



Australian Government

Australian Fisheries Management Authority

# Guidelines for Authorising Transshipping Activities in Commonwealth Fisheries

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# 1 Introduction

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This document, *Guidelines for authorising transshipping activities in Commonwealth fisheries* (the Transshipping Guidelines), guides AFMA's decision making process when considering whether to authorise transshipping activities in Commonwealth fisheries. These Guidelines should be read in conjunction with AFMA's policy document *Authorisation of transshipping in Commonwealth Fisheries* (the Transshipping Policy) and other relevant legislation.

This document is a guide only, considerations and requirements may vary depending on the fishery and specific nature of a particular transshipping activity.

Transshipping cannot occur without prior authorisation. Where fishery-wide authorisation to transship in the Australian Fishing Zone (AFZ) does not exist, authorisation of transshipping activities is undertaken on a case-by-case basis.

## 2 Guiding principles for the authorisation of transshipping

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The Transshipping Policy establishes a set of principles that guide AFMA's decision making process when considering whether to authorise transshipping activities. These principles, in conjunction with the requirements outlined in the Transshipping Guidelines (section 3), aim to ensure that the integrity of AFMA's management framework is maintained and its legislative and international requirements are met. Collectively, the Transshipping Guidelines and Transshipping Policy provide greater clarity and certainty for the Commonwealth commercial fishing industry and will improve consistency and transparency in AFMA's decision making processes.

The guiding principles are:

- Principle 1: Transshipping activities must maintain the integrity of the catch record system for target and non-target species.
- Principle 2: Transshipping activities must be consistent with the principles of ecologically sustainable development.
- Principle 3: Transshipping activities must be maintain the integrity of scientific and economic data.
- Principle 4: Where appropriate and possible, regulation of transshipping activities should be consistent across fisheries.
- Principle 5: Transshipping activities must be consistent with applicable State/Territory (OCS or without OCS) arrangements and Australia's international obligations.

## **3 Requirements for transshipping activities**

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Transshipping activities may differ between operators and fisheries for a variety of reasons and consequently, considerations and the requirements that are applied to particular transshipping operations, may also differ. For example, quota managed fisheries may have different monitoring requirements compared to effort-managed fisheries, and some proposed transshipping activities may include processing of catch which will require separate approval.

Common considerations when determining whether to authorise transshipping activities and minimum requirements that operators will need to meet if authorised, are outlined below. If necessary, additional requirements may be applied to a particular activity.

### **3.1 Considerations**

#### **The information provided by the applicant**

In assessing applications for transshipping, AFMA will require the applicant to outline:

- proposed transshipping details (when, where, the fisheries/species involved, if processing is to take place etc.)
- their ability and willingness to carry any AFMA nominated person;
- their approach to maintaining data integrity.

At any time, AFMA may request additional information from the applicant.

#### **Whether the proposed transshipping activity will be undertaken by one or more concession holders.**

A transshipping activity may be undertaken by:

- a single entity where the quota taken by the catcher boat is owned by the same concession holder
- the operator of a carrier boat who is proposing to accept catch from boats nominated to quota held by different concession holders.

If more than one operator is considering transshipping to a carrier boat, monitoring and reporting requirements may need to be more substantial to mitigate risks and ensure operations meet AFMA's objectives.

#### **The duration of the authorisation**

A decision on whether transshipping will be authorised for a particular period or indefinitely must be consistent with the key principles in the Transshipping Policy including, where appropriate and possible, consistency between fisheries. The duration of the authorisation should recognise the preference of industry for investment certainty given the often substantial establishment costs of an operation, noting that conditions of authorisation may be amended by AFMA through adaptive management.

## **If the activity is related to state waters**

AFMA's Transshipping Policy and Guidelines apply to Commonwealth licenced operators fishing in the AFZ which generally excludes waters inside 3 nm. However, transshipping may be allowed in instances where there is an existing Offshore Constitutional Settlement (OCS) arrangement between the Commonwealth and the relevant State/Territory. Where this is the case, AFMA will consult with the relevant State/Territory prior to making a decision on whether or not to approve the application.

In situations where there is no existing OCS arrangement in place, applications for transshipping will require specific consideration by AFMA in consultation with the relevant State/Territory. In these cases, decisions will be on a case-by-case basis.

## **3.2 Minimum requirements**

- ***Ensuring there is appropriate monitoring to mitigate risks.***

Electronic monitoring and/or observer coverage along with a catch reporting and, if required, a data sharing (eg. between flag states, port states, coastal states and RFMO secretariats) system may be required. Additional monitoring costs will be charged on a fee for service basis.

- ***Defining 'fishing trip' and 'landing'.***

'Fishing trip' and 'landing' will need to be clearly defined when authorising transshipping because of the impact on timing of quota reconciliation (such as when the 28 day reconciliation period commences) and bycatch management (e.g. where bycatch is subject to a 'trip' limit).

- ***Identifying fishery specific compliance risks associated with transshipping.***

Additional compliance, monitoring and reporting requirements may be required if the fishery and/or the transshipping activities present a higher compliance risk. Consultation with AFMA's National Intelligence, VMS and EM Unit will be necessary in identifying fishery specific risks as well as consultation with AFMA's licensing and fisheries services area to determine appropriate reporting documentation and authorisations.

- ***Appropriate treatment will be applied to compliance risks, to reduce them to an acceptable level.***

The act of transshipping may increase compliance risk such as quota evasion and exceeding bycatch limits. Compliance risks will be mitigated through management arrangements such as monitoring and conditions specified in Statutory Fishing Rights (SFRs) and Fishing Permits. Additional requirements may apply in specific cases for different fisheries or operations so that there is appropriate compliance. As with any new operation, AFMA will have an increased regulatory role such as compliance audits to ensure the authorisations are meeting their requirements.

- ***Maintaining the integrity of quota will be fundamental to ensuring fisheries are sustainable.***

For quota-managed fisheries, quota integrity will be managed through monitoring, catch reporting and data sharing (if required) conditions and AFMA's compliance and enforcement activities.

- ***Ensuring safety and cooperation in performing required duties by AFMA nominated personnel.***

As with any fishing within the AFZ, when requested by AFMA, operators are required to carry AFMA nominated personnel on board for purposes including, but not limited to, monitoring, verification, compliance and research. In such cases, transshipping operators will need to adhere to AFMA's legislated requirements for safely carrying AFMA nominated personnel.

- ***Complying with Australia's international obligations.***

Several fishery resources of commercial importance to Australia include fish species that are under regional and international management guided by international agreements (e.g., UNCLOS 1982, UN Fish Stock Agreement 1995) and organisations (e.g. Regional Fisheries Management Organisations). Any authorisation in the AFZ involving internationally managed species must comply with Australia's international obligations.

# 4 Transshipping authorisation process

Figure 1. Indicative process of what AFMA staff will look at when authorising transshipping operations

