

# CODE OF PRACTICE

2021



For mitigating interactions with Wildlife and the South Australian Sardine Fishery



# FOREWORD

This Code of Practice is an initiative of the South Australian Sardine Industry Association (SASIA). The aim of the Code is to mitigate operational interactions of the South Australian Sardine Fishery (SASF) with Wildlife. This code focuses primarily on mitigating interactions with common dolphins and is fully supported by the licence holders and fishers in the SASF.

The Code of Practice (CoP) is a reference document for the Sardine industry, detailing the mitigation measures to be applied and followed to prevent interactions with TEPS. The Code also details the:

- Training and educating processes for the Skippers and crew applying the Code.
- The processes for reviewing and updating the Code.

In addition to the application of the Code of Practice, the document illustrates to the wider community the mitigation measures applied by the Sardine industry to prevent interactions with TEPS.

The Code of Practice was first introduced in September 2005. The Code has been reviewed and improved on an ongoing basis since introduction and it is intended the document be updated and modified as measures to mitigate TEPS interactions are developed and improved.



## **Paul Watson - Executive Officer**

South Australian Sardine Industry Association

## **Sean Kalling - President**

South Australian Sardine Industry Association



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# PURPOSE OF THE CODE OF PRACTICE

The South Australian Sardine Industry Association (SASIA) is committed to the effective application of the Code of Practice by vessels and crews operating in the SASF.

The main elements of the wildlife interaction Code of Practice are as follows:

## Crew Induction & Training

**Aim:** Ensure that members of industry are committed to adhering to the procedures outlined in the Code of Practice and to meet the requirements stipulated in Commonwealth and State legislation and policies governing fisheries interactions with wildlife.

## Minimise Interactions with Wildlife

**Aim:** Implement procedures detailed in the Code of Practice to mitigate interactions with wildlife.

## Accurate Monitoring & Reporting of Wildlife Interactions

**Aim:** Accurately monitor and report all operational interactions with wildlife and the application of the mitigation strategies outlined in this code.

## Continuous Process of Review & Improvement

**Aim:** To review and refine the Code of Practice as required, including when research advice or technical information becomes available that illustrates the Code of Practice can be improved.



# WILDLIFE INTERACTION WORKING GROUP

Part of the role of the Wildlife Interaction Working Group (WIWG) is to ensure the Code of Practice is applied accurately effectively and consistently.

The WIWG should convene following the mortality or entanglement event of a threatened, endangered or protected species (TEPS)

Meetings of the WIWG will be convened by the Executive Officer of SASIA and run by an Independent Chair appointed by the President of SASIA for a period not exceeding three years.

The WIWG will consider any proposed amendments to improve the Code of Practice and any proposed amendments to the Code must be unanimously endorsed by the WIWG.

The WIWG will be comprised of at least one individual from each of the following organisations:

- PIRSA Fisheries Policy and Management
- PIRSA Fisheries Compliance
- SARDI Aquatic Sciences
- SA Department for Environment and Water (DEW)
- SASF Skippers (preferably two, one each from a small and large vessel)
- SASF Licence Holder (member of SASIA).

## The role of the WIWG in relation to the Code of Practice (Terms of Reference)

- Review data and information on TEPS interactions
- Assess the effectiveness of TEPS mitigation strategies / measures
- Identify potential refinements to the Code of Practice
- Provide input into the industry induction and training procedures (for Skippers and crew) on TEPS mitigation **and release** methods
- Provide advice to PIRSA and the South Australian Minister for Primary Industries and Regional Development on refinements to the Code of Practice.





# BACKGROUND

Sardines have been taken from South Australian waters for use as live bait in the fishery for Southern Blue-fin Tuna (SBT) since the 1960s. Today, the catch is mostly utilised as feed for the SBT mariculture industry, with the remainder utilised for human consumption, and other various value adding endeavours.

The fishery comprises 14 licences and is managed in accordance with a management plan. The main management arrangements are limited entry, gear restrictions and a Total Allowable Commercial Catch (TACC) with individual transferable quotas. The TACC is set using a precautionary harvest strategy set out in the management plan.

The SASF plays a significant role in regional, State, and National economies. The fishery is the largest single species fishery by volume in Australian waters. In 2018 the SASF was certified by the independent third-party certification body the Marine Stewardship Council (MSC).

## Fishery Interactions

Like most fisheries worldwide, the SASF has some unintended interactions with non-target species, including wildlife such as short beaked common dolphins (*Delphinus-delphis*). Due to their depth, purse seine nets used in the Sardine fishery can have contact with marine species on both the seabed and with species that occur in water column. – some of which are protected species – are at times attracted to the schools of sardines encircled by purse seine nets used in the fishery. However, the purse seining method of fishing is highly selective and enables the swift and effective release of wildlife such as dolphins.

### Dolphins

Analysis of data collected through logbook records and the independent scientific observer program indicates that some interactions with dolphins can lead to injury and mortality. This Code of Practice focuses on minimising dolphin interactions and sets out the procedures that are used to achieve this goal.

### Seals

While analysis of data collected through logbook records and the independent scientific observer program indicates that seals commonly interact with purse seine gear, it is extremely rare for these interactions to result in injury or mortality (only one mortality ever reported from an extensive observer program). For this reason, the WIWG has assessed that the impact of the SASF on seals is considered negligible.



## **Sharks**

While analysis of data collected through logbook records and the independent scientific observer program indicates that sharks at times interact with purse seine gear, it is extremely rare for these interactions to result in injury or mortality. For this reason, the WIWG has assessed that the impact of the SASF on sharks is considered negligible. Interactions with sharks are required to be recorded in the wildlife interaction logbooks issued by PIRSA / SARDI.

## **Legislative Requirements**

The relevant legislation concerning interactions between the SASF and wildlife are the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) (Cwth), National Parks and Wildlife Act 1972 (SA) the Fisheries Management Act 2007 (SA) and the Animal Welfare Act 1985 (SA).

All four pieces of legislation identify the obligation on commercial fishers to make all efforts to mitigate interactions with TEPS. When fishing is conducted in accordance with the fishery's management arrangements it is not an offence to interact with wildlife provided all reasonable measures are taken to avoid incidental capture.

Specifically, Subdivision C of Division 3 ('Whales and other cetaceans') in Part 13 ('Species and communities') of the EPBC Act provides details of offences and punishments in relation to killing or injuring a cetacean (Sections 229 and 229A);

- Intentionally taking etc. a cetacean (Sections 229B and 229C);
- Treating cetaceans (Section 229D); and
- Possession of cetaceans (Section 230).
- A conviction against any of the above is punishable by:
- Imprisonment for not more than 2 years or not more than 5 years; or
- A fine not more than 500 penalty units or not more than 1,000 penalty units; or
- Both (a) and (b).

Further details of the EPBC Act 1999, National Parks and Wildlife Act 1972, and Fisheries Management Act 2007 relevant to Wildlife are provided to all skippers and crew during the induction and training procedures (see below).

The SASF was assessed against the Australian Government Guidelines for the Ecologically Sustainable Management of Fisheries. In 2009 the fishery was assessed as being managed in an ecologically sustainable way and its operation consistent with the wildlife trade provisions, Part 13A of the EPBC Act.

Under Part 13 of the EPBC Act the fishery was assessed regarding its impacts on listed threatened species, listed migratory species, cetaceans and listed marine species. It was considered that the level of interactions with such species in the fishery is not likely to adversely affect the conservation status of protected species or the survival and recovery of listed threatened species. The exemption granted to export sardines under Part 13A of the EPBC Act was renewed in 2016 for a 5-year period.

# **MONITORING AND RECORDING TEPS INTERACTIONS**

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In order to meet the South Australian and Commonwealth legislative requirements, as well as the third party independent certification from the Marine Stewardship Council (MSC), skippers of vessels operating in the fishery are required to record TEPS interactions in the TEPS Wildlife Interaction Logbook.

Data recorded of information in the logbook provides information on TEPS interactions and mortalities, which can be utilised to assess the effectiveness of the Code of Practice by the WIWG.

The independent observer program undertaken by SEATEC monitoring the effectiveness of the Code of Practice also provides information on the effectiveness of the Code of Practice in preventing dolphin mortalities and interactions.

The SARDI report “The effectiveness of the Code of Practice” reports on the level of interaction with dolphins in the SASF with and without an observer on-board. This reporting and analysis provides a framework to assess the effectiveness of the Code of Practice and information for the WIWG to determine if the Code of Practice needs to be refined

## **Monitoring of Dolphin Interaction Levels:**

- A targeted independent scientific observer program
- Commercial logbooks completed by fishers
- Wildlife interaction logbooks completed by fishers
- An industry led real time monitoring program
- Regular meetings of the WIWG
- An annual independent scientific report on the effectiveness of the Code of Practice

## **Induction and Training**

As avoidance is the best method of reducing TEPS interaction; SASIA is dedicated to ensuring that every fishing master and crew member has a high level of understanding of the Code. As such, training sessions are facilitated by SASIA and PIRSA Fisheries Compliance prior to the commencement of each fishing season. All training efforts for the season will be reported by SASIA to the WIWG and R&M management committees on a quarterly basis, including vessel induction summary, and summary of any additional training/awareness programs. The awareness and training session re-enforces the industries commitment to adhere to the Code of Practice, by providing a detailed explanation of the legislative requirements relating to wildlife interactions and reporting. Furthermore, this training will encompass all aspects of the Code including:

- Real Time Monitoring
- Skippers Meeting (frequency and requirements)
- Compulsory on-board documentation
- Operational Procedures
- Effective Communication, avoidance and early detection practices. (i.e. search and delay procedures)
- Release Procedure in the case of an interaction event

#### Induction and training (Continued)

- Recovery of any incidental mortalities
- Reporting requirements for the fishery
- Observer Program details



This information is delivered through an on-board training process, where all skippers and crew receive an induction booklet covering these topics; as well as containing useful documents such as copies of the key contacts, vessel specific wildlife procedure, and TEPS mitigation flowchart. During this process, the presence of all required documentation will be verified by SASIA, and the vessel specific search procedure will be reviewed with all crew members to ensure familiarity with the document. They are also required to undergo short assessment to ensure their understanding of the code and sign off once this is completed successfully.

When there is a change of skipper or crew member during the season, the licence holder and / or the skipper are responsible for inducting the new skipper and / or crew member regarding their responsibilities under the Code of Practice. All new crew must complete the full training package, including assessment and sign-off, as a summary of this data will be provided to the WIWG/R&M committees.

#### Skipper Meetings

Regular skippers meetings are conducted by the SASIA with the fleet's skippers. Skipper Meetings are conducted each month (or as required) during the peak fishing season (January to June) and as required from July to December. Minutes and advice formulated at these meetings is provided to the WIWG for consideration and discussion. SASIA ensures that there is effective two-way interaction between the skippers and the WIWG. At least one skippers meeting per year will be held with SARDI and PIRSA present.

#### Operators must have the following onboard their vessels:

- A copy of the current Wildlife Interaction Code of Practice.
- A flowchart of wildlife mitigation procedures (see example provided)
- A Wildlife Handling Manual (Circle of Dependence - Protected Species Handling Manual. Oceanwatch).
- A skipper / vessel contact list for the fishery.
- A Wildlife Interaction Logbook issued by PIRSA / SARDI.
- A vessel specific plan for search and release procedure.



Photo credit bbc.co.uk

# OPERATIONAL PROCEDURES STRATEGY

Successful mitigation of interactions with dolphins requires an industry culture involving all skippers and crews making the Wildlife Interaction Code of Practice part of their normal fishing operations.

## Communication

Early detection and response is the key to optimising the successful mitigation of interactions with dolphins. Therefore, communication is a key element of the Wildlife Interaction Code of Practice.

### At-sea communication and real time management

Skippers are encouraged to communicate to other vessels the presence of dolphins (and other wildlife), especially large aggregations, in the fishing area when they are observed, i.e. in 'real time'. Other skippers avoid areas where there are known aggregations of dolphins.

Skippers will also co-ordinate the setting of nets to reduce fishing effort. Where a skipper has the opportunity to encircle enough Sardines for more than one vessel the skipper contacts other vessels in the area to offer them the opportunity to access the excess fish. This procedure reduces the number of shots made by the fleet minimising the risk of encircling dolphins.

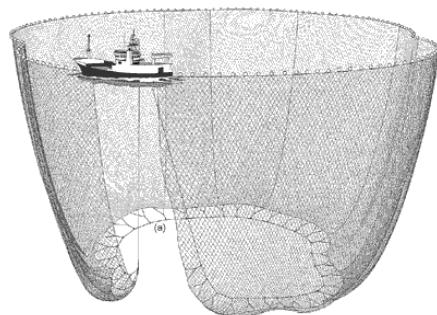
In situations where release is complicated by factors such as gear failure, skippers are encouraged to seek assistance from other sardine fishing vessels in the area.

To assist in efficient at-sea communication, SASIA maintains an up-to-date skipper / vessel contact list that is displayed in the wheelhouse of each vessel.

### Avoiding interactions – prior to setting the net

This strategy aims to mitigate interactions with dolphins by ensuring that all reasonable efforts are made to detect their presence before fishing commences.

Each vessel must designate positions for crew members to visually assess the presence / absence of wildlife prior to setting the net. Specific locations may include the bow, amidships and stern, or an elevated position. The details of the designated locations for detecting the presence / absence are listed in the vessel specific plan displayed in the wheelhouse of each vessel.



*Illustration of a purse-seine net being set, prior to rings being winched alongside.*

# OPERATIONAL PROCEDURES

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Prior to setting the net, crew members communicate the results of their visual assessment to the skipper and the skipper responds as outlined in the flowchart. On an ‘all-clear’ report, the skipper may instruct the crew to set the net. If the presence of dolphins is reported, the setting procedure is suspended or the vessel re-locates to an alternative area that is free of dolphins.

## Early detection and action (priority)

As soon as the net has been set, i.e. the net is pursed (rings alongside) and the vessel lights have been turned on, all crew members scan the area inside the net to determine if any dolphins are present. If dolphins are detected within the area inside the net, it is reported immediately to the skipper. The release procedure is then enacted as soon as practical and the release of the dolphin becomes the priority for the fishing operation. Once the purse seine net has been set successfully, all excess net is retrieved and fish pumped / brailed aboard as quickly as practicable in order to reduce potential entanglements with wildlife that may be present outside the net.

## Dolphin release procedure

Following the detection of dolphins in the net, the skipper will begin to set up to let the front of the net go to create a safe escape route. At the skipper’s discretion, the vessel may take on net to ensure it does not collapse and compromise an effective release, or use any other reasonable and practicable methods to aid in the release of the animals whilst continuing to set up to open the front of the net, or abort the net set. To ensure the opening in the net is sufficient, the skipper may ‘drop-rings’, haul additional net and utilise thrusters or skiffs to stabilise the shape of the net to help ensure that the release is executed effectively.

## Recovering TEPS

If an encirclement has occurred and TEPS are released from the net the area should be checked so that the fate of the TEPS can be recorded (deceased, survived etc). In the event a TEPS mortality has occurred all reasonable steps should be taken to retrieve the carcass.





## REPORTING OF WILDLIFE INTERACTIONS

### Wildlife observer program

The skipper and crew must support and accommodate observers. Carrying an observer is a licence condition of operation in the South Australian Sardine Fishery. Skippers should also establish and maintain a spirit of cooperation with representatives of fisheries management and research agencies. Before carrying observers, skippers should ensure that:

- Workers' compensation, public liability and other relevant insurance responsibilities are understood and formalised.
- Vessel survey provisions are not exceeded.
- Observers complete the Workplace Induction Checklist aboard each vessel.

### Observers must not:

- Be assigned duties other than those that relate directly to their observer duties;
- Receive any payment from the fishing company which hosts them; or
- Participate in any watch keeping duties.

### Observers should be given:

- Access to a quality of accommodation and meals similar to that of the crew; and
- Reasonable access to email and other communication methods.

### Reporting in Wildlife Interaction Logbooks

The EPBC Act 1999 contains provisions in relation to the reporting of fisheries interactions with wildlife. The current South Australian regulations require licence holders to complete catch and effort logbook. There is an additional generic wildlife logbook, which focuses on the reporting of interactions of wildlife, which fishers record interactions.

PIRSA reports fishery interactions to the Department of Environment and Water (DEW).

**It is a legislative requirement for fishers to report all interactions with wildlife.** Skippers must report interactions in the wildlife interaction logbook on trips with and without an observer.

**The following provides examples of likely scenarios that must be recorded as a wildlife interaction in the wildlife logbook:**

- Vessel relocates the fishing operation due to the presence of wildlife inside of the net.
- Species and number of wildlife involved in each interaction on a 'shot-by-shot' basis.
- Release procedure applied to assist the safe exit of wildlife from inside the net.
- Details of any mortality event that occurs including details regarding contact with PIRSA Fisheries and Aquaculture (Fishwatch) prior to landing.

### **Real Time Wildlife Interaction Monitoring Program**

Since 2011 Industry has adopted a real-time wildlife interaction monitoring program, by entering in shot data to track the fleets progress throughout the season and report back to the WIWG and R&M groups. Since the introduction of program, the reporting rates of observed versus unobserved interactions have improved significantly. The real time wildlife monitoring program has been adopted with a view of ongoing improvement and is supported by Industry and Government.

The WIWG will be responsible for updating the Code of Practice annually, or as required.



## **Implementation of the Code of Practice: What will SASIA do?**

- Ensure the Code of Practice is implemented in the fishery.
- Provide Induction and training session for all skippers and crew to be conducted prior to the commencement of each vessels fishing season
- Induction and training of new skippers will be undertaken prior to their operation in the fishery.
- Training and induction of skippers and crew will address all components of the Code of Practice (as discussed in “Inductions and Training” pg 8’)
- Provide regular (No less than quarterly) summaries of observer and logbook data to WIWG
- Provide quarterly reports to WIWG on education and extension activities
- PIRSA will be informed in advance, via email or phone of training sessions conducted for skippers, crew and licence holders.
- Undertake regular skipper meetings
- Coordinate the WIWG
- Support the observer program
- Continue to develop the real time wildlife monitoring program.
- Call WIWG meetings (teleconference where required) within 5 working days following any mortality event in order to review the incident and implement any potential improvements or adjustments to the Code of Practice.
- WIWG meetings may also be called on a needs basis
- Notify externally interested parties of the outcome of these meetings, where deemed necessary.

These meetings must, at a minimum, have the following members present:

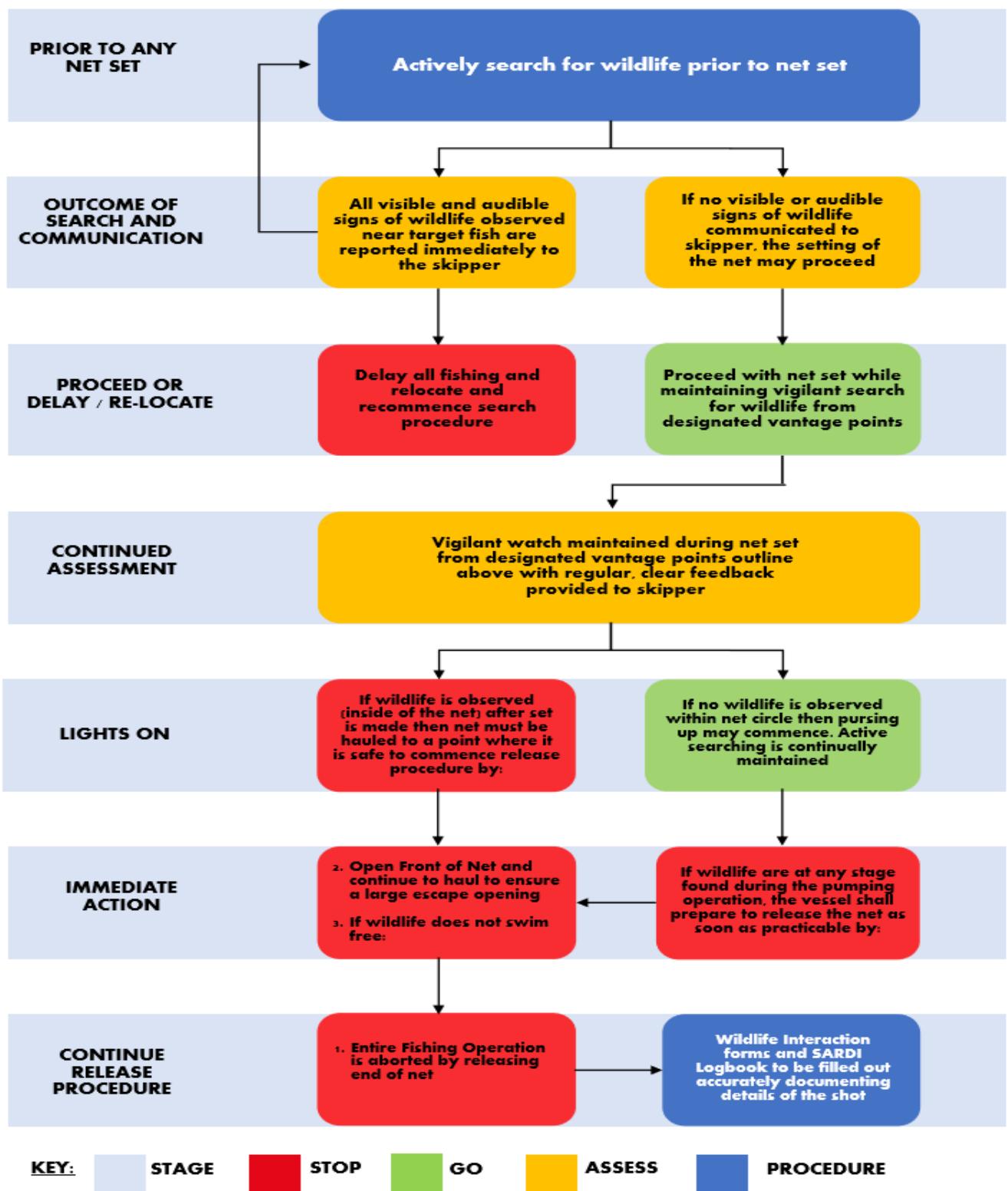
1. Fisheries Regional Manager (Western Region)
2. The Fishery Manager (PIRSA)
3. SARDI Representative
4. SASIA Executive Officer
5. DEW Representative

## **What will PIRSA do?**

- Report data on interactions to the SA Fisheries Minister and DEW (as per EPBC Act 1999);
- Collate data from the logbook and observer program.
- Interview skippers following a wildlife mortality event.
- Support Industry with education, compliance and application of the Code of Practice
- Support Industry with the Real Time Monitoring Program.



## WILDLIFE RELEASE PROCEDURE FLOWCHART



\*\* This procedure is a requirement of the Code of Practice and must be displayed at all times in the wheelhouse and galley



South Australian Sardine  
Industry Association Inc.

CERTIFIED  
SUSTAINABLE  
SEAFOOD  
**MSC**  
www.msc.org



Vessel.....  
License No.....  
Skipper .....

**CRITICAL.....**

Crew must be positioned at the nominated stations for this vessel prior to and during hauling of the set. Crew must also have equipment set up in readiness for a swift release procedure. Interaction time must be minimised in all cases.

**Vessel Specific crew position plan**

