



Australian Government

Australian Fisheries Management Authority

# Australia's Compliance Action Plan for the Commission for the Conservation of Southern Bluefin Tuna



SEPTEMBER 2012



## EXECUTIVE SUMMARY

Australia's Compliance Action Plan (September 2012) has been submitted to the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) to meet the requirements of the *Resolution on action plans to ensure compliance with Conservation and Management Measures*, adopted by the CCSBT Extended Commission at its 16<sup>th</sup> annual meeting in October 2009.

This action plan describes the legislation and operational processes established to verify the catch of Southern Bluefin Tuna (SBT) and ecologically related species (ERS) reported by Australian concession holders, and describes the implementation of other resolutions adopted by the CCSBT.

Australia is compliant with all binding and non-binding CCSBT resolutions and recommendations currently in force as of September 2012.



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## INTRODUCTION

Since the late 1990s the Southern Bluefin Tuna Fishery (SBTF) has been characterised as having two sectors: the farm sector and the longline sector. Around 96% of Australia's annual Southern Bluefin Tuna (SBT) quota is taken by purse seine in the farm sector, with the remainder taken in the Eastern Tuna and Billfish Fishery (ETBF) and the Western Tuna and Billfish Fishery (WTBF), primarily by pelagic longline. Occasionally other methods have been used, but not in recent times (the relevant information for these other methods is grouped with the longline sector). This action plan describes the legislation and operational processes established to verify the catches of SBT and ecologically related species (ERS) reported by Australian concession holders, and describes Australia's implementation of resolutions adopted by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT).

The Australian Fisheries Management Authority (AFMA) is responsible for ensuring the SBTF is managed in accordance with the environmental, economic and accountability objectives defined in Part 1 of the *Fisheries Management Act 1991*<sup>1</sup> (the FM Act). These objectives include that the exploitation of fisheries resources and 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, activities shall be consistent with 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, all fisheries managed by AFMA must be assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) administered by the Australian Government Department of Sustainability, Environment, Water, Population and Communities (SEWPaC). Before AFMA can determine a management plan for a fishery, the fishery must be strategically assessed under Part 10 of the EPBC Act and undergo additional assessment to acquire:

- accreditation for the purpose of interacting with threatened, endangered and protected (TEP) species (Part 13, EPBC Act); and
- export approval allowing the export of native species (Part 13A, EPBC Act).

In addition, an extensive Ecological Risk Assessment (ERA) has been completed for the SBTF, with results indicating that the fishery has a minimal impact on supporting ecosystems or ERS, including TEP species listed under the EPBC Act.

The *Southern Bluefin Tuna Fishery Management Plan 1995* (the SBT Plan)<sup>2</sup> is the principal legislative framework for managing the SBTF. Objective 6 of the SBT Plan states that AFMA will have regard to the objective of ensuring that conservation and management measures adopted by AFMA implement Australia's obligations under international agreements, including obligations in regard to fish stocks and fishing activities by Australian-flagged boats on the high seas. Section 5A.2 of the SBT Plan provides that AFMA will manage the SBTF in a way that takes account of decisions of CCSBT. The Australian fishing season is defined in the SBT plan as being from 1 December to 30 November.

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<sup>1</sup> <http://www.comlaw.gov.au>

<sup>2</sup> <http://www.afma.gov.au/managing-our-fisheries/fisheries-a-to-z-index/southern-bluefin-tuna/publications-and-forms/>



## AUSTRALIA'S COMPLIANCE ACTION PLAN

*If there are multiple SBT fisheries, with different rules and procedures applying to the different fisheries, it may be easier to complete this template separately for each fishery. Alternatively, please ensure that the information for each fishery is clearly differentiated within the single template.*

### **This template contains 3 chapters:**

- Summary of Improvements Implemented in the Compliance Action Plan
- Compliance Action Plan
  - The plan is subdivided into 7 sections that represent different points from the fishing grounds to market. It focuses on measures for monitoring and controlling the Member's or Cooperating Non Member's catch against its allocation. An additional section (section 8) is available at the end of this chapter to cater for **other** information. The plan to ensure compliance with **other** CCSBT conservation and management measures should be recorded in that section. Throughout this chapter it is assumed that the Action Plan is being implemented for the NEXT fishing season, so that all the details specified are for the NEXT season. If this is not the case, this needs to be clearly specified when completing the template.
- Additional Reporting Requirements for the Compliance Committee
  - There are a number of annual reporting requirements for the Compliance Committee. In order to keep the information in one place and help reduce the number of documents, these reporting requirements (except for the National Report) have been placed within the compliance action plan template since 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:

- ongoing assessment of the viability of stereo video technology for use in the farming sector; and
- ongoing implementation of the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM Agreement).



## (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:

- amendments to the FM Act to strengthen domestic requirements surrounding the unloading of SBT from Australian fishing vessels (other than by transshipment) outside Australia. Implementation due December 2012; and
- Australia is trialing the use of onboard camera technology (e-monitoring) in a number of fisheries including the ETBF. Development is ongoing and a full implementation date is yet to be decided.

## **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.*

Australian concession holders are required to hold quota to cover any catch of SBT. SBT is managed as a byproduct species in the ETBF and WTBF, that is, it is part of the catch which is retained but may not have been a target species. In the 2010/11 fishing season, five boats from the farm sector and 13 boats from the longline sector caught SBT. In the 2011/12 fishing season (to date) four boats from the farm sector and nine boats from the longline sector have caught SBT. Similar numbers are expected in the 2012/13 fishing season.

*(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.*

Australia's SBTF is managed through output controls in the form of individually transferable quotas (ITQs) allocated as statutory fishing rights (SFRs) under the SBT Plan. Each year, following the annual meeting of the CCSBT, the AFMA Commission, as the legislative authority, determines a national total allowable catch (TAC) for the Australian domestic SBTF. Under the SBT Plan, the TAC must not exceed Australia's allocation as determined by the CCSBT. Operators are entitled to a share of this TAC based on their SFR holding. SFRs are tradeable throughout the fishing season. This single TAC applies to the catch of SBT by all commercial methods and is tradable between sectors.

The AFMA Commission determined the TAC for the SBTF for the 2011/12 and 2012/13 seasons as follows:

- 1 December 2011 to 30 November 2012 – 4,528 tonnes;
- 1 December 2012 to 30 November 2013 – 4,698 tonnes.

These TACs have been set in line with the CCSBT's national allocation for Australia for 2012 and 2013.



(c) Provide details of the methods used to monitor catching in the fishery by completing the table below. Details should also be provided of monitoring conducted of fishing vessels when steaming away from the fishing grounds (this does not include towing vessels that are reported in Section 2).

Monitoring Methods	Description
<p><i>0</i>Daily log book</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>It is a provision under Section 42 of the FM Act that AFMA may require SFR holders to keep and maintain logbooks. The following logbooks are mandatory for the SBTF, ETBF and WTBF<sup>3</sup>:</p> <p>Farm sector</p> <ul style="list-style-type: none"> <li>• <i>Australian Purse Seine and Pole Daily Fishing Log (TPB03)</i> – for purse seine and pole fishing boats for farming purposes;</li> <li>• <i>Southern Bluefin Tuna Fishery Farm Transit Log (SBT03B)</i> – for SBT tow boats.</li> </ul> <p>Longline sector</p> <ul style="list-style-type: none"> <li>• <i>Australian Pelagic Longline Daily Fishing Log (AL06)</i> – pelagic longline method only;</li> <li>• <i>Purse Seine Daily Fishing Log (PS01A)</i> – purse seine method only for non-farming purposes;</li> <li>• <i>Australian Tuna Purse Seine and Pole Logbook (TPB01)</i> – pole method only for non-farming purposes.</li> </ul> <p>Further information on these logbooks is provided in Sections 2 and 4. Schematics detailing the systematic verification of catch data for SBT and ERS for each sector (farm and longline) are provided at <u>Attachments 1 and 2</u>.</p> <p><i>ii. The level of detail recorded (shot by shot, daily aggregate etc):-</i></p> <p>The catch data collected by AFMA logbooks for the SBTF, ETBF and WTBF is on a shot by shot basis.</p> <p><i>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:-</i></p> <p>Effort and catch information collected by AFMA logbooks for the SBTF, ETBF and WTBF comply with that specified in the “Characterisation of the SBT Catch” section of the CCSBT Scientific Research Plan.</p>

<sup>3</sup> <http://www.afma.gov.au/services-for-industry/logbooks-and-catch-disposal/current-logbooks-and-catch-disposal-records/>



*iv. What information on ERS will be recorded in logbooks:-*

AFMA logbooks provide for the recording of ERS interactions. Further, all AFMA logbooks contain specific reporting forms for TEP species. Interactions with ERS are also recorded by scientific observers.

## Farm sector

SFR holders targeting SBT in the farm sector are required to record interactions with ERS in the TPB03 and SBT03B logbooks. Numbers and life status must be reported to the species level where possible. Interactions with ERS are also recorded by scientific observers onboard purse seine fishing boats or SBT tow boats.

## Longline sector

SFR holders capturing SBT using pelagic longline must record interactions with ERS in the AL06 logbook. Numbers of retained and discarded fish (including sharks) must be recorded to species level, in addition to an estimate of the retained processed weight. For listed TEP species (including seabirds, sea turtles, marine mammals, great white sharks, grey nurse sharks and whale sharks) the number of interactions per species must be recorded in addition to life status (alive, dead, injured).

SFR holders capturing SBT using purse seine and pole for non-farming purposes must also record interactions with ERS in the PS01A and TPB01 logbooks, respectively.

*v. Who the log books will be submitted to<sup>4</sup>:-*

Logbooks are submitted to AFMA.

*vi. What is the timeframe and method<sup>5</sup> for submission:-*

## Farm sector

- TPB03 – must be submitted by the 14<sup>th</sup> day of the following month;
- SBT03B – must be submitted to an AFMA representative immediately on arriving at location where the fish are transferred to farm pontoons.

## Longline sector

- AL06 – must be submitted within three calendar days of the completion of each fishing trip;
- PS01A – must be submitted within three calendar days of the consignment being unloaded;
- TPB01 – must be submitted by the 14<sup>th</sup> day of the following month.

<sup>4</sup> 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.

<sup>5</sup> In particular, whether the information is submitted electronically from the vessel.





	<p><i>vii. The type of checking and verification that will routinely be conducted for this information:-</i></p> <p>Farm sector At the end of each fishing season all farming companies are audited by AFMA. Further information on these audits is provided in Section 2.</p> <p>Longline sector At the end of each fishing season, all SFR holders that have caught SBT are audited by AFMA. Further information on these audits is provided in Section 4.</p> <p>Schematics detailing the systematic verification of catch data for SBT and ERS for each sector (farm and longline) are provided at <u>Attachments 1 and 2</u>.</p> <p><i>viii. Reference to applicable legislation and penalties:-</i></p> <p>The principal offence is found under Section 95 of the FM Act, for breaching a condition of a concession.</p> <p>Penalties include fines (under Section 95(5) of the FM Act), suspension or cancellation of concessions (under Section 98(3) of the FM Act), an order directing a person not to be on a boat for a specified time (under Section 98(1) of the FM Act) and forfeiture of the boat, equipment, catch and/or proceeds of catch (under Section 106 of the FM Act).</p> <p><i>ix. Other relevant information<sup>6</sup>:-</i></p> <p>None</p>
<p><i>Additional reporting methods (such as real time monitoring programs)</i></p>	<p><i>If multiple reporting methods exists (e.g. daily, weekly and/or month SBT catch reporting, reporting of tags and SBT measurements, reporting of ERS interactions etc), create a separate row of in this table for each method. Then, for each method, specify:</i></p> <p><i>i. Whether this is mandatory. If not, specify the % of SBT fishing to be covered:-</i></p> <p>In addition to mandatory logbooks, SFR holders in the SBTF, ETBF and WTBF are also required to complete and provide further mandatory documentation including the following catch disposal records (CDRs) and CCSBT Catch Documentation Scheme (CDS) forms<sup>3</sup>:</p> <p>Farm sector</p> <ul style="list-style-type: none"> <li>• <i>Southern Bluefin Tuna Fishery Farm Catch Disposal Record – Purse</i></li> </ul>

<sup>6</sup> Including information on ERS, and comments on the effectiveness of the controls or monitoring tools and any plans for further improvement.



	<p><i>Seine Boat</i> (SBT02) – for purse seine boats;</p> <ul style="list-style-type: none"> <li>• <i>Southern Bluefin Tuna Fishery Farm Catch Disposal Record</i> (SBT04B) – for farms;</li> <li>• <i>CCSBT Catch Tagging Form</i> (CTAU02);</li> <li>• <i>CCSBT Farm Stocking Form</i> (FSAU02);</li> <li>• <i>CCSBT Farm Transfer Form</i> (FTAU02);</li> <li>• <i>CCSBT Catch Monitoring Form</i> (CMAU02);</li> <li>• <i>CCSBT Re-Export/Export After Landing of Domestic Product</i> (REAU02).</li> </ul> <p>Longline sector</p> <ul style="list-style-type: none"> <li>• <i>Commonwealth Pelagic Fisheries Catch Disposal Record</i> (PT02B);</li> <li>• <i>CCSBT Catch Tagging Form</i> (CTAU02);</li> <li>• <i>CCSBT Catch Monitoring Form</i> (CMAU02);</li> <li>• <i>CCSBT Re-Export/Export After Landing of Domestic Product</i> (REAU02).</li> </ul> <p>Further information on this documentation is provided in Sections 2 and 4. Schematics detailing the systematic verification of catch data for SBT and ERS for each sector (farm and longline) are provided at <u>Attachments 1 and 2</u>.</p> <p><i>ii. The information that will be recorded (including whether it relates to SBT or ERS):-</i></p> <p>The information collected relates to SBT. Further details are provided in Sections 2 and 4.</p> <p><i>iii. Who the reports will be submitted to and by whom (e.g. Vessel Master, the Fishing Company etc)<sup>4</sup>:-</i></p> <p>This documentation is submitted to AFMA.</p> <p><i>iv. What is the timeframe and method<sup>5</sup> for submission:-</i></p> <p>Farm sector</p> <ul style="list-style-type: none"> <li>• SBT02 – must be submitted within 24 hours of tow commencing;</li> <li>• SBT04B – must be submitted within 24 hours of completion of all parts of the form;</li> <li>• CTAU02 – must be submitted within three business days of the final harvest;</li> <li>• FSAU02 – must be submitted within three business days of form being completed;</li> <li>• FTAU02 – must be submitted within three business days of fish being transferred;</li> <li>• CMAU02 – must be submitted within three business days of fish being harvested/landed;</li> <li>• REAU02 – must be submitted within three business days of fish</li> </ul>
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	<p>being re-exported.</p> <p>Longline sector</p> <ul style="list-style-type: none"> <li>• PT02B – must be submitted within three business days of fish being unloaded;</li> <li>• CTAU02 – must be submitted within three business days of fish being unloaded;</li> <li>• CMAU02 – must be submitted within three business days of fish being unloaded;</li> <li>• REAU02 – must be submitted within three business days of fish being re-exported.</li> </ul> <p>v. <i>The type of checking and verification that will routinely be conducted for this information:-</i></p> <p>Farm Sector At the end of each fishing season, all farming companies are audited by AFMA. Further information on these audits is provided in Section 2.</p> <p>Longline Sector At the end of each fishing season, all SFR holders that have caught SBT are audited by AFMA. Further information on these audits is provided in Section 4.</p> <p>Schematics detailing the systematic verification of catch data for SBT and ERS for each sector (farm and longline) are provided at <a href="#">Attachments 1 and 2</a>.</p> <p>vi. <i>Reference to applicable legislation and penalties:-</i></p> <p>As with logbooks above, the same offences and penalties apply with respect to CDRs and CCSBT CDS documents under the FM Act.</p> <p>vii. <i>Other relevant information<sup>6</sup>:-</i></p> <p>None</p>
<p>Scientific Observers</p>	<p><i>Specify:</i></p> <p>i) <i>The % of the SBT catch and effort to be observed:-</i></p> <p>Scientific observer coverage targets are as follows:</p> <p>Farm sector The scientific observer coverage target is 10% of purse seine operations. Australia also endeavours to observe 10% of the tow operations each season. This target is communicated to SFR holders each year in the SBT farm sector pre-season briefing guide<sup>2</sup>.</p> <p>Longline sector To mitigate potential interactions with SBT while targeting other tuna</p>



species in the ETBF, AFMA annually implements restricted access areas (Core and Buffer Zones) where longline fishing operations are most likely to interact with SBT. Longline operators are required to have minimum SBT quota holdings in order to operate in these Core and Buffer zones.

The location and timing of the Core and Buffer Zones is determined by analysing the available information from a variety of sources including outputs from an SBT habitat preference model produced by the Commonwealth Scientific and Industrial Research Organisation (CSIRO), sea surface temperatures, landings data, scientific observer and vessel monitoring system (VMS) data and industry advice.

In general terms, the Core Zone is set in the area of habitat where 80% of the SBT on the east coast of Australia are likely to occur, based on habitat preference. The Buffer Zone and the Core Zone together represent the area where 95% of the SBT on the east coast of Australia are likely to occur, based on the aforementioned information. There are no quota holding requirements for ETBF operators in areas outside the Core and Buffer Zones where the model predicts there is a 5% chance of SBT occurring.

The required level of scientific observer coverage varies according to the level of SBT quota attached to a particular boat. The minimum level of scientific observer coverage is 20% in the Core Zone and 10% in the Buffer Zone. Irrespective of the original quota holding, when a boat's uncaught SBT quota holding falls below 500 kilograms there will be 100% scientific observer coverage in the Core Zone until the zones are removed.

In the WTBF, AFMA ensures that longline boats operating in waters east of longitude 129°E are subject to at least 10% scientific observer coverage. In other waters of the WTBF, AFMA aims to maintain scientific observer coverage of at least 5%.

Scientific observer coverage for previous fishing seasons is as follows:

#### Farm sector

- Purse seine operations – 19.8% of total sets for the 2010/11 fishing season;
- Tow operations – 4.8 % of tows for the 2010/11 season.

#### Longline sector

- 7.7% of total hooks during the months and in the areas of the SBT migration in the ETBF and 2.5 per cent of operations in the WTBF in 2010;
- 6.3% (or 9.6% during the months of the SBT migration) of total hooks deployed in the ETBF and 1.7% of total hooks deployed in the WTBF in 2011.

*ii) The system to be used for comparisons between observer data and other catch monitoring data in order to verify the catch data:-*

Scientific observers are briefed and debriefed following each trip. Issues



	<p>identified in these briefings and in observer reports are analysed on a case by case basis.</p> <p><i>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:-</i></p> <p>The AFMA Observer Program complies with the <i>CCSBT Scientific Observer Program Standards</i>. The AFMA Observer Program has in the past used scientific observers from other countries however no exchanges have taken place in recent seasons.</p> <p><i>iv) What information on ERS will be recorded by observers:-</i></p> <p>Observer reports include details of daily fishing operations, the mitigation measures employed and any non-target species interactions. In terms of ERS interactions, the number (and weight where appropriate) of each species caught is recorded for each shot observed as well as the life status (alive, dead, injured) and whether it was retained or discarded.</p> <p><i>v) Who the observer reports will be submitted to:-</i></p> <p>Observer reports are submitted to AFMA.</p> <p><i>vi) Timeframe for submission of observer reports:-</i></p> <p>Observer reports are submitted at the completion of each fishing trip. Data from observer reports is provided to the CCSBT by the Australian Government Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES).</p> <p><i>vii) Other relevant information (including plans for further improvement – in particular to reach coverage of 10% of the effort):-</i></p> <p>None</p>
<p>VMS</p>	<p><i>Specify:</i></p> <p><i>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:-</i></p> <p>Since 1 July 2007, all boats operating in Australia's Commonwealth fisheries must be fitted with an operational VMS. This includes all boats authorised to take SBT under the SBT Plan, as well as all boats fishing in the Indian Ocean Tuna Commission (IOTC) area, the Western and Central Pacific Fisheries Commission (WCPFC) area, and the area of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). As Australia is not a Member to the International Commission for the Conservation of Atlantic Tunas (ICCAT), no Australian-flagged fishing boat is authorised to fish within the ICCAT area.</p>



	<p>Australia reports the number of boats that provided position data via VMS and any reasons for non-compliance to the CCSBT Compliance Committee on an annual basis under Part III of this action plan.</p> <p><i>ii. Reference to applicable legislation and penalties:-</i></p> <p>Regulation 9D of the <i>Fisheries Management Regulations 1992</i><sup>1</sup> (FM Regulations) lists the maximum penalty to be applied in the event of an offence.</p>
<i>At-Sea Inspections</i>	<p><i>Specify:</i></p> <p><i>i. The coverage level of at sea inspections (e.g. % of SBT trips inspected):-</i></p> <p>Australian fisheries officers conduct inspections of landings at key SBT ports, as well as at sea boardings and inspections of boats taking SBT in the longline and purse seine fisheries.</p> <p>In 2010/11, Australian fisheries officers conducted 55 inspections of SBT/ETBF boats. In 2011/12, 25 inspections were undertaken. In 2012/13 AFMA is aiming to achieve similar inspection levels to 2010/11.</p> <p><i>ii. Other relevant information<sup>6</sup>:-</i></p> <p>AFMA conducts a compliance risk assessment for all fishery sectors taking SBT on a biennial basis. The risk assessment assesses and ranks the risk of non-compliance by operators with management arrangements to identify where non-compliant activities may be occurring and to efficiently target enforcement resources. Final risk ratings<sup>7</sup> are determined by assessing the average risk rating provided by stakeholders with AFMA's intelligence holdings and the history of detected offences. Risk ratings are used to determine priority areas for further compliance and enforcement activities.</p>
<i>Other (use of masthead cameras etc.)</i>	<p>AFMA is trialling the use of onboard camera technology (e-monitoring) in a number of fisheries including the longline sector of the ETBF, which will include boats that catch SBT.</p>

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

(a) Specify the approximate percentage of the annual SBT catch that is expected to be caught for farming.

Approximately 96% of the annual SBT catch by SFR holders is for the purposes of farming.

<sup>7</sup> Further details on the compliance risk assessment methodology can be found at:  
<http://www.afma.gov.au/wp-content/uploads/2010/06/2011-12-RA-Methodology.pdf>



*(b) Describe the system to be used for controlling and monitoring towing of SBT from the fishing ground to the farming area. This should include details of:*

*i. Observation required for towing of SBT (include % coverage):-*

Under the SBT Plan, SFR holders must carry a scientific observer on a nominated boat if instructed by AFMA. The scientific observer coverage target is 10% of purse seine operations and 10% of towing operations. This is communicated to SFR holders each year in the SBTF farm sector pre-season briefing guide<sup>2</sup>.

*ii. Monitoring systems for recording losses of SBT (in particular, SBT mortality):-*

SFR holders are required to progressively record SBT mortalities as follows:

- during catching – in the TPB03 logbook;
- when transferring to a tow boat – in the SBT02 CDR;
- during the tow to a farm – in the SBT03B logbook;
- following receipt of tow pontoon – in the TPB04B CDR.

*(c) Describe the system to be used for controlling and monitoring transferring of SBT from tow cages into farms. This should include details of:*

*i. Inspection/Observation required for transfer of SBT (include % coverage):-*

AFMA (or its agent) observes and verifies the count and weight estimate for 100% of transfers from tow pontoons into farms. SFR holders are required to record details of each transfer in the SBT03B logbook.

*ii. Monitoring system to be used for recording the quantity of SBT transferred:-*

SFR holders who capture SBT for farming purposes using purse seine must record daily catch activity in an approved TPB03 logbook. Details to be recorded include date of fishing, search details (including spotter plane), fishing location, estimates of weight of SBT per shot and, if transferring to a tow pontoon, the carrier boat name and date and weight of transfer. Any interactions with ERS must also be reported. Copies of TPB03 must be forwarded to AFMA on a monthly basis.

On transfer to a tow pontoon, catcher boats must also complete the SBT02 CDR. This form is designed to meet the requirement that operators provide a catch estimate at the start of the tow operation. This form must be faxed to AFMA within 24 hours of the carrier boat commencing the operation to tow the catch to a farm. Information provided must include the name of the SFR holder, purse seine boat name, date and time of last transfer to a tow pontoon, tow boat name, pontoon identification, estimated total weight of fish transferred to that pontoon, and estimated weight of mortalities during each catch and transfer. AFMA will use this catch estimate to deduct quota from operators holdings at the time the estimate is provided, to be replaced by the estimate obtained from the average weight sample and verified count in the SBT04B CDR.

Tow boats must complete the SBT03B logbook. Information to be collected in this book includes details of the permit holder and boat, transfer details including name of purse seine boat, estimate of weight of SBT and a reference to the SBT02 book used and page number, a record of mortalities for each day of the tow operation, and details of transfer of pontoon to another tow boat or to a SBT fish receiver. This form must be updated daily commencing on





the day of the first transfer of fish to the tow pontoon or on the day that the permit holder accepts responsibility for towing the tow pontoon from another boat. Separate SBT03B forms must be completed for each tow pontoon if a boat is towing more than one pontoon.

If the tow pontoon is transferred to another carrier boat, AFMA must be notified within 24 hours of the transfer. A separate SBT03B form must be completed by each carrier boat. If the tow pontoon returns immediately to the farm pontoon(s) or when the tow pontoon reaches the farm pontoon(s), the SBT03B form(s) must be completed and forwarded to an AFMA official or agent acting on AFMA's behalf before the transfer of fish into the farm pontoon(s) commences.

A verified count of SBT transferred from each tow pontoon into a farm must be conducted by AFMA or a government contractor (the agent) acting on AFMA's behalf. A weight estimate is obtained for each transfer by sampling at least 40 live fish of 10 kg or greater then multiplying the average weight by the verified number of fish in the transfer. The methods by which the verified count and weight estimate must be conducted are described in Clause 22B of the SBT Plan. The details of the average weight sample and verified count must be recorded in the SBT04B CDR.

The SBT04B CDR is used to determine the number of fish to be deducted from quota. The following information must be recorded by an AFMA official or agent acting on AFMA's behalf: details of the catcher boat, tow boat and tow pontoon identification number (obtained from the SBT02 CDR), a reference to the SBT02 book and page number, mortalities during pursuing, transfer to tow pontoon and tow operations (obtained from the SBT02 CDR), average weight sample from the tow pontoon (obtained through the above counting method), and count of fish transferred from tow pontoon to farm. The number of fish taken from the tow pontoon to obtain the sample of fish of 10 kg or greater must also be recorded. The AFMA official (or agent acting on AFMA's behalf) who carried out the sampling procedure must be identified on the SBT04B CDR. This must be forwarded to AFMA as soon as it is completed.

The CMAU02 form must accompany all transshipments, landings of domestic products, exports, imports and re-exports of SBT. This form must be completed on catch or harvest of SBT (Catch/Harvest Section), at the point of transshipment or export (Intermediate Product Destination Section), and on receivership of SBT product at its final destination (Final Product Destination Section). AFMA authorises competent authorities to validate and verify CMAU02 forms.

The CTAU02 form must be completed and submitted to AFMA when completing the associated CMAU02 form. Details include the boat or farm name, boat or farm registration number, unique document number of associated CMAU02 form, CCSBT tag number, weight, fork length, gear code (if applicable), CCSBT statistical area of catch, and month of harvest.

With respect to the REAU02 form, it must be specified whether product is being re-exported or exported after landing of domestic product and whether the document accompanies a full shipment or partial shipment. The form details the port of export, any applicable catch tagging form document numbers, a description of fish from previous CCSBT CDS forms, a description of the fish being exported, the export destination, and final point of importation. AFMA authorises competent authorities to validate and verify REAU02 forms.

AFMA will submit FSAU02 and FTAU02 forms to CCSBT. AFMA will validate all FSAU02 forms.





*iii. Process to be implemented for commercial trials of stereo video systems for monitoring 10% of SBT transfers in the 2011 fishing season:-*

In the 2010/11 fishing season, AFMA conducted trials to deliver 10% stereo video. The outcomes of these trials were presented to members at the 2011 meeting of the CCSBT Compliance Committee.

*iv. Plans to allow adoption of the stereo video systems for ongoing monitoring in the following season if they prove successful:-*

AFMA has conducted a tender process to provide monitoring services in the farm sector of the SBTF for the next three years. This process is ongoing.

*(d) For “b” and “c” above, describe the process to be used for completing, validating<sup>8</sup> and collecting the relevant CCSBT CDS documents (Farm Stocking Form, Farm Transfer Form):-*

Effective 1 January 2010, no SBT may be accepted for domestic sale, export or import, without the correct accompanying CCSBT CDS documentation. Copies of all documents issued and received are provided to the CCSBT on a quarterly basis to be compiled in an electronic database. This is an effective auditing mechanism which allows AFMA to analyse, identify discrepancies, reconcile and report all CCSBT CDS documents submitted by Australia. In conjunction with this process, AFMA commenced audits of fish tagging in accordance with the CCSBT CDS in the 2010/11 financial year. All documents required from SFR holders in the SBTF have been updated to incorporate the requirements of the CCSBT CDS, and individual documents are uniquely numbered. These documents are specified in the conditions placed on SFR holders (Attachment 3) and have been registered with the Federal Register of Legislative Instruments.

Further, at the end of each fishing season AFMA conducts an audit of all farming companies. The level 1 audit includes the following:

- monthly breakdowns of receipt and sale of SBT including mortalities;
- verified counts of SBT conducted during transfer from tow pontoons into farms;
- CCSBT CDS figures and domestic sales; and
- mortalities recorded by the SBT fish receiver.

Each season about 10% of farming companies undergo a level 2 audit, which includes a full audit conducted in person by AFMA fisheries officers who review all company records including spreadsheets, feed boat logs, dive logs, sales and export documentation. As part of the level 2 audit, two AFMA fisheries officers independently recount all video/DVD recorded by AFMA’s agent during the verified count of SBT transferred into those farms included in the audit.

AFMA fisheries officers also conduct targeted compliance operations to inspect fishing boats at sea, in port, and also conduct random audits of fishing companies, fish receivers and export establishments.

AFMA has developed a CCSBT CDS handbook<sup>2</sup> that has been distributed to all SFR holders in the SBTF, describing the procedures that must be followed to comply with the CDS including the mandatory tagging of whole fish.

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<sup>8</sup> Including the class of person who conducts this work (e.g. government official, authorised third party)



Compliance with the CCSBT CDS will be monitored in accordance with AFMA's *National Compliance and Enforcement Policy*. SFR holders must retain original copies of each CDR and CCSBT CDS document for five years from the date of completion to meet audit requirements.

Schematics detailing the systematic verification of catch data for SBT and ERS for the farm sector are provided at [Attachment 1](#).

*(e) Other relevant information<sup>6</sup>*

Australia has submitted a list of authorised SBT farms to the CCSBT Secretariat. Australia notifies the Executive Secretary of any addition to, deletion from or modification required to the CCSBT Record of Authorised Farms. Through its domestic implementation of the CCSBT CDS, Australia has taken measures to not permit landings of domestic product, exports, imports and/or re-exports of SBT into and from farms which are not registered on the CCSBT Record of Authorised Farms.

**(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.*

No transshipment of SBT occurs either in port or at sea in Australian SBT fisheries (SBTF, ETBF and WTBF).

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

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

Currently, all SBT product from the SBTF, ETBF and WTBF is landed in Australian ports. This is not expected to change in the foreseeable future. Further, Regulation 9I of the FM Regulations requires that all fish must be landed to an AFMA authorised SBT fish receiver. Should an operator of an Australian-flagged boat seek to land Australian SBT product at a foreign port, AFMA will notify the CCSBT Executive Secretary of the nominated port.

Australia will notify the Executive Secretary if there are reasonable grounds for suspecting that Australian-flagged boats not on the CCSBT Authorised Vessel List are engaged in commercial fishing for and/or transshipment of SBT.

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

Not applicable.

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

Not applicable.



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

Not applicable.

*v. Process for validating<sup>8</sup> and collecting the relevant CCSBT CDS documents (Catch Monitoring Form, Catch Tagging Form):-*

Not applicable.

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

Section 95(5) of the FM Act lists the maximum penalty to be applied in the event of an offence.

*vii. Other relevant information<sup>6</sup>:-*

None.

*(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:-*

Under the SBT Plan, SFR holders must not tranship SBT that is not alive to a boat unless the transhipment occurs under the supervision of an officer appointed under the FM Act and acting under direction by AFMA. SBT must not be transhipped to a boat unless the boat is being used by a person who is, or is acting for, the holder of a fishing permit or foreign fishing licence for the SBTTF that authorises receipt of the transhipped tuna.

Australian-flagged boats do not currently tranship or receive SBT from large scale tuna longline fishing vessels (LSTLVs) with freezing capacity, and AFMA has not authorised any Australian-flagged boats to receive at sea transhipments from LSTLVs.

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

Not applicable.

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

Not applicable.

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

Section 95(5) of the FM Act lists the maximum penalty to be applied in the event of an offence.

*v. Other relevant information<sup>6</sup>:-*

None.



**(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.

Currently, 100% of SBT product from the SBTF, ETBF and WTBF is landed as domestic product in Australian ports. This is not expected to change in the foreseeable future.

(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:-

SBT product from the SBTF, ETBF and WTBF can be landed in any Australian port. Boats are monitored through VMS and may be inspected upon arrival in port.

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

Australian fisheries officers conduct inspections of landings at key SBT ports, as well as at sea boardings and inspections of boats taking SBT in the longline and purse seine fisheries.

As provided previously (Section 1), in 2010/11, Australian fisheries officers conducted 55 inspections of SBT/ETBF boats. In the following year, 2011/12, 25 inspections were achieved. In 2012/13 AFMA is aiming to achieve similar inspection levels to 2010/11.

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

The below information relates to the longline sector. Please refer to Section 2 and [Attachment 1](#) for details on the landings of domestic product from the farm sector.

SFR holders who capture SBT for non-farming purposes using pelagic longline, purse seine or pole must record daily catch activity in an AL06, PS01A or TPB01 logbook, respectively. Details to be recorded include date of fishing, fishing location and estimates of weight of SBT discarded/retained. Any interactions with ERS must also be recorded.

The PT02B CDR is for recording pelagic species including SBT and Northern Bluefin Tuna (NBT) taken for non-farming purposes. A separate PT02B form must be completed each time a boat disposes of SBT or NBT. Relevant details in the PT02B CDR must be completed before the fish are taken onto the premises of a SBT fish receiver. Where catch is disposed of to multiple locations or buyers, separate PT02B forms must be completed for each consignment. A consignment is defined as fish taken from a single unloading and sent to a single receiver. A copy of the PT02B form must be forwarded to AFMA within three days of unloading.

As with the farm sector, the longline sector is also required to complete and submit CMAU02, CTAU02 and REAU02 forms. For further details, refer to Section 2.

iv. Process for validating<sup>8</sup> and collecting the relevant CCSBT CDS documents (Catch Monitoring Form, and depending on circumstances, Catch Tagging Form):-



Effective 1 January 2010, no SBT may be accepted for domestic sale, export or import, without the correct accompanying CCSBT CDS documentation. As with the farm sector, copies of all documents issued and received to the longline sector are provided to the CCSBT. Further, at the end of each fishing season AFMA conducts a level 1 audit of all SFR holders that have caught SBT. AFMA fisheries officers also conduct targeted compliance operations to inspect fishing boats at sea, in port, and also conduct random audits of fishing companies, fish receivers and export establishments. For further details, refer to Section 2.

As provided previously (Section 2), AFMA has developed a CCSBT CDS handbook<sup>2</sup> that has been distributed to all SFR holders in the SBTF including the longline sector, describing the procedures that must be followed to comply with the CCSBT CDS. Compliance with the CCSBT CDS will be monitored in accordance with AFMA's *National Compliance and Enforcement Policy*. SFR holders must retain original copies of each CDR and CCSBT CDS document for five years from the date of completion to meet audit requirements.

A schematic detailing the systematic verification of catch data for SBT and ERS for the longline sector is provided at [Attachment 2](#).

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

Please refer to Section 1 for details on applicable legislation and penalties relating to logbooks, CDRs and CCSBT CDS documents.

vi. *Other relevant information<sup>6</sup>:-*

None.

## (5) SBT Exports

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

Approximately 90% of Australia's annual SBT catch is exported. This is not expected to change in the foreseeable future.

(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):-*

To export SBT and other fish products from Australia for consumption, all processing establishments (land based and vessels) require registration with the Australian Government Department of Agriculture, Fisheries and Forestry (DAFF). All fish and fish products that are exported from Australia are prescribed goods and all registered establishments must meet the requirements of the Export Control Act, Export Control (Prescribed Goods General) Orders and the Export Control (Fish & Fish Products Orders) 2005 in order to export these goods. Registered establishments and vessels are audited by DAFF food auditors to ensure compliance with the above legislation. The number of audits annually is linked to the level of risk and performance of the establishment to meet the appropriate legislation.



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

As previously provided (Section 2), effective 1 January 2010, no SBT may be accepted for domestic sale, export or import, without the correct accompanying CCSBT CDS documentation. The CMAU02 form must accompany all transshipments, landings of domestic products, exports, imports and re-exports of SBT. The CTAU02 form must be completed and submitted when completing the associated CMAU02 form. In addition the REAU02 form must specify whether product is being re-exported or exported after landing of domestic product and whether the document accompanies a full shipment or partial shipment. The form details port of export, any applicable catch tagging form document numbers, a description of fish from previous CCSBT CDS documents, a description of the fish being exported, the export destination, and final point of importation. For further details, refer to Section 2.

*iii. Process for validating<sup>8</sup> 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):-*

Details of the process for collecting and validating the relevant CCSBT CDS documents is provided in Sections 2 and 4.

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

Please refer to Section 1 for details on applicable legislation and penalties relating to CCSBT CDS documents.

*v. Other relevant information<sup>8</sup>:-*

None.

## **(6) SBT Imports**

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

Australia imports less than one tonne of SBT annually. This is not expected to change in the foreseeable future.

*(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:-*

SBT product can be landed in any Australian port by Australian fishing boats. Foreign fishing boats wishing to enter an Australian port must have a port permit issued by AFMA however landing of fish and fish products is prohibited unless written approval is given by the Australian Government Minister for Agriculture, Fisheries and Forestry (under Section 103 of the FM Act).

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



Australia imports less than one tonne of SBT annually. This is not expected to change in the foreseeable future. The importation of some products is, by law, subject to certain quarantine conditions. Australia's quarantine policy is based on risk assessment and management of the potential introduction of exotic pests or diseases.

*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):-*

As previously provided in Section 2, effective 1 January 2010, no SBT may be accepted for domestic sale, export or import, without the correct accompanying CCSBT CDS documentation. The appropriate CCSBT Catch Monitoring and Re-Export/Export After Landing of Domestic Product Forms are required to be forwarded onto AFMA by the receiver of any SBT import consignment.

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

Please refer to Section 1 for details on applicable legislation and penalties relating to CCSBT CDS documents.

*v. Other relevant information<sup>6</sup>:-*

None.

### **(7) SBT Markets**

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

As previously provided (Sections 2 and 4), AFMA fisheries officers conduct targeted compliance operations to inspect fishing boats at sea, in port, and also conduct random audits of fishing companies, fish receivers and export establishments.

*(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):-*

Effective 1 January 2010, CCSBT CDS documents are required to accompany all movements of SBT internationally from capture to first point of sale. Australia is compliant with the CCSBT CDS.

*(c) Other relevant information<sup>6</sup>*

None.

### **(8) Other**

*Description of any other systems of relevance to the Action Plan.*

None.





### **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.*

#### **(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.*

Since 1 July 2007, all boats operating in Australia’s Commonwealth fisheries must be fitted with an operational VMS. This includes all boats authorised to take SBT under the SBT Plan, as well as all boats fishing in the IOTC, WCPFC and CCAMLR areas. As Australia is not a Member to ICCAT, no Australian-flagged fishing boat is authorised to fish within the ICCAT area.

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

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

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

Nil.

- 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.*

Not applicable.

- 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”).*

In the event that a VMS stops reporting, AFMA contacts the boat’s master and instructs them to manually report their position on a four hourly basis for the duration of the trip. Once a boat returns to port, AFMA requires that the VMS be operational before the boat is allowed to return to sea. AFMA manages VMS compliance through a targeted risk treatment process.





- 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.*

Nil.

### (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.*

- a. *The quantities of SBT transshipped during the previous year.*

No transshipment of SBT currently occurs either in port or at sea in the SBTF, ETBF and WTBF.

- b. *The list of the LSTLVs registered in the CCSBT Authorized Vessel List which have transshipped during the previous year.*

Australian-flagged boats do not currently tranship or receive SBT from LSTLVs with freezing capacity, and AFMA has not authorised any Australian-flagged boats to receive at sea transshipments from LSTLVs.

- c. *A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.*

Not applicable.

### (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.*

#### Seabirds

Australia has endorsed the IPOA-Seabirds, and has put in place the *Threat Abatement Plan 2006 for the Incidental Catch (or bycatch) of Seabirds During Oceanic Longline Fishing*



*Operations*<sup>9</sup> (2006 TAP). The 2006 TAP is a legislative instrument that directs mandatory seabird bycatch management measures, and applies to all longline fisheries managed by the Australian Government. The 2006 TAP is Australia's key national measure for mitigating the impact of longline fisheries on seabird populations, and is consistent with the IPOA-Seabirds. The 2006 TAP is currently under review.

A *National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries* (NPOA-Seabirds) is also being developed by the Australian Government Department of Agriculture, Fisheries and Forestry. The NPOA-Seabirds will outline a series of actions that can be taken to reduce the likelihood of seabird mortalities within Australian longline fisheries and provides a clear direction for the collection of information on seabird interactions.

Australia is compliant with the WCPFC Conservation and Management Measure (CMM) 2007-04: *Conservation and Management Measure to Mitigate the Impact of Fishing for Highly Migratory Fish Stocks on Seabirds*, and IOTC Resolution 10/06: *On Reducing the Incidental Bycatch of Seabirds in Longline Fisheries*. The following mitigation measures are prescribed for Australian longline boats under the 2006 TAP:

- AFMA will require all pelagic longline tuna fishers operating within the ETBF south of latitude 25°S to adopt one of two options:
  - a line-weighting strategy that enables the bait to be rapidly taken below the reach of most seabirds; or
  - set all hooks during the night;
  - in both options, boats will also employ at least one seabird scaring ('tori') line constructed to a specified standard, not use bait that is still frozen and retain all offal during line setting.
- AFMA will require all pelagic longline tuna fishers operating within the WTBF south of latitude 30°S to set all hooks during the night. In addition, boats will also employ at least one tori line constructed to a specified standard, not use bait that is still frozen and retain all offal during line setting.
- AFMA will require domestic and foreign longline boats in all demersal fisheries operating within Australian jurisdiction to adopt proven mitigation measures that ensure the performance criteria for each fishery are achieved in all areas and seasons.
- AFMA will implement an appropriate management response if data analysis indicates that the criteria defined in the 2006 TAP have not been met in any area, season and fishery, or that scientific observer coverage has dropped below the performance criteria for each fishery.

Following recent experiments proving that 40g weights placed directly at the hook, using dead bait, exhibit greater sink rates than the weighting regime of 60g at 3.5m from the hook; and sea trials showing that there was no significant impact on catch rates of commercial species; AFMA has implemented SFR conditions to allow 40g weights to be used with dead bait. The new conditions were implemented from 1 February (WTBF) and 1 March (ETBF) 2012 respectively. Australian longline operations are still permitted to use 60g, 3.5m from the hook. In addition, 40g weights at the hook are coated with luminescent plastic which reduces the need to use light sticks. Further trials to investigate the sink rates and commercial impact of using 40g weights at the hook with live weight are being conducted.

## Sharks

<sup>9</sup> <http://www.antarctica.gov.au/science/southern-ocean-ecosystems-environmental-change-and-conservation/southern-ocean-fisheries/seabird-bycatch/threat-abatement-plan-seabirds>



Australia first adopted a *National Plan of Action for Conservation and Management of Sharks*<sup>10</sup> (NPOA-Sharks) in 2004. The NPOA-Sharks has since been reviewed and the *National Plan of Action for the Conservation and Management of Sharks 2012* (Shark-plan 2) was released in July 2012. Legislation of some Australian States and the Commonwealth provides for the listing and protection of threatened shark species. Currently there are nine shark species that are protected in Australian waters.

Australia is fully compliant with the WCPFC CMM 2010-07: *Conservation and Management Measure for Sharks*, and IOTC Resolution 05/05: *Concerning the Conservation of Sharks Caught in Association with Fisheries Managed by IOTC*. The following mitigation measures are prescribed for Australian longline boats:

- a ban on the use of wire leaders;
- a limit of 20 sharks per trip, excluding school shark, gummy shark, elephantfish (Callorhynchidae), chimaerids (Chimaeridae and Rhinochimaeridae) and sawshark. This limit does not apply to great white sharks and grey nurse sharks, which are no-take TEP species;
- concession holders are prohibited from carrying, retaining, or landing all shark dorsal, pectoral, caudal, pelvic and anal fins that are not attached to their carcass;
- concession holders are prohibited from carrying, retaining and landing livers obtained from sharks unless the individual carcasses from which the livers were obtained are also landed.

### Sea Turtles

Interactions between sea turtles and Australian pelagic longline fisheries are rare. Australia considers that current sea turtle bycatch management and mitigation measure in place in its pelagic longline fisheries, principally the ETBF and WTBF, fulfill Australia's obligations to FAO-Sea turtles.

Australia is also compliant with IOTC Resolution 12/04: *On the Conservation of Marine Turtles* and WCPFC CMM 2008-03: *Conservation and Management of Sea Turtles*. Australia's *Eastern Tuna and Billfish Fishery Sea Turtle Mitigation Plan*<sup>11</sup> (TMP) has been endorsed by WCPFC and is designed to reduce the interaction rate of turtles in pelagic longline fisheries which target swordfish. The TMP took effect on 1 January 2010.

In addition to the compulsory carriage of line cutters and de-hookers, a video *Crossing the line: sea turtle handling guidelines for the longline fishing industry* has been produced by the Fisheries Research and Development Corporation to help the Australian longline fishing industry minimise its impact on sea turtle populations. It shows how to use de-hooking devices on deck and on turtles still in the water, how to safely bring turtles aboard and handle them on deck, how to help comatose turtles recover and how to release them back into the water. Similarly, AFMA conducted port visits in 2011 in the ETBF to provide de-hookers to all boats with instructions on how to use them and on safe handling of sea turtles.

The *Recovery Plan for Marine Turtles in Australia*<sup>12</sup> was developed by SEWPaC and adopted in July 2003. The primary objective of the plan is to reduce the detrimental impacts on Australian populations of sea turtles and promote their recovery in the wild.

<sup>10</sup> <http://www.daff.gov.au/fisheries/environment/sharks/sharkplan>

<sup>11</sup> <http://www.environment.gov.au/coasts/fisheries/commonwealth/eastern-tuna-billfish/pubs/att6-turtle-mitigation-plan.pdf>

<sup>12</sup> <http://www.environment.gov.au/coasts/publications/turtle-recovery/index.html>



Interactions with the purse seine fishery are negligible and there has been no need to develop mitigation measures for this sector.

Australia continues to support research on mitigation measures to reduce interactions with ERS including methods to increase line sink rates; new tori line designs; weighting regimes and underwater bait setting regimes. Australia reports the status and results of this research to the CCSBT Ecologically Related Species Working Group.

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*
  - 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.*

As detailed above, under the *Eastern Tuna and Billfish Fishery Management Plan 2010*, the *Western Tuna and Billfish Fishery Management Plan 2005*, the 2006 TAP and TMP, Australia complies with all current binding and recommendatory measures adopted by IOTC and WCPFC aimed at the protection of ERS (including seabirds, sharks and sea turtles) from fishing.

Australia collects data on ERS and reports these on an annual basis to the scientific committees of IOTC and WCPFC. Australia's national reports to meetings of the scientific committees of IOTC and WCPFC provide full details on Australia's efforts to mitigate the impact of fishing for SBT on ERS.

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.*

Australia collects data on ERS and reports these on an annual basis to the Commission of the CCSBT and its subsidiary bodies (including the Compliance Committee on an annual basis, and the Ecologically Related Species Working Group when this working group meets). Australia's national reports to meetings of the CCSBT Ecologically Related Species Working Group provides full details on Australia's efforts to mitigate the impact of fishing for SBT on ERS.

**(4) Resolution on Amendment of the Resolution on "Illegal, Unreported and Unregulated Fishing (IUU) and Establishment of a CCSBT Record of Vessels over 24 meters Authorized to Fish for Southern Bluefin Tuna"**



Under the FM Act and FM Regulations, Australia takes every possible action, consistent with relevant law, to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing and ensure that Australian-flagged boats do not carry out IUU fishing activities for SBT.

The AFMA Commission has endorsed a *National Compliance and Enforcement Policy*, which is linked to other Australian Government law enforcement policies, such as the *Australian Fisheries National Compliance Strategy*. The policy guides AFMA on its compliance and enforcement role, outlines the enforcement actions available under the legislation administered by AFMA and provides a foundation for consistent, integrated and coordinated enforcement action across Australia's Commonwealth fisheries. The policy describes AFMA's risk-based approach to compliance and describes the enforcement measures undertaken by AFMA, including observer compliance notices, Commonwealth fisheries infringement notices, amendments to fishery SFR conditions, suspension or cancellation of concessions, and prosecution. The compliance and enforcement activities conducted in accordance with this policy are applicable to all CCSBT resolutions and recommendations.

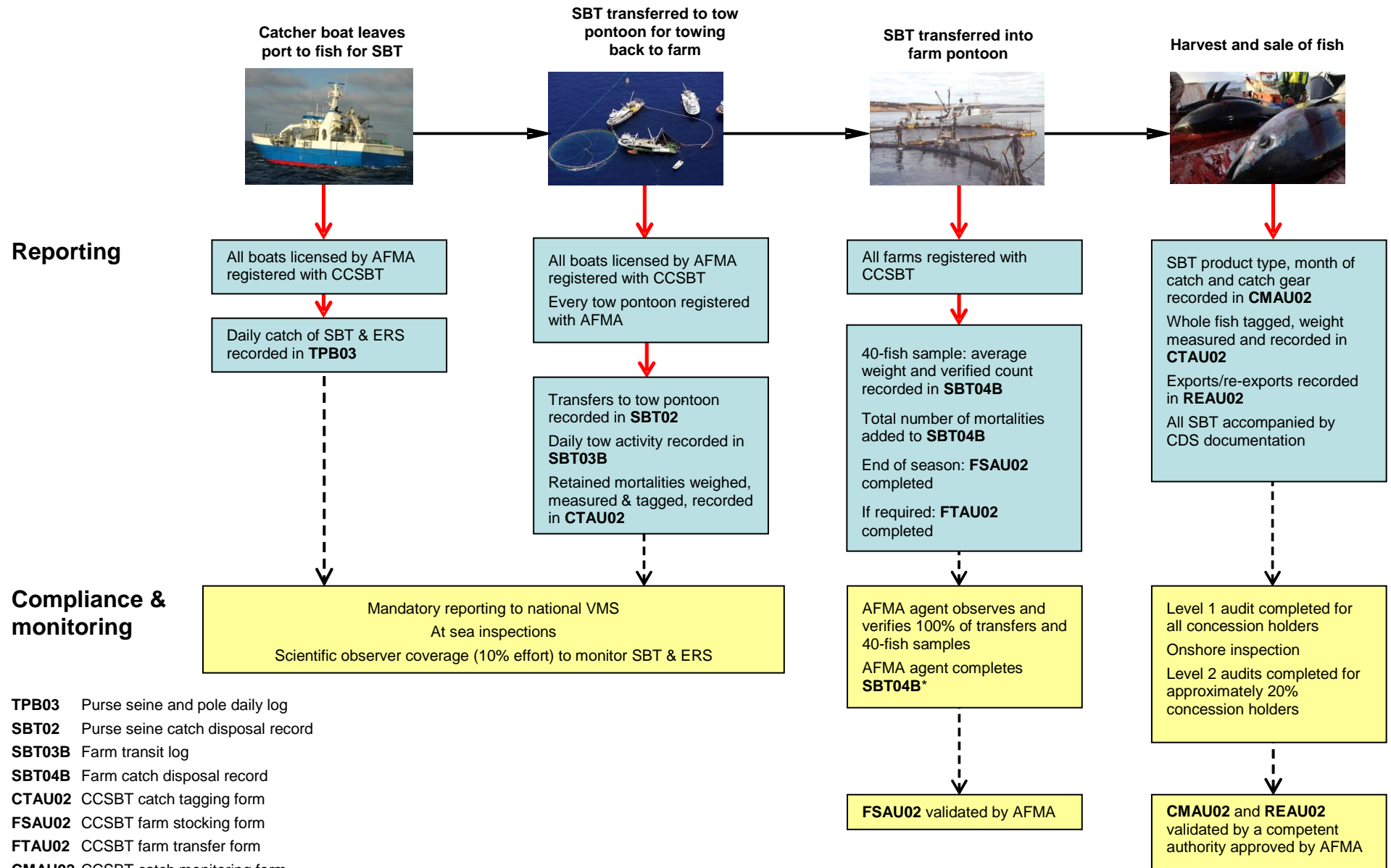
Australia is fully compliant with the requirement to maintain a current list of Australian-flagged fishing boats with the CCSBT Executive Secretary, informing the Secretariat of any addition to, deletion from or modification of this list.

Australia will notify the Executive Secretary if there are reasonable grounds for suspecting that Australian-flagged fishing boats not on the CCSBT Authorised Vessel List are engaged in commercial fishing for and/or transshipment of SBT.

Australia's domestic implementation of the CCSBT CDS, including validation, is described in Part II of this action plan.



## ATTACHMENT 1 – SYSTEMATIC VERIFICATION OF CATCH – FARM SECTOR

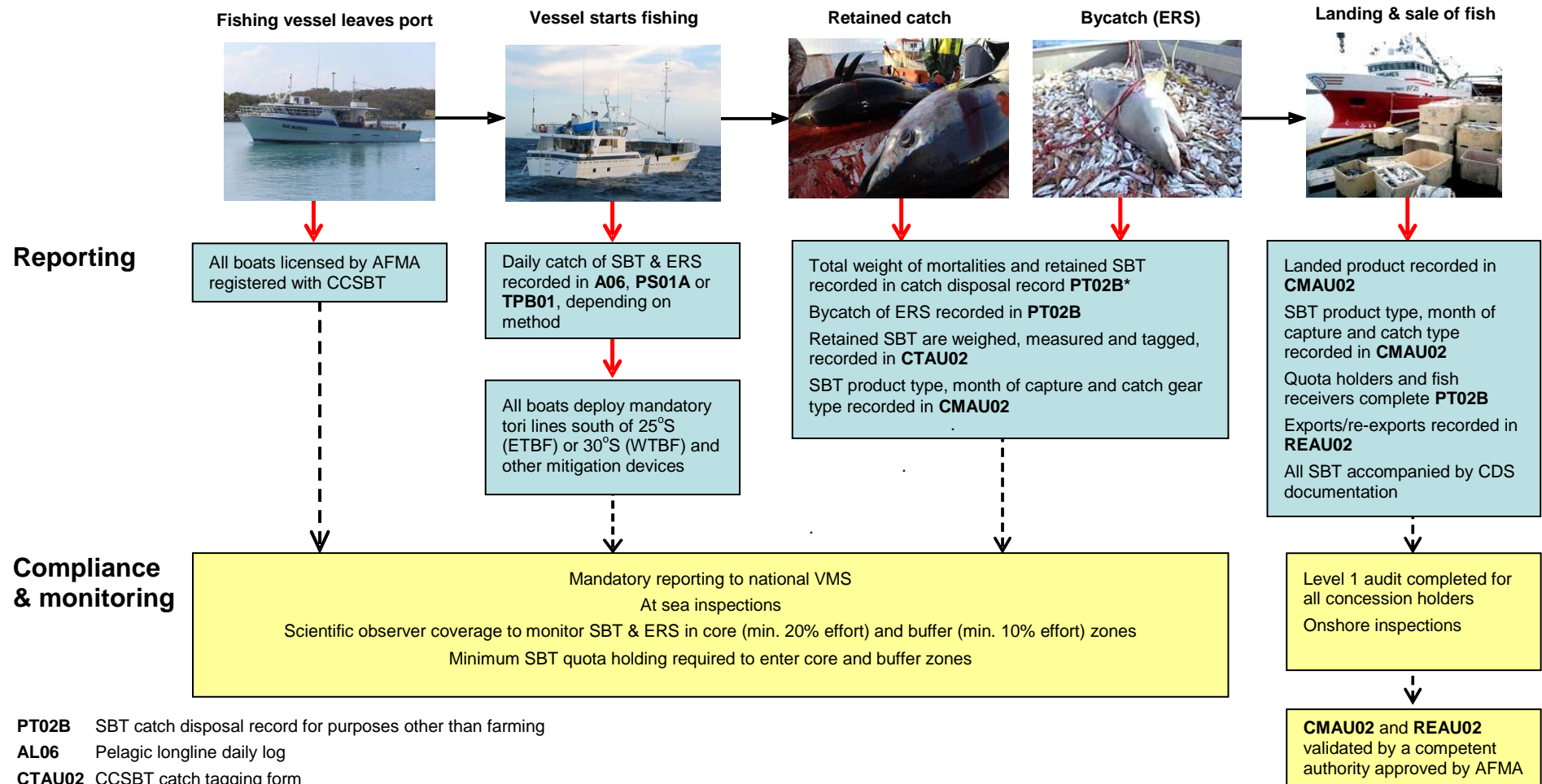


- TPB03** Purse seine and pole daily log
- SBT02** Purse seine catch disposal record
- SBT03B** Farm transit log
- SBT04B** Farm catch disposal record
- CTAU02** CCSBT catch tagging form
- FSAU02** CCSBT farm stocking form
- FTAU02** CCSBT farm transfer form
- CMAU02** CCSBT catch monitoring form
- REAU02** CCSBT form for re-export/export after landing domestic product

\* Total kg of SBT landed (including mortalities) recorded in **SBT04B** deducted from quota



## ATTACHMENT 2 – SYSTEMATIC VERIFICATION OF CATCH – LONGLINE SECTOR



- PT02B** SBT catch disposal record for purposes other than farming
- AL06** Pelagic longline daily log
- CTAU02** CCSBT catch tagging form
- CMAU02** CCSBT catch monitoring form
- REAU02** CCSBT form for re-export/export after landing of domestic product
- PS01A2** Purse seine daily log for purposes other than farming
- TPB01** Pole daily log for purposes other than farming

\*Total kg of SBT landed (including mortalities) recorded in **PT02B** deducted from quota.

## ATTACHMENT 3 – SBT SFR GENERAL CONDITIONS FOR THE 2011/12 FISHING SEASON

75747/1:SBT SFR GENERAL CONDITIONS 2011/12 (CDS) - January 2012

### Area of Waters

1. This concession is granted for the area of waters described as:  
The area specified as the SBT Fishery area in clause 3 of the *Southern Bluefin Tuna Fishery Management Plan 1995*.

### Conditions applying to this Statutory Fishing Right

In addition to the conditions specified by sub section 22(3) of the *Fisheries Management Act 1991*, and the condition in sub section 42(2) to comply with any log book determination, the condition to comply with any Direction under s41A, and the condition to comply with section 42A requiring facilitating boarding and cooperating with inspection by foreign officials under the Fish Stocks Agreement, the following conditions are specified for the purposes of sub section 22(4) paragraph (a):

Note: Under sub section 22(5) these conditions may be varied, revoked or a further condition specified by written notice from AFMA.

In addition to the above, the holder must comply with all the obligations prescribed in the *Southern Bluefin Tuna Fishery Management Plan 1995* in particular:

Clause 9 titled:	Who is entitled to fish SBT in the SBT Fishery area using an Australian boat?
Clause 12 titled:	Who is entitled to fish for fish other than SBT in the SBT Fishery area?
Clause 22A titled:	Details of southern bluefin tuna taken to be sent to AFMA;
Clause 22B titled:	Verified count of fish - purse seine method of fishing; and
Clause 24 titled:	Obligations of the holder of a statutory fishing right - section 22 of the Act.

By s42B(2) of the Act, Regulations may prescribe conditions that apply to fishing concessions. Regulations have been prescribed in the *Fisheries Management Regulations 1992* providing conditions that apply to this fishing concession in particular:

Regulation 9D:	Concession holder to ensure that vessel monitoring system is operational.
Regulation 9F:	Concession holder to ensure provision for observer and equipment to be carried.
Regulation 9G:	Concession holder to ensure observer enabled to perform functions.
Regulation 9I:	Fish to be disposed of to fish receiver permit holder*
Regulation 9J - 9ZL:	Catch limits.*
Regulation 9ZO:	Prohibited ways of processing fish.
Regulation 9ZP:	Removal of shark liver.
Regulation 9ZS:	No interaction with protected organism.
Regulation 9ZT:	Recording and reporting interaction with protected organism.
Regulation 9ZU:	Reporting interaction with protected organism if protected organism injured.
Regulation 9ZV:	Reporting interaction with protected organism if protected organism killed.
Regulation 9ZX:	Nominated boat used for trip.

\* not applicable to some concessions





### Area Limitation

1. The holder must not fish under this concession outside the area of waters described in this document.

### Critical Incidents

2. If the boat nominated to this concession is using the purse seine method, the holder must immediately report to AFMA all critical incidents or unusual circumstances affecting the fish during the catching process or during the transfer into the tow cage. This includes but is not limited to higher than normal mortality rates, boat breakdown, tow cage damage or loss, any fish release, storm or weather damage. The information must be reported by calling the Duty Officer's Phone (24 hours) on: 0419 205 329.

### Other Obligations

3. For farm operations complying with clause 22B.2 (a) of the *Southern Bluefin Tuna Fishery Management Plan 1995*, the holder must follow directions of the AFMA authorised representative who must supervise the taking of the sample and ensure that it is in accordance with the Procedure for Taking Southern Bluefin Tuna for the Weight Sample as detailed in the Southern Bluefin Tuna Fishery (Farm Sector) Pre-Season Briefing Guide.
4. The holder must comply with the measures that would otherwise apply to foreign fishing boats as prescribed in Schedule 3a (prescribed measures Commission for Conservation of Southern Bluefin Tuna) of the *Fisheries Management (International Agreements) Regulations 2009*. Any contravention of a measure contained within the *Fisheries Management (International Agreements) Regulations 2009* will be a contravention of this condition.
5. If a boat is nominated to this concession, at all times when the boat is being used under this concession, the holder must have provided to AFMA a current emergency contact facility for the nominated boat.
6. An emergency contact facility must enable AFMA to contact the boat immediately and directly at any time when the boat is at sea, including in the event of an emergency.
7. AFMA must be notified immediately of any change in contact details, by fax sent to (02) 6225 5426 or by email to [licensing@afma.gov.au](mailto:licensing@afma.gov.au); and the boat must not depart on a fishing trip unless AFMA has been so notified of the change in contact details.

Note: The emergency contact facility may take the form of a satellite phone number, or skipper or crew member's mobile phone number - any number that may be used by AFMA to contact the boat while it is at sea at any time, including in the event of an emergency.

### Agent Obligations

8. The holder accepts concurrent liability for all conduct by its servants or agents infringing the *Fisheries Management Act 1991* (or the Regulations, Management Plans or concession conditions made by virtue of that Act) who may be engaged by the holder to conduct on the holder's behalf activity under this concession.

Liability for the conduct of the holder's servants or agents arises, even if the conduct may be, or actually is, beyond the scope of the servant or agent's actual or apparent authority where it is a breach that occurs during the conduct of activity authorised by this concession.



The holder may avoid concurrent liability for conduct whilst conducting activity under this concession if, but only if, the holder can establish that the infringing conduct could not possibly have been prevented by any action or precaution that the holder might have reasonably taken.

The giving of an indemnity by the servant or agent to the holder for any penalties incurred by the holder, for infringing conduct by the servant or agent is not, of itself, a reasonable precaution to prevent infringing conduct.

The giving of an indemnity by the holder to the servant or agent would be prohibited and unenforceable on public policy grounds as encouraging the offending conduct.

### **Temporary Order Obligations**

9. The holder must comply with any Temporary Order made under sub section 43(2) of the *Fisheries Management Act 1991* and to the extent that any provision herein is inconsistent with such Temporary Order sub section 43(9) provides that the provision herein is overridden by the Temporary Order until the Temporary Order ceases to have effect.

### **Direction Obligations**

10. The holder must comply with any Direction that fishing is not to be engaged in the fishery, or a particular part of the fishery or during a particular period or periods made under sub section 41A of the *Fisheries Management Act 1991*.

### **Navigating in Closed Zones**

11. AFMA may suspend this concession in accordance with this condition, pursuant to section 38(1)(c) of the *Fisheries Management Act 1991*, if it reasonably appears by VMS transmission from the nominated boat, that there is a failure by that boat while in a closed zone for the purposes of regulation 37B of the *Fisheries Management Regulations 1992*, to meet the exempting provisions of sub regulations 37C(2), or (3) or sub regulation 37D(2) or (3). Such suspension will then continue until the concession holder provides a full written explanation, to the satisfaction of the delegate responsible for issuing that suspension, of the lawful reason for the boat being in that closed zone at that time, or until the expiration of the suspension under sub section 38(2); whichever is the earlier.

