

The logo features a blue rectangular background with a repeating pattern of fish swimming to the right. The text "South Pacific Regional Fisheries Management Organisation" is centered in white, bold, sans-serif font.

South Pacific Regional Fisheries Management Organisation

**2nd Meeting of the Compliance and Technical Committee,
Auckland, New Zealand: 30 - 31 January 2015**

CTC-02-17

Australia's Implementation report



Ref: 2014/37294E

Dr Johanne Fischer
Executive Secretary
SPRFMO Secretariat
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Dear Dr Fischer

Consistent with Article 24(2) of the *Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean*, Australia presents its National Report of Implementation setting out how it has implemented the conservation and management measures and compliance and enforcement procedures adopted by the Commission.

We would appreciate it if you could circulate this report to all members.

Yours sincerely

Gordon Neil
Australian Commissioner to SPRFMO
Assistant Secretary
Fisheries Branch
Australian Department of Agriculture

22 December 2014

**Australia's National Report
on the Implementation of Conservation and Management Measures
adopted at the
1st and 2nd Meetings of the South Pacific Regional Fisheries Management Organisation**

Report Date: 23 December 2014

1. Introduction

The *Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean* (the Convention) entered into force on 24 August 2012. Australia is a Member of the SPRFMO Commission. This report is provided under Article 24(2) of the Convention.

2. Implementation

CMM 1.02 Conservation and Management Measure for Gillnets in the SPRFMO Convention Area

Australia has fully implemented all elements of this CMM. Australia has prohibited the use of both pelagic and demersal gillnets by Australian citizens or by Australian flagged vessels throughout the SPRFMO Convention Area through the *Australian Fisheries Management Act 1991*, Section 13 (see: <http://www.comlaw.gov.au/Series/C2004A04237>).

CMM 1.04 Establishing a List of Vessels presumed to have carried out Illegal, Unreported and Unregulated Fishing activities in the SPRFMO Convention Area

Australia has not detected any vessels presumed to have carried out IUU activities in the SPRFMO Convention Area and as such has not reported any vessels to the SPRFMO Secretariat.

CMM 2.01 Conservation and Management Measure for *Trachurus murphyi*

The CMM is not applicable to Australia. Australia does not fish for *Trachurus murphyi* in the SPRFMO Convention Area.

CMM 2.02 Standards for the Collection, Reporting, Verification and Exchange of Data

Australia submitted Fishing Activity, Landings, Transshipment and Logbook data required under paragraph 1(e) of CMM 2.02 to the SPRFMO Secretariat on 30 June 2014.

Australia submitted its National Science Report for the 2nd meeting of the SPRFMO Scientific Committee on 25 August 2014.

Observer and annual catch data was provided to the Secretariat on 30 September 2014.

Australia made VMS compulsory on all Australian flagged vessels in 2007. Australia's VMS is consistent with the requirements of paragraph 3.

Australia has previously provided all historical data for Australian flagged vessels operating in the SPRFMO Convention Area consistent with the requirements of paragraph 4.

CMM 2.03 Management of Bottom Fishing in the SPRFMO Convention Area

Australia manages bottom fishing by Australian flagged vessels operating in the SPRFMO Convention Area in accordance with the requirements of CMM 2.03, and in particular paragraphs 8, 10 and 24.

Consistent with paragraph 8(c), Australia enforces a bottom fishing catch limit to a level that does not exceed the annual average levels of Australian vessels' catch over the period 1 January 2002 to 31 December 2006.

Pursuant to paragraph 8(d), Australia restricts bottom fishing of Australian vessels to its bottom fishing footprint. Consistent with Article 24(3) of the SPRFMO Convention, Australia is currently investigating a potential breach of this restriction and will report the outcome of the investigation to the Commission. At all times while fishing in the SPRFMO Convention Area, including at the time of the alleged incident, the vessel operator filled in daily fish logs and catch disposal records, had the vessel's VMS system operational and carried an observer on board.

Consistent with paragraph 8(e), Australia has implemented 100 per cent observer coverage on all trawl vessels operating in the SPRFMO Convention Area. For non-trawl vessels, Australia requires mandatory observer coverage on the first trip with ongoing 10 per cent observer coverage annually.

There were no reported or observed vulnerable marine ecosystem interactions in 2014.

In July 2014, Australia reported to the Commission that an Australian flagged sterntrawler operated in the SPRFMO Convention without an observer on 2 to 11 July 2014 because the nominated observer, duly authorised and trained under Australia's national observer program was unable to leave Australia due to a problem with his passport. As the lack of an available Australian-accredited observer was due to circumstances beyond the vessel operator's control, Australia decided it was unreasonable and unfair to prevent the vessel's operator from pursuing legitimate commercial activities.

Australia therefore authorised the vessel to operate in the SPRFMO Convention Area but imposed the following conditions on the vessel operator: the trip length was limited to no longer than 18 days, the vessel was required to notify port authorities 48 hours before landing and was subject to a port inspection. Australia took into account a number of circumstances that mitigated the risks posed by this unfortunate situation. There have been no reported instances of non-compliance with SPRFMO conservation and management measures by the vessel in question in previous trips in the SPRFMO Area. The vessel operator was reminded of his obligations, including with respect to reporting vulnerable marine ecosystem encounters and the move on protocols for such encounters. Further, the vessel was inspected by Australian officials at the time of landing in Eden, New South Wales and was found not to be in contravention of any SPRFMO conservation and management measures.

Paragraph 24(f) of this CMM requires Members engaging in bottom fishing to report their monthly catches within 20 days of the end of the month in an electronic format. This obligation has been in effect since May 2014. From June, Australia has reported all its monthly catches (including for January to May), but missed the deadline for June catches by two days in July due to an administrative oversight. The data was provided to the Secretariat on 22 July 2014. Australia has taken administrative action to ensure this does not happen again and has reported all other monthly catches on time.

CMM 2.04 Minimising bycatch of seabirds in the SPRFMO Convention Area

Australia has implemented all relevant seabird mitigation measures described in Annexes 1 and 2 of CMM 2.04.

CMM 2.05 Establishment of the Commission record of Vessels authorised to fish in the Convention Area

Australia provided a list of all Australian flagged vessels authorised to fish in the SPRFMO Convention Area prior to the second meeting of the Commission (in January 2014). Following the adoption of CMM 2.05, Australia provided an updated list of authorised vessels on 3 June 2014.

One additional fishing vessel was added to the list that was submitted on 3 June 2014. This update included one additional vessel, which had been authorised by Australia and had fished from 15 May 2014, just after the 15 day notification period outlined in CMM 2.05 came into effect. Australia's Standard Operating Procedures have been revised to prevent a similar incident occurring in the future.

CMM 2.06 Establishment of the Vessel Monitoring System in the SPRFMO Convention Area

The SPRFMO Commission VMS has not yet been developed or established.

All Australian flagged vessels authorised to fish in the SPRFMO Convention Area report to the Australian Vessel Monitoring System operated by the Australian Fisheries Management Authority and are capable of reporting VMS data by one or more of the mechanisms set out in paragraph 8 of the CMM. All Automatic Location Communicators/ Mobile Transmission Units deployed on Australian flagged vessels comply with international standards.

CMM 2.07 Minimum Standards of Inspection in Port

This CMM is not applicable as it does not enter into force until 1 January 2015.