

The Southern Indian Ocean Fisheries Agreement (SIOFA) 4th Meeting of the Parties
26-30 June 2017

Aanari Hotel & Spa, Flic and Flac, Mauritius

Chair: Mr Kristofer Du Rietz

MoP-04-INFO-02

Australia – Report on Implementation of SIOFA CMMs

Relates to agenda item: 8, 9, 10 & 13

Info Paper 

Australia

Abstract

Australia provides a report on their implementation of all SIOFA CMMs since their entry into force 18 October 2016

Australia – Report on Implementation of SIOFA CMMs

Australia notes that CMMs 2016/01, 2016/02, 2016/03, 2016/04, 2016/05, 2016/06 and 2016/07 entered into force on 18 October 2016.

For the purposes of this report, “relevant period” refers to the period between the entry into force of these CMMs and the submission of this report to the SIOFA Secretariat

CMM 2016/01 – 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, paragraph 9 (1)(a) of CMM 2016/01 applies to Australia.

Pursuant to paragraph 9(1)(a) of CMM 2016/01, 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 paragraph 11 of CMM 2016/01. Australia is disclosing these measures in accordance with paragraph 9(2) of CMM 2016/01.

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) and Xiphiidae (commonly known as billfish).

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.

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

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

- 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 2017 National Report to the Scientific Committee (*SC -02-04 (03) – Australia's National Report_rev 1* 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.

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 2016/01) but will review the BFIA against the requirements of paragraph 18 and the Bottom Fishing Impact Assessment Standard prepared by the Scientific Committee during 2017. Australia notes that, in accordance with paragraph 15, this BFIA will be considered by the Scientific Committee at its ordinary meeting in 2018.

With reference to paragraph 20, 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 24-27.

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 2016/02 – 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 2016/02, Australia collects logbook data on a haul-by-haul basis.

In accordance with paragraph 6 of CMM 2016/02, Australia submitted the vessel catch and effort data required by paragraphs 4, 5 and Annex A of this CMM on 30 May 2017 in the required format.

Australia submitted the annual catch summary data required by paragraph 7 of this CMM on 30 May 2017 in the required format.

Australia submitted its National Report to the Scientific Committee on 10 February 2017 which fulfilled the requirements of paragraphs 8(a), 12 and 19(c) of this CMM, as well as paragraph 12 of CMM 2016/01⁵. 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 a comprehensive summary of its historical catch and effort data for its flagged vessels during the period 2000-2015 on 16 February 2017. Australia has not submitted historical observer data (as at 31 May 2017) due to issues with its database but intends to do so once a solution to these issues has been found.

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

Australia submitted the (voluntary) observer data requested in paragraph 13 on 30 May 2017 in the format described in Annex B.

VMS and Data Verification

In accordance with paragraphs 14 and 15 (and paragraph 33 of CMM 2016/01), 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.

In accordance with paragraph 16 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.

³ As no exemption has been provided under subparagraph 3(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 maintained 100% observer coverage.

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

Australian flagged vessels operating in the Agreement Area submit VMS position reports every hour, which is greater than required under paragraph 18. Each position report includes the information required by paragraph 18.

In accordance with paragraph 19 Australia utilise a series of tools to verify data including through observer coverage and port inspections. Australia also requires all vessels to land their catch to a registered fish receiver who records a verified catch weight.

In accordance with paragraph 20, Australia has reported all data required to be reported by CMM 2016/02 in accordance with the formats described in the CMM and its annexes.

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 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 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.

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. Australia advised the SIOFA Secretariat accordingly on 24 February 2017.

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 2016/07 – Vessel authorisation and notification to fish

Consistent with paragraph 2 of CMM 2016/07, on 16 October 2016 Australia electronically submitted a list of Australian flagged vessels authorised to operate in the Agreement Area. This list included the information listed in paragraphs 2(a) - 2(o).

This data is maintained in accordance with Article 11(3)(b) of the Agreement and CMM 2016/07. There were no modifications to vessel data during the relevant period.

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.

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, [m]ake available to each annual Meeting of the Parties a report on its fishing activities in the Area.'*

Australia's fishing activity over the past five years is described in its National Report to the Scientific Committee. This report was provided to the second Meeting of the Scientific Committee (SC-02-04 (03)), summarised in the Report of the Second Meeting of the Scientific Committee, and is available to the Meeting of the Parties at <http://www.siofa.org/meeting-reports/Scientific%20Committee%20Meeting>.

Rather than duplicating reporting efforts, Australia suggests that this obligation could practically be met through the provision of a National Report to the Scientific Committee which takes into account the Guidelines for the Preparation of National Reports (in particular, the *Description of Fisheries* section), provided the National Report is made 'available' to the Meeting of the Parties. Australia considers this issue further in its discussion paper on the Development of a Compliance Monitoring Scheme as submitted to the Meeting of the Parties.

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, we have 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.

Australia notes its intention to develop a Compliance Monitoring Scheme which could provide additional guidance on how this obligation should be implemented. This is further discussed in the discussion paper submitted by Australia to the Meeting of the Parties.

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

This 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 2016*
http://data.daff.gov.au/data/warehouse/9aam/fsrXXd9abm_/fsr16d9abm_20160930/14_FishStatus2016WstnDeepwaterTrawl_1.1.0.pdf