

NEW ZEALAND COMPLIANCE ACTION PLAN 2010

I. Summary of Improvements Implemented in the Compliance Action Plan

Compliance action plans are intended to ensure compliance with the CCSBT's conservation and management measures by requiring improvement in certain areas. This section of the template is intended to provide a brief summary of the improvements achieved in the current Compliance Action Plan (which is the plan described in this document) as well as summarising improvements that are planned for the future.

(1) Current improvements

Briefly list improvements achieved in this action plan, such as: designated foreign port of transshipment, 10% observer coverage, 10% monitoring of SBT transfer to farm cages by stereo video etc. There is no need to provide detailed descriptions of the improvements here because details of measures should be provided in the actual plan itself.

Improvements for the current year include:

- Improved information on recreational harvest of SBT through the implementation of a recreational charter vessel reporting scheme.
- The implementation of the Port State Measures Agreement which will improve the information management of foreign vessels entering New Zealand; including those carrying SBT.

(2) Future planned improvements

Describe any improvements that are being planned for the future (i.e. beyond the current Compliance Action Plan) and the expected implementation date for such improvements.

Future improvements include:

- Electronic reporting of catch and effort information from tuna longlining vessels and trawlers.
- New Zealand is evaluating the potential to extend its existing VMS requirements thereby capturing a greater portion of vessels that currently catch SBT.

II. Compliance Action Plan

(1) Fishing for Southern Bluefin Tuna

(a) Specify the number of vessels expected to be in the SBT fishery together with the number that are expected to target SBT and the number that are expected to take SBT as a bycatch.

A total of 39 vessels have reported catching SBT to date during the current fishing year (1st October 2009 to 30th September 2010), including four Japanese vessels chartered by a New Zealand company. Similar numbers are expected in the coming year.

(b) Describe the system for controlling the level of SBT catch. For ITQ and IQ systems, this should include details on how the catch will be allocated to individual companies and/or vessels. For competitive catch systems this should include details of the process for authorising vessels to catch SBT and how the fishery will be monitored for determining when to close the fishery:-

The commercial fishing of SBT is managed under the New Zealand Quota Management System (QMS) in which fishers have a tradable property right in the stock represented as quota. The value of a quota share is a proportion of the Total Allowable Commercial Catch (TACC). New Zealand's CCSBT SBT allocation is used as the basis for setting the Total Allowable Catch (TAC) under the QMS.

The TAC is the total quantity of SBT that can be taken by commercial, customary Maori, and recreational fishers, along with an estimate of other sources of fishing-related mortality. After making allowances for customary Maori interests, recreational fishery interests and other sources of fishing-related mortality, the remainder of the catch limit is available for commercial exploitation with the setting of an annual TACC.

(c) Provide details of the methods used to monitor catching in the fishery by completing the table below.

Monitoring Methods	Description
Daily log book	<p>Specify:</p> <p>i. Whether this is mandatory. If not, specify the % of SBT fishing to be covered:-</p> <p><i>All operators of fishing vessels must complete reporting forms for each day where fishing takes place. Tuna longlining vessels must record information for each set and do so immediately following the end of the set on Tuna Longline Catch Effort Returns.</i></p> <p>ii. The level of detail recorded (shot by shot, daily aggregate etc):-</p> <p><i>Each tuna longlining reporting form records information on individual sets</i></p> <p>iii. Whether the effort and catch information collected complies with that specified in the “Characterisation of the SBT Catch” section of the CCSBT Scientific Research Plan (Attachment D of the SC5 report), including both retained and discarded catch. If not, describe the non-compliance:-</p> <p><i>The effort and catch information collected complies with that specified in the “Characterisation of the SBT Catch” section of the CCSBT Scientific Research Plan noting that length, sex, otolith and other biological information is primarily collected by Ministry of Fisheries observers.</i></p> <p>iv. What information on ERS will be recorded in logbooks:-</p> <p><i>Information on interactions with non-fish and protected species is recorded for each trip. Information collected includes; date and time of incident, species involved, and health of the animal (i.e. uninjured, injured or dead). For fish bycatch this information is reported on the logbook form (Tuna Longline Catch Effort Return) (including both retained and released or discarded catches). Non-fish bycatch (e.g. seabirds, sea turtles) are reported on separate Non-fish and Protected Species Returns).</i></p> <p>v. Who the log books will be submitted to¹:-</p> <p><i>Information is submitted to the New Zealand Ministry of Fisheries via a contracted third party.</i></p> <p>vi. What is the timeframe and method² for submission:-</p> <p><i>Returns must be submitted by the 15th of the month following the end of the fishing trip and are currently submitted by post. The Ministry of Fisheries is currently developing a system that will allow electronic submission of returns but it is unlikely to be available for the tuna fleet in this coming year.</i></p> <p>vii. The type of checking and verification that will routinely be conducted for this information:-</p>

¹ If the reports are not to be submitted to the Member’s or CNM’s government fisheries authority, then also specify whether the information will later be sent to the fisheries authority, including how and when that occurs.

² In particular, whether the information is submitted electronically from the vessel.

	<p><i>Submitted returns are put through an initial validation test that screens each form for potential errors. Further clarification is often sought from fishers when possible errors are identified at this early stage.</i></p> <p><i>Verification of returns is carried out through analysis of data within and across different return types by the Ministry of Fisheries to identify any discrepancies, for example to compare information submitted from fishers to that which is sent it from fish receivers. Returns are always verified for completeness and accuracy during any form of inspection by Ministry of Fisheries officials at all stages of the supply chain from catch to market.</i></p> <p>viii. Reference to applicable legislation and penalties³:-</p> <p><i>There is a range of offences, with penalties set by Government policy based on the seriousness of the reported offending.</i></p> <p><i>Penalties for late submissions of returns are often dealt with through a simple administrative infringement process through the issuing of an infringement notice (of either \$400NZD or \$750NZD depending on the lateness) – Fisheries (Infringement Offences) Regulations 2001.</i></p> <p><i>Anyone failing to provide a return within one month of its due date or failing to meet the completion requirements at the end of each set is liable for a fine not exceeding \$100,000NZD on summary conviction – Fisheries (Reporting) Regulations 2001.</i></p> <p><i>The most serious offences where an individual knowingly makes any false or misleading statement (including in a submitted return) in order to obtain a benefit are dealt with using the Fisheries Act 1996 and can lead to imprisonment⁴ (not exceeding 5 years) and/or a fine not exceeding \$250,000NZD and could include forfeiture of property including gear, vessels and quota. For foreign nationals, as imprisonment is not an available penalty under international law, the fine for serious offending including deliberate misreporting of any information is a fine not exceeding \$500,000NZD.</i></p> <p>ix. Other relevant information-</p>
<p><i>Additional reporting methods (such as real time monitoring programs)</i></p>	<p><i>Amateur Charter Vessel Reporting</i></p> <p><i>Specify:</i></p> <p><i>i. Whether this is mandatory. If not, specify the % of SBT fishing to be covered:-</i></p> <p><i>Mandatory Amateur Charter Vessel Reporting is being phased in regionally; coverage will start on 1 October 2010 in selected regions including the area in which the main recreational game fishery is based. The full roll-out will be complete with all regions reporting SBT from 1 October 2012. This will replace the existing voluntary reporting arrangement of SBT by recreational charter vessels, although voluntary reporting on recreational tagging activities will continue (e.g. provision of tag release information).</i></p> <p><i>ii. The information that will be recorded (including whether it relates to SBT or ERS):-</i></p> <p><i>Each operator must record for each fishing trip their target species, fishing method, number of people actively fishing, the latitude and longitude of the activity, and the time spent fishing. For SBT they will also have to record the number caught, the number retained and the best estimate of weight in kilograms of each fish caught.</i></p>

³ All legislation is available on-line at www.legislation.govt.nz

⁴ Nothing in the Fisheries Act should be construed as authorising the imposition of a term of imprisonment on any person (other than a New Zealand citizen or a person entitled to reside in New Zealand indefinitely) who is convicted of an offence against this Act in respect of a foreign fishing vessel. That person shall instead of such imprisonment be liable on summary conviction to a fine not exceeding \$500,000NZD.

	<p>iii. Who the reports will be submitted to and by whom (e.g. Vessel Master, the Fishing Company etc)¹:-</p> <p><i>The vessel operator will submit returns to the Ministry of Fisheries.</i></p> <p>iv. What is the timeframe and method² for submission:-</p> <p><i>Each month's fishing trips must be submitted (by mail) by sending in the catch reporting form by the 15th of the following month.</i></p> <p>v. The type of checking and verification that will routinely be conducted for this information:-</p> <p><i>Validation of information will occur for each form. Verification audits will be carried out and any discrepancies that may be found between reported information and information collected during fishery officer inspections.</i></p> <p>vi. Reference to applicable legislation and penalties:-</p> <p><i>Draft Fisheries (Amateur Fishing) Regulations 1986 – s26A, 26B, Fisheries (Amateur Charter Fishing Reporting) Notice 2010 are, at time of writing, currently being progressed through government processes. Infringements and summary proceeding penalties are proposed for various offences relating to failure to be registered as a amateur charter operator, and failure to report catch after the 15th of the month following amateur charter fishing. These regulations will be in place by 1 October 2010 when the amateur charter reporting regime is intended to take effect.</i></p> <p>vii. Other relevant information:-</p> <p><i>Other reporting methods—see below for description of reporting requirements for licensed fish receivers</i></p>
<p>Scientific Observers</p>	<p>Specify:</p> <p>i. The % of the SBT catch and effort to be observed:-</p> <p><i>Observer coverage for the 2009 year was as follows:</i></p> <p><i>New Zealand Charter Fleet</i> <i>Effort observed – 82% Catch observed – 89%</i></p> <p><i>New Zealand Domestic Fleet</i> <i>Effort observed – 10% Catch observed – 10%</i></p> <p><i>Target observer coverage levels are set in annual observer plans, based on a range of criteria including risk and international obligations (e.g. CCSBT observer programme standards). In general, New Zealand aims to achieve high coverage for its SBT fisheries.</i></p> <p>ii. The system to be used for comparisons between observer data and other catch monitoring data in order to verify the catch data:-</p> <p><i>Discrepancy analysis between observer data and information reported by commercial fishers is currently done on a case by case basis when necessary. The Ministry of Fisheries is looking to automate this analysis (using predefined algorithms) in the near future.</i></p> <p><i>Ministry of Fisheries fishery officers also, as required, conduct briefings of observers prior to trips and/or debriefs after trips are completed as required in accord with priorities and/or risks assessments. Routine debrief documentation is completed where no formal debrief is carried out by a fishery officer.</i></p>

	<p>iii. Excluding the coverage, specify whether the observer program will comply with the CCSBT Scientific Observer Program Standards. If not, describe the non-compliance. Also indicate whether there has been any exchange of observers between countries:-</p> <p><i>New Zealand's observer program will continue to comply with the CCSBT Scientific Observer Program Standards.</i></p> <p><i>There has been no exchange of observers between New Zealand and other countries</i></p> <p>iv. What information on ERS will be recorded by observers:-</p> <p><i>Observers collect information on all non-fish bycatch including sharks, turtles, seabirds and marine mammals. That information can include length, weight, sex and other biological data as well as information on the mitigation methods in use and observations e.g. on the presence of seabirds.</i></p> <p>v. Who the observer reports will be submitted to:-</p> <p><i>Observer reports are submitted to the Ministry of Fisheries; a summary of the trip report is provided to the operator.</i></p> <p>vi. Timeframe for submission of observer reports:-</p> <p><i>The Ministry of Fisheries contracts out a third party to process biological data collected from observer trips. That contract stipulates that the information can be made available from the Centralised Observer Database to the Ministry of Fisheries within 40 days of receipt. There are also weekly summary reports of ERS interactions from vessels carrying an observer.</i></p> <p>vii. Other relevant information (including plans for further improvement – in particular to reach coverage of 10% of the effort):-</p> <p><i>The Ministry of Fisheries has developed a guideline aimed at observers operating on tuna longlining vessels. These guidelines will focus observers on the key issues of relevance for CCSBT including returns to sea and interactions with ERS.</i></p>
VMS	<p>Specify:</p> <p>i. whether a mandatory VMS for SBT vessels that complies with CCSBT's VMS resolution will be in operation. If not, provide details of non-compliance and plans for further improvement:-</p> <p><i>The following types of vessels are required, under New Zealand legislation, to fit and continuously operate Automatic Location Communicators reporting to the New Zealand VMS:</i></p> <ul style="list-style-type: none"> <i>• all New Zealand vessels over 28m in length;</i> <i>• all foreign charter vessels registered to fish in New Zealand waters;</i> <i>• all New Zealand flagged and registered vessels operating outside of New Zealand waters;</i> <i>• all vessels issued with a foreign licence to fish in New Zealand waters; and</i> <i>• vessels in some specific high risk fisheries</i> <p><i>In accordance with the CCSBT VMS Resolution, New Zealand vessels fishing for highly migratory species beyond the NZ EEZ in the Western and Central Pacific report to the WCPFC VMS in addition to the NZ VMS</i></p> <p>ii. Reference to applicable legislation and penalties:-</p> <p><i>Penalties relating to VMS are found in the Fisheries (Satellite Vessel Monitoring) Regulations 1993.</i></p>

	<p>Every person commits an offence who,—</p> <p>(a) Without the approval of the chief executive, removes from a fishing vessel any automatic location communicator that is required to be carried and operated on board the vessel; or</p> <p>(b) Interferes with any automatic location communicator to such an extent that the device—</p> <p style="padding-left: 40px;">(i) No longer complies with the type approval⁵ granted in respect of the device; or</p> <p style="padding-left: 40px;">(ii) No longer operates in accordance with the manufacturer's specifications; or</p> <p>(c) Fails to notify the chief executive of any matter required by or under these regulations to be notified to the chief executive; or</p> <p>(d) Supplies false or misleading information to the chief executive for the purposes of these regulations; or</p> <p>(e) Fails to comply with any other provision of these regulations.</p> <p>Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$100,000NZD and, if the offence is a continuing one, to a further fine not exceeding \$1,000NZD for each day during which the offence is continued.</p>
<p>At-Sea Inspections</p>	<p>Specify:</p> <p>i. The coverage level of at sea inspections (e.g. % of SBT trips inspected):-</p> <p style="padding-left: 40px;">There were no at-sea inspections of vessels fishing for SBT.</p> <p>ii. Other relevant information:-</p> <p style="padding-left: 40px;">Although at-sea inspections are not common in the tuna fleet, all four foreign charter vessels (responsible for a substantial portion of total SBT catches) had observers present on board during their fishing trips. All SBT foreign charter vessels coming into New Zealand were also subject to port inspections upon arrival. All inspections, whether at sea or elsewhere, are conducted based on risk assessment of the entities involved.</p>
<p>Other (use of masthead cameras etc.)</p>	<p>New Zealand conducts regular aerial surveillance to monitor the activity of fishing vessels in its national jurisdiction. New Zealand also imposes penalties (called deemed values) on catches in excess of quota. Catch against quota is monitored on a monthly basis and the penalties are applied throughout the year as required. This system ensures that New Zealand remains within its national allocation.</p>

(2) SBT Towing and transfer to and between farms (farms only)

New Zealand does not currently farm any SBT.

(3) SBT Transshipment (in port and at sea)

(a) Specify the approximate percentage of the annual SBT catch expected to be involved in transshipments each year. Provide separate figures for transshipments in port and at sea.

Transshipments are not a common occurrence, and no authorisations have been issued for SBT. New Zealand currently has no carrier vessels to notify to the Secretariat.

⁵ As of December 2nd 2010, New Zealand will no longer require specific type approval for ALC units. Rather, operators will be able to utilise any unit that meets the requirements of a predetermined standard. The standard is still being drafted but will meet or exceed all requirements currently found under the type approval regime.

(b) Describe the system to be used for controlling and monitoring transhipments in port. This should include details of:

- i. Rules for designated foreign ports of transhipment for SBT and for prohibition of transhipment at other foreign ports:-**

New Zealand does not currently designate or prohibit specific foreign ports for transhipment of SBT. However, if any such activity by New Zealand vessels was to occur in future, the vessel would require prior approval and be subject to specific conditions. Further, any such transhipment must be conducted in accordance with the requirements of the Port State. Failure to do this can result in action being taken under New Zealand law (s113A – control of nationals and New Zealand vessels).

- ii. Port State inspections required for transhipments of SBT (include % coverage):-**

Foreign fishing vessels arriving with fish onboard are required to apply for an Approval to possess fish in New Zealand fisheries waters and are inspected upon arrival by a Ministry of Fisheries official.

- iii. Information sharing with designated port states:-**

Currently not applicable if referring to New Zealand vessels transshipping in foreign ports.

- iv. Monitoring systems for recording the quantity of SBT transhipped:-**

Not applicable

- v. Process for validating ^{Error! Bookmark not defined.} and collecting the relevant CCSBT CDS documents (Catch Monitoring Form, Catch Tagging Form):-**

Not applicable

- vi. Reference to applicable legislation and penalties:-**

Approval to enter New Zealand waters with fish onboard is required under section 113(1)(a)(ii) of the Fisheries Act 1996. Any person convicted of an offence against this section is liable to a fine not exceeding \$250,000NZD.

- vii. Other relevant information:-**

(c) Describe the system to be used for controlling and monitoring transhipments at sea. This should include details of:

- i. The rules and processes for authorising transhipments of SBT at sea and methods (in addition to the presence of CCSBT transhipment observers) for checking and verifying the quantities of SBT transhipped:-**

Transhipments by New Zealand flagged vessels, either on the high seas or within New Zealand waters, are subject to specific prior approval by the Ministry of Fisheries. Such transhipments must be monitored by an observer or Fishery Officer and are to be conducted in accordance with a stringent set of conditions to ensure robust verification of quantities transhipped. In addition to the observer/fishery officer requirement, the conditions also stipulate notification requirements, VMS monitoring and completion of appropriate records that can be later verified against landing returns.

- ii. Monitoring systems for recording the quantity of SBT transhipped:-**

As described above.

iii. Process for collecting the relevant CCSBT CDS documents (Catch Monitoring Form, Catch Tagging Form):-

Any approval to tranship SBT would be subject to conditions requiring the full completion and submission of CDS documentation.

iv. Reference to applicable legislation and penalties:-

Section 110 of the Fisheries Act applies for fish taken and transhipped in the EEZ. Part 6A of the Fisheries Act and high seas permit conditions cover high seas transhipments.

Penalties –

for offence under s110(6) - \$250,000NZD

for offence under s113J(2) breach of high seas permit condition - \$100,000NZD

v. Other relevant information:-

(4) Landings of Domestic Product (from both fishing vessels and farms)

(a) Specify the approximate percentage of the annual SBT catch that is expected to be landed as domestic product each year.

The majority of New Zealand's SBT catch is destined for export with only a small amount (less than 1%) consumed domestically.

(b) Describe the system to be used for controlling and monitoring domestic landings of SBT. This should include details of:

i. Rules for designated ports of landing of SBT:-

Because of the nature of the New Zealand fishery, no ports are specifically designated for the landing of SBT. All landings must be made to a licensed fish receiver who, in turn, reports the landing to the Ministry of Fisheries.

ii. Inspections required for landings of SBT (including % coverage):-

Inspections for landing SBT domestically occur as part of regular enforcement and monitoring activities.

iii. Monitoring systems for recording the quantity of SBT landed:-

In addition to the CDS requirements, fishers must fulfil a number of domestic reporting obligations that include detailed information on landings. The submitted forms include information on fish numbers, weight, processed state, licensed fish receiver and fisher details. This information is assessed against that submitted by the licensed fish receiver to ensure the veracity of the claim.

iv. Process for validating ^{Error! Bookmark not defined.} and collecting the relevant CCSBT CDS documents (Catch Monitoring Form, and depending on circumstances, Catch Tagging Form):-

Domestic sales must occur through licensed Dealers of Fish; Licensed Fish Receivers may also be Dealers in Fish. Catch Monitoring Forms are completed by Licensed Fish Receivers for landings of domestic product. New Zealand delegates authority to validate CDS documents to authorised third parties. The delegated authority system is established under the New Zealand Government Qualifications Authority; non-Ministry of Fisheries personnel receive training and receive a qualification for validation. The authorised validators work under the direction and authority of the Ministry of Fisheries. Completed Catch Monitoring Forms are returned by the 15th of the following month, in line with other domestic reporting requirements.

v. Reference to applicable legislation and penalties:-

The Chief Executive of the Ministry of Fisheries has issued instructions to permit holders and licensed fish receivers instructing them on the details of the Catch Documentation Scheme and their obligations under the scheme. The instructions are issued under section 190 of the Fisheries Act. Breaches under this section of the Act can lead to fines not exceeding \$250,000NZD. Failure to meet domestic reporting requirements can lead to the penalties described in section 1(c).

vi. Other relevant information:-

(5) SBT Exports

(a) Specify the approximate percentage of the annual catch that is expected to be exported each year.

The vast majority of New Zealand's SBT catch (over 99%) is destined for the export market.

(b) Describe the system to be used for controlling and monitoring exports of SBT (including of landings directly from the vessel to the foreign importing port). This should include details of:

i. Inspections required for export of SBT (including % coverage):-

In general, inspections for exporting SBT are not mandatory but can occur as part of regular enforcement activities. The exception is foreign charter vessel landing catch at foreign ports, which are subject to mandatory inspection prior to departing New Zealand waters.

ii. Monitoring systems for recording the quantity of SBT exported:-

Statistics on the export of SBT are compiled by New Zealand Customs and summarized by the Department of Statistics. Export statistics are further summarized by the New Zealand Seafood Industry Council and maintained as a database for economic evaluations of New Zealand fisheries. CCSBT-CDS documents are required for all SBT exports.

iii. Process for validating ^{Error! Bookmark not defined.} and collecting the relevant CCSBT CDS documents (Catch Monitoring Form and depending on circumstances, Catch Tagging Form or Re-export/Export after landing of domestic product Form):-

The process for validating Catch Monitoring Forms is as outlined above.

iv. Reference to applicable legislation and penalties:-

As described earlier for the CDS. Regulation 17 of the Fisheries (Commercial Fishing) Regulations 2001 deals with the requirement for inspection prior to departure from New Zealand waters. That regulation carries a maximum fine of \$100,000NZD.

v. Other relevant information:-

New Zealand is evaluating a number of potential improvements aimed at lowering the risk of species misidentification in exports of SBT. These include the use of genetic testing. We welcome the input of other members in our efforts to address this possible weakness in the CDS.

(6) SBT Imports

(a) Specify the approximate tonnage of SBT that is expected to be imported each year.

New Zealand has not imported any SBT in recent years and is unlikely to do so in the coming year.

(b) Describe the system to be used for controlling and monitoring imports of SBT. This should include details of:

i. Rules for designated ports for import of SBT:-

All foreign vessels carrying fish into New Zealand waters must obtain prior approval to do so. The approval to land fish is given for a limited number of ports that are suitable for both fisheries and customs inspection on arrival.

ii. Inspections required for import of SBT (including % coverage):-

All foreign vessels bringing SBT into New Zealand are subject to inspection upon arrival.

iii. Process for checking and collecting CCSBT CDS documents (Catch Monitoring Form and depending on circumstances, Re-export/Export after landing of domestic product Form):-

The process for validating Catch Monitoring Forms is as outlined above.

iv. Reference to applicable legislation and penalties:-

Approval to enter New Zealand waters with fish onboard is required under section 113(1)(a)(ii) of the Fisheries Act 1996. Any person convicted of an offence against this section is liable to a fine not exceeding \$250,000NZD.

v. Other relevant information:-

(7) SBT Markets

(a) Describe any activities targeted at points in the supply chain between landing and the market:-

The New Zealand Ministry of Fisheries conducts inspections at numerous points throughout the supply chain including at the point of landing and the final market. Fish receivers must be licensed and have reporting obligations to the Ministry that allow for cross-validation with information submitted by fishers. Dealers in fish must also maintain accounts of their transactions which provide additional information against which to corroborate earlier records.

(b) Describe the system to be used for controlling and monitoring of SBT at markets (e.g. voluntary or mandatory requirements for certain documentation and/or presence of tags, and monitoring or audit of compliance with such requirements):-

As mentioned above, all dealers in fish are required by law to maintain records of their transactions; this requirement includes SBT. These records are subject to regular inspection and audit by New Zealand Ministry of Fisheries officials.

(c) Other relevant information

(8) Other

New Zealand has implemented an engagement model aimed at informing and assisting the fishing industry to promote voluntary compliance. Initiatives include—

- A number of issue-specific Compliance Fact Sheets have been disseminated to industry that are aimed at educating fishers on how to avoid situations which may result in non-compliance.
- Regional initiatives have also seen the implementation of industry engagement models aimed at the small, inshore longline fleet.

New Zealand also imposes controls on its nationals through specific provisions of the Fisheries Act which require all nationals (or those using a ship registered in New Zealand) operating in a foreign country to abide by the laws of that jurisdiction when taking or transporting fish. Failure to do so may result in a fine not exceeding \$250,000NZD.

III. Additional Reporting Requirements for the Compliance Committee

The following reports are required to be provided to the Compliance Committee or Secretariat on an annual basis. It is suggested that for 2010, these reports be included in this section of the Compliance Action Plan template.

(1) Annual VMS Summary Report

The Resolution on establishing the CCSBT Vessel Monitoring System requires the following information to be reported by each Member and CNM. However, depending on the information provided in the Compliance Action Plan (chapter II), it may be possible to satisfy the requirements of item “a” by referencing the VMS part of Section “1c” of the Compliance Action Plan.

a. A description of the progress and implementation of its VMS program in accordance with the CCSBT VMS resolution.

The following types of vessels are required, under New Zealand legislation, to fit and continuously operate Automatic Location Communicators and report to the New Zealand VMS:

- all New Zealand vessels over 28m in length;
- all foreign charter vessels registered to fish in New Zealand waters;
- all New Zealand flagged and registered vessels operating outside of New Zealand waters;
- all vessels issued with a foreign licence to fish in New Zealand waters; and
- vessels in some specific high risk fisheries

The Ministry of Fisheries is currently reviewing the potential application of VMS to a wider range of domestic vessels. The work is still in its early stages with some preliminary trials already conducted amongst small inshore vessels. Any potential extension to New Zealand’s current VMS will, in accord with government direction, need to be conscious of the operating costs on industry, the increased administrative burden on the Ministry, the level of non-compliance risk in the fishery and the benefit from this source of positional information.

General Note:

The following information is based on VMS coverage that may reflect fishing operations not relevant to SBT. The nature of the tuna fleet and, at times, its shift to differing tuna species or to other [non-tuna] fisheries means it is difficult to isolate specific SBT-related information.

b. The number of its flag vessels on the CCSBT Authorised Vessel List that were required to report to a National VMS system.

92 VMS Registered Vessels

c. The number of its flag vessels on the CCSBT Authorised Vessel List that actually reported to a National VMS system.

78 Active in the fishery

Two active vessels are laid up in port and currently not reporting to VMS. Both vessels have notified the Ministry of Fisheries as required under current regulations. There are fourteen inactive vessels currently laid up in port not reporting to VMS. All vessels have notified and been confirmed by the Ministry of Fisheries as required under current regulations.

d. Reasons for any non-compliance with VMS requirements and action taken by the Member.

There have been 34 instances of vessels not reporting to VMS system, only one of which relates to a vessel fishing for tuna. All issues have been resolved. Of those vessels:

- One was an issue relating to the vessel shifting between ocean coverage areas. ALCs were re-programmed for the appropriate area.
- Three vessels were ordered to port to repair the ALC units.
- One was allowed to sail with one-hourly manual reporting.
- Another two were repaired in port.
- The remaining thirty vessels were able to repair the ALC at sea within a reasonable time frame. The single incident involving a tuna vessel falls within this category.

e. In the event of a technical failure of a vessel's VMS, the vessel's geographical position (latitude and longitude) at the time of failure and the length of time the VMS was inactive should be reported.

The lone failure reported on a tuna vessel was detected after 12 hours of non operation. This occurred within New Zealand waters and the vessel in question possessed a secondary ALC unit that they were able to activate.

f. Describe the procedures used for manual reporting in the event of a VMS failure (e.g. "manual position reporting on a 4 hourly basis").

The vessel is given a reasonable period of time to repair the ALC, usually 12 to 24 hours depending on the fishery risk. The vessel is then required to return to port.

If the vessel already has observers onboard, the vessel is asked to start manual position reporting usually using two hour intervals. The vessel may then be allowed further time to repair the ALC but subject to an assessment of risk it may be required to return to port.

Under rare occasions, a vessel may be allowed to sail without a working ALC if it carries observers and manually reports but this is subject to an assessment of the risk to the fishery.

g. A description of any investigations initiated in accordance with paragraph 3(b) of the CCSBT VMS resolution including progress to date and any actions taken.

There have been no investigations initiated in accordance with paragraph 3(b).

(2) Annual Transshipment Summary Report

The CCSBT's resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels requires the following information to be reported to the Secretariat by each Member and CNM six weeks prior to the Annual meeting of the Commission. It would be appropriate for the same information to be provided in this report to the Compliance Committee.

There were no transshipments by Large-Scale Fishing Vessels in the previous year.

(3) Annual Report on Implementation of the 2008 ERS Recommendation

The CCSBT's Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna includes an annual reporting requirement to the Compliance Committee.

Members and CNMs are required to report on the action they have taken pursuant to the following paragraphs of the 2008 ERS Recommendation:

1. Members and Cooperating Non-Members will, to the extent possible, implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (IPOA-Seabirds), the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks), and the FAO Guidelines to reduce sea turtle mortality in fishing operations (FAO-Sea turtles), if they have not already done so.

New Zealand adopted an NPOA-Seabirds in 2004, and is currently reviewing and updating this plan. An NPOA-Sharks was adopted in 2008. New Zealand has implemented the FAO guidelines on sea turtles as applicable (for information in relation to surface longline fisheries see below).

2. Members and Cooperating Non-Members will comply with all current binding and recommendatory measures aimed at the protection of ecologically related species, including seabirds, sea turtles and sharks, from fishing, which are adopted from time to time:

- a) by the Indian Ocean Tuna Commission, when fishing in its Convention area, and

Not applicable (New Zealand-flagged vessels are prohibited from fishing IOTC waters since New Zealand is not a member of the commission).

- b) by the Western and Central Pacific Fisheries Commission, when fishing in its Convention area, irrespective of whether the Member or Cooperating Non-Member concerned is a member of the relevant Commission or otherwise cooperates with it.

Seabirds (Source: Conservation and Management Measure 2007-04: Conservation and Management Measure to Mitigate the Impact of Fishing For Highly Migratory Fish Stocks on Seabirds)	
Implement the NPOA–Seabirds and report to WCPFC on its implementation	Y
Use at least 2 mitigation measures in the Convention Area south of 30°S and north of 23°N (in relation to vessels >24m)	Y
Mitigation measures in place:	Meets agreed specifications
1. Tori lines	Y
2a. Night setting OR	Y
2b. Line weighting	Y

In all other areas, encouraged to use at least one mitigation measure	N/A
Report to WCPFC on implementation of the measure and all available information on interactions with seabirds.	Y
Means by which measure is monitored: Observer coverage. Fishers must provide notice of departure on a fishing trip to the Ministry of Fisheries Observer Programme at least five days prior to sailing. This provision is to aid in placing observers on surface longline vessels.	
Other: A variety of voluntary practices are employed in the fishery to assist with seabird bycatch mitigation, including the use of dyed bait and ofal management strategies. The charter fleet of large tuna longline vessels sets a voluntary limit on total incidental mortality of "at risk" seabirds as part of their code of practice.	
Turtles (Source: Conservation and Management Measure 2008-03: Conservation and Management of Sea Turtles)	
Implement, as appropriate, the FAO Guidelines and report on progress to the WCPFC.	Y
Collect and provide to the Scientific Committee data on interactions with marine turtles	Y
Require all incidents involving marine turtles during fishing operations to be recorded in logbooks and reported to the appropriate authorities of the CCM, and report on this to WCPFC	Y
Ensure fishers are aware of and use approved mitigation and handling techniques	Y
<i>Longline vessels</i>	
Ensure that the operators of all longline vessels carry line cutters and de-hookers and carry and use, where appropriate, dip-nets	Y
For longline vessels that fish for swordfish in a shallow-set manner, apply an approved mitigation method. New Zealand fisheries were determined to have a minimal interaction with sea turtles (see para 7b of the measure)	N/A
Sharks (Source: Conservation and Management Measure 2009-04: Conservation and Management of Sharks)	
Implement the IPOA–Sharks and report to WCPFC on its implementation	Y
Require vessels to not have onboard fins that total more than 5 % of the weight of sharks onboard, up to the first point of landing. * Applies to New Zealand vessels on fishing on the high seas. For vessels fishing within New Zealand waters, catch limits apply (as per para. 11 of CMM 2009-04)	Y*
Means by which measure applied (e.g. fins must be attached to trunk upon landing; weight ratio of fins to trunks etc): Fins must be attached to trunk upon landing*	
Annually report catch and effort data for key shark species	Y
Encourage the release of live sharks	Y
Means by which measure is monitored: Observer coverage and fisher reporting. For catch limits, extensive monitoring as part of Quota Management System.	

3. Members and Cooperating Non-Members will collect and report data on ecologically related species to the Extended Commission and/or its subsidiary bodies as appropriate, including the Ecologically Related Species Working Group. Further, the undertaking described in paragraph 2 will include a commitment to comply with measures adopted by the Indian Ocean Tuna Commission and the Western and Central Pacific Fisheries Commission on the collection and reporting of data in relation to ecologically related species. Data confidentiality shall be protected under the rules that apply in those Commissions.

New Zealand collects data on interactions with ERS both through observer coverage and fisher reporting. Reporting requirements for commercial fishers were revised in 2008 to allow for more effective reporting of non-fish bycatch (including turtles, seabirds and marine mammals).

Data on interactions with ERS were reported to the Ecologically Related Species Working Group in 2009 and, as subsequently agreed, are included in the report to the Compliance Committee and Extended Commission in 2010.