



Australian Government

Department of the Environment and Energy

Assessment of
Australia's High Seas Permits

May 2018

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Disclaimer

This document is an assessment carried out by the Department of the Environment and Energy of a commercial fishery against the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*. It forms part of the advice provided to the Minister for the Environment and Energy on the fishery in relation to decisions under Parts 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for the Environment and Energy or the Australian Government.

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EXECUTIVE SUMMARY OF THE ASSESSMENT OF AUSTRALIA'S HIGH SEAS PERMITS

In January 2018, the Australian Fisheries Management Authority (AFMA) submitted an application for assessment of Australia's High Seas Permits (the fishery) to the Department of the Environment and Energy under the EPBC Act. This fishery has been assessed using the Australian Government 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition'. As part of this process, public comments were sought from 14 February 2018 until 6 April 2018. No comments were received.

The Fishery

The fishery operates in the high-seas areas of the south Pacific and southern Indian oceans and is managed by AFMA in accordance with the *Fisheries Management Act 1991 (Cth)* and Fisheries Management Regulations (1992 (Cth)). Fisheries resources in these areas are also under the jurisdiction of two regional fisheries management treaties: the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (South Pacific Regional Fisheries Management Organisation [SPRFMO] Convention); and the Southern Indian Ocean Fisheries Agreement (SIOFA).

The management arrangements for the fishery are well developed and well documented but do not include performance measures or frameworks which outline decision processes. Measures include area and gear restrictions, trigger limits for catch and interactions with vulnerable marine ecosystems which trigger management responses. These measures all contribute to lower the risk of this fishery to target species and the surrounding ecosystem.

Target stocks

The fishery targets demersal fish species and Australia permits its vessels to use midwater trawl, demersal trawl, auto-longline, dropline and trap fishing in the fishery. Information on stocks is limited and ecological risk assessments have yet to be completed but the fishery is managed in a precautionary way which is unlikely to result in overfishing, threaten bycatch species or the structure, productivity, function or biodiversity of the ecosystem.

Protected Species and ecosystems

The fishery has low reported interactions with protected species. The environmental impact of the fishery is low due to the small scale of the fishery and the mitigation measures in place.

Conclusion

Following the assessment against the Guidelines at Section 2, while there are some environmental risks associated with the fishery, Australia's High Seas Permits has been found to meet the requirements of the EPBC Act. Product taken in this fishery is therefore recommended for inclusion in the list of exempt native specimens under Part 13A of the EPBC Act until 9 October 2026.

SECTION 1: ASSESSMENT SUMMARY OF AUSTRALIA'S HIGH SEAS PERMITS AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION), CONSISTENT WITH THE EPBC ACT

	Meets	Partially meets	Does not meet	Details
Guidelines assessment				
Management regime	7/9 1N/A	1/9	0/9	Management arrangements are well developed and well documented, but do not include performance measures or decision frameworks.
Principle 1 (target stocks)	5/11	5/11	1/11	Although information on stocks is limited, the fishery is managed in a precautionary way and is unlikely to result in overfishing. 1.1.2 – little information on the dynamics and status of species in the fishery and no formal review of the processes and data collected.
Principle 2 (bycatch and TEPS)	6/12 2 N/A	1/12	3/12	Although ecological risk assessments have yet to be completed, the fishery is relatively small-scale and is managed in a precautionary way. It is therefore unlikely to threaten bycatch species. 2.1.2 – no risk analysis of bycatch species has been undertaken. 2.1.4, 2.1.5 – No indicator group of bycatch species is monitored.
Principle 2 (ecosystem impacts)	1/5	4/5	0/5	Although ecological risk assessments have yet to be completed, the fishery is relatively small scale and is managed in a precautionary way. It is therefore unlikely to threaten the structure, productivity, function or biodiversity of the ecosystem.
EPBC requirements				
Part 12	Not applicable.			Part 12 of the EPBC Act is not applicable to areas outside Australia's exclusive economic zone.
Part 13	Met			The fishery meets the requirements of Part 13 of the EPBC Act. Seven criteria were not applicable.
Part 13A	Met			The fishery meets the requirements of Part 13A of the EPBC Act. Two criteria were not applicable.
Part 16	Met			The fishery is managed in a precautionary way, sufficient to prevent serious or irreversible environmental damage being caused by this fishery.

Assessment history:

Product derived from the Australia's High Seas Permits has been included on the list of exempt native specimens since 2004.

Previous assessment May 2013 – LENS for 5 years with 6 recommendations.

Information on previous assessments for the Australia's High Seas Permits is available on the Department's website at <http://www.environment.gov.au/marine/fisheries/commonwealth/high-seas>.

Fishery reporting:

Annual reports provided to the Department in July 2014, December 2016 and November 2017.

Fishery information is also published online in [AFMA annual corporate reports](#) and annual [Fishery Status Reports](#) published by the Australian Bureau of Resource Economics and Sciences (ABARES).

Fishery information:

Links to information about the fishery are published on the [AFMA website](#).

Management plan:

High Seas Permits are managed in accordance with conservation and management measures defined by the [Southern Indian Ocean Fisheries Agreement](#) (SIOFA) and the [South Pacific Regional Fisheries Management Organisation](#) (SPRFMO).

There is no formal management plan under the [Fisheries Management Act 1991](#).

Management arrangements are enforced through permit conditions.

These arrangements are summarised in the [High Seas Management Arrangements Booklet 2017](#).

Enforcing legislation:

Australian boats fishing on the High Seas are subject to the [Fisheries Management Act 1991](#) and the [Fisheries Management Regulations 1992](#).

Harvest strategy:

The [Commonwealth Harvest Strategy Policy](#) does not prescribe management arrangements for internationally managed fisheries such as those in the SIOFA and SPRFMO areas of competence.

The Australian Government advocates the policy as an example of best practice in setting sustainable catch levels and supports catch level decisions taken by these organisations and arrangements. In the absence of agreement, Australia's domestic catch allocation decision would be consistent with the agreed whole of government position and be underpinned by Australia's domestic legislative obligations.

Ecological Risk Assessment:

No formal ecological risk assessment has been undertaken. However Bottom Fishery Impacts Assessment reports have been produced for the [SPRFMO](#) and [SIOFA](#) areas.

Stock assessments:

Orange Roughy (*Hoplostethus atlanticus*) in the South Tasman Rise area was assessed in 2002 and is currently classified as overfished ([Georgeson and Hansen, 2015](#)).

There is insufficient catch data, stock assessment or stock structure information to determine the status of any other demersal stocks caught in the SPRFMO and SIOFA areas.

Only a small proportion of the total assumed habitat area for the target species has been fished by Australian vessels and none of the stocks targeted by Australia's high-seas fishing operations have been classified as overfished or subject to overfishing ([Woodhams et al. 2012](#)).

SECTION 2: DETAILED ANALYSIS OF AUSTRALIA'S HIGH SEAS PERMITS AGAINST THE GUIDELINES FOR THE ECOLOGICALLY SUSTAINABLE MANAGEMENT OF FISHERIES (2ND EDITION)

Guidelines criteria	Comment
THE MANAGEMENT REGIME	
The management regime does not have to be a formal statutory fishery management plan as such, and may include non-statutory management arrangements or management policies and programs. The regime should:	
Be documented, publicly available and transparent.	Meets Management arrangements are documented in the High Seas Management Arrangements Booklet 2017 and High Seas Fishery permit conditions which are published on the AFMA website. Additional information on conservation and management measures established by SIOFA and SPRFMO , to which Australia is a party, are also published online.
Be developed through a consultative process providing opportunity to all interested and affected parties, including the general public.	Meets AFMA consults in a variety of ways when developing its management arrangements. This includes via requests for public comments published on their website . Environmental and fishing industry representatives attend SPRFMO and SIOFA meetings where management arrangements are developed. AFMA also engages these stakeholders directly as required. The general public is not typically engaged in this fishery due to its remote location and lack of intersection with recreational or indigenous interests.
Ensure that a range of expertise and community interests are involved in individual fishery management committees and during the stock assessment process.	Meets Environmental and fishing industry representatives attend SPRFMO and SIOFA meetings where management arrangements are developed. AFMA also engages these stakeholders directly as required. The general public is not typically engaged in this fishery due to its remote location and lack of intersection with recreational or indigenous interests. SIOFA and SPRFMO engage relevant scientific expertise when undertaking stock assessments.
Be strategic, containing objectives and performance criteria by which the effectiveness of the management arrangements are measured.	Partially meets Although AFMA reports fishery information to SIOFA and SPRFMO, and there is some annual review of this information, AFMA has advised that there are no associated performance measures or decision frameworks that guide management in either SPRFMO or SIOFA areas.
Be capable of controlling the level of harvest in the fishery using input and/or output controls.	Meets Input and output controls are used to control the level of take in the fishery. Demersal fishing on the high seas by Australian vessels occurs under permits issued by AFMA. These permits include conditions relating monitoring and reporting, catch processing, transshipping and disposal, catch limits, including restrictions on species that can be taken and on interactions with vulnerable marine ecosystems, areas that can be fished, gear that can be used and bycatch mitigation measures which must be used. Persons can apply at any time and there does not appear to be a limit to the number of permits available, but there are only six permits in the fishery at this time. To ensure fishers do not exceed the fishery catch limits, AFMA has set trigger limits which require fishers to cease fishing in the relevant area(s) when notified.

Contain the means of enforcing critical aspects of the management arrangements.	<p>Meets</p> <p>Vessels are required to operate vessel monitoring systems at all times, carry AFMA observers when requested (covering between 10 and 100% of activity depending on the methods used), report their fishing data, unload to licenced fish receivers and report to AFMA prior to departure and landing. These measures all support AFMA's enforcement of management arrangements for the fishery.</p>
Provide for the periodic review of the performance of the fishery management arrangements and the management strategies, objectives and criteria.	<p>Meets</p> <p>AFMA provides catch summaries to SPRFMO each month, and annually reports any interactions with vulnerable marine ecosystems to SIOFA and SPRFMO Scientific Committees. The performance of each country is reviewed by SPRFMO and SIOFA annually but AFMA has advised that there are no performance measures or decision frameworks that guide management in either SPRFMO or SIOFA areas.</p> <p>Trigger limits apply to total catch, as well as catches of corals and sponges in the SPRFMO and SIOFA areas. When these limits are reached management arrangements are reviewed before fishing recommences in the relevant areas.</p> <p>Management arrangements are also reviewed annually and updated as necessary by AFMA.</p>
Be capable of assessing, monitoring and avoiding, remedying or mitigating any adverse impacts on the wider marine ecosystem in which the target species lives and the fishery operates.	<p>Meets</p> <p>Systems are in place to monitor and respond to impacts on vulnerable marine ecosystems (specifically corals and sponges). These systems have been informed by bottom fishery impact assessments (Williams et al., 2011a; Williams et al., 2011b). Additional measures are in place to manage impacts on other non-target species and the environment.</p> <p>Fishers are required to report all catch as well as any interactions with corals, sponges or EPBC Act-listed species in AFMA-approved logbooks. Fishing activities are monitored using vessel monitoring systems (100% coverage) and onboard scientific observers (between 10 and 100% coverage).</p> <p>Fishing is restricted to areas fished during historical reference periods (2002-2006 and 1999-2009 for SPRFMO and SIOFA areas respectively). Fishing is restricted to use of demersal and midwater trawl and line methods. The use of gillnets is prohibited.</p> <p>Catch trigger limits apply to the SPRFMO and SIOFA areas, and management arrangements are reviewed if total catches in any year reaches the average annual catch during the respective reference period. To ensure fishers do not exceed the fishery catch limits, AFMA has set trigger limits which require fishers to cease fishing in the relevant area(s) when notified.</p> <p>Demersal trawling has the potential to cause significant impacts on the seafloor by reducing the structural complexity of the benthic environment by crushing, burying or exposing marine organisms.</p> <p>Bottom fishery impact assessments for Australia's high seas fishing in SPRFMO and SIOFA areas (Williams et al., 2011a; Williams et al., 2011b) concluded that the current overall risk of significant adverse impact on vulnerable marine ecosystems was low for Australian vessels fishing using bottom trawl and bottom-set auto-longline, and negligible for Australian vessels fishing using mid-water trawl and drop-lining. A sustainability assessment of the harvest levels of deep-sea stocks also judged that none of the stocks assessed were 'subject to overfishing' by Australian vessels, although some stocks were classified as 'uncertain'.</p> <p>The Department considers that, based on the findings of the bottom fishery impact assessments and the sustainability assessment, the likely impact of current fishing operations under Australia's High Seas Permits on the ecosystem to be minimal.</p> <p>When trigger limits for interactions with vulnerable marine ecosystems (corals and sponges) are reached vessels must 'move-on' and not fish within specified distances for the remainder of the fishing season.</p>

Requires compliance with relevant threat abatement plans, recovery plans, the National Policy on Fisheries Bycatch, and bycatch action strategies developed under the policy.	Not applicable These measures are not applicable outside Australia's exclusive economic zone. However, these domestic arrangements do influence Australia's position in SIOFA and SPRFMO fora and some protections are effected through relevant SIOFA and SPRFMO conservation and management measures (e.g. CMM 09-2017 - <i>Minimising Bycatch of Seabirds in the SPRFMO Convention Area</i>).
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PRINCIPLE 1 - A fishery must be conducted in a manner that does not lead to over-fishing, or for those stocks that are over-fished, the fishery must be conducted such that there is a high degree of probability the stock(s) will recover.

Objective 1 - The fishery shall be conducted at catch levels that maintain ecologically viable stock levels at an agreed point or range, with acceptable levels of probability. (Guidelines 1.1.1 to 1.1.7 should be applied to byproduct species to an appropriate level)

Information requirements

1.1.1 There is a reliable information collection system in place appropriate to the scale of the fishery. The level of data collection should be based upon an appropriate mix of fishery independent and dependent research and monitoring.

Meets

Fishers are required to report all catch as well as any interactions with corals, sponges or threatened, endangered and protected species using AFMA-approved logbooks. All retained catch must also be landed to a licensed fish receiver who verifies the weight and composition and reports to AFMA.

Fishers must report to AFMA prior to departure and landing and this assists with monitoring and compliance activities.

Fishers must also operate vessel monitoring systems at all times and carry an AFMA observer when requested, covering all trawl fishing trips, and at least 10 per cent (per vessel), of all non-trawl fishing trips.

Observers collect a range of biological, environmental and operational information. This includes: information on catch composition (weight of retained and discarded species) and length frequencies and otoliths from certain target species; information on wildlife abundance, protected species interactions, and mitigation measures being used to prevent interactions; observations of marine pollution and lost fishing gear; vessel and gear details and information on fishing effort (i.e. number of shots, number of hooks).

Conservation and Management Measures establish data standards for the whole of the SPRFMO and SIOFA areas, these include collection, reporting, verification and data exchange requirements. Details of these requirements are outlined for SPRFMO at <https://www.sprfmo.int/assets/Fisheries/Conservation-and-Management-Measures/CMM-02-2017-Data-Standards-27Feb17.pdf> and for SIOFA at <http://www.siofa.org/node/52>.

Assessment

<p>1.1.2 There is a robust assessment of the dynamics and status of the species/fishery and periodic review of the process and the data collected. Assessment should include a process to identify any reduction in biological diversity and /or reproductive capacity. Review should take place at regular intervals but at least every three years.</p>	<p>Does not meet</p> <p>There is little information available on the dynamics and status of species in the fishery and no formal review of the processes and data collected. Notwithstanding, only a small proportion of the total assumed habitat area for the target species has been fished by Australian vessels and none of the stocks targeted by Australia's high-seas fishing operations have been classified as overfished or subject to overfishing (Woodhams et al. 2012).</p> <p>AFMA provides monthly catch summaries to SPRFMO but there is no process to guide any assessment or response to this data.</p> <p>Orange Roughy (<i>Hoplostethus atlanticus</i>) in the South Tasman Rise area was last surveyed in 2002 (16 years ago) and is still classified as overfished. The fishery in the South Tasman Rise is closed so the stock in that area is not considered subject to overfishing (Patterson et al 2017).</p> <p>There is insufficient catch data, stock assessments or stock structure information to determine the status of any other demersal stocks caught in the SPRFMO and SIOFA areas.</p> <p>Australia and New Zealand are developing low-information stock assessment approaches, risk assessments and spatial decision support tools for the High Seas Fishery. This work has been progressed for Louisville Ridge and Tasman Sea stocks of the main target species, Orange Roughy, with interim catch limits recommended by the SPRFMO Scientific Committee at its 5th meeting in October 2017, and data collection targets to inform more robust assessments of stock status in future. Similar approaches are also being considered for other target and bycatch species.</p>
<p>1.1.3 The distribution and spatial structure of the stock(s) has been established and factored into management responses.</p>	<p>Partially meets</p> <p>Low information stock assessments and interim catch limits for the main target species, Orange Roughy (<i>Hoplostethus atlanticus</i>), in the Louisville Ridge and Tasman Sea were accepted by the SPRFMO Scientific Committee at its 5th meeting in October 2017.</p> <p>In the South Tasman Rise area, Orange Roughy was last surveyed in 2002 (16 years ago) but there is very little information available on other stocks caught in the SPRFMO and SIOFA areas.</p>
<p>1.1.4 There are reliable estimates of all removals, including commercial (landings and discards), recreational and indigenous, from the fished stock. These estimates have been factored into stock assessments and target species catch levels.</p>	<p>Meets</p> <p>Robust systems are in place to ensure estimates of catches by licensed Australian vessels are reliable. These include restriction of fishing to licensed operators, mandatory reporting of all fishing activity via approved logbooks, unloading of catch to licensed fish receivers, and validation and reporting of received catch by the fish receivers. Fishers are also required to advise AFMA prior to departure and landing, and operate vessel monitoring systems at all times. This allows AFMA to monitor vessel activities and undertake inspections as necessary.</p> <p>There is also a relatively high level of observer coverage (between 10-100% of activity depending on the fishing methods and areas fished). This provides some level of independent data collection.</p> <p>AFMA is seeking, through SPRFMO and SIOFA, to increase the use of vessel monitoring systems across all international vessels fishing the SPRFMO and SIOFA areas. This will enable better monitoring and managing of illegal, unreported and unregulated fishing activity, and in doing so, improve estimates of total removals from the fisheries.</p> <p>Due to the remote location and depth of the fishery, there is no recreational or indigenous fishing.</p>
<p>1.1.5 There is a sound estimate of the potential productivity of the fished stock/s and the proportion that could be harvested.</p>	<p>Partially meets</p> <p>There is very little information available on potential productivity or the amount that could be harvested. Only a small proportion of the total assumed habitat area for the target species has been fished by Australian vessels and none of the stocks targeted by Australia's high-seas fishing operations have been classified as overfished or subject to overfishing (Woodhams et al. 2012).</p>

Management responses	
1.1.6 There are reference points (target and/or limit), that trigger management actions including a biological bottom line and/or a catch or effort upper limit beyond which the stock should not be taken.	<p>Partially meets</p> <p>Trigger limits are based on historic catches not biology. They are considered by the SPRFMO and SIOFA scientific committees and apply to total catch as well as catches of corals and sponges in the SPRFMO and SIOFA areas. Stock assessments are however very limited and not used for setting target or limit management triggers.</p> <p>When the triggers limits are reached management arrangements are reviewed before fishing recommences in the relevant areas.</p>
1.1.7 There are management strategies in place capable of controlling the level of take.	<p>Meets</p> <p>Demersal fishing on the high seas by Australian vessels occurs under permits issued by AFMA. These permits include conditions relating monitoring and reporting, catch processing, transshipping and disposal, catch limits, including restrictions on species that can be taken and on interactions with vulnerable marine ecosystems, areas that can be fished, gear that can be used and bycatch mitigation measures which must be used.</p> <p>Persons can apply at any time and there is no limit to the number of permits available, but there are only six permits in the fishery at this time.</p> <p>To ensure fishers do not exceed the fishery catch limits, AFMA has set trigger limits which require fishers to cease fishing in the relevant area(s) when notified.</p>
1.1.8 Fishing is conducted in a manner that does not threaten stocks of byproduct species.	<p>Partially meets</p> <p>Given the relatively low levels of fishing and low risk to target species, the risk to byproduct species is likely to be low.</p> <p>Although the sustainability of harvest rates has been considered for target species, not byproduct species, cumulative catch limits apply to the fishery and include all species landed (target and byproduct).</p> <p>Ecological risk assessments are being undertaken for the SPRFMO and SIOFA areas which should clarify any risks and better facilitate risk mitigation.</p>
1.1.9 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	<p>Meets</p> <p>The management arrangements have a high chance of managing catches to levels that maintain ecologically viable stock levels at an agreed point or range, with acceptable levels of probability.</p>
If overfished, go to Objective 2:	
If not overfished, go to PRINCIPLE 2:	
Objective 2 - Where the fished stock(s) are below a defined reference point, the fishery will be managed to promote recovery to ecologically viable stock levels within nominated timeframes.	
Management responses	

<p>1.2.1 A precautionary recovery strategy is in place specifying management actions, or staged management responses, which are linked to reference points. The recovery strategy should apply until the stock recovers, and should aim for recovery within a specific time period appropriate to the biology of the stock.</p>	<p>Partially meets</p> <p>Orange Roughy (<i>Hoplostethus atlanticus</i>) in the South Tasman Rise area was last surveyed in 2002 (16 years ago) and is classified as overfished (Patterson et al 2017). The South Tasman Rise is closed to fishing but no formal recovery strategy is in place for the overfished stock in that area. AFMA has advised that stock status and management arrangements will be reviewed in collaboration with New Zealand, before the South Tasman Rise is reopened to fishing.</p> <p>Low information stock assessments for the Louisville Ridge and Tasman Sea orange roughy stocks were accepted by the SPRFMO Scientific Committee at its 5th meeting in October 2017. These assessments estimated the Tasman Sea stock has a higher potential of being depleted, and recommendations for interim precautionary catch limits and increased data collection targets were recommended.</p> <p>There is insufficient catch data, stock assessments or stock structure information to determine the status of any other demersal stocks caught in the SPRFMO and SIOFA areas (Patterson et al 2017).</p>
<p>1.2.2 If the stock is estimated as being at or below the biological and / or effort bottom line, management responses such as a zero targeted catch, temporary fishery closure or a 'whole of fishery' effort or quota reduction are implemented.</p>	<p>Meets</p> <p>The South Tasman Rise is closed to fishing (Patterson et al 2017).</p>
<p>PRINCIPLE 2 - Fishing operations should be managed to minimise their impact on the structure, productivity, function and biological diversity of the ecosystem.</p>	
<p>Objective 1 - The fishery is conducted in a manner that does not threaten bycatch species.</p>	
<p>Information requirements</p>	
<p>2.1.1 Reliable information, appropriate to the scale of the fishery, is collected on the composition and abundance of bycatch.</p>	<p>Meets</p> <p>There is a robust information collection program in place which provides a good insight into the activities of the fishery, but has limited capacity to inform on fishery status more broadly due to the relatively limited fishing effort and scale of the fishery.</p> <p>Catch is generally reported to species-level.</p>
<p>Assessment</p>	
<p>2.1.2 There is a risk analysis of the bycatch with respect to its vulnerability to fishing.</p>	<p>Does not meet</p> <p>Although no ecological risk assessments have been undertaken, bycatch is relatively low in the fishery.</p> <p>The sustainability assessment undertaken in 2012 (Woodhams et al. 2012) assessed the harvest rates of species targeted by Australian vessels but did not consider bycatch species.</p> <p>Australia and New Zealand governments are developing a new conservation and management measure for bottom fishing in the SPRFMO Convention Area. This includes the use of low-information stock assessment approaches, models for predicting the distribution of vulnerable marine ecosystems, and the application of spatial decision support tools.</p> <p>Catch limits will be based on each stock's biological characteristics and a tiered stock assessment framework and risk analyses will be used to manage risks and uncertainties. So far this work has focussed on the main target species, Orange Roughy (<i>Hoplostethus atlanticus</i>), but approaches are being considered for other species, including bycatch species. These changes are outlined in COMM 6 – INF 09 which is available online (https://www.sprfmo.int/assets/00-2018-COMM6/COMM6-INF09-NZ-bottom-Fishing.pdf) and are expected to be implemented in 2019.</p>
<p>Management responses</p>	

2.1.3 Measures are in place to avoid capture and mortality of bycatch species unless it is determined that the level of catch is sustainable (except in relation to endangered, threatened or protected species). Steps must be taken to develop suitable technology if none is available.	Meets Fishers are required to use tori lines while using longlines, bird bafflers when using trawl gear and to manage the discharge of biological material with both longline and trawl methods. These measures mitigate risks to seabirds which are protected under the EPBC Act.
2.1.4 An indicator group of bycatch species is monitored.	Does not meet No indicator group of bycatch species is monitored.
2.1.5 There are decision rules that trigger additional management measures when there are significant perturbations in the indicator species numbers.	Does not meet No indicator group of bycatch species is monitored.
2.1.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.	Meets The management arrangements are unlikely to threaten bycatch species.
Objective 2 - The fishery is conducted in a manner that avoids mortality of, or injuries to, endangered, threatened or protected species and avoids or minimises impacts on threatened ecological communities.	
Information requirements	
2.2.1 Reliable information is collected on the interaction with endangered, threatened or protected species and threatened ecological communities.	Meets Fishers are required to report all interactions with endangered, threatened or protected species using AFMA-approved logbooks. Unlike other Commonwealth fisheries, summaries of interactions in the High Seas Fishery are not published on the AFMA website. There are no threatened ecological communities in the area of the fishery.
Assessments	
2.2.2 There is an assessment of the impact of the fishery on endangered, threatened or protected species.	Partially meets No formal risk assessment has been undertaken. The sustainability assessment undertaken in 2012 (Woodhams et al. 2012) assessed the harvest rates of species targeted by Australian vessels in these high-seas fisheries, but did not consider endangered, threatened or protected species. Notwithstanding, the fishery is relatively small-scale, has a number of risk-mitigation measures in place and reports relatively few interactions with endangered, threatened or protected species.
2.2.3 There is an assessment of the impact of the fishery on threatened ecological communities.	Not applicable No threatened ecological communities have been identified in the area of the High Seas Fishery.
Management responses	

<p>2.2.4 There are measures in place to avoid capture and/or mortality of endangered, threatened or protected species.</p>	<p>Meets</p> <p>Although there has been no formal risk assessment to guide risk mitigation, some measures are in place and interactions with endangered, threatened and protected species are relatively low (102 sharks, 3 birds and 3 reptiles reported in the past five years).</p> <p>Measures are in place to manage risks to seabirds which include the use of tori lines when using longlines, bird bafflers when using trawl gear and to manage the discharge of biological material with both longline and trawl methods. However there are no specific measures in place to manage risks to other protected species.</p>
<p>2.2.5 There are measures in place to avoid impact on threatened ecological communities.</p>	<p>Not applicable</p> <p>No threatened ecological communities have been identified in the area of the High Seas Fishery.</p>
<p>2.2.6 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p>Meets</p> <p>The management arrangements have a high chance of avoiding mortality of, or injuries to, endangered, threatened or protected species, and avoiding or minimising impacts on threatened ecological communities.</p>
<p>Objective 3 - The fishery is conducted, in a manner that minimises the impact of fishing operations on the ecosystem generally.</p>	
<p>Information requirements</p>	
<p>2.3.1 Information appropriate for the analysis in 2.3.2 is collated and/or collected covering the fisheries impact on the ecosystem and environment generally.</p>	<p>Meets</p> <p>Assessments have considered impacts to vulnerable marine ecosystems and target stocks, but do not appear to have been used to inform the data collection program for this fishery. However, risks are considered to be low and information collection and monitoring provides a good opportunity to detect issues should these occur.</p> <p>Fishers must report all catch as well as any interactions with corals, sponges or endangered, threatened or protected species using AFMA-approved logbooks. All retained catch must also be landed to a licensed fish receiver who verifies and reports the weight and catch composition to AFMA. Fishers must also report to AFMA prior to departure and landing and operate vessel monitoring systems at all times which assists with monitoring and compliance activities.</p> <p>Fishers must carry an AFMA observer when requested, covering all trawl fishing trips, and at least 10 per cent (per vessel) of all non-trawl fishing trips. Observers collect a range of biological, environmental and operational information. This includes: information on catch composition (weight of retained and discarded species) and length frequencies and otoliths from certain target species; information on wildlife abundance, protected species interactions, and mitigation measures being used to prevent interactions; observations of marine pollution and lost fishing gear; vessel and gear details and information on fishing effort (i.e. number of shots, number of hooks).</p> <p>Conservation and Management Measure set data standards for the whole of the SPRFMO and SIOFA areas respectively; these standards cover collection, reporting, verification and data exchange requirements. Details of these requirements are outlined for SPRFMO at https://www.sprfmo.int/assets/Fisheries/Conservation-and-Management-Measures/CMM-02-2017-Data-Standards-27Feb17.pdf and for SIOFA at http://www.siofa.org/node/52.</p>

Assessment	
<p>2.3.2 Information is collected and a risk analysis, appropriate to the scale of the fishery and its potential impacts, is conducted into the susceptibility of each of the following ecosystem components to the fishery.</p> <p>1. Impacts on ecological communities</p> <ul style="list-style-type: none"> • Benthic communities • Ecologically related, associated or dependent species • Water column communities <p>2. Impacts on food chains</p> <ul style="list-style-type: none"> • Structure • Productivity/flows <p>3. Impacts on the physical environment</p> <ul style="list-style-type: none"> • Physical habitat • Water quality 	<p>Partially meets</p> <p>Information on ecological communities, food chains or the physical environment is not collected but some limited risk assessment has been undertaken. This focussed on vulnerable marine ecosystems and target species.</p> <p>Impact assessments for Australia's high seas fishing in SPRFMO and SIOFA areas (Williams et al. 2011a and 2011b) concluded that the current overall risk of significant adverse impact on vulnerable marine ecosystems was low for Australian vessels fishing using bottom trawl and bottom-set auto-longline, and negligible for Australian vessels fishing using mid-water trawl and drop-lining. A sustainability assessment of the harvest levels of deep-sea stocks also judged that none of the stocks assessed were 'subject to overfishing' by Australian vessels, although some stocks were classified as 'uncertain'.</p> <p>The Department considers that, based on the findings of the bottom fishery impact assessments and the sustainability assessment, the likely impact of current fishing operations under Australia's High Seas Permits on the ecosystem is minimal.</p> <p>Ecological risk assessments are being undertaken for the whole of the SPRFMO and SIOFA areas (not just the Australian footprint). The risk assessments consider the potential risks to these species from the use of demersal trawl, midwater trawl, demersal longline and gillnet gears.</p> <p>The risk assessments are unlikely to cover all species and will not include assessment of habitats or communities. They will however assess deepwater chondrichthyans and a number of teleost species, including some low-information species which are taken as bycatch and or byproduct. The risk assessments for deepwater chondrichthyans are expected to be completed during 2018 and the assessments for teleosts are expected to be undertaken in 2019.</p> <p>Separate processes are underway in both SPRFMO and SIOFA areas to consider the risk of fishing to habitats and communities (e.g. spatial management, bottom fishing impact assessments, consideration of fishery closures/protected areas).</p> <p>The risk assessment for the SIOFA area is nearing completion and the SIOFA Scientific Committee presented risk mitigation and management advice at the SIOFA Meeting of the Parties in March 2018. The committee found that information on stock structure for deepwater chondrichthyans is lacking and considered this to be a key uncertainty. They also noted that better information is needed for some species that management actions may be required to address this. Further details are available in the report of the third meeting of the SIOFA Scientific Committee.</p>
Management responses	
<p>2.3.3 Management actions are in place to ensure significant damage to ecosystems does not arise from the impacts described in 2.3.1.</p>	<p>Partially meets</p> <p>Trigger limits apply to total catch, as well as catches of corals and sponges in the SPRFMO and SIOFA areas. When these limits are reached management arrangements are reviewed before fishing recommences in the relevant areas. Fishing activity is also restricted to areas historically fished during the relevant reference periods.</p> <p>A spatial management approach is expected to form the basis for a new conservation and management measure in the SPRFMO area. This will permit bottom fishing within agreed catch limits (for target species, e.g. Orange Roughy, <i>Hoplostethus atlanticus</i>) while preventing significant adverse impacts on vulnerable marine ecosystems. A large section of the western Pacific Ocean has already been modelled for vulnerable marine ecosystems, and the results provide a network of areas than can be opened and closed to fishing. AFMA expects to implement these arrangements through changes to the High Seas Permit conditions in 2019. More information on the anticipated changes is outlined in COMM 6 – INF 09 (https://www.sprfmo.int/assets/00-2018-COMM6/COMM6-INF09-NZ-bottom-Fishing.pdf).</p>

<p>2.3.4 There are decision rules that trigger further management responses when monitoring detects impacts on selected ecosystem indicators beyond a predetermined level, or where action is indicated by application of the precautionary approach.</p>	<p>Partially meets</p> <p>Trigger limits apply to total catch, as well as catches of corals and sponges in the SPRFMO and SIOFA areas. When these limits are reached management arrangements are reviewed by the relevant (SPRFMO or SIOFA) scientific committee before fishing is allowed to recommence in the relevant area(s). There is however no process or framework to guide these reviews or decisions on whether to recommence fishing.</p>
<p>2.3.5 The management response, considering uncertainties in the assessment and precautionary management actions, has a high chance of achieving the objective.</p>	<p>Partially meets</p> <p>Although there is relatively little fishing effort and information to guide management decisions, data collection, monitoring and management measures are precautionary, SIOFA and SPRFMO scientific committees are engaged in review and decision processes, and efforts are underway to improve understanding and management of the fisheries.</p> <p>A Conservation and Management Measure (CMM 13-2016) is also in place for the SPRFMO area which governs the management of new and exploratory fisheries and aims to ensure that sufficient information is available to evaluate the long term potential of new and exploratory fisheries, assist the formulation of management advice, evaluate the possible impacts on target stocks and non-target and associated and dependent species, ensure new and exploratory fishery resources are developed on a precautionary and gradual basis, and to promote the sustainable management of new and exploratory fisheries.</p>

SECTION 3: ASSESSMENT OF AUSTRALIA'S HIGH SEAS PERMITS AGAINST THE REQUIREMENTS OF THE EPBC ACT

The table below is not a complete or exact representation of the EPBC Act. It is intended to show that the relevant sections and components of the EPBC Act have been taken into account in the formulation of advice on the fishery in relation to decisions under Part 13 and Part 13A.

Part 12

Section 176 Bioregional Plans	Comment
(5) Minister must have regard to relevant bioregional plans	Not applicable Australia's High Seas Permits operates on the high seas which are outside Australia's exclusive economic zone. Bioregional plans do not apply outside Australia's exclusive economic zone.

Part 13

Accreditable plan, regime or policy (Division 1, Division 2, Division 3, Division 4)	Comment
s. 208A (1) (a-e), s.222A (1) (a-e), s.245 (1) (a-e), s.265 (1) (a-e) Does the fishery have an accreditable plan of management, regime or policy?	Meets Yes. There is an accreditable regime in place for Australia's High Seas Permits for the purposes of section 245 of the EPBC Act. This has been determined in writing by AFMA under the <i>Fisheries Administration Act 1991</i> and is outlined in the High Seas Permits Management Arrangements Booklet 2017 . There are no records to suggest this management regime has previously been accredited. Sections 208A, 222A and 265 do not apply outside Australia's exclusive economic zone (i.e. not applicable to Australia's High Seas Permits).
Division 1 Listed threatened species, Section 208A Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed threatened species (other than conservation dependent species) are not killed or injured as a result of the fishing?	Not applicable Section 208A does not apply outside Australia's exclusive economic zone (i.e. not applicable to Australia's High Seas Permits).
(g) And, is the fishery likely to adversely affect the survival or recovery in nature of the species?	Not applicable Section 208A does not apply outside Australia's exclusive economic zone (i.e. not applicable to Australia's High Seas Permits).
Division 2 Migratory species, Section 222A Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed migratory species are not killed or injured as a result of the fishing?	Not applicable Section 222A does not apply outside Australia's exclusive economic zone (i.e. not applicable to Australia's High Seas Permits).

(g) And, is the fishery likely to adversely affect the conservation status of a listed migratory species or a population of that species?	Not applicable Section 222A does not apply outside Australia's exclusive economic zone (i.e. not applicable to Australia's High Seas Permits).
Division 3 Whales and other cetaceans, Section 245 Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that cetaceans are not killed or injured as a result of the fishing?	Meets Yes. Although there are no specific measures in place to mitigate the risk to whales and other cetaceans, there is a relatively high level of independent monitoring and no reported interactions by scientific observers or fishers, at least in the past ten years. Current management is considered to constitute all reasonable steps, given the known risks. Ecological risk assessments are being undertaken which will allow AFMA to target mitigation to any identified risks.
(g) And, is the fishery likely to adversely affect the conservation status of a species of cetacean or a population of that species?	Meets No, There is a relatively high level of independent monitoring and no reported interactions by scientific observers or fishers, at least in the past ten years. The fishery is not expected to adversely affect the conservation status of a species of cetacean or a population of that species.
Division 4 Listed marine species, Section 265 Minister may accredit plans or regimes	Comment
(f) Will the plan, regime or policy require fishers to take all reasonable steps to ensure that members of listed marine species are not killed or injured as a result of the fishing?	Not applicable Section 265 does not apply outside Australia's exclusive economic zone (i.e. not applicable to Australia's High Seas Permits).
(g) And, is the fishery likely to adversely affect the conservation status of a listed marine species or a population of that species?	Not applicable Section 265 does not apply outside Australia's exclusive economic zone (i.e. not applicable to Australia's High Seas Permits).
Section 303AA Conditions relating to accreditation of plans, regimes and policies	Comment

<p>(1) This section applies to an accreditation of a plan, regime or policy under section 208A, 222A, 245 or 265.</p> <p>(2) The Minister may accredit a plan, regime or policy under that section even though he or she considers that the plan, regime or policy should be accredited only:</p> <ul style="list-style-type: none"> (a) during a particular period; or (b) while certain circumstances exist; or (c) while a certain condition is complied with. <p>In such a case, the instrument of accreditation is to specify the period, circumstances or condition.</p>	<p>Accreditation is recommended for the management regime, under section 245 of the EPBC Act. No specific period, circumstances or conditions required.</p> <p>Accreditation is not applicable under sections 208A, 222A and 265 of the EPBC Act as these sections do not apply outside Australia's exclusive economic zone (i.e. not applicable to Australia's High Seas Permits).</p>
<p>(7) The Minister must, in writing, revoke an accreditation if he or she is satisfied that a condition of the accreditation has been contravened.</p>	<p>Not applicable</p>

Part 13A

Section 303BA Objects of Part 13A	
<p>(1) The objects of this Part are as follows:</p> <ul style="list-style-type: none"> (a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention; (b) to protect wildlife that may be adversely affected by trade; (c) to promote the conservation of biodiversity in Australia and other countries; (d) to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way; (e) to promote the humane treatment of wildlife; (f) to ensure ethical conduct during any research associated with the utilisation of wildlife; and (h) to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife. 	
Section 303 CG Minister may issue permits (CITES species)	Comment
<p>(3) The Minister must not issue a permit unless the Minister is satisfied that:</p> <ul style="list-style-type: none"> (a) the action or actions specified in the permit will not be detrimental to, or contribute to trade which is detrimental to: <ul style="list-style-type: none"> (i) the survival of any taxon to which the specimen belongs; or (ii) the recovery in nature of any taxon to which the specimen belongs; or (iii) any relevant ecosystem (for example, detriment to habitat or biodiversity); 	<p>Not applicable</p> <p>The fishery does not harvest species listed under CITES.</p>
Section 303DC Minister may amend list (non CITES species)	Comment

<p>(1) The Minister may, by legislative instrument, amend the list referred to in section 303DB [list of exempt native specimens] by:</p> <p>(a) doing any of the following:</p> <p>(i) including items in the list;</p> <p>(ii) deleting items from the list;</p> <p>(iii) imposing a condition or restriction to which the inclusion of a specimen in the list is subject;</p> <p>(iv) varying or revoking a condition or restriction to which the inclusion of a specimen in the list is subject; or</p> <p>(b) correcting an inaccuracy or updating the name of a species.</p>	<p>The Department recommends that specimens derived from species harvested under Australia's High Seas Permits, but not including:</p> <ul style="list-style-type: none"> specimens that belong to eligible listed threatened species, as defined under section 303BC of the EPBC Act, or specimens that belong to taxa listed under section 303CA of the EPBC Act (Australia's CITES List), <p>be included in the list of exempt native specimens until 9 October 2026.</p>
<p>(1A) In deciding to amend the LENS, the Minister must rely primarily on outcomes of Part 10, Div 1 or 2 assessment</p>	<p>Does not meet – No assessment of Australia's High Seas Permits has been carried out under Part 10 of the EPBC Act.</p>
<p>(1C) The above does not limit matters that may be considered when deciding to amend LENS.</p>	<p>Meets</p> <p>The Department considers that it has taken into account all matters relevant to making an informed decision to amend the list of exempt native specimens to include product taken in this fishery.</p>
<p>(3) Before amending the LENS, the Minister must consult:</p> <p>(a) other Minister or Ministers as appropriate; and</p> <p>(b) other Minister or Ministers of each State and self-governing Territory as appropriate; and</p> <p>(c) other persons and organisations as appropriate.</p>	<p>Meets</p> <p>The submission from the Australian Fisheries Management Authority was made available on the DoEE website and registered interested parties were advised that comments were open from 14 February 2018 until 6 April 2018. No comments received.</p>

Part 16

Section 391 Minister must consider precautionary principle in making decisions	Comment
<p>(1) Minister must take account of the precautionary principle in making a decision, to the extent that the decision is consistent with other provisions under this Act.</p> <p>(2) The precautionary principle is that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.</p>	<p>Meets</p> <p>Australia's High Seas Permits demonstrates a precautionary approach to managing uncertainty and risk. The fishery's data collection, monitoring, risk assessment and management are considered sufficient to prevent serious or irreversible environmental damage being caused by this fishery.</p>

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