemeli*) and tuna and tuna-like species including fish of the families Istiophoridae (commonly known as marlins, spearfish and sailfish) and Xiphiidae (commonly known as swordfish).

9(1)(a)(ii): constrain spatial distribution

Australia, through its High Seas Permits for vessels authorised to fish in the Agreement Area, restricts its flagged vessels to a footprint which represents the spatial distribution of its effort (all gears combined) over the period 1 January 1999 – 31 December 2009 in 20 minute blocks, limited to the area assessed by Australia’s Bottom Fishery Impact Assessment (BFIA). A map of Australia’s bottom fishing footprint is included in this BFIA which is available on the SIOFA website¹. The Benthic Protected Areas referred to in section 3.1.4 of this BFIA are not included in Australia’s footprint and are consequently closed to fishing by Australian-flagged vessels.

9(1)(a)(iii): ensure no significant adverse impacts on VME

Australia’s High Seas Permits permit the use of midwater trawl, demersal trawl, demersal longline, auto-longline and dropline.

Pursuant to paragraph 11 and 12, Australia established the following thresholds for encounters with VMEs in the Agreement Area:

¹ See <http://www.siofa.org/bf-impact>

- a) if the combined catch of coral or sponge in any one trawl shot exceeds 50kgs the holder must cease fishing within an area two nautical miles either side of the trawl track extended by two nautical miles at each end of the trawl track; or
- b) if the combined catch of coral or sponge in any one shot for line method exceeds 10kgs for any 1000 hook section of line or a 1200 metre section of line, whichever is the shorter; the holder must cease fishing within a radius of one nautical mile from the midpoint of the line segment.

The holder must not fish in that area using the same method as used for the shot that triggered the limit until the Australian Fisheries Management Authority (AFMA) notifies otherwise.

As noted in Australia's 2018 National Report to the Scientific Committee (*SC -03-03 (04) – Australia's Annual Report* refers), the VME threshold was not triggered in the relevant period.

9(1)(a)(iv): ensure no fishing in closed areas

Although SIOFA has not closed any specific areas, Australia is able to implement spatial closures through its High Seas permit conditions.

All relevant data on the spatial extent of Australia's historical bottom fishing effort, and other related data required by paragraph 13, was provided to the Secretariat through the submission of Australia's current and historical data (see response to CMM 2017-02)

In accordance with paragraph 14, Australia submitted its BFIA to the SIOFA Secretariat on 10 February 2017 for publication on the SIOFA website². This BFIA accounts for potential impact together with trends in exposure and existing management measures. The BFIA found the potential impact of demersal trawling and auto-longlining to be low, and the impact of mid-water trawl and drop lining to be negligible, when it considered:

- the low fishing effort of Australian flagged vessels
- few areas of high fishing density
- spatial restriction of fishing to a footprint area
- predominantly low spatial overlap with bathomes most likely to support VMEs
- the management arrangements in place to monitor and mitigate the impacts on benthic habitats including limits on the amount of fishable seabed available for fishing, evidence of VME process with validation and move-on provisions and infrastructure that transparently support monitoring and compliance.

Australia prepared this BFIA in 2011 (prior to the adoption of CMM 2017/01). Australia reviewed the alignment between this BFIA and the requirements of paragraph 18 and the Bottom Fishing Impact Assessment Standard prepared by the Scientific Committee during 2017. This was provided to the 3rd meeting of the Scientific Committee (see SC-03-06.2(08)).

With reference to paragraph 21, Australia did not submit a proposal to fish at variance with the measures established under paragraph 9(1) in the relevant period.

Through its domestic regulatory regime, including a strong compliance framework which Australia considers is integral to fulfilling its obligations as responsible flag State, Australia implements the relevant obligations under paragraphs 25-28.

² See <http://www.siofa.org/bf-impact>

In accordance with paragraph 30, Australia requires 100% (human) observer coverage³ on all trawl vessels and a minimum of 20% observer coverage for all other bottom fishing methods⁴, including mandatory coverage on the first trip.

Further information on Australia's management arrangements for High Seas operators can be found in the High Seas Management Arrangements Booklet on the AFMA website: www.afma.gov.au/fisheries/high-seas-permits/.

CMM 2017/02 – CMM for the Collection, Reporting, Verification and Exchange of Data relating to fishing activities in the Agreement Area.

Data collection and reporting

In accordance with paragraph 5 of CMM 2017/02, Australia collects logbook data on a haul-by-haul basis.

As Australia did not engage in fishing in the Agreement Area in 2017, Australia was not required to submit the vessel catch and effort data required by paragraphs 4, 5 and Annex A of this CMM. Similarly, Australia did not submit any (voluntary) observer data for 2017 as requested in paragraph 13 or the annual catch summary data required by paragraph 7 of this CMM. Trawl and non-trawl observer data for 2016 was submitted in 2017.

Australia submitted its National Report to the Scientific Committee on 17 February 2018 which fulfilled the requirements of paragraphs 8(b), 12 and 14(c) of this CMM, as well as paragraph 12 of CMM 2017/01⁵. Consistent with paragraph 8(c), Australia's National Report was prepared in accordance with the *Guidelines for the Preparation of National Reports* adopted by the Scientific Committee at its first ordinary meeting in March 2015.

In accordance with paragraph 9 and noting that the SIOFA database was not established by 31 January 2017, Australia submitted its historical catch and effort data for its flagged vessels during the period 2000-2015 on 16 February 2017, in advance of the SC2 meeting. Subsequent to this data submission, in early 2018 Australia identified coding errors and some missing data that were not provided as part of the original submission. These issues were rectified in its resubmission of historical catch and effort data on 27 February 2018. For completeness, Australia is also investigating whether there may be additional data which may be held by entities outside government.'

Australia has implemented a national scientific observer program in accordance with paragraph 11.

Data Verification

In accordance with paragraph 14 Australia utilises a series of tools to verify data including through observer coverage and port inspections which is outlined in our National Report (in accordance with paragraph 14(c)). Australia also requires all vessels to land their catch to a registered fish receiver who records a verified catch weight.

In accordance with paragraphs 15 and 16, Australia has reported all data required to be reported by CMM 2017/02 in accordance with the formats described in the CMM and its annexes.

³ As no exemption has been provided under subparagraph 33©(iii).

⁴ Australia currently has no active longliners in the Agreement Area. There is one active vessel in the Agreement Area which is a dual trawl/longliner which may use both trawl and non-trawl shots. This vessel maintains 100% observer coverage

⁵ Rev_1 was provided on 16 February 2017; Rev_2 was provided 28 February 2017

CMM 2016/03 – CMM for Data Confidentiality and Procedures for the Access and Use of Data

Australia notes there are no measurable obligations on Australia arising from this CMM.

CMM 2016/04 – CMM on Vessels without Nationality

Australia notes that there are no measurable obligations in this CMM.

Australia has not sighted any vessels suspected of being without nationality in the Agreement Area during the relevant period and therefore has not taken any specific action against vessels without nationality by the means suggested in paragraphs 3 and 5 of CMM 2016/05. However, Australia actively seeks to strengthen its domestic regime to ensure we can continue to take appropriate action against IUU vessels, which includes vessels without nationality.

CMM 2016/05 – CMM regarding the use of large-scale pelagic driftnets and deepwater gillnets in the [SIOFA] Area

Consistent with the obligation in paragraph 1, the use of all large-scale (greater than 2.5 kilometres in length) pelagic driftnets is prohibited under Section 13 of the *Fisheries Management Act 1991*. This applies to all Australian flagged vessels operating in Commonwealth-managed fisheries within Australia's EEZ and the Agreement Area.

Consistent with the action called for in paragraph 2 of CMM 0216/05, and as indicated at SIOFA 3 (paragraph 29 of the meeting report refers), Australia prohibits the use of deepwater nets on all Australian flagged vessels operating in the Agreement Area. No Australian flagged vessels have fished with this gear type in the Agreement Area since 1999. Consistent with the obligation in paragraph 4, Australia provided a report on its implementation of this CMM to the Compliance Committee in 2017

CMM 2016/06 – CMM on the Listing of IUU Vessels

Australia has not identified any vessels presumed to be carrying out IUU activities in the Agreement Area since 2015 and, consequently, did not transmit a list of vessels presumed to be IUU fishing under paragraph 1.

No Australian flagged vessels were proposed for inclusion on the Draft IUU Vessel List.

Australia takes all necessary measures to fulfil the requirements in paragraph 18 under domestic legislation and policies. For example, Australia requires fishing vessels that intend to enter an Australian port to undergo a strict approval processes before being permitted to enter an Australian port.

CMM 2017/07 – Vessel authorisation and notification to fish

The Secretariat holds a current list of Australian vessels authorised to fish in the Agreement Area.

- This list was originally transmitted on 16 October 2016 (in conformity with paragraph 2 of CMM 2016/07, now superseded).
- In 2017, the Meeting of the Parties amended this measure to require Contracting Parties, CNCPs and PFEs to submit verified drawings or a description of all fish holds to the

Secretariat (paragraph 2(q) of CMM 2017/07). Australia provided this information on 14 August 2017, prior to the entry into force of this new obligation.

- Australia notified the Secretariat of a modification to the list of Australian flagged vessels authorised to fish (to remove two vessels, the Diana and Saxon Onward) on 14 August 2017.

This data is maintained by Australia in accordance with Article 11(3)(b) of the Agreement and paragraph 3 of CMM 2017/07.

Australia has taken all necessary measures to ensure its arrangements comply with the obligations outlined in paragraphs 6 and 7.

Compliance checks are conducted as part of the process of deeming vessels as Australian. The history of the operator and the vessel, including any IUU listing, is taken into account when deciding whether or not to authorise a High Seas permit for a particular fishing vessel.

To fish in the Agreement Area, Australian flagged vessels must hold a High Seas Permit. For Australia to issue a High Seas Permit, the vessel must be Australian-flagged. Australia's legislation does not allow Australia to register a vessel to fish on the high seas under an Australian flag if it has undermined international conservation and management measures.

For Australian vessels operating in the Agreement Area, Australia imposes conditions through High Seas Permits that are consistent with SIOFA CMMs. Operators are also required to carry the High Seas Permit on board the boat at all times. Australia enforces these requirements through a suite of MCS measures including inspections, adequate penalties through domestic legislation, warnings, fines and education and outreach.

Australia did not have cause to notify the Secretariat of any evidence showing reasonable grounds for suspecting vessels not registered on the SIOFA Record of Authorised Vessels were operating in the Agreement Area under paragraph 8.

CMM 2017/08 – CMM establishing a Port Inspection Regime

Consistent with the requirements in paragraph 1, Australia has established various measures under the *Fisheries Management Act 1991*, its subordinate legislation and our domestic policies to enact an effective system of port State control. This includes measures allowing action against domestic and foreign operators implicated in IUU fishing; and measures to prevent vessels that have, or are suspected to have, engaged in IUU fishing from entering ports (consistent with the FAO Port State Measures Agreement).

Consistent with the obligations in paragraph 2, Australia notified the Secretariat of its designated ports and contact points for receiving notifications pursuant to this CMM on 28 July 2017, prior to the entry into force of this CMM. This information has been publicised on the SIOFA website.

Consistent with paragraph 30, as a Contracting Party with areas of national jurisdiction adjacent to the Agreement Area, Australia applies CMM 2017/08 in its ports. No foreign vessels accessed, or requested access to, Australian ports in the relevant period.

Consistent with the obligation in paragraph 25, Australia requires vessels flying its flag to cooperate with the port State in inspections carried out pursuant to CMM 2017/08. Australia inspects 100% of toothfish landed into Australian ports. During the relevant period, two Australian vessels fishing in the southern ocean landed toothfish in an Australian port and were subject to inspection under the CCAMLR Conservation Measure 10-03. No Australian flagged vessels engaged in fishing for toothfish within the Agreement Area during the relevant period.

Australia had no grounds to suspect that any of its flagged vessels had engaged in IUU fishing and, accordingly, has not had cause to take any action pursuant to paragraph 27 of this measure.

CMM 2017/09 – CMM for control of fishing activities in the Agreement Area

Consistent with the requirements in paragraph 2, Australia notified its Contact Points and designated competent authority to the Secretariat on 28 July 2017, prior to the entry into force of this CMM.

Consistent with obligations in paragraph 4, Australia has domestic legislation in place to ensure that all boats authorised to fish in the Agreement Area are suitably marked with an appropriate identification code in a manner that allows them to be readily identified.

Consistent with obligations in paragraph 3, all vessels authorised by Australia to fish in the Agreement Area are required, through conditions on their fishing concession, to:

- carry current, valid documents demonstrating their authorisation to fish in the area

Australia monitors compliance with these measures through regular inspections conducted by authorised Australian fisheries officers.

Consistent with the requirements of paragraph 6, Australian flagged vessels are all equipped to retrieve discarded, lost or abandoned gear if this gear is of the same type as the Australian flagged vessel. No Australian flagged vessels operating in SIOFA reported the loss, abandonment or discard of gear

All observers operating in Australia's national observer program were trained, equipped and authorised to perform their duties in the SIOFA Area of competence in 2017.

Australia did not conduct any at sea patrols in the Agreement Area during the reporting period. No NCP vessel sightings were reported by Australian flagged fishing vessels or Australian observers Australia did not detect any vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the Agreement Area in 2017.

CMM 2017/10 – CMM for monitoring of fisheries activities in the Agreement Area

Consistent with the obligations in paragraph 1, all Australian flagged fishing vessels are required to maintain a paper or electronic (e-log) logbook for all fishing activity in the Agreement Area. This requirement is enforced via domestic legislation (s42 of the *Fisheries Management Act 1991* and the *Logbooks for Fisheries Determination 2017*). Consistent with the obligations in paragraph 2(a), logbook data is required to be submitted within 3 days of the completion of a trip.

In accordance with paragraph 4 and 5 of CMM 2016/10 (and paragraph 34 of CMM 2017/01), all Australian flagged vessels operating in the Agreement Area are required to operate a functional VMS unit. The relevant details of these units were submitted in accordance with paragraph 2 of CMM 2016/07. All ALCs meeting the tamper prevention requirements and are located within a sealed unit, protected by official seals. VMS is monitored through Australia's FMC.

In accordance with paragraph 6 Australia maintains positional information from vessels within the Agreement Area through VMS reports, positions written in logbooks and from observer reports. This information may be cross-referenced for validation purposes if required.

Australian flagged vessels operating in the Agreement Area submit VMS position reports every hour, which is more frequent than required under paragraph 8(a). Each position report includes the information required by paragraph 8(c).

While there is an obligation to submit VMS data for bottom fishing activity (paragraph 34 of CMM 2017/01) and, where it is provided, to ensure it is transmitted in accordance with the data exchange format (paragraph 9 of CMM 2017/10), there is no timeframe specific for the submission of VMS data. Australia submitted its 2016 VMS data on 24 August 2017. As Australia did not engage in fishing in 2017, there was no VMS data to submit for 2017.

Australian flagged vessels are not permitted to enter the Agreement Area and commence operations with a defective ALC. Australia has domestic legislation in place requiring all Australian vessels operating in the SIOFA area to have an operational vessel monitoring system (VMS). In the event that a VMS unit stops operating at sea Australia has implemented a manual reporting process in line with the requirements of CMM 2017/10. During the relevant period there were no instances of manual VMS reporting required.

Australia did not engage in any transshipments (either at sea or in port) or transfers in the relevant period.

Report on fishing activities in the Area

Article 11(3)(c) of the Agreement provides that each Contracting Party shall *'in conformity with the rules determined by the Meeting of the Parties, make available to each annual Meeting of the Parties a report on its fishing activities in the Area'*.

Australia's fishing activity is described in its National Reports to the Scientific Committee, which are available to the Meeting of the Parties through the SIOFA website. These reports conformed with the *Guidelines for the Preparation of National Reports* (in particular, the *Description of Fisheries* section).

As this report is made available to the Meeting of the Parties, Australia has met this obligation.

Statement of implementing and compliance measures

Australia notes that Article 10(2) of the Agreement provides that:

Each Contracting Party shall make available to the Meeting of Parties a statement of implementing and compliance measures, including imposition of sanctions for any violations, it has taken in accordance with this Article and, in the case of coastal states that are Contracting Parties to this Agreement, as regards the conservation and management measures they have taken for straddling stocks occurring in waters under their jurisdiction adjacent to the Area.

We note that the information above, which reports on our implementation of CMMs, addresses the first element of this obligation.

With respect to the obligation to provide a statement of sanctions imposed for any violations, in the absence of any explicit guidance on the frequency of the reporting obligation, Australia has interpreted the terms 'Meeting of the Parties' to be a reference to the annual ordinary Meeting of the Parties, rather than a general reference to the collective body; and interpreted this to mean Australia is required to provide an annual statement of any sanctions imposed in respect of its activities in the Agreement Area to the Meeting of the Parties. Australia did not detect any violations and, accordingly, no sanctions were imposed.

Finally, Australia notes the obligation to provide a summary of Australia's measures in the area immediately adjacent to the Agreement Area, in relation to straddling stocks. In Australia's case, this relates to our Western Deepwater Trawl Fishery. The fishery is managed in

accordance with the Commonwealth Fisheries Harvest Strategy Policy and the Commonwealth Fisheries Bycatch Policy, both of which are publicly available.

The Western Deepwater Trawl Fishery is a limited entry trawl fishery targeting deepwater species in water deeper than 200 metres off the coast of Western Australia from Exmouth to Augusta. Catches are generally quite low. To fish in this fishery, fishers must hold a valid fishing permit. There are 11 fishing permits (maximum number of vessels active at one time) each with a five year duration. Under these permits fishers are required to have a functioning vessel monitoring system and carry an observer when requested to do so. Harvest levels are monitored through the *Harvest Strategy for the Western Deepwater Trawl Fishery and North West Slope Trawl Fishery* that can be accessed on the AFMA website:

<http://www.afma.gov.au/wp-content/uploads/2014/11/Harvest-Strategy-NWST-WDWT-2011.pdf>

Further information on the Management Arrangements for the Western Deepwater Trawl Fishery can be accessed on the AFMA website: <http://www.afma.gov.au/fisheries/western-deepwater-trawl-fishery/>. Further information on the status of the fishery can be found in the *ABARES Fishery status reports 2017*

<http://data.daff.gov.au/data/warehouse/9aam/fsrXXd9abm /fsr17d9abm 20170929/14 Fish Status2017WstnDeepwaterTrawl 1.0.0.pdf>

Further information on the Management Arrangements for the High Seas Fishery can be accessed on the AFMA website: <http://www.afma.gov.au/wp-content/uploads/2017/02/High-Seas-Management-Arrangements-Booklet-2017-FINAL.pdf>.