



High Seas Permits Reassessment January 2018

Submission to the Department of the
Environment and Energy

This submission has been prepared by the Australian Fisheries Management Authority for consideration by the Department of the Environment and Energy in relation to the exemption of the High Seas Fisheries from export controls under the *Environment Protection and Biodiversity Conservation Act 1999*.



Australian Government

Australian Fisheries Management Authority

Contents

Introduction.....	3
High Seas Permits.....	3
Management Arrangements.....	3
International requirements	4
Fishing footprints	5
Observer coverage	5
Electronic monitoring.....	5
Vulnerable Marine Ecosystem trigger levels	6
Catch trigger levels.....	6
Domestic requirements.....	7
Species limitations	7
Seabird mitigation.....	7
Changes to Management Arrangements	7
Development of new Conservation and Management Measure for Bottom Fishing	8
Research and monitoring.....	8
SPRFMO	8
SIOFA	8
Catch data	9
Interactions with protected species.....	9
Progress in implementing recommendations resulting from the assessment of the fishery.....	10

Tables

Table 1. SPRFMO Conservation and Management Measures.....	4
Table 2. SIOFA Conservation and Management Measures.....	4
Table 3. Combined landed catch in SPRFMO and SIOFA 2013 to 2017, as reported in CDRs.....	9
Table 4. Protected species interactions in SPRFMO and SIOFA area of waters by calendar year, as reported in logbooks.....	9
Table 5. Progress in implementing recommendations resulting from the assessment of the fishery ...	10

Introduction

On 20 May 2013, the Department of the Environment and Energy assessed the operation of Australia's High Seas Permits and considered that they operate in line with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition* (the Guidelines). The Department of the Environment and Energy amended the list of exempt native specimens (LENS) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to allow export of product derived through the operation of Australia's High Seas Permits until 18 May 2018.

AFMA now seeks a 10 year inclusion for specimens caught under High Seas Permits on the LENS. This report outlines the management arrangements, research and monitoring, catch data, interaction with protected species and the progress in implementing recommendations resulting from the assessment of the fishery.

Please note that fishing in the area covered by the Commission for the Conservation of Antarctic Marine Living Resources and for tuna and tuna-like species on the high seas are separately accredited and excluded from this report.

High Seas Permits

High Seas Permits allow Australian flagged vessels to fish for non-highly migratory species in the areas of water covered under the Southern Indian Ocean Fisheries Agreement (SIOFA) and the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, which establishes the South Pacific Regional Fisheries Management Organisation (SPRFMO).

High Seas Permits are issued by season which lasts from 1 January to 31 December. There are currently six High Seas Permits. Six vessels are licensed to fish in the SPRFMO area and five vessels are licensed to fish in the SIOFA area. The main gears used by High Seas Permit holders are midwater trawl, demersal trawl and automatic longline (demersal longline).

Management Arrangements

AFMA, in consultation with the Department of Agriculture and Water Resources, the Australian Bureau of Resource Economics and Sciences and the Department of the Environment and Energy has developed and implemented a range of management measures to respond to:

- the findings of the Bottom Fishing Impact Assessments for SPRFMO and SIOFA areas of waters
- the Food and Agriculture Organization of the United Nations International Guidelines for the Management of Deep-sea Fisheries in the High Seas
- SPRFMO Conservation and Management Measures (CMMs)
- SIOFA CMMs
- United Nations General Assembly Resolutions 61/105 and 64/72
- AFMA's objectives under the *Fisheries Management Act 1991*.

The current management arrangements to address these policy and legislative requirements include the following.

International requirements

Australia has implemented the provisions under the SPRFMO and SIOFA CMMs outlined in Tables 1 and 2.

Table 1. SPRFMO Conservation and Management Measures

CMM	Binding	Title
01-2017	23-04-2017	<i>Trachurus murphyi</i>
02-2017	23-04-2017	Standards for the Collection, Reporting, Verification and Exchange of Data
03-2017	23-04-2017	Bottom Fishing in the SPRFMO Convention Area
04-2017	23-04-2017	Establishing a List of Vessels Presumed to have Carried Out IUU Fishing Activities in the SPRFMO Convention Area
05-2016	29-04-2016	Establishment of the Commission Record of Vessels Authorised to Fish in the SPRFMO Convention Area
06-2017	23-04-2017	Establishment of the Vessel Monitoring System in the SPRFMO Convention Area
07-2017	23-04-2017	Minimum Standards of Inspection in Port
08-2013	02-06-2013	Gillnets in the SPRFMO Convention Area
09-2017	23-04-2017	Minimising Bycatch of Seabirds in the SPRFMO Convention Area
10-2017	23-04-2017	Establishment of a Compliance and Monitoring Scheme in the SPRFMO Convention Area
11-2015	13-05-2015	Boarding and Inspection Procedures in the SPRFMO Convention Area
12-2017	23-04-2017	Regulation of Transshipment and Other Transfer Activities
13-2016	29-04-2016	Management of New and Exploratory Fisheries in the SPRFMO Convention Area
14-2016	29-04-2016	Exploratory Fishing for Toothfish in the SPRFMO Convention Area
15-2016	29-04-2016	Vessels without Nationality in the SPRFMO Convention Area

Table 2. SIOFA Conservation and Management Measures

CMM	Binding	Title
2017/10	09-10-2017	Monitoring of Fisheries in the Agreement Area (Monitoring)
2017/09	09-10-2017	Control of fishing activities in the Agreement Area (Control)
2017/08	09-10-2017	Establishing a Port Inspection Scheme (Port Inspection)
2017/07	09-10-2017	Vessel Authorisation and Notification to Fish (Vessel Authorisation)

CMM	Binding	Title
2017/02	09-10-2017	Collection, Reporting, Verification and Exchange of Data relating to fishing activities in the Agreement Area (Data Standards)
2017/01	09-10-2017	Interim Management of Bottom Fishing in the SIOFA Agreement Area (Interim Management of Bottom Fishing)
2016/06	18-08-2016	Listing of IUU Vessels (IUU List)
2016/05	18-10-2016	Conservation and Management Measure regarding the use of large-scale pelagic driftnets and deepwater gillnets in the Southern Indian Ocean Fisheries Agreement Area (Pelagic Driftnets and Deepwater Gillnets)
2016/04	18-10-2016	Vessels without Nationality (Vessels without Nationality)
2016/03	18-10-2016	Data Confidentiality and Procedures for access and use of data (Data Confidentiality)

Fishing footprints

Fishing by Australian vessels is restricted to areas previously fished during the historical reference period of 2002-06 in the SPRFMO area, as defined by the SPRFMO CMM for the Management of Bottom Fishing in the SPRFMO Convention Area (CMM 03-2017). In the SIOFA area, fishing by Australian vessels is restricted to areas previously fished during the historical reference period of 1999-2009, as defined by the SIOFA CMM for the Interim Management of Bottom Fishing in the SIOFA Agreement Area (CMM 2017/01). The inclusion of a restrictive fishing footprint aims to prevent significant adverse impacts to vulnerable marine ecosystems (VMEs). Australian operators in the SIOFA area have agreed to further restrict fishing areas beyond the footprint reference period to exclude fishing in areas voluntarily closed by industry members of the Southern Indian Ocean Deepsea Fishers Association.

Observer coverage

AFMA requires 100 per cent observer coverage for all trawl operations under High Seas Permits. For other methods, such as automatic longline, AFMA requires mandatory observer coverage for the first trip of each season and ongoing coverage of at least 10 per cent annually within SPRFMO, or 20 per cent annually within SIOFA. Australia considers that in the future its electronic monitoring program could be used to complement the observer program and strengthen monitoring for other high seas fisheries, including the high seas trawl fisheries.

Electronic monitoring

Since September 2014 electronic monitoring has been installed on two Australian demersal automatic longline boats that fish in the SPRFMO area. The electronic monitoring systems monitor 100 per cent of fishing activity and complement the existing 10 per cent observer coverage that is used to collect biological data required for CMM 02-2017 and catch composition data. Australia considers that in the future a similar electronic monitoring program could be used to strengthen monitoring for other high seas fisheries including the SPRFMO high seas trawl fisheries and SIOFA fisheries.

At this stage Australia will continue to use on-board observers on boats fishing in the SPRFMO area to collect biological data and meet SPRFMO observer requirements. AFMA will keep the Department of Agriculture and Water Resources, and the Department of the Environment and Energy updated with any progress on this initiative.

Vulnerable Marine Ecosystem trigger levels

Any evidence of a VME such as coral or sponges in a fishing shot must be reported in logbooks.

In the SPRFMO area of waters, if the take of coral and sponge exceeds:

- 50kgs in any one shot for trawl methods; or
- 10kgs in any one shot for line methods for any 1000 hook section of line or a 1200 metre section of line, whichever is the shorter,

the holder must cease fishing immediately and not fish at any point within a five nautical mile radius of that shot using the same gear method as used for the shot that triggered the limit until AFMA notifies otherwise.

In the SIOFA area of waters:

- if the combined catch of coral or sponge in any one trawl shot exceeds 50kgs the holder must cease fishing within an area two nautical miles either side of the trawl track extended by two nautical miles at each end of the trawl track; or
- if the combined catch of coral or sponge in any one shot for line method exceeds 10kgs for any 1000 hook section of line or a 1200 metre section of line, whichever is the shorter; the holder must cease fishing within a radius of one nautical mile from the midpoint of the line segment.

The holder must not fish in that area using the same method as used for that shot that triggered the limit until AFMA notifies otherwise.

Interactions within both SPRFMO and SIOFA must be reported to AFMA's Service One section on 1300 723 621 or by email at licensing@afma.gov.au within 24 hours of the shot. The notification must include details of the shot including the location, as outlined in Annex 1 of the SPRFMO CMM 03-2017 or Annex 1 of the SIOFA CMM 2017/01.

VME move on triggers were introduced for the SIOFA area of waters on 1 January 2017.

For both SPRFMO and SIOFA these thresholds were not triggered in 2014, 2015, 2016 and 2017.

Catch trigger levels

In the SPRFMO area, SPRFMO CMM 03-2017 limits total catch to the average annual catch over the period 1 January 2002 – 31 December 2006. This limit has been determined to be 451 580 kg. To ensure this restriction is not exceeded, AFMA implemented a permit condition that requires fishing in SPRFMO to cease immediately if 90 per cent of the catch limit has been caught (405 tonnes). This has been included in the High Seas Permit conditions since 1 January 2015.

In the SIOFA area, fishing must cease immediately if the mixed species trigger limit of 1000 tonnes has been reached. This has been included in the High Seas Permit conditions since 23 May 2017.

Under the SPRFMO CMM 03-2017 Australia is required to report cumulative bottom fishing catches in the SPRFMO Area each month to the SPRFMO Secretariat. The purpose of this monthly reporting is to provide a more timely ability to monitor catches against the catch levels. The most recent monthly catch reports can be obtained by contacting GHAT@afma.gov.au.

Domestic requirements

In addition to the above measures, AFMA imposes the following conditions on High Seas Permits:

- a ban on the removal of fins from sharks at sea
- shark livers may be landed separate from the carcass, but must be landed when the carcass is landed
- all Skates, Rays and Banjo sharks must not have the skin or a fillet removed from the carcass prior to the fish being landed
- a requirement to avoid interactions with protected organisms and, if an interaction occurs, a requirement to report the interaction
- the compulsory use of a vessel monitoring system to enable AFMA to monitor each vessels movements.

Species limitations

A ban exists on the take of the following species:

- blue marlin (*Makaira indica*)
- black marlin (*Makaira mazara*)
- black cod (*Epinephelus daemeli*)
- tuna and tuna like species including fish of the families *Istiophoridae* (commonly known as marlins) and *Xiphiidae* (commonly known as billfish).

Seabird mitigation

High Seas Permit conditions require longline vessels that fish in SPRFMO and SIOFA to use tori lines and responsibly discharge biological material to minimise bycatch of seabirds. Since August 2016, the High Seas Permit conditions require trawl vessels in the SPRFMO area to deploy bird bafflers and responsibly discharge biological material. This is consistent with the SPRFMO CMM 09-2017 and measures in the Commonwealth Trawl Sector of the Southern and Eastern Scalefish and Shark Fishery.

Changes to Management Arrangements

There have been no changes to management arrangements since the 2016 Annual Report to the Department of the Environment and Energy. The Department of the Environment and Energy will be informed of any management changes to SPRFMO or SIOFA as they arise.

Development of new Conservation and Management Measure for Bottom Fishing

AFMA and the Department of Agriculture and Water Resources are working with the New Zealand Government on developing a new CMM for Bottom Fishing in the SPRFMO Convention Area. Under the current CMM (03-2017), Australia and New Zealand constrain vessels flying their flag to fishing within their respective footprints from 2002-06 and to catches no higher than their average annual bottom fishing catch level for 2002-06. Fishing in these areas is currently supported by individual bottom fishing impact assessments. A spatial management approach is being used to develop a new CMM that will permit bottom fishing within agreed catch limits (for target species, e.g. orange roughy) and prevent significant adverse impacts on VMEs. Zonation modelling has been applied and a large section of the western Pacific Ocean has been modelled for VME habitats. The model provides a network of areas that can be opened and areas that should be closed to fishing. Progress on the draft CMM and the scientific process are summarised in the Report of the 5th Scientific Committee Meeting at www.sprfmo.int/assets/00-SC5-2017/SC05-Report-Final-4Oct2017.pdf (paragraphs 109 to 111). The proposal is to be considered at the upcoming 6th SPRFMO Commission Meeting in Lima, Peru from 30 January to 3 February 2018. If approved, the relevant elements of the CMM will be implemented through changes to the High Seas Permit conditions. However, at this stage AFMA anticipates that the introduction of the measure will likely be deferred until 2019 to allow further consideration by the SPRFMO Scientific Committee in 2018.

Research and monitoring

SPRFMO

The SPRFMO Scientific Committee last met in September 2017 in China and the outcomes of the meeting are summarised in the report at www.sprfmo.int/assets/00-SC5-2017/SC05-Report-Final-4Oct2017.pdf. Key items relating to research and monitoring in SPRFMO waters included:

- stock assessments for orange roughy in the western part of the SPRFMO area
- a draft revised CMM for bottom fisheries within SPRFMO
- preliminary ecological risk assessment for the effects of bottom fishing on deepwater chondrichthyans.

SIOFA

The SIOFA Scientific Committee last met in March 2017 in La Reunion and the outcomes of the meeting are summarised in the report at www.siofa.org/sites/siofa.org/files/documents/meetings/Report%20of%20the%20Second%20Meeting%20of%20the%20SIOFA%20Scientific%20Committee.pdf. Key items of the meeting relating to research and monitoring included:

- adoption of guidelines for evaluating and approving electronic observer programs for scientific data collection
- progress of the SIOFA Scientific database
- progress towards a bottom fishing assessment standard

- progress of stock assessments for orange roughy, alfonsino and Patagonian toothfish
- progress of ecological risk assessment for the effects of fishing on deepwater sharks.

Catch data

Table 3 outlines the combined landed catch of all species for SPRFMO and SIOFA from 2013 to 2017. More detailed historical catch data for the key target species can be found in past assessment reports to the Department of the Environment and Energy, and in the Sustainability Assessment which is available on the AFMA website at www.afma.gov.au/fisheries/high-seas-permits/.

Table 3. Combined landed catch in SPRFMO and SIOFA 2013 to 2017, as reported in Catch Disposal Records (CDRs)

Year	SPRFMO combined catch (kg)	SIOFA combined catch (kg)
2013	298 195	224 275
2014	220 503	486 798
2015	216 460	0
2016	256 241	114 851
2017 ¹	257 809	0

Interactions with protected species

Table 4 outlines the combined interactions of all protected species for SPRFMO and SIOFA areas from 2013 to 2017.

Table 4. Protected species interactions in SPRFMO and SIOFA area of waters by calendar year, as reported in logbooks

Year	Species	Fishing method	Number of animals	Life status
2013	Shortfin mako	Set automatic longline (demersal longline)	5	Dead
2014	Shortfin mako		8	Dead
2015	Shortfin mako		5	Dead
	Longfin mako		79	Dead
	Petrels, prions and shearwaters		1	Dead
2016	Flesh footed shearwater		1	Dead
	Green turtle		2	Dead
	Sea snakes		1	Unknown
	White chinned petrel		1	Dead

¹ Data is to 5 December 2017 only and therefore may not be complete.

Year	Species	Fishing method	Number of animals	Life status
2017 ²	White shark		3	Alive
	Shortfin mako		1	Dead
	White shark		1	Alive

Progress in implementing recommendations resulting from the assessment of the fishery

AFMA Management considers that the high seas fisheries are being managed in accordance with recommendations for the inclusion of High Seas Permit species on the LENS established under the EBPC Act. A description of how AFMA and the Department of Agriculture and Water Resources have implemented the LENS assessment recommendations is described in Table 5.

Table 5. Progress in implementing recommendations resulting from the assessment of the fishery

Recommendation	Progress
Recommendation 1: Operation of Australia's High Seas Permits will be carried out in accordance with the permit conditions, in force under the <i>Fisheries Management Act 1991</i> .	<i>Complete (ongoing)</i> AFMA has consistently monitored compliance with the permit conditions. Fulfilment of this condition is reported in the AFMA annual report. The latest report can be found at www.afma.gov.au/about/corporate-publications/
Recommendation 2: The Australian Fisheries Management Authority to inform the Department of the Environment of any intended material changes to the management arrangements under Australia's High Seas Permits that may affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are based.	<i>Complete (ongoing as required)</i> AFMA has reported changes to the High Seas management arrangements in accordance with the LENS conditions.
Recommendation 3: The Australian Fisheries Management Authority to produce and present reports to the Department of the Environment annually as per Appendix B to the <i>Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition</i> .	<i>Complete</i> AFMA has submitted the report required under Recommendation 3 annually.

² Data is to 5 December 2017 only and therefore may not be complete.

Recommendation	Progress
<p>Recommendation 4:</p> <p>The Department of Agriculture, in conjunction with the Australian Fisheries Management Authority, are to continue to investigate key non-highly migratory species stocks harvested under Australia's High Seas Permits, with a view towards improved certainty in future stock assessments of these species. Investigations should be consistent with the research priorities identified by the relevant bodies of applicable international regional fisheries agreements, as well as any relevant research agencies.</p>	<p><i>In progress</i></p> <p>Australia is working with New Zealand to progress research on stock assessments for key non-highly migratory species harvested on the high seas, as part of the work required by the SPRFMO Scientific Committee. This includes a preliminary assessment of Orange Roughy which may be used to set catch limits in 2018. Papers summarising progress on this body of work are available at www.sprfmo.int/meetings/5th-sc-meeting/ under the heading of SC5-DW Deepwater working group papers. The Department of the Environment and Energy will be informed when this research is finalised.</p> <p>Australia has been part of the development of the terms of reference and work plan for the SIOFA Stock Assessment Working Group. Stock assessment research in SIOFA is in progress.</p>
<p>Recommendation 5:</p> <p>For the Australian Fisheries Management Authority to:</p> <ul style="list-style-type: none"> a) continue to collect reliable information on the composition and abundance of retained and non-retained catch, and b) investigate the risk to bycatch and discard species, and based on the findings, implement appropriate management responses. 	<p><i>Complete (ongoing)</i></p> <ul style="list-style-type: none"> a) Reliable data on catch composition, bycatch and discards is collected in operator logbooks and by observers. There is 100 per cent mandatory observer coverage on all trawl vessels. For other methods, AFMA requires mandatory observer coverage for the first trip of each season and ongoing coverage of at least 10 per cent annually within SPRFMO or 20 per cent annually within SIOFA. b) Part of the work that the SPRFMO Scientific Committee has been tasked with includes looking at bycatch of deep-sea fishery resources. The SIOFA Scientific Committee has been tasked with doing an ecological risk assessment for bycatch species, including deepwater sharks. The research findings will inform future management decisions.
<p>Recommendation 6:</p> <p>The Department of Agriculture, in conjunction with the Australian Fisheries Management Authority, is to work through the relevant bodies of applicable international regional fisheries</p>	<p><i>Complete (ongoing)</i></p> <p>Australia ensures that the SPRFMO Scientific Committee and SIOFA Scientific Committee is tasked to undertake research needed for deep-sea fisheries. The current SPRFMO priorities involve stock</p>

Recommendation	Progress
agreements, to ensure appropriate research and management, among Member nations, for species harvested under Australia's High Seas Permits.	assessments of deep-sea fisheries resources, investigation of the effects of fishing on VMEs, and identifying the most appropriate management responses.