

**Australian Annual Report
to the Compliance Committee and the Extended Commission**

(Agreed at the 7th meeting of the Compliance Committee, adopted at CCSBT 19 and revised following CCSBT 20)

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 seeks information on a quota year basis. Those Members/CNMs that have not specified a quota year to the CCSBT (i.e. Indonesia, EU, South Africa and the Philippines), should provide the information on a calendar year basis. Within this template, the quota year (or calendar year for those without a quota year) is referred to as the “fishing season”. Unless otherwise specified, information should be provided for the most recently completed fishing season. Members and CNMs are encouraged to also provide preliminary information for the current fishing season where the fishing for that season is complete or close to complete.

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Introduction

Since the late 1990s, the Australian 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 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. Historically, other methods have been used but not in recent times (the relevant information for these other methods is grouped with the longline sector). This Annual Report describes the legislative framework and operational processes implemented to verify the catches of SBT and ecologically related species (ERS) as reported by Australian concession holders, and describes the implementation of other resolutions adopted by the CCSBT.

The Australian Fisheries Management Authority (AFMA) is responsible for ensuring the SBTF is managed in accordance with the objectives specified in Part 1 of the *Fisheries Management Act 1991*¹ (the FM Act), including that the exploitation of fisheries resources and any related activities are conducted in a manner consistent with the principles of ecologically sustainable development (which includes 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 are assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) administered by the Australian Government Department of the Environment. 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, Australia has completed an Ecological Risk Assessment (ERA) 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)² is the principal legislative framework for managing the SBTF. Objective 6 of the SBT Plan states that AFMA will have regard to ensuring that conservation and management measures implemented by AFMA recognise Australia's obligations under international agreements, including obligations with 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 the CCSBT. The fishing season is defined in by Determination under the SBT plan as being from 1 December to 30 November.

This report covers the period of the 2013 fishing season (1 December 2012 to 30 November 2013). Additional preliminary information has been provided for the current (2014) fishing season, 1 December 2013 up to 4 July 2014.

¹ <http://www.comlaw.gov.au>

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

I. Summary of MCS Improvements

(1) Improvements achieved in the current fishing season

Provide details of MCS improvements achieved for the current fishing season.

During the reporting period, the following outcomes were achieved:

- ongoing assessment of the viability of stereo video technology for use in the farming sector
- 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) and
- the national compliance risk assessment was concluded and prioritised risks were established for 2013 to 2015.

(2) Future planned improvements

Describe any MCS improvements that are being planned for future fishing seasons and the expected implementation date for such improvements.

Future improvements include:

- The use of onboard camera technology (e-monitoring) in a number of fisheries, including the ETBF. Development is ongoing..

(3) Implementation of the common CCSBT definition for the “Attributable SBT Catch”

CCSBT 20 agreed that the Compliance Committee would develop a common definition of the Attributable SBT Catch by 2014, taking into account the importance of including all sources of mortality. Members have been asked to consider and commit to a timetable for implementation commencing in 2015 with annual reporting to the Extended Commission. Details of the implementation timetable and implementation progress should be provided here (this is unlikely to be possible prior to CCSBT 21).

Not applicable as definition and timetable for implementation have not been agreed.

II. SBT Fishing and MCS Arrangements

(1) Fishing for Southern Bluefin Tuna

(a) Specify the number of vessels that caught SBT in each sector (e.g. authorised commercial longline, authorised commercial purse seine, authorised commercial charter fleet, authorised domestic fleet) during the previous 3 fishing seasons.

Fishing Season (e.g. 2011/12)	Sector 1 (farm sector)	Sector 2 (longline sector)
	Number of vessels	Number of vessels
2011/12	4	11
2012/13	5	20
2013/14*	6	NA

* Catch figures for the 2013/14 fishing season are preliminary as the season does not finish until November 2014; NA = not available

Australian concession holders are required to hold quota to cover any commercial catch of SBT.

(b) Specify the historic national SBT allocation, together with any carry-forward of unfished allocation and the total SBT catch counted against the national allocation (Attributable Catch) during the 3 previous fishing seasons. All figures should be provided in tonnes. Some CCSBT Members use slightly different definitions for the catch that is counted against the allocation, so in the space below the table, clearly define the catch that has been counted against the national allocation:-

Fishing Season (e.g. 2011/12)	National SBT allocation (t)	Unfished allocation carried	SBT catch counted against the national allocation (t)***							
			Sector 1 (Farm Sector)		Sector 2 (Longline sector)		Sector 3 (Pole)			
			Domestic	Actual	Domestic	Actual	Domestic	Actual		

	(excluding carry-forward)*	forward to this fishing season (t)	allocation	Catch Against Allocation	allocation	Catch Against Allocation	allocation	Catch Against Allocation
2011/12	4,528			4,485		58		
2012/13	4,713			4,198		340		
2013/14**	5,193	118		5,029		135		9

* In the 2009/11 and the 2011/12 seasons Australia over caught its allocation by 19.07t and 34.6t respectively. Australia voluntarily reduced its allocation to concession holders by 19.07t in the 2011/12 season and 34.6t for the 2012/13 season.

** Catch figures for the 2013/14 fishing season are preliminary as the season does not finish until 30 November 2014. Australia advised the CCSBT of its decision to carry forward 118 tonnes in unfished quota from the 2013 to 2014 fishing season on 29 July 2014.

*** Australia's national SBT allocation is not divided into domestic allocations per sector.

(c) Describe the system used for controlling the level of SBT catch. For ITQ and IQ systems, this should include details on how the catch was 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 was monitored for determining when to close the fishery. The description provided here should include any operational constraints on effort (both regulatory and voluntary):-

Australia's SBT 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 SBT. 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 holdings. SFRs are tradable throughout the fishing season. This TAC applies to the catch of SBT by all commercial methods and is tradable between sectors.

The AFMA Commission determined the TAC for the SBT for the 2012/13, 2013/14 and 2014/15 seasons as follows:

- 1 December 2012 to 30 November 2013 – 4,698 tonnes.
- 1 December 2013 to 30 November 2014 – 5,151 tonnes.
- 1 December 2014 to 30 November 2015 – 5,665 tonnes.

The value of the SFRs each year take account of any under-catch or over-catch by the Australian industry in the previous fishing season. For example, the 1 December 2013-1 December 2014 fishing season includes the 118 tonnes Australia has carried forward from the previous fishing season.

(d) 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
Daily log book	<p>Specify:</p> <p>i. Whether this was mandatory. If not, specify the % of SBT fishing that was covered:- 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 SBT, ETBF and WTBF³:</p> <p>Farm sector</p> <ul style="list-style-type: none"> • Australian Purse Seine and Pole Daily Fishing Log (TPB03) – for purse seine and pole fishing boats for farming purposes; • Southern Bluefin Tuna Fishery Farm Transit Log (SBT03B) – for

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

SBT tow boats.

Longline sector

- *Australian Pelagic Longline Daily Fishing Log (AL06)* – pelagic longline method only;
- *Purse Seine Daily Fishing Log (PS01A)* – purse seine method only for non-farming purposes;
- *Australian Tuna Purse Seine and Pole Logbook (TPB01)* – pole method only for non-farming purposes.

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 Attachments 1 and 2.

ii. *The level of detail recorded (shot by shot, daily aggregate etc):-*

The catch data collected by AFMA logbooks for the SBTF, ETBF and WTBF is on a shot by shot basis.

iii. *Whether the effort and catch information collected complied 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:-*

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.

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

AFMA logbooks provide for the recording of ERS interactions. Further, all AFMA logbooks contain specific reporting forms for Protected 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 Protected 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 or 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.

	<p>v. <i>Who were the log books submitted to</i>⁴:-</p> <p>Logbooks are submitted to AFMA, either by paper or electronically.</p> <p>vi. <i>What was the timeframe and method</i>⁵ <i>for submission</i>:-</p> <p><u>Farm sector</u></p> <ul style="list-style-type: none"> • TPB03 – must be submitted by the 14th day of the following month; • SBT03B – must be submitted immediately on arriving at location where the fish are transferred to farm pontoons. <p><u>Longline sector</u></p> <ul style="list-style-type: none"> • 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 14th day of the following month. <p>vii. <i>The type of checking and verification that was routinely conducted for this information</i>:-</p> <p><u>Farm sector</u> At the end of each fishing season all farming companies are audited by AFMA to review compliance with SFR holdings. Further information on these audits is provided in Section 2.</p> <p><u>Longline sector</u> At the end of each fishing season, all SFR holders that have caught SBT are audited by AFMA to review compliance with SFR holdings. 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 Attachments 1 and 2.</p> <p>viii. <i>Reference to applicable legislation and penalties</i>:-</p> <p>CCSBT obligations are given effect via concession conditions. Breaching a condition of a concession is an offence under Section 95 of the FM Act. 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>ix. <i>Other relevant information</i>⁶:-</p> <p>None.</p>
Additional reporting methods (such	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:

⁴ 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.

⁵ In particular, whether the information is submitted electronically from the vessel.

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

<p>as real time monitoring programs)</p>	<p>i. <i>Whether this was mandatory. If not, specify the % of SBT fishing that was 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) forms⁷:</p> <p><u>Farm sector</u></p> <ul style="list-style-type: none"> • Southern Bluefin Tuna Fishery Farm Catch Disposal Record – Purse Seine Boat (SBT02) – for purse seine boats; • Southern Bluefin Tuna Fishery Farm Catch Disposal Record (SBT04B) – for farms; • CCSBT Catch Tagging Form (CTAU02); • CCSBT Farm Stocking Form (FSAU02); • CCSBT Farm Transfer Form (FTAU02); • CCSBT Catch Monitoring Form (CMAU02); • CCSBT Re-Export/Export After Landing of Domestic Product (REAU02). <p><u>Longline sector</u></p> <ul style="list-style-type: none"> • Commonwealth Pelagic Fisheries Catch Disposal Record (PT02B); • CCSBT Catch Tagging Form (CTAU02); • CCSBT Catch Monitoring Form (CMAU02); • CCSBT Re-Export/Export After Landing of Domestic Product (REAU02). <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 Attachments 1 and 2.</p> <p>ii. <i>The information that was 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>iii. <i>Who the reports were submitted to and by whom (e.g. Vessel Master, the Fishing Company etc)⁴:-</i></p> <p>SFR holders in the SBTF, ETBF and WTBF are also required to submit this documentation to AFMA.</p> <p>iv. <i>What was the timeframe and method⁵ for submission:-</i></p> <p><u>Farm sector</u></p> <ul style="list-style-type: none"> • SBT02 – must be submitted within 24 hours of tow commencing; • SBT04B – must be submitted within 24 hours of completion of all parts of the form; • CTAU02 – must be submitted within three business days of the final harvest; • FSAU02 – must be submitted within three business days of form being completed;
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⁷ <http://www.afma.gov.au/services-for-industry/logbooks-and-catch-disposal/current-logbooks-and-catch-disposal-records/>

	<ul style="list-style-type: none"> • FTAU02 – must be submitted within three business days of fish being transferred; • CMAU02 – must be submitted within three business days of fish being harvested/landed; • REAU02 – must be submitted within three business days of fish being re-exported. <p><u>Longline sector</u></p> <ul style="list-style-type: none"> • PT02B – must be submitted within three business days of fish being unloaded; • CTAU02 – must be submitted within three business days of fish being unloaded; • CMAU02 – must be submitted within three business days of fish being unloaded; • REAU02 – must be submitted within three business days of fish being re-exported. <p>v. <i>The type of checking and verification that was routinely conducted for this information:-</i></p> <p><u>Farm Sector</u> 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><u>Longline Sector</u> At the end of each fishing season, all Commonwealth fish receivers/processors that have received 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 Attachments 1 and 2.</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 information⁶:-</i></p> <p>None.</p>																				
<p>Scientific Observers</p>	<p><i>Specify:</i></p> <p>i. <i>The percentage of the SBT catch and effort observed and the total number of days that observers were actually deployed for in the three previous seasons for each sector (e.g. longline, purse seine, commercial charter fleet, domestic fleet). The unit of effort should be hooks, sets and tows for longline, purse seine and towing respectively:-</i></p> <table border="1" data-bbox="395 1883 1353 2031"> <thead> <tr> <th rowspan="2">Fishing Season (e.g. 2011/12)</th> <th colspan="3">Sector 1 (farming sector)</th> <th colspan="3">Sector 2 (longline sector)^a</th> </tr> <tr> <th>% effort obs.</th> <th>% catch obs.</th> <th>Obs. days deployed^b</th> <th>% effort obs.</th> <th>% catch obs.^c</th> <th>Obs. days deployed</th> </tr> </thead> <tbody> <tr> <td>2011/12</td> <td>11.1%</td> <td>13.8%</td> <td>17</td> <td>32.8%</td> <td>7.4%</td> <td>NA</td> </tr> </tbody> </table>	Fishing Season (e.g. 2011/12)	Sector 1 (farming sector)			Sector 2 (longline sector) ^a			% effort obs.	% catch obs.	Obs. days deployed ^b	% effort obs.	% catch obs. ^c	Obs. days deployed	2011/12	11.1%	13.8%	17	32.8%	7.4%	NA
Fishing Season (e.g. 2011/12)	Sector 1 (farming sector)			Sector 2 (longline sector) ^a																	
	% effort obs.	% catch obs.	Obs. days deployed ^b	% effort obs.	% catch obs. ^c	Obs. days deployed															
2011/12	11.1%	13.8%	17	32.8%	7.4%	NA															

2012/13	12.7%	13.9%	30	29.4%	19.5%	NA
2013/14 ^d	17.0%	21.9%	17	NA	NA	NA

- a. Includes data only for ETBF as no SBT have been caught in the WTBF in recent years. Data are for shots where SBT were caught only.
- b. Includes days observers were deployed on the purse seines only.
- c. % catch observed for the longline sector derived from individual fish numbers, not weight
- d. Catch figures for the 2013/14 fishing season are preliminary as the season does not finish until November 2014

Scientific observer coverage targets are as follows:

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 SBTF farm sector pre-season briefing guide².

Longline sector

To mitigate potential interactions with SBT while targeting other tuna 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 hold SBT quota in order to operate in 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 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 habitat preference. There are no quota holding requirements for 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 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 reaches a level of uncaught SBT quota 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 and a minimum SBT quota holding of 2000kg. In other waters of the WTBF, AFMA aims to maintain scientific observer coverage at least 5%.

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

	<p>Scientific observers are briefed and debriefed following each trip. Issues identified in these briefings and in observer reports are analysed on a case by case basis.</p> <p>iii. <i>Excluding the coverage, specify whether the observer program complied with the CCSBT Scientific Observer Program Standards. If not, describe the non-compliance. Also indicate whether there was any exchange of observers between countries:-</i></p> <p>The AFMA Observer Program complies with the CCSBT Scientific Observer Program Standards. 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>iv. <i>What information on ERS was 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>v. <i>Who were the observer reports submitted to:-</i></p> <p>Observer reports are submitted to AFMA.</p> <p>vi. <i>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 Secretariat by the Australian Government Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES).</p> <p>vii. <i>Other relevant information (including plans for further improvement – in particular to reach coverage of 10% of the effort):-</i></p> <p>Australia has committed to use of onboard camera technology (e-monitoring) in a number of fisheries including the ETBF. Development is ongoing with an implementation date in 2015.</p>
<p>VMS</p> <p><i>The items of “ii” are required in association with the Resolution on establishing the CCSBT Vessel Monitoring System</i></p>	<p><i>Specify:</i></p> <p>i. <i>Whether a mandatory VMS for SBT vessels that complies with CCSBT’s VMS resolution was 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, boats that provide support to SBT farming operations (e.g. tow boats) 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 vessel is authorised to conduct fishing for tunas 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</p>

	<p>on an annual basis under Part III of this Annual Report.</p> <p>ii. For the most recently completed fishing season, specify:</p> <ul style="list-style-type: none"> The number of its flag vessels on the CCSBT Authorised Vessel List that were required to report to a National VMS system:- 2012/13 season - 43 vessels The number of its flag vessels on the CCSBT Authorised Vessel List that actually reported to a National VMS system:- 2012/13 season - 43 vessels Reasons for any non-compliance with VMS requirements and action taken by the Member:- Not Applicable - All vessels that were authorised to fish for SBT and that fished on the high seas were compliant with CCSBT VMS requirements, and as such the VMS requirements for the associated Regional Fisheries Management Organisation for the high seas area. 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. 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. 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 <p>iii. Reference to applicable legislation and penalties:- Regulation 9D of the Fisheries Management Regulations 1992 (FM Regulations) lists the maximum penalty to be applied in the event of an offence.</p>
At-Sea Inspections	<p>Specify:</p> <p>i. The coverage level of at sea inspections (e.g. % of SBT trips inspected):- 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 2012/13 Australian fisheries officers conducted 45 inspections of SBT/ETBF boats, 21 inspections at sea and 24 inspections in port. Other</p>

	<p><i>relevant information</i>⁶:-</p> <p>AFMA conducts a biennial risk assessment⁸ process to determine those prioritised areas that require compliance and enforcement activity. This risk assessment process is conducted across major Commonwealth Fisheries, such as the SBT fishery. Importantly AFMA adopts a structured approach to monitor existing and emerging risks that may require mitigation strategies during this two year period.</p>
<p><i>Other (use of masthead cameras etc.)</i></p>	<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. AFMA has engaged Archipelago Marine Research to implement e-monitoring in the ETBF during 2015.</p>

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

(b) Describe the system 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 SBT farm sector pre-season briefing guide⁹.

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 final count into farm – in the SBT04B CDR.

(c) Describe the system 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 SBT04B logbook.

ii. Monitoring system 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.

⁸ Further details on the compliance risk assessment methodology can be found at: <http://www.afma.gov.au/wp-content/uploads/2010/06/2013-15-RA-Methodology-accessible-version.pdf>

⁹ <http://www.afma.gov.au/wp-content/uploads/2010/06/SBT-pre-season-brief-2013-14-final.doc>

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 an operators holdings at the time the estimate is provided, to later 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 100 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 submits FSAU02 and FTAU02 forms to CCSBT. AFMA validates all FSAU02 forms.

iii. Plans to allow adoption of the stereo video systems for ongoing monitoring:-

Australia advised at CCSBT20 that it would not be implementing the technology until it is cost-effective and does not pose an excessive regulatory and financial burden on industry, such as through the development of an automated solution.

(d) For “b” and “c” above, describe the process used for completing, validating¹⁰ 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 verified 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 SBT 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 selected farming companies and wild caught fish receivers also undergo a level 2 audit, aiming to capture in excess of 10% all commercially landed SBT. This audit includes a full assessment conducted by AFMA officers who review company records which may include spread-sheets, feed boat logs, dive logs, sales and export documentation, including CDS documentation. SFR holders must retain original copies of each CDR and CCSBT CDS documents for five years from the date of completion to meet audit requirements. As part of the level 2 audit, two AFMA 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. The 2012/13 season level 2 audits accounted for approximately 40% of SBT received by fish receivers in that season.

¹⁰ Including the class of person who conducts this work (e.g. government official, authorised third party)

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 handbook¹¹ for SFR holders in the SBTF, describing the procedures that must be followed to comply with the CDS including the mandatory tagging of whole fish.

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.

(e) Other relevant information⁶

Australia has submitted a list of authorised SBT farms to the CCSBT Secretariat, as required. Australia notifies the Executive Secretary of any addition to, deletion from or modification required to the CCSBT Record of Authorised Farms as soon as this information becomes available. 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 Transhipment (in port and at sea)

(a) In accordance with the Resolution on Establishing a Program for Transhipment by Large-Scale Fishing Vessels, report:

i. The quantities of SBT transhipped during the previous fishing season:-

Fishing Season <i>(e.g. 2011/12)</i>	Percentage of the annual SBT catch transhipped at sea	Percentage of the annual SBT catch transhipped in port
2012/13	Nil	Nil

ii. The list of the LSTLVs registered in the CCSBT Authorised Vessel List which have transhipped at sea during the previous fishing season:-

Australian-flagged boats do not currently tranship or receive SBT to/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.

iii. A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transhipment from their LSTLVs:-

Not applicable.

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

i. Rules for and names of designated foreign ports of transhipment for SBT and for prohibition of transhipment 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, Australia will notify the CCSBT Executive Secretary of the nominated port.

¹¹ <http://www.afma.gov.au/managing-our-fisheries/fisheries-a-to-z-index/southern-bluefin-tuna/publications-and-forms/>

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 transhipment of SBT.

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

Not applicable.

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

In the event that a foreign fishing vessel seeks access to an Australian port to unload or tranship SBT, Australia must issue a port permit. In addition, landing of fish and fish products by foreign vessels is prohibited unless written approval is given by the Australian Government Minister for Agriculture, through the Department of Agriculture. Information on any inspection or other action that is undertaken will be shared with the flag State in accordance with Australian Government legislation, recognising the *FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*.

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

Not applicable.

v. *Process for validating¹⁰ 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 information⁶:-*

None

(c) *Describe the system 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 observation 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 SBT that authorises receipt of the transhipped tuna.

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 information⁶:-*

None.

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

(a) Specify the approximate percentage of the annual SBT catch that was landed as domestic product.

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 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 1d), in 2012/13 Australian fisheries officers conducted 45 inspections of SBT/ETBF boats, 21 inspections at sea and 24 inspections in port. Inspections were also carried out on seven premises that received SBT in the 2012/13 season.

iii. *Details of genetic testing conducted and any other techniques that are used to verify that SBT are not being landed as a different species:-*

Australia is not a range State for Pacific Bluefin tuna which is the species most commonly mistaken for SBT. All Bluefin Tuna caught in the ETBF or WTBF are deemed as Southern Bluefin Tuna unless the operator obtains genetic testing.

iv. *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 CDR 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.

- v. *Process for validating¹⁰ 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 verified 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 handbook¹¹ for SFR holders in the SBT 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.

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

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

- vii. *Other relevant information⁶:-*

None

(5) SBT Exports

(a) *Specify the quantity of the domestic catch that was exported and provide an estimate of the total quantity of the domestic SBT catch (in tonnes to 1 decimal place) that was retained within the country/fishing entity (i.e. the quantity can be estimated by subtracting the total export from domestic catch) during each of the last 3 fishing seasons to each country/fishing entity.*

Fishing Season (e.g. 2011/12)	Estimate of retained within the country/fishing entity (Domestic catch-Export) Consumption	SBT Exported to												
		China	France	Germany	Hong Kong	Japan	Korea	Kuwait	Malaysia	New Zealand	Norway	Singapore	Switzerland	USA
2011/12	31	2.2	1.3	1.6	0.6	7224.3	19.3	0.2	0.1	0.1		1	0.2	0.9
2012/13	46.6	29.4	.9	.2	.2	7935.8	108.3				.1	1.6		
2013/14*	24.8	.5				1255.5				.1		.2		

* Figures for the 2013/14 fishing season are preliminary as the season does not finish until November 2014

(b) Describe the system 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 boats) require registration with the Australian Government Department of Agriculture. 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 boats are audited by the Department of Agriculture 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. Details of genetic testing conducted and any other techniques that are used to verify that SBT are not being exported as a different species:-

Australia is not a range State for Pacific Bluefin Tuna which is the species most commonly mistaken for SBT. All Bluefin Tuna caught in the ETBF or WTBF are deemed as Southern Bluefin Tuna unless the operator obtains genetic testing or export the fish to the Tokyo Metropolitan Central Wholesale Market and it is deemed Pacific Bluefin Tuna.

iii. 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 verified 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.

iv. Process for validating¹⁰ 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):-

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

v. Reference to applicable legislation and penalties:-

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

vi. Other relevant information⁶:-

None.

(6) SBT Imports

(a) Specify the total quantity of SBT (in tonnes to 1 decimal place) imported during each of the last 3 fishing seasons from each country/fishing entity.

Fishing Season (e.g. 2011/12)	SBT Imported from						
	New Zealand						
2011/12	3.5						
2012/13	2.8						
2013/14*	.1						

* Figures for the 2013/14 fishing season are preliminary as the season does not finish until November 2014

(b) Describe the system 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 but must be landed to a registered fish receiver. 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 (under Section 103 of the FM Act).

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

Australia imports less than five 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. Details of genetic testing conducted and any other techniques that are used to verify that SBT are not being imported as a different species:-

Australia is not a range State for Pacific Bluefin Tuna which is the species most commonly mistaken for SBT. All Bluefin Tuna caught in the ETBF or WTBF are deemed as Southern Bluefin Tuna unless the operator obtains genetic testing or export the fish to the Tokyo Metropolitan Central Wholesale Market and it is deemed Pacific Bluefin Tuna.

iv. 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 verified 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.

v. Reference to applicable legislation and penalties:-

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

vi. Other relevant information⁶:-

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 and in port, and they also conduct random audits of fishing companies, fish receivers and export establishments.

(b) Describe the system 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 both domestically and internationally from capture to first point of sale. Australia is compliant with the CCSBT CDS.

(c) Other relevant information⁶

None.

(8) Other

Description of any other MCS systems of relevance.

None.

III. Additional Reporting Requirements

(1) Coverage and Type of CDS Audit undertaken

As per paragraph 5.9 of the CDS Resolution, specify details on the level of coverage and type of audit undertaken, in accordance with 5.8¹² of the Resolution, and the level of compliance.

Effective 1 January 2010, no SBT may be accepted for domestic sale, export or import, without the verified 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. At the end of each fishing season AFMA conducts a level 1 audit of all SFR holders that have caught SBT.

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 selected farming companies and wild caught fish receivers also undergo a level 2 audit, aiming to capture in excess of 10% all commercially landed SBT. This audit includes a full assessment conducted by AFMA officers who review company records which may include spread-sheets, feed boat logs, dive logs, sales and export documentation, including CDS documentation. SFR holders must retain original copies of each CDR and CCSBT CDS documents for five years from the date of completion to meet audit requirements. The 2012/13 season level 2 audits accounted for approximately 40% of SBT received by fish receivers in that season.

In addition, compliance with the CCSBT CDS is monitored in accordance with AFMA's *National Compliance and Enforcement Policy*. AFMA conducts a biennial risk assessment process to determine those prioritised areas that require targeted compliance and enforcement activity. This risk assessment process is conducted across major Commonwealth Fisheries, such as the SBT fishery. As a result Australian fisheries officers conducted targeted compliance operations to inspect fishing boats at sea, in port, and also conduct random audits of fishing companies, fish receivers and export establishments. The inspection process includes the inspection of relevant documentation such as CDS documents. As provided previously (Section 1d), in 2012/13 Australian fisheries officers conducted 45 inspections of SBT/ETBF boats, 21 inspections at sea and 24 inspections in port. Inspections were also carried out on seven premises that received SBT in the 2012/13 season.

(2) Ecologically Related Species

(a) Reporting requirements in relation to implementation of the 2008 ERS Recommendation:

- Specify whether each of the following plans/guidelines have been implemented, and if not, specify the action that has been taken towards implementing each of these plans/guidelines:-*
 - *International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries:*

¹² Paragraph 5.8 of the CDS Resolution specifies that "Members and Cooperating Non-Members shall undertake an appropriate level of audit, including inspections of vessels, landings, and where possible markets, to the extent necessary to validate the information contained in the CDS documentation."

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* (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 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. 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.

For more information on mitigation measures refer to section 2c below.

- *International Plan of Action for the Conservation and Management of Sharks:*

Australia first adopted a *National Plan of Action for Conservation and Management of Sharks*¹⁰ (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.

As a member of the IOTC and WCPFC, which have adopted the following measures for the conservation and management of sharks Australia is compliant with the following measures adopted by these Commissions.

- The Western and Central Pacific Fisheries Commission (WCPFC) adopted:
 - CMM 2010-07 on the Conservation Management Measure for Sharks in the Western and Central Pacific Ocean.
 - CMM 2011-04 on the Conservation and Management Measure for Oceanic Whitetip Shark.
 - CMM 2012-04 on the Conservation and Management Measure on the Protection of Whale Sharks from Purse Seine Operations.
 - CMM 2013-08 on the Conservation and Management of Silky Sharks entered into force on the 1 July 2014.
- The Indian Ocean Tuna Commission (IOTC) has adopted:
 - Resolution 05/05 Concerning the conservation of sharks caught in association with fisheries managed by the IOTC.
 - Resolution 12/09 on the Conservation of Thresher Sharks (Family Alopiidae) caught in association with fishers in the IOTC area of competence.
 - Resolution 13/05 on the Conservation of Whale Sharks (*Rhincodon typus*) caught in association with purse seine fishers in the IOTC area of competence, which enters into force on 14 September 2013.
 - Resolution 13/06 on a scientific and management framework on the Conservation of Shark species caught in association with IOTC managed fisheries, which targets the conservation of Oceanic Whitetip Sharks and entered into force on 14 September 2013 and operates in parallel with Resolution 05/05.

For more information on mitigation measures refer to section 2c below.

- *FAO Guidelines to reduce sea turtle mortality in fishing operations:*

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; fulfil 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*. Additionally the *Recovery Plan for Marine Turtles in Australia*¹¹ was developed by the Department of the Environment 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.

For more information on mitigation measures refer to section 2c below.

- ii. *Specify whether all current binding and recommendatory measures¹³ aimed at the protection of ecologically related species¹⁴ from fishing of the following tuna RFMOs are being complied with. If not, specify which measures are not being complied with and the progress that is being made towards compliance:-*
- *IOTC, when fishing within IOTC's Convention Area:*
 - *WCPFC, when fishing within WCPFC's Convention Area:*
 - *ICCAT, when fishing within ICCAT's Convention Area:*

As provided previously (Section 2a), Australia complies with all current binding and non-binding 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, WCPFC and CCSBT. 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. Australia's report to the ERSWG also presents this information for all Australian fisheries in which SBT is targeted or interacted with.

As Australia is not a Member to the International Commission for the Conservation of Atlantic Tunas (ICCAT), no Australian-flagged vessels are authorised to conduct fishing for tunas within the ICCAT area.

- iii. *Specify whether data is being collected and reported on ecologically related species in accordance with the requirements of the following tuna RFMOs. If data are not being collected and reported in accordance with these requirements, specify which measures are not being complied with and the progress that is being made towards compliance:-*
- *CCSBT¹⁵:*
 - *IOTC, for fishing within IOTC's Convention Area:*
 - *WCPFC, for fishing within WCPFC's Convention Area:*

¹³ Relevant measures of these RFMOs can be found at: http://www.ccsbt.org/site/bycatch_mitigation.php .

¹⁴ Including seabirds, sea turtles and sharks.

¹⁵ Current CCSBT requirements are those in the Scientific Observer Program Standards and those necessary for completing the template for the annual report to the ERSWG.

- ICCAT, for fishing within ICCAT's Convention Area:

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.

(b) Specify the number of observed ERS interactions including mortalities, and describe the methods of scaling used to produce estimates of total mortality (information should be provided by species –including the scientific name – wherever possible¹⁶):

	Sector 1 (farm sector)		Sector 2 (longline sector)	
Most Recent Calendar Year (2013)				
Total number of hooks (shots for PS)	119		292,501	
Percentage of hooks (shots) observed	11.8%		29.4%	
	Total number of observed interactions/mortality			
	Interactions	Mortality	Interactions	Mortality
Seabirds	0	0	0	0
Sharks	0	0	729	221
Sea Turtles	0	0	0	0
Previous Calendar Year (2012)				
Total number of hooks (shots for PS)	152		124,381	
Percentage of hooks (shots) observed	11.2%		32.9%	
	Total number of observed interactions/mortality			
	Interactions	Mortality	Interactions	Mortality
Seabirds	0	0	1	0
Sharks	0	0	164	25
Sea Turtles	0	0	0	0

(c) Mitigation – describe the current mitigation requirements:

Seabird mitigation requirements

As provided previously (Part III Section 2a), Australia has put in place the *Threat Abatement Plan 2006 for the Incidental Catch (or bycatch) of Seabirds During Oceanic Longline Fishing Operations*¹⁷ (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 following mitigation measures are prescribed for Australian longline boats under the 2006 TAP:

At all times the holder must ensure:

- (a) The boat nominated to this concession carries on board one or more assembled tori lines. Each tori line must be constructed and used in accordance with the following specifications:
 - i. must be a minimum of 100 metres in length;

¹⁶ Where species specific information is available, insert additional line(s) for each species below the relevant Seabird, Sharks, and/or Sea Turtles sub headings.

¹⁷ <http://www.antarctica.gov.au/science/southern-ocean-ecosystems-environmental-change-and-conservation/southern-ocean-fisheries/seabird-bycatch/threat-abatement-plan-seabirds>

- ii. must 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;
 - iii. must have streamers attached to it with a maximum interval between the streamers of 3.5 metres;
 - iv. in addition to part i. a) above, all streamers must be maintained to ensure their lengths are as close to the water surface as possible;
- (b) The boat nominated to this concession carries on board a minimum of either:
 - i. 1,000 weighted swivels each weighing at least 60 grams; or
 - ii. 1,000 weights each of at least 40 grams;
- (c) When fishing south of the parallel of latitude 25 degrees South:
 - i. non-frozen baits are attached to the hooks; and
 - ii. prior to longlines entering the water he/she deploys a separate tori line at each point at which hooks enter the water. All tori lines must comply with part (a) above; and
 - iii. longlines are weighted with either a minimum of:
 - a) 60 gram swivels at a distance of no more than 3.5 metres from each hook; or
 - b) 98 gram swivels at a distance of no more than 4 metres from each hook; or
 - c) 40 gram weights immediately adjacent to the hook with dead non-frozen baits attached to the hooks.
- (d) The boat nominated to this concession carries on board a minimum of one dehooking device, the purpose of which is to enable hooks embedded in bycatch species to be removed with minimum damage to the fish. The device must be constructed and used in accordance with the following specifications:
 - i. The device must enable the hook to be secured and the barb shielded so that the barb does not re-engage with the fish while the hook is being removed;
 - ii. The device must be blunt with all edges rounded;
 - iii. Where more than one size of hook is to be carried, a dehooking device (or devices) must be carried that can be used with all hooks on the boat; and
 - iv. The shaft of the device must be a minimum of 1.5 metres in length.
- (e) The boat nominated to this concession carries on board a minimum of one line cutting device. The line cutting device must be constructed and used in accordance with the following specifications:
 - i. The device must be constructed to allow the line to be cut as close to the hook as possible;
 - ii. The blade of the device must be enclosed in a blunt rounded (arc-shaped) cover with the hook exposed on the inside of the arc;
 - iii. The shaft of the device must be a minimum of 1.5 metres in length.

Following 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 at the hook weights to be used with dead bait. The new conditions were implemented on 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.

Shark mitigation requirements

Australia is fully compliant with the IOTC and WCPFC conservation and management measures outlined in Part III Section 2(a)i.

The following mitigation measures are prescribed for concession holders of Australian longline boats:

- a ban on the use of wire leaders;
- must not take more sharks than the number of tuna and billfish quota species taken per trip to a maximum limit of 20 sharks per trip, excluding school shark, gummy shark, elephant fish (*Callorhynchidae*), chimaerids (*Chimaeridae* and *Rhinochimaeridae*) and sawshark which are quota managed species. This limit does not apply to great white sharks and grey nurse sharks, which are no-take TEP species;
- prohibited from carrying, retaining, or landing all shark dorsal, pectoral, caudal, pelvic and anal fins that are not attached to their carcass;
- prohibited from carrying, retaining and landing livers obtained from sharks unless the individual carcasses from which the livers were obtained are also landed;
- prohibited from retaining oceanic white tip sharks; and
- as of 1 July 2014 prohibited from retaining silky sharks.

Turtle mitigation requirements

As provided previously (Part III Section 2a), 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*. The concession holder must use large circle hooks if less than 8 hooks per bubble are set. It is also compulsory to carry line cutters and de-hookers. In addition, 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.

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.

(3) Historical SBT Catch (retained and non-retained)

Specify the best estimate (weight and number as available) of the historical fishing amounts of SBT for each sector (e.g. commercial longline, commercial purse seine, commercial charter fleet, domestic fleet, recreational) in the table below. The table should include the most recently completed fishing season. Figures should be provided for both retained SBT and non-retained SBT. For longline and recreational, “Retained SBT” includes SBT retained on vessel and “Non-Retained SBT” includes those returned to the water. For farming, “Retained SBT” includes SBT stocked to farming cages and “Non-Retained SBT” includes towing mortalities. If the number of individuals is known but the value in tonnes is unknown, enter the number of individuals in square brackets (e.g. [250]). Table cells should not be left empty. If the value is zero, enter “0”. It is recognised that for some sectors, the information requested in this table may not yet be available. Therefore, if the value is unknown, enter “?”. However, estimates are preferred over unknown entries. Cells containing estimates with a high degree of uncertainty should be shaded in light grey. A description of any estimation methods should be provided below the table.

Fishing Season (e.g. 2011/12)	Retained and Non-Retained SBT							
	Sector 1 (Pole and Line)		Sector 2 (Farm sector)		Sector 3 (Longline sector)		Sector 4 (Recreational sector)	
	Retained SBT	Non-Retained SBT	Retained SBT	Non-Retained SBT ^a	Retained SBT	Non-Retained SBT	Retained SBT	Non-Retained SBT
2013/14 ^b	10	NA	5029	NA	35	NA	?	?
2012/13	0	0	4663	NA	341	[1200]	75.8 ^c	[1035] ^c
2011/12	0	0	4485	NA	58	[274]	?	?
2010/11	0	0	3872	NA	85	[210]	240 t ^d	[6900] ^d
2009/10	0	0	3931	NA	161	[1668]	?	?
2008/09	0	0	5015	NA	213	[1755]	?	?
2007/08	0	0	5211	NA	23	[331]	43.1 t ^e	?
2006/07	0	0	5230	NA	4	[88]	?	?
2005/06	0	0	5302	NA	6	[5]	?	?
2004/05	0	0	5214	NA	35	[116]	?	?
2003/04	0	0	4874	NA	247	[353]	?	?
2002/03	0	0	5375	NA	17	[629]	?	?
2001/02	0	0	5234	NA	29	[409]	?	?
2000/01	0	0	5162	NA	38	[1732]	?	?
1999/00	0	0	5130	NA	127	?	?	?
1998/99	28	?	4991	NA	216	?	?	?
1997/98	916	?	3488	NA	664	?	?	?
1996/97	2000	?	2498	NA	472	?	?	?
1995/96	1447	?	3362	NA	351	?	?	?
1994/95	908	?	1954	NA	1563	?	?	?
1993/94	621	?	1294	NA	2745	?	?	?
1992/93	716	?	722	NA	3085	?	?	?
1991/92	1629	?	138	NA	2240	?	?	?
1990/91	2588	?	0	NA	1151	?	?	?
1989/90	4199	?	0	NA	406	?	?	?
1988/89	4872	?	0	NA	685	?	?	?

a Non-retained SBT in the farm sector as included in Australia’s reported catch (i.e. retained catch); noted as ‘NA’ for not applicable.

b Catch figures for the 2013/14 fishing season are preliminary as the season does not finish until November 2014

c Estimates from a 2012 survey conducted in Tasmania (Tracey et al. 2013).

d Estimates from a 2011 survey conducted in Victoria from March to July (Green et al. 2012).

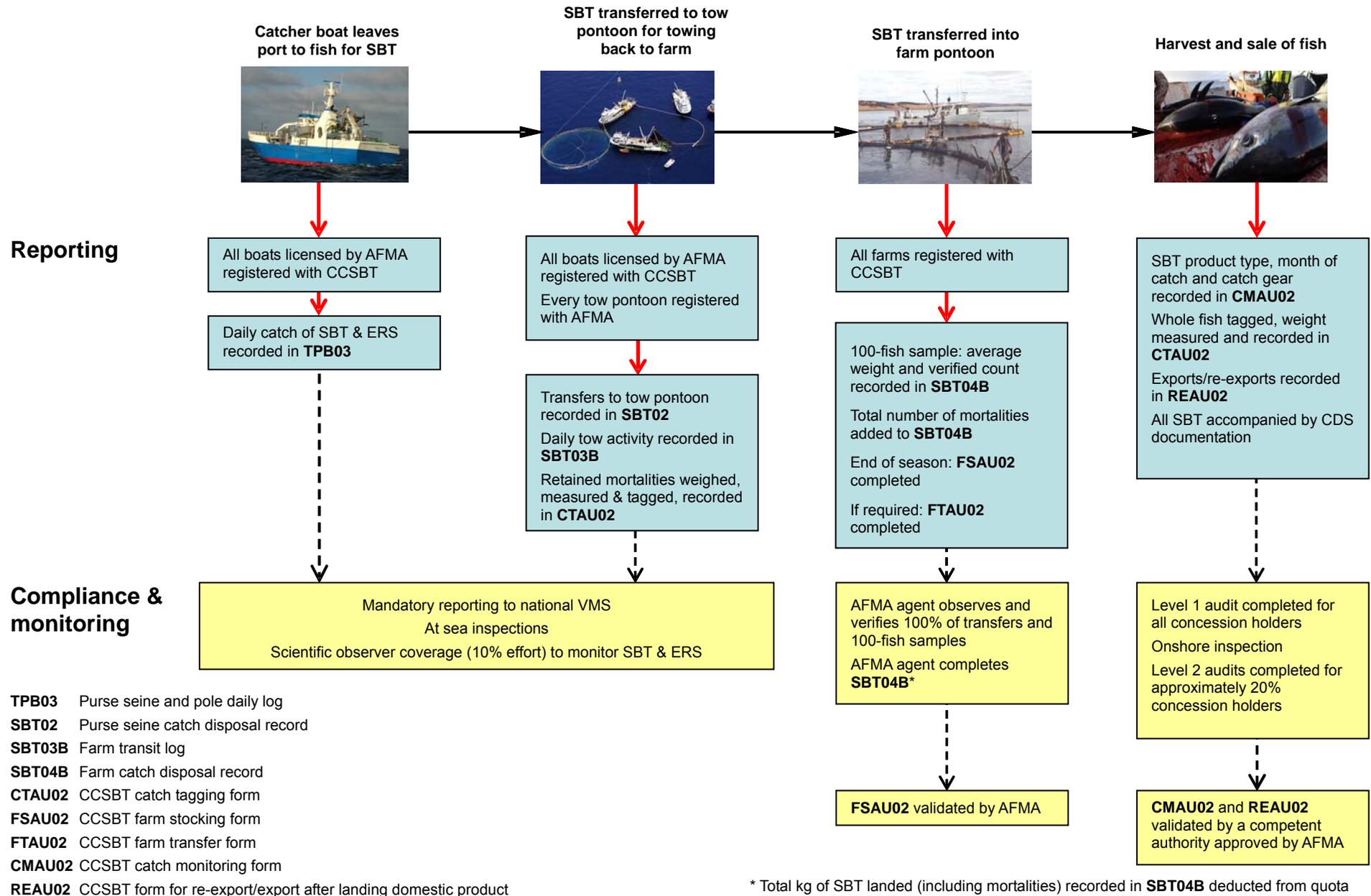
e Estimates from surveys in 2007–08 for Tasmania and South Australia (Forbes et al. 2009, Jones et al. 2009).

IV. References

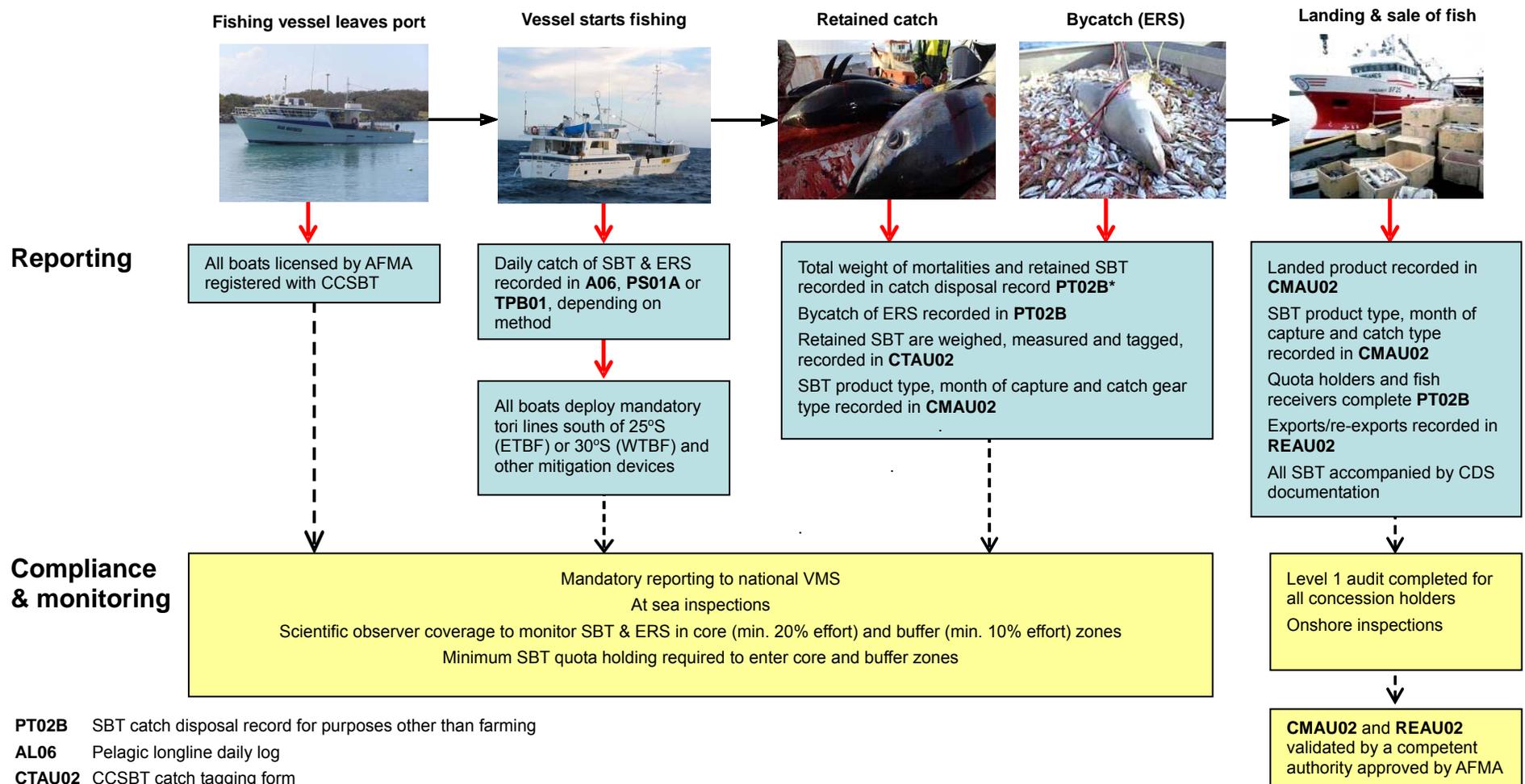
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- Forbes, E, Tracey, S and Lyle, J (2009) Assessment of the 2008 recreational gamefish fishery of southeast Tasmania, with particular reference to southern bluefin tuna. Tasmanian Aquaculture and Fisheries Institute, University of Tasmania, Hobart
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- Jones, K (2009) South Australian Recreational Fishing Survey. PIRSA Fisheries, Adelaide, 84 pp. South Australian Fisheries Management Series Paper No 54
- Tracey, S, Lyle, JM, Ewing, G, Hartmann, K & Mapleston, A 2013, *Offshore recreational fishing in Tasmania 2011/12*, Institute of Marine and Antarctic Studies, University of Tasmania, Hobart.

ATTACHMENT 1 – SYSTEMATIC VERIFICATION OF CATCH – FARM SECTOR



ATTACHMENT 2 – SYSTEMATIC VERIFICATION OF CATCH – LONGLINE SECTOR



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

ATTACHMENT 3 – SBT SFR GENERAL CONDITIONS FOR THE 2013/14 FISHING SEASON

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.3 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 5440 or by email to 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.

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.