



Australian Government

Australian Fisheries Management Authority



Australia's compliance action plan for the Commission for the Conservation of Southern Bluefin Tuna



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DRAFT



Executive summary

Australia's compliance action plan (April 2010) has been submitted to the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) to meet a requirement of the '*Resolution on action plans to ensure compliance with Conservation and Management Measures*', adopted by the CCSBT at its 16th meeting in October 2009.

This compliance action plan provides specific details on Australia's allocation under the global quota for southern bluefin tuna (SBT) and a scheme demonstrating the systematic verification of catch data for SBT and ecologically related species (ERS). It also addresses all Resolutions and Recommendations adopted by CCSBT that are currently in force, describing how measures have been incorporated into domestic legislation and management arrangements.

Australia is fully compliant with all binding and non-binding CCSBT Resolutions and Recommendations currently in force as of April 2010.

Contents

1. Introduction.....	3
2. Resolution on Action plans to ensure compliance with conservation and management measures.....	3
2.1 Allocation under the global quota for SBT	3
2.2 Verification of catch data for SBT and ERS	4
2.3 Port State inspection of transshipment of SBT.....	5
2.4 Verification of catch data through a scientific observer program with 10% coverage of effort	5
2.5 Flag State inspection of catches	6
2.6 Transshipment at foreign ports	7
2.7 Stereo-video trial of 10 percent of farm transfers	7
3. Compliance with other CCSBT Resolutions and recommendations	7
3.1 Resolution on the Total Allowable Catch and Future Management of Southern Bluefin Tuna	7
3.2 Resolution on Amendment of the Resolution on "Illegal, Unregulated and Unreported Fishing (IUU) and Establishment of a CCSBT Record of Vessels over 24 meters Authorized to Fish for Southern Bluefin Tuna"	8
3.3 Resolution on the Establishment of a Record of Authorised Farms.....	8
3.4 Resolution on Establishing the CCSBT Vessel Monitoring System	9
3.5 Resolution on the Implementation of a CCSBT Catch Documentation Scheme	9
3.6 Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels	11
3.7 Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna.....	11
3.8 Recommendations for Ecologically Related Species adopting Guidelines for Design and Deployment of Tori Lines	13
3.9 Recommendations to the Commission relating to Ecologically Related Species.....	13
Attachment 2	17
Attachment 3	22



1. 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 98% of Australia's annual SBT quota is taken by purse seine in the farm sector, with the remainder taken by two long line fisheries: the Eastern Tuna and Billfish Fishery (ETBF) and the Western Tuna and Billfish Fishery (WTBF). 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 the implementation of other resolutions and resolutions adopted by the CCSBT in both sectors.

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* (the FM Act), including that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development (which include the exercise of the precautionary principle), in particular the need to have regard to the impact of fishing activities on non-target species and the long term sustainability of the marine environment. Furthermore, all fisheries managed by AFMA must be assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) administered by the Department of the Environment, Water, Heritage and the Arts. 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 protected 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 threatened, endangered or protected (TEP) species listed under the EPBC Act.

The *Southern Bluefin Fisheries Management Plan 1995* (the SBT Plan)¹ 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 Australia's SBT fishery in a way that takes account of decisions of CCSBT.

2. RESOLUTION ON ACTION PLANS TO ENSURE COMPLIANCE WITH CONSERVATION AND MANAGEMENT MEASURES

2.1 Allocation under the global quota for SBT

Australia's Southern Bluefin Tuna Fishery (SBTF) is managed through output controls in the form of individually transferable quotas (ITQs) allocated as statutory fishing rights (SFRs) under the Plan. Each year, following the annual meeting of the CCSBT, the AFMA Commission determines a national Total Allowable Catch (TAC) for the Australian domestic SBT fishery. Under the SBT Plan, the TAC must not exceed the allocation made to Australia

¹ <http://www.afma.gov.au/fisheries/tuna/sbt/publications/default.htm>



by the CCSBT. Operators are entitled to a share of this TAC based on their SFR holding. SFRs are tradeable throughout the fishing season.

Seasonal area restrictions are also implemented to control incidental catches of SBT through conditions placed on concession holders in the longline fisheries.

2.2 Verification of catch data for SBT and ERS

A scheme demonstrating the systematic verification of catch data for SBT and ERS is included in Attachment 1. All logbooks and catch disposal records (CDRs) determined by AFMA are legislative instruments registered with the Federal Register of Legislative Instruments (FRLI) www.comlaw.gov.au. Further details on the CCSBT Catch Documentation Scheme (CDS) are provided in Section 3.5.

2.2.1 Farm sector: SBT

SFR holders who capture SBT using purse seine must record daily catch activity in an approved 'Australian Purse Seine and Pole Daily Fishing Log – for Farmed SBT only' (TPB03)². 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 cage, the carrier boat name and date and weight of transfer. Any interactions with ERS must also be recorded. Copies of TPB03 must be forwarded to AFMA on a monthly basis. On transfer to a tow cage, an approved SBT "Catch Disposal Record–Purse Seine Boat" (footnote 2) must be completed and faxed to AFMA within 24 hours of the commencement of an operation to tow the tow cage to a farm. This CDR must record, among other details, the number of transfers from purse seine to tow cage, a weight estimate of the SBT transferred and any SBT killed or injured and unlikely to survive during purse seine or transfer operations.

SFR holders are required to record mortalities during the tow to a farm in an approved SBT "Catch Disposal Record–Farm Transit Log" (footnote 2).

A verified count of SBT transferred from each tow cage 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. AFMA (or its agent) verifies the count and weight estimate for 100% of transfers from tow cages into farms. SFR holders are required to record details of each transfer in the "Catch Disposal Record–Farm Transit Log" (footnote 2).

The approved SBT "Farm Catch Disposal Record" (footnote 2) is used to determine the number of fish to be deducted from quota. Information recorded includes consolidated details of the purse seine boat, tow boat, tow cage; mortalities observed during the purse seine, tow or transfer operations; and the verified count and weight estimate obtained from each transfer from tow cage to farm. This catch disposal record is completed by the fish receiver and the agent that has acted on AFMA's behalf to verify counts during transfer.

2.2.2 Longline sector: SBT

SFR holders capturing SBT by longline must record the number and total accurate weight of retained SBT in an approved SBT 'Catch Disposal Record' for recording SBT taken for purposes other than farming (footnote 2). The number and total accurate weight must be verified by the fish receiver on the same form. A copy of this CDR must be forwarded to AFMA within 24 hours of unloading.

² <http://www.afma.gov.au/industry/logbooks/current.htm>



2.2.3 ERS

SFR holders capturing SBT using pelagic longline must record interactions with ERS in the “Australian Pelagic Longline Daily Fishing Log” (footnote 2). Numbers of retained and discarded fish (including most sharks) must be recorded to species level, in addition to an estimate of the retained processed weight. For listed marine species (including seabirds, sea turtles, marine mammals and 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). Interactions with ERS are also recorded by scientific observers.

SFR holders capturing SBT using the purse seine method are required to record interactions with ecologically related species (ERS) in the “Australian Purse Seine and Pole Daily Fishing Log”. Numbers and life status must be reported to species level where possible. Interactions with ERS are also recorded by scientific observers onboard purse seine or tow vessels.

2.3 Port State inspection of transshipment of SBT

Within Australia’s Exclusive Economic Zone (EEZ) there is no transshipment between boats of SBT captured by longline. All transfers of live SBT from purse seine boats to tow boats are conducted in accordance with the CCSBT Catch Documentation Scheme (Section 3.5 and Attachment 1).

2.4 Verification of catch data through a scientific observer program with 10% coverage of effort

The principal objectives of Australia’s SBT scientific observer program are to provide validation of commercial catch and:

- monitor and record the day-to-day fishing operations;
- observe, record and report catch, effort, non-target catch and the fate of SBT caught, including monitoring tow operations;
- collect information on vessel details including search gear, search methods and fishing gear;
- collect biological data from fishing operations; and
- record all interactions and sightings of marine mammals and birds.

Actual levels of observer coverage (of effort and catch) achieved per sector per season are reported annually to the CCSBT in Australia’s country reports, together with observed interactions with ERS.

2.4.1 Farm sector

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 (effort) and 10% of towing operations (effort). This is communicated to SFR holders each year in the SBT farm sector pre-season briefing guide.



2.4.2 Longline sector

To mitigate potential interactions with SBT while targeting other tuna species in the Eastern Tuna and Billfish Fishery (ETBF), AFMA annually institutes restricted access areas (Core and Buffer Zones) in areas 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 either of these designated 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 CSIRO, sea surface temperatures, landings data, observer and integrated computer vessel monitoring system (ICVMS) data and industry advice.

In general terms, the Core Zone is set in the area of habitat where 80% of the SBT 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 are likely to occur, based on habitat preference. There is no quota holding requirements on ETBF operators in the area outside the Core and Buffer Zones where the model predicts there is a 5% chance of SBT occurring based on habitat preference.

The required level of observer coverage varies according to the level of SBT quota attached to a particular boat. The minimum level of observer coverage (effort) is 20% in the core zone and 10% in the buffer zone. Irrespective of the original quota holding, when a boat reaches a level of uncaught SBT quota below 500 kilograms there will be 100% observer coverage in the Core Zone until the zones are removed. Furthermore, observer coverage will revert to 100% for all operators in the Core Zone if there is evidence that significant discarding of SBT is occurring on vessels without observer coverage.

In the Western Tuna and Billfish Fishery (WTBF), AFMA ensures that longline vessels operating in the WTBF in waters east of longitude 129°E are subject to at least 10% observer coverage. In other waters of the WTBF, AFMA aims to maintain observer coverage at least 5%.

2.5 Flag State inspection of catches

At the end of each fishing season all farming companies are audited. 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 cages into farms;
- catch documentation scheme (CDS) figures and domestic sales; and
- mortalities recorded by the fish receiver.

Each season about 20% of farming companies undergo a level 2 audit, which includes a full audit conducted in person by fisheries officers who review all company record 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 check fishing vessels at sea and at landing ports, and random audits of fishing companies, fish receivers and export establishments.



AFMA will begin audits of fish tagging in accordance with the CCSBT CDS in the 2010-11 financial year.

Additionally, AFMA conducts a compliance risk assessment for the SBTF on an annual basis. This risk assessment assesses and ranks risks of non-compliance with management arrangements to identify where non-compliant activities may be occurring. Final risk ratings are determined by assessing the average risk rating provided by stakeholders in combination with an uncertainty rating, AFMA's intelligence holdings and the history of detected offences. Risk ratings are used to determine priority areas for further compliance and enforcement activities.

2.6 Transshipment at foreign ports

Currently, all product from the Australian SBTF is landed in Australian ports. This is not expected to change in the foreseeable future. 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.

2.7 Stereo-video trial of 10 percent of farm transfers

At CCSBT16 (October 2009), it was agreed that all Members and Cooperating Non-members farming SBT would commence in the 2011 fishing season commercial trials of stereo video systems for monitoring 10% of SBT transferred into farm cages. AFMA is currently seeking proposals to deliver the 10 % stereo video commercial trial in the 2011 fishing season. AFMA is also developing procedures and updating relevant legislation to facilitate the trial.

Action: further details on the outcomes of the commercial trials will be available in 2011.

3. COMPLIANCE WITH OTHER CCSBT RESOLUTIONS AND RECOMMENDATIONS

3.1 Resolution on the Total Allowable Catch and Future Management of Southern Bluefin Tuna

Date adopted: CCSBT16, October 2009

Legislation and supporting documents: Following CCSBT16 (October 2009), the AFMA Commission determined a two-year national Total Allowable Catch (TAC) of 8030 t for the Australian domestic SBT fishery under the *Southern Bluefin Fishery Management Plan 1995*, consistent with the two-year allocation made to Australia by CCSBT. This single, two-year TAC is valid from 1 December 2009 to 30 November 2011. The Commission determined that no more than 5265 t be taken within the first year. All SFR holders were informed in writing of this decision. The Executive Secretary was also notified in writing of Australia's instructions to its fishers on 28 January (see Attachment 3).

Operational activities: SFR holders are required to verify their catch of SBT as specified in Section 2.2.

Compliance with the TAC will be monitored by AFMA as specified in Section 2.5. Information on day-to-day fishing operations and catches will also be obtained from the scientific observer program (Section 2.4).



Action: current domestic arrangements meet CCSBT requirements.

3.2 Resolution on Amendment of the Resolution on “Illegal, Unregulated and Unreported Fishing (IUU) and Establishment of a CCSBT Record of Vessels over 24 meters Authorised to Fish for Southern Bluefin Tuna”

Date adopted: CCSBT 15, October 2008

Legislation and supporting documents: Under the Australian FM Act and *Fisheries Regulations 1992*, Australia takes every possible action, consistent with relevant law, to prevent, deter and eliminate IUU fishing and ensure that Australian vessels do not carry out IUU fishing activities for SBT.

The AFMA Commission has endorsed a ‘*Domestic 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 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 fisheries concession conditions; suspension or cancellation of fishing concessions; and prosecution. The compliance and enforcement activities conducted in accordance with this policy are applicable to all CCSBT resolutions and recommendations in this compliance action plan.

Australia is fully compliant with the requirement to maintain a current list of Australian-flagged vessels with the CCSBT Executive Secretary, informing the Executive Secretary 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 boats not on the CCSBT vessel list are engaged in fishing for and/or transshipment of SBT.

Australia’s domestic implementation of the CCSBT Catch Documentation Scheme, including validation, is described in Section 3.5.

Action: current domestic arrangements meet CCSBT requirements.

3.3 Resolution on the Establishment of a Record of Authorised Farms

Date adopted: CCSBT 15, October 2008

Australia has submitted a list of SBT farms authorized to operate farming of SBT. Australia will notify the Executive Secretary of any addition to, any deletion from or any modification of the CCSBT record of authorized farms. Through its domestic implementation of the CCSBT Catch Documentation Scheme (Section 3.5), 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 authorized farms.

Action: current domestic arrangements meet CCSBT requirements.



3.4 Resolution on Establishing the CCSBT Vessel Monitoring System

Date adopted: CCSBT 15, October 2008

Legislation and supporting documents: All boats nominated to catch SBT must be fitted with an approved and functional vessel monitoring system (VMS) under the SBT Plan. All boats operating in Australia's Commonwealth fisheries must be fitted with an approved and functional VMS, including all boats nominated to catch SBT (under the SBT Plan and conditions placed on SFR holders [Attachment 2]), all boats fishing in the IOTC area (under the *Western Tuna and Billfish Fishery Management Plan 2005*) and the WCPFC area (under the *Eastern Tuna and Billfish Fishery Management Plan 2005*). Conditions placed on SFR holders instruct all boats operating in the CCAMLR area to be fitted with an approved and functional VMS. No Australian boats fish within the area of ICCAT.

Operational activities: All of Australia's CCSBT Authorised Vessel List vessels are required to report to AFMA's VMS system in accordance with flag state concession conditions. Australia reports the number of vessels that actually reported to the national VMS system and any reasons for non-compliance to the CCSBT Compliance Committee on an annual basis.

Action: current domestic arrangements meet and exceed CCSBT requirements.

3.5 Resolution on the Implementation of a CCSBT Catch Documentation Scheme

Date adopted: CCSBT 15, October 2008

Legislation and supporting documents: From 1 January 2010 no SBT will be accepted for domestic sale, export or import, without the correct accompanying CDS documentation. Copies of all documents issued and received will be provided to the CCSBT Secretariat on a quarterly basis to be compiled in an electronic database. This will allow for the analysis, identification of discrepancies, reconciliation and reporting for all CDS documents submitted by Australia. All documents required from SFR holders in the SBT Plan have been updated to incorporate the requirements of the CCSBT Catch Documentation Scheme, and individual documents are uniquely numbered. These documents are specified in the conditions placed on SFR holders (Attachment 2) and have been registered with the Federal Register of Legislative Instruments:

Southern Bluefin Tuna Catch Disposal Record (CR4A): The CR4A is for recording SBT and Northern Bluefin Tuna (NBT) taken for purposes other than farming. A separate CR4A must be completed each time a boat disposes of SBT or NBT. Relevant details of the CR4A must be completed before the fish are taken onto the premises of a fish receiver. Where catch is disposed of to multiple locations or buyers, separate CR4As 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 this CDR must be forwarded to AFMA within 24 hours of unloading.

Southern Bluefin Tuna Farm Catch Disposal Record—Purse Seine Boat (SBT02): Catcher boats must complete SBT02. 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 completed within 24 hours of the carrier boat commencing the operation to tow the tow catch to a farm and faxed to AFMA. Information provided must include: name of the SFR holder; purse seine boat name; date and time of last transfer to a tow cage; tow boat name; cage identification; estimated total weight of fish transferred to that cage; 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 SBT04 (below) unless there is a major discrepancy between weight estimates recorded in SBT02 and SBT04.

Southern Bluefin Tuna Fishery Farm Transit Log (SBT03): Tow boats must complete SBT03B. 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 cage to another tow boat or to a fish receiver. This form must be updated daily commencing on the day of the first transfer of fish to the tow cage or on the day that the permit holder accepts responsibility for towing the tow cage from another boat. Separate SBT03B forms must be completed for each tow cage if a boat is towing more than one cage.

If the tow cage is transferred to another carrier vessel, this form must be faxed to AFMA within 24 hours of the transfer. If the tow cage returns immediately to the farm cage(s), this form must be completed and forwarded to an AFMA official or agent acting on AFMA's behalf before the transfer of fish into the farm cage(s) commences.

Southern Bluefin Tuna Farm Catch Disposal Record (SBT04): The SBT04A 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 cage identification number (obtained from SBT02); a reference to the SBT02 book and page number; mortalities during pursuing, transfer to tow cage, tow operations (obtained from SBT02); average weight sample from the tow cage; and count of fish transferred from tow cage to farm. The number of fish taken from the tow cage 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 SBT04. This form must be forwarded to AFMA as soon as it is completed.

CCSBT Catch Monitoring Form (CMAU02): The CMAU02 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 the CCSBT Catch Monitoring Form.

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

CCSBT Re-export/Export After Landing of Domestic Product (REAU02): It must be specified in the REAU02 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 CDS documents; a description of the fish being exported; the export destination; and final point of importation. AFMA authorises competent authorities to validate and verify the CCSBT Catch Monitoring Form.

AFMA will submit Farm Stocking Forms and Farm Transfer Forms to CCSBT. AFMA will validate all Farm Stock Forms.



AFMA has developed a CDS handbook³ that has been distributed to all SFR holders in the SBTf, describing the procedures that must be followed to comply with this scheme including the mandatory tagging of whole fish.

Operational activities: Compliance with the CCSBT CDS will be monitored in accordance with AFMA's '*Domestic Compliance and Enforcement Policy*'. SFR holders must retain original copies of each CDR and CCSBT CDS form for 5 years from the date of completion to meet audit requirements.

Action: current domestic arrangements meet CCSBT requirements

3.6 Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels

Date adopted: CCSBT 15, October 2008

Legislation and supporting documents: Under the SBT Plan, SFR holders must not transship SBT that is not alive to a boat unless the transshipment 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 SBTf that authorises receipt of the transhipped tuna.

Australian vessels do not currently tranship or receive SBT from large scale tuna longline fishing vessels (LSTLVs) with freezing capacity, and has not authorized any Australian-flagged boats to receive at-sea transshipments from LSTLVs. AFMA will notify the CCSBT Executive Secretary should this change in the future.

Action: no action currently required.

3.7 Recommendation to Mitigate the Impact on Ecologically Related Species of Fishing for Southern Bluefin Tuna

Date adopted: CCSBT 15, October 2008

Legislation and supporting documents: Under the *Eastern Tuna and Billfish Fishery Management Plan 2005*, the *Western Tuna and Billfish Fishery Management Plan 2005* and the *Threat Abatement Plan (TAP) 2006 for the Incidental Catch (or bycatch) of Seabirds during Oceanic Longline Fishing Operations*⁴, Australia complies with all current binding and recommendatory measures adopted by IOTC and WCPFC aimed at the protection of ERS species (including seabirds, sea turtles and sharks) from fishing.

Australia collects data on ERS and reports these on an annual basis to the scientific committees of IOTC and WCPFC and to the Extended 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).

³ http://www.afma.gov.au/fisheries/tuna/sbt/notices/2009/n20091223_cdshandbook.pdf

⁴ http://www.aad.gov.au/MediaLibrary/asset/MediaItems/ml_394924045486111_ThreatAbatement2007-4-combined6c.pdf



Australia's national reports to meetings of the CCSBT Ecologically Related Species Working Group and to the scientific committees of IOTC and WCPFC provides full details on Australia's efforts to mitigate the impact of fishing for highly migratory species on ERS.

Seabirds

Australia endorsed the International Plan of Action (IPOA)-Seabirds, and has put in place the TAP which 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.

Australia is compliant with implementation of the WCPFC Conservation and Management Measure (CMM) 2007-04, and IOTC Resolution 08/03. The following mitigation measures are prescribed for Australian longline vessels under the 2006 TAP:

1. AFMA requires all pelagic longline tuna fishers operating within the ETBF south of latitude 25°S to adopt one of two options:

- a. a line-weighting strategy that enables the bait to be rapidly taken below the reach of most seabirds; or
- b. set all hooks during the night

In both options, vessels also deploy 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.

2. AFMA requires all pelagic longline tuna fishers operating within the WTBF south of latitude 30°S to set all hooks during the night. In addition, vessels will also deploy at least one seabird scaring line constructed to a specified standard, not use bait that is still frozen and retain all offal during line setting.

3. AFMA requires domestic and foreign longline vessels 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.

4. AFMA implements 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 observer coverage has dropped below the performance criteria for each fishery.

Sharks

Australia put in place a National Plan of Action (NPOA)-Sharks (the Shark-plan) in 2004.⁵ Legislation in some 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. The Shark-plan is currently under review.

Australia has been compliant in implementing the WCPFC Conservation and Management Measure (CMM) 2006-05 and its replacement CMM 2008-06, and IOTC Resolution 05/05. The following mitigation measures are prescribed for Australian longline vessels:

- 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

⁵ <http://www.daff.gov.au/fisheries/environment/bycatch/sharkplan>



- Fishing permit holders are prohibited from carrying, retaining, or landing all shark dorsal, pectoral, caudal, pelvic and anal fins that are not attached to their carcass
- Fishing permit 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

Turtles

Australia considers that current sea turtle bycatch management and mitigation measure in place in its domestic longline fisheries (principally the ETBF and WTBF) fulfil Australia's obligations to FAO-Sea turtles.

Australia is compliant in implementing IOTC Resolutions 05/08 and 09/06, and WCPFC CMM 2008-03. Australia's 'Eastern Tuna and Billfish Fishery Sea Turtle Mitigation Plan (TMP)' has been endorsed by WCPFC

Operational activities: SFR holders are required to record all interactions with ERS in the applicable logbook or catch disposal record. Interactions with ERS are also recorded by scientific observers (see Section 2.4).

Action: current domestic arrangements meet and exceed CCSBT requirements.

3.8 Recommendations for Ecologically Related Species adopting Guidelines for Design and Deployment of Tori Lines

Date adopted: CCSBT 5, February 1999 (Attachment 29, 30)

Legislation and supporting documents: Under the 2006 TAP, SFR holders must deploy at least one tori line constructed to a specified standard when fishing south of 25°S in the ETBF, or south of 30°S in the WTBF (see Section 3.7) prior to a longline entering the water. South of 25°S (ETBF) or 30°S (WTBF), a separate tori line must be deployed for each longline at the point where hooks enter the water.

Specifications for the design and deployment of tori lines are placed in the conditions on SFR holders in the ETBF and WTBF. Each tori line must:

- be a minimum of 100 metres in length;
- be deployed from a position on board the boat and utilise a drogue so that it remains above the water surface for a minimum of 90 metres from the stern of the boat;
- have streamers attached to it with a maximum interval between the streamers of 3.5 metres;

All streamers must be maintained to ensure their lengths are as close to the water surface as possible.

Action: current domestic arrangements meet and exceed CCSBT requirements.

3.9 Recommendations to the Commission relating to Ecologically Related Species

Date adopted: CCSBT 4, September 1997



Legislation and supporting documents: Australia's relevant domestic legislation is described in Sections 3.8 and 3.9. 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.

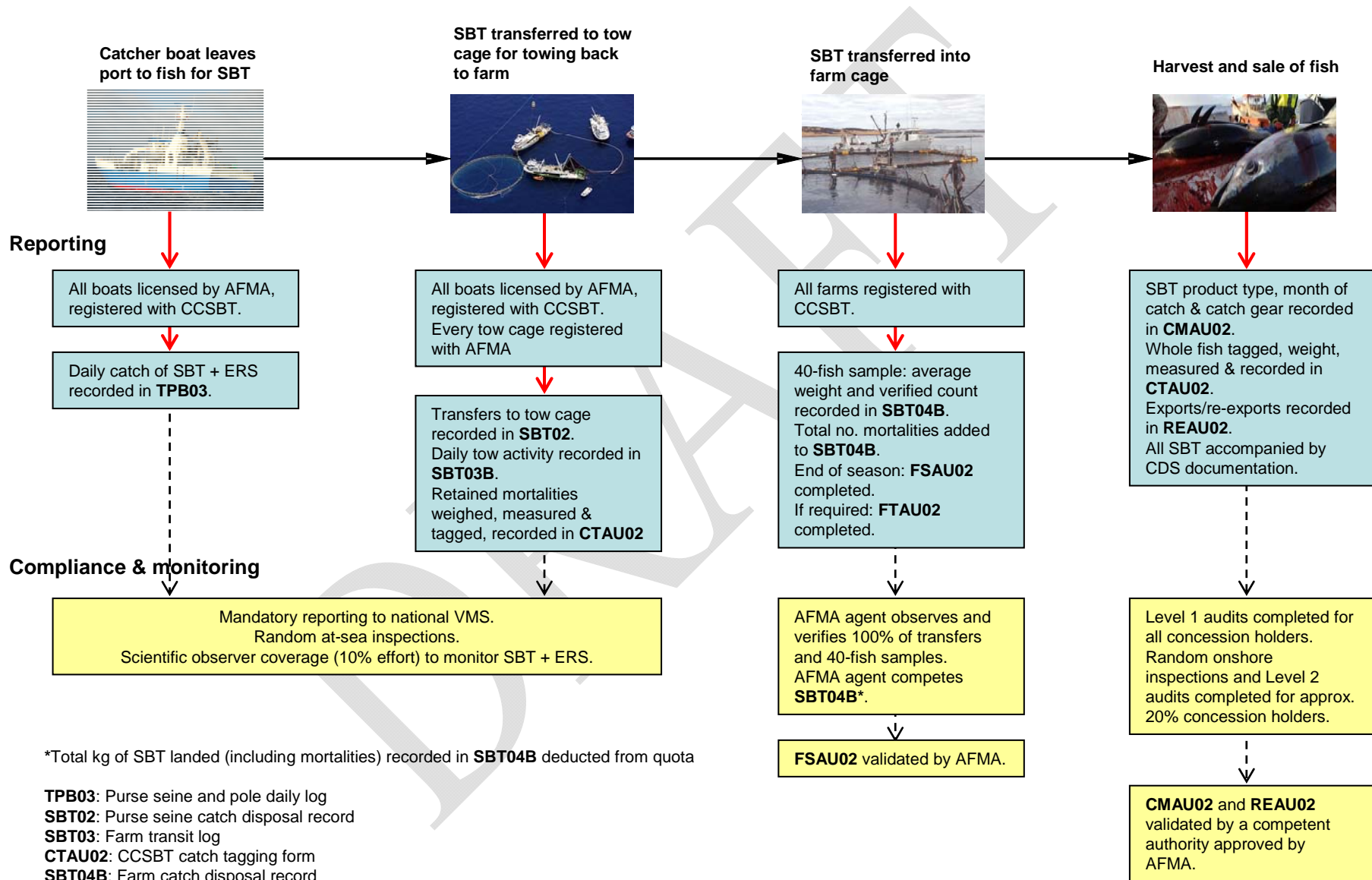
Action: current domestic arrangements meet and exceed CCSBT requirements.

DRAFT



Attachment 1

Systematic verification of catch – farm sector

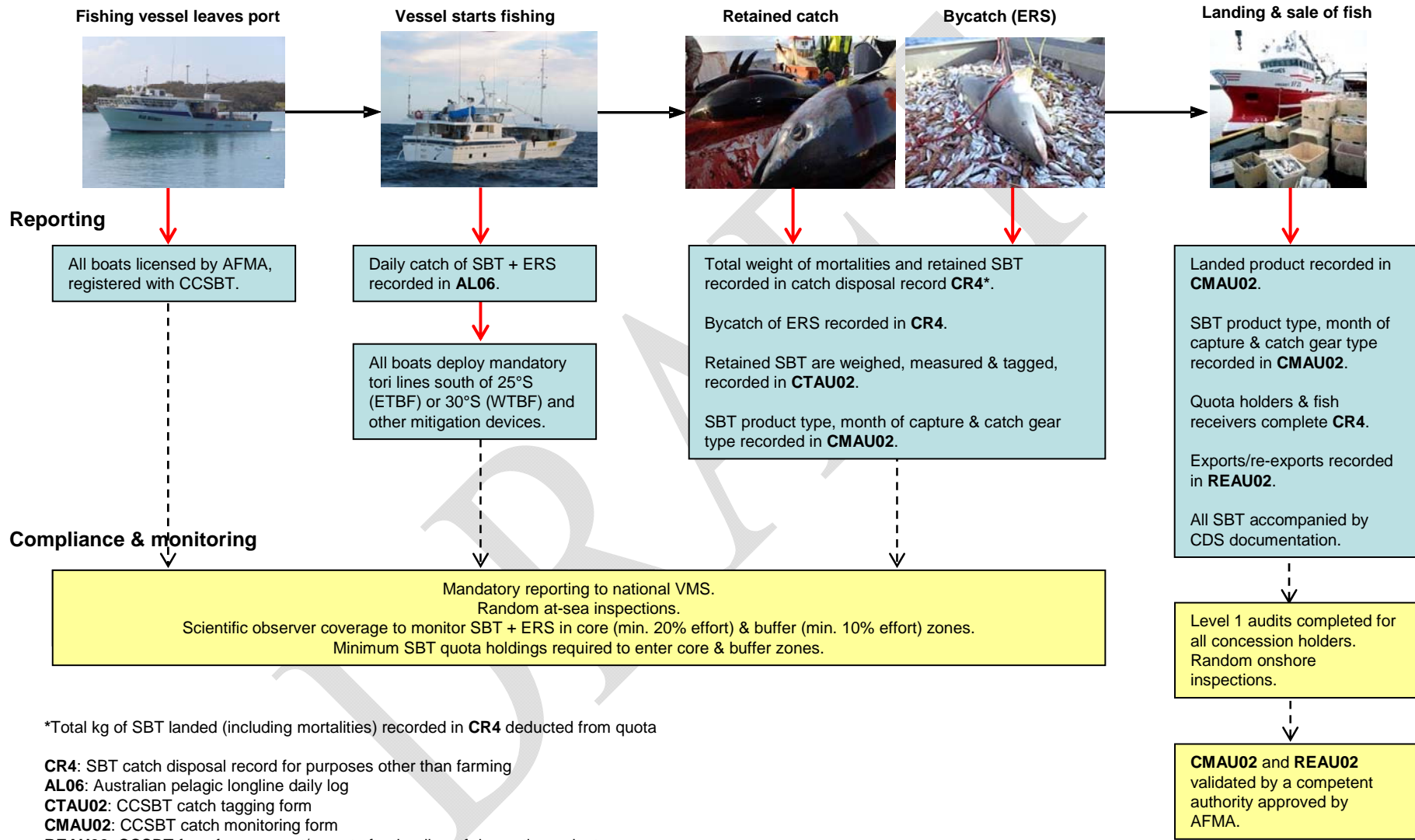


*Total kg of SBT landed (including mortalities) recorded in **SBT04B** deducted from quota

- TPB03:** Purse seine and pole daily log
- SBT02:** Purse seine catch disposal record
- SBT03:** Farm transit log
- CTAU02:** CCSBT catch tagging form
- SBT04B:** Farm catch disposal record
- FSAU02:** CCSBT farm stocking form
- FTAU02:** CCSBT farm transfer form
- CMAU02:** CCSBT catch monitoring form
- REAU02:** CCSBT form for re-export/export after landing of domestic product

Attachment 1

Systematic verification of catch – longline sector



Attachment 2

75425/1:SBT SFR general condition 2009-10 (CDS)

AREA OF WATERS

That part of the Australian Fishing Zone described in Clause 3- SBT Fishery area of the Southern Bluefin Tuna Fishery Management Plan 1995.

GENERAL CONDITIONS

1. ICVMS REQUIREMENTS

A boat nominated to this concession must be fitted with an operational Integrated Computer Vessel Monitoring System (ICVMS) which, unless otherwise waived or altered by AFMA in writing addressed to the holder, must meet and be operated according to the criteria set out in sub paragraphs (a) to (e) hereunder.

- a) ICVMS must:
 - i) include or consist of an Automatic Location Communicator (ALC) which:
 - (1) is a type that has been approved by AFMA;
 - (2) is correctly registered with the relevant Inmarsat-C provider; and
 - (3) not to be switched off in port. 'Sleep mode' may not be used without prior arrangement with AFMA. The concession holder, or authorised representative, may enter into a prior arrangement to switch off the ALC or use 'sleep mode' by calling 02 6225 5369 or after hours by contacting the AFMA duty officer on 0419 205 329.
 - ii) have a personal computer attached to the ALC which is capable of sending and receiving emails; and
 - iii) be installed in accordance with the AFMA installation guidelines; and
 - iv) have the appropriate Data Network Identification Number (DNID) downloaded to the unit through AFMA; and
 - v) unless arrangements are entered into with AFMA in writing, be operating continuously and in accordance with the manufacturer's specifications and operating instructions.
- b) The fishing concession holder must ensure that:
 - i) in respect to condition (a)iv. above, the appropriate DNID download forms as supplied by AFMA are completed; and
 - ii) immediately after installation of the ICVMS and prior to going to sea for the first time following installation of the ICVMS seek confirmation from AFMA that the ALC is being monitored correctly (please note this only applies to the first trip following installation, you are not required to contact AFMA to confirm the ALC is working on any subsequent trip); and



- iii) no person or persons switches off, tampers with, alters, damages or disables any component of the ALC, it's software, cabling or it's antenna system; and
- iv) the power supply(s) to the ALC is not tampered with, altered, damaged or disabled; and
- iv) the AFMA seals attached to the unit in accordance with the installation guidelines are not removed by any person other than an authorised agent of the installer; and
- v) in the event of the seals being removed by an authorised agent, the seals are replaced by an authorised agent.
- vi) he/she becomes aware that the ALC is not functioning contact AFMA immediately on the telephone numbers contained in condition a)i).
- c) If the ALC is not operating or is malfunctioning the boat must remain in port until the ALC is inspected, repaired if necessary and AFMA has received confirmation from an authorised technician that the ALC is functioning normally.
- d) If the ALC stops reporting or malfunctions after the boat has left port, the master of the boat must contact the AFMA duty officer and comply with any instructions given by an AFMA authorised officer. These instructions may include a requirement for the master to submit accurate manual position reports, or for the master to immediately stow all fishing gear and take the boat directly to port.
- e) The manual position reports referred to in paragraph (d) must be made at times and frequencies required by AFMA. They should be sent by:
 - i) fax to (02) 6225 5440; or
 - ii) email to VMSreporting@afma.gov.au; or
 - iii) phone AFMA on 02 6225 5369

The report must include:

- i) the boat's name; and
- ii) the boat's distinguishing symbol; and
- iii) the boat's present latitude and longitude (in degrees and minutes); and
- iv) the date and time;

2. CRITICAL INCIDENTS

If the boat nominated on this SFR is using the purse seine method, the SFR holder, or the person acting on their behalf must report to AFMA immediately 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, vessel 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.

3. COMPLETING REPORTS

The statutory fishing right holder must ensure that the relevant information about fish taken under the authority of the Southern Bluefin Tuna Management Plan 1995 is accurately and fully recorded and



submitted in the following logbooks if southern bluefin tuna is taken for farms:

- a) the catch disposal record titled Southern Bluefin Tuna Fishery Farm Catch Disposal Record Purse Seine Boat (SBT02) in accordance with the information and instructions in that catch disposal record, and
- b) the logbook titled Australian Purse Seine and Pole Daily Fishing Log for Farmed Southern Bluefin Tuna Only (TPB03) in accordance with the General Information and Instructions for completion of the logbook.
- c) the catch disposal record titled Southern Bluefin Tuna Fishery Farm Catch Disposal Record (SBT04B) must be filled in, in accordance with the instructions for the completion of the logbook.

Note: the cage towing section of the TPB03 log does not need to be completed.

If southern bluefin tuna is taken other than for farms:

- c) the catch disposal record titled Southern Bluefin Tuna Fishery Catch Disposal Record CR4(A) in accordance with the information and instructions in that catch disposal record, and
- d) if taken by Pelagic Longlining the logbook titled Australian Pelagic Longline Daily Fishing Log (AL06) in accordance with the General information and Instructions for completion of the logbook, and
- e) if taken by the method known as minor line the logbook titled Australian Tuna Minor Line Daily Fishing Log (LN01A) in accordance with the General Information and Instructions for completion of the logbook, and
- f) if taken by purse seining the logbook titled Purse Seine Daily Fishing Log (PS01) in accordance with the General Information and instructions for completion of the logbook, and
- g) if taken by poling the logbook titled Australian Purse Seine and Pole Daily Fishing Log (TPB02) in accordance with the General Information and Instructions for Completion of the logbook.

If southern bluefin tuna is transported from a boat to a receiver using more than one vehicle:

- a) the transit form titled Southern Bluefin Tuna Fishery Transit Form (CR5) in accordance with the information and instructions on that transit form.

4. CARRIAGE OF FISHERY OBSERVERS

The holder of this concession must, if requested by AFMA, facilitate the carriage of fishery observers (observers) on the boat.

The Concession may be suspended if the holder of the concession fails to carry an observer.

5. PROCEDURE FOR CONDUCTING VERIFIED WEIGHT SAMPLE

The concession holder must in complying with section 22B.2 (a) of the Southern Bluefin Tuna Fishery Management Plan 1995, 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 SBT for the Weight Sample as detailed in the Southern Bluefin Tuna Fishery (Farm Sector) Pre-Season Briefing Guide 2009/10 Fishing Season.

6. CATCH DOCUMENTATION SCHEME

- A. The Statutory Fishing Right holder or person acting for the holder must ensure all Southern Bluefin Tuna are sold or otherwise disposed of through a Licensed Fish Receiver in possession of a current Fish Receiver Permit issued under the *Fisheries Management Act 1991* that is



- registered with AFMA to receive Southern Bluefin Tuna.
- B. The Statutory Fishing Right holder or person acting for the holder must ensure that the following happens for all wild caught¹ Southern Bluefin Tuna that are landed:
- a) If the fish remains whole²:
 - i) an AFMA approved tag is inserted directly into the fish, in such a way that it cannot be reused, at the point of kill; and
 - ii) the length, weight and capture location of each individual fish is recorded on the Catch Tagging Form before the fish leaves their possession or is frozen, whichever is first;
 - b) the Catch/Harvest section of the Catch Monitoring Form is completed and given to the receiving Fish Receiver Permit holder or their authorised agent.
 - c) any mortalities retained for landing during Purse Seining are recorded on the SBT02 logbook next to the number of estimated mortalities.
- C. The Statutory Fishing Right holder or person acting for the holder must certify and return a Farm Stocking Form to AFMA for all live Southern Bluefin Tuna transferred to farms.
- D. The Statutory Fishing Right holder or person acting for the holder must ensure that the following happens for farmed Southern Bluefin Tuna that are killed:
- a) If the fish remains whole² that within 30 hours of its kill, before the fish leaves their possession or the fish is frozen, whichever is first: that:
 - i) an AFMA approved tag is inserted directly into the fish, in such a way that it cannot be reused;
 - ii) the length, weight and capture location of each individual fish is recorded on the Catch Tagging Form;
 - b) the Catch/Harvest section of the Catch Monitoring Form is completed fully and correctly according to the instructions contained in the book;
 - c) a completed Catch Monitoring Form that has been validated accompanies all fish whether for domestic sale or export; and
 - d) the Statutory Fishing Right holder or person acting for the holder is exempted from conditions 6.4.a)-6.4.c) if the fish is rejected and discarded within 30 hours, provided the fish is never sold and records of all mortalities discarded are kept.
- E. The Catch Tagging Form must be certified by the master of the vessel or the fish receiver only when it has been correctly and fully completed
- F. Tags must remain attached to each individual dead Southern Bluefin Tuna until at least the first point of sale unless the tuna has been processed so that it is no longer whole².
- G. Ensure a copy of the Catch Monitoring Form with the Catch/Harvest Section completed and validated is sent to AFMA within 3 days of the catch being landed;
- H. Copies of all completed catch tagging forms must be sent back to AFMA within 3 days of



completion.

- I. If there are insufficient tags on board a vessel to tag all fish 6.2.a) is not violated, so long as:
- a) AFMA is contacted prior to landing, in writing, by either faxing (02) 6225 5440 or emailing sbtmonitoring@afma.gov.au <<mailto:sbtmonitoring@afma.gov.au>>; and
 - b) the fish does not leave the vessel until an AFMA approved tag has been attached to it.
- J. The Statutory Fishing Right holder or person acting on their behalf must ensure that if a tag is lost or needs to be replaced the following information is provided to AFMA by either faxing (02) 6225 5440 or emailing sbtmonitoring@afma.gov.au <<mailto:sbtmonitoring@afma.gov.au>> within 3 days of it being replaced:

- a) Old tag number (if known)
- b) New tag number
- c) Old Catch Tagging Form Document Number (if known)
- d) New Catch Tagging Form Document Number
- e) Reason the tag was changed.

- K. All sections of Catch Documentation Scheme forms must be filled in completely and correctly according to the instructions.

¹Wild Caught: Southern Bluefin Tuna is considered wild caught if it is brought on board a vessel at sea and killed and has not been counted into a farm cage. A fish is not classified as wild caught if it has been transferred into an CCSBT registered farm, it is then 'farmed'.

²Whole: A fish remains whole despite cleaning, gilling, and gutting, freezing, removing fins, gill plates and tail and removing the head or part of the head. A fish is no longer considered to be whole if it has undergone processes such as filleting or loining.



Attachment 3



Australian Government
Department of Agriculture, Fisheries and Forestry

Mr Robert Kennedy
Executive Secretary
Commission for the Conservation of Southern Bluefin Tuna
PO Box 37
DEAKIN WEST ACT 2600

Dear Mr Kennedy

In preparing for the implementation of the Catch Documentation Scheme (CDS), a number of issues have come to Australia's attention about the way in which the scheme works. This letter outlines Australia's instructions to its fishers to resolve the issues we have encountered and follows on from your conversation with Ms Trysh Stone at the Australian Fisheries Management Authority on 10 December 2009.

Fish that are filleted. Under the CDS, if fish are filleted at the time of kill (or within 30 hours of kill for farmed fish) they are not required to be tagged and therefore the Catch Tagging (CT) form is not completed. However, space is provided for the CT form number to be inserted on any given form. In such circumstances Australia has instructed its operators that this section be completed with the words "*Filleted – tagging not required*".

Submission of the Farm Stocking Forms. Farm stocking is a process that progresses over a period of 3-5 months. This timeframe means that fish may have already been placed in farms, fattened for some weeks and then harvested before the season's purse-seine vessel activity is complete. The Farm Stocking (FS) form is designed to be completed in respect of each boat that undertakes purse-seining activity, tracking its catch to the farms that it supplies. In Australia's case, the nominated Australian Government agency will be completing these forms based on information collected progressively from fishers. However, Catch Monitoring (CM) forms require that the FS form number be included.

To overcome the issue of early sales, Australia will be issuing FS report numbers to each purse-seine vessel at the beginning of the fishing season to use on all documentation and will then collate all the data and submit the FS report to CCSBT when each vessel's purse-seine activity has concluded.

Processing on board carrier vessels. The CDS does not factor in that some processing may take place on board carrier vessels, such as the removal of fins, tail and gill plates of farmed fish. CT and CM forms are completed at the time of harvesting and transfer and include the weight of the fish at that time. The weight of the fish that arrives at the import destination may therefore be less because



of processing and freezer losses. Australia has advised its operators that so long as the tally of the number of fish is the same, and there has been no change of form (i.e. GG to fillet), this will be compatible with the documentation requirements.

On-selling from first point of sale. It is possible that consignments of southern bluefin tuna (SBT) may be sold through several hands before being exported. It is also possible, having bought a single large consignment of SBT, that the buyer then on-sells it in several smaller quantities. In these cases, Australia has advised its fish sellers that they should provide a copy of relevant CM forms to subsequent buyers of the fish, and that provision of a copy of the original CM is acceptable as part of an Re-export/Export after Domestic Landing (RE) form.

Documentation for discarded fish. As part of the CDS, Australia will report the transfer of all SBT into farms. It is at the point of transfer into a farm that fish are decremented against Australia's national allocation. Some of the fish held in farms become mortalities (seal attack, stress etc). Any mortalities are brought to shore to avoid contamination of the farm site and are normally disposed of in landfill or by composting. These fish never enter the supply chain and are disposed of, so tagging and associated paperwork is unnecessary. Whereas it would be possible to fill out the catch harvest section, there is no provision for completing the other sections of the form as there is no buyer.

This is a situation that applies only to Australia, as the sole SBT farming country, but it is analogous to fish which are discarded by longline fishers because of whale predation or other factors. These fish are to be recorded in logbooks but there is no requirement to record them in the CDS. As these fish have already been reported through the FS form and counted against our national allocation, Australia's position is that CDS documentation is not a requirement for such mortalities. Accordingly, we have instructed our fishers to record mortality information in their log records but not to complete CDS documentation.

I respectfully request that you circulate this correspondence to all members of the Commission. I look forward to our continuing collaboration on the implementation of the CDS and its contribution to the sustainable management of the fishery.

Yours sincerely



Roland Pittar
General Manager
Fisheries Branch
Department of Agriculture, Fisheries and Forestry

28 January 2010

