

NORWAY – FAO EXPERT CONSULTATION ON THE MANAGEMENT OF SHARED FISH STOCKS

BERGEN, NORWAY 7-10 OCTOBER 2002

CASE STUDY

*Arrangement between the Government of Australia and the
Government of New Zealand for the Conservation and Management
of Orange Roughy on the South Tasman Rise*

Nature of the Expert Consultation

The introduction in the background concept paper makes the following statement:

“The management of shared fishery resources remains one of the great challenges on the way towards achieving long-term sustainability”.

The paper suggests the expert consultation should attempt to explore the problems facing both coastal states and distant water fishing nations in attempting to manage, on a cooperative basis, the classes of shared fishery resources. By sharing experiences of cooperative management, the expert consultation seeks to assist countries to improve their efficiency and performance in the management of shared fishery resources.

The South Tasman Rise Orange Roughy Fishery

Background

This fishery has been described by the parties in the following ways:

- ▶ a fishstock that is found, both within a coastal state EEZ and the adjacent high seas. That is a straddling stock; or
- ▶ a fishstock to be found exclusively in the high seas.

This point of definition was a key issue of dispute during the early stages of the negotiations. The important issue for the purposes of this consultation is that cooperative action was taken for the conservation and management of the fishery.

The Species

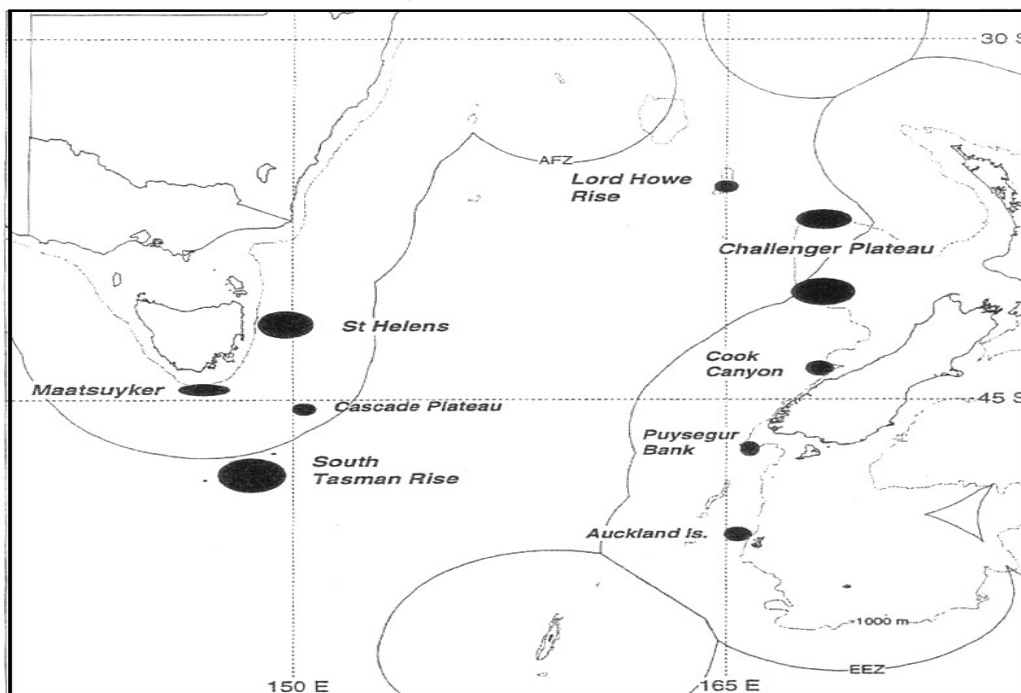
Orange roughy (*hohlostethus atlanticus coletle*) is a bright orange fish that is commercially very valuable, bland tasting and perfect for freezing. Orange roughy is a popular choice for the US market. The value is approximately NZ\$1 million per 100 tonnes. It is a demersal deep-sea species found on the continental slopes at depths of approximately 1000-2000 metres. Orange roughy occur in low densities on the flat seabed but during spawning season are found in large aggregations, often around sea mounts. Stocks are also often found in feeding aggregations again on the steep slopes of sea mounts. The large aggregations are attractive for fishing operators. In the past 20 years New Zealand, Australia and South Africa fishers have been at the forefront of designing and trialing technology suitable for the deepwater fishing which requires complex skills to allow the manoeuvring of nets around spiny pinnacles and steep valleys.

Orange roughy is one of the worlds most fragile marine resources. The species has a long life span, possibly up to 150 years. Maturity occurs at approximately 30 years. Their slow growth, low recruitment, long period prior to reaching maturity and high value, are factors which contribute to the need for proper management and conservation measures. Without them, discrete stocks of orange roughy can quickly result in sharply declining catches. Several orange roughy fisheries within the New Zealand EEZ have been closed or TACs lowered to minimal levels to allow for stock rebuild.

Geographical Location

The South Tasman Rise is an area of sea mounts south of Tasmania. The Arrangement negotiated between Australia and New Zealand covers an area of the high seas adjacent to the Australian EEZ.

(Figure 1) *The Mid Tasman Sea showing location of major New Zealand and Australian Fisheries for orange roughy*



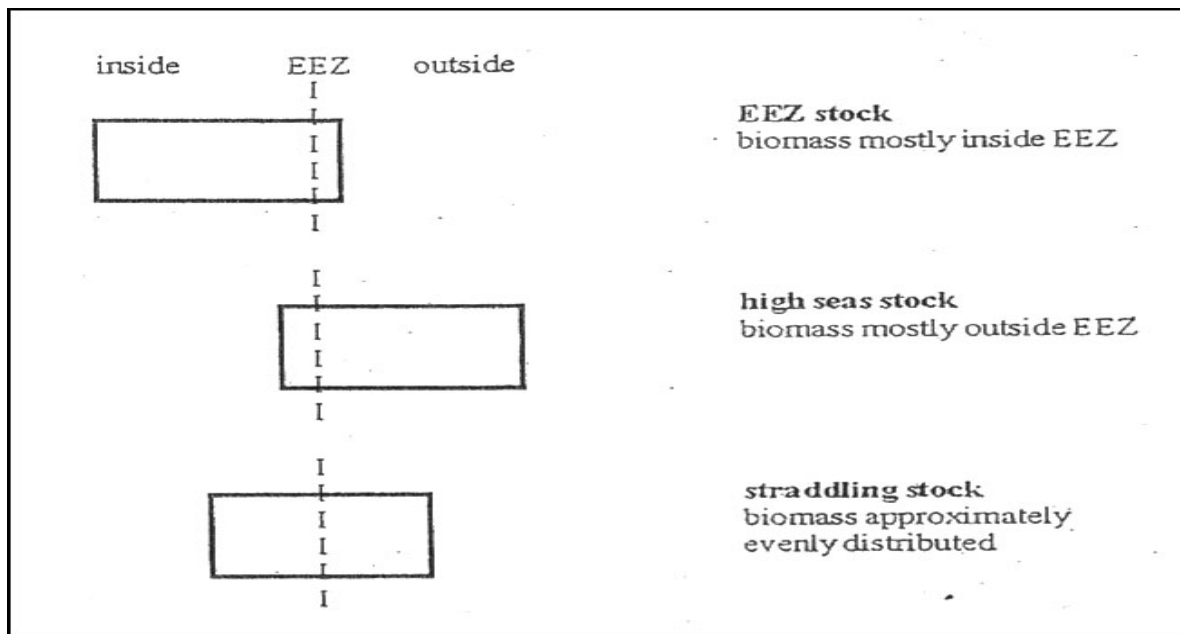
At the early stages of discussions much of the debate focussed on whether the stock actually straddled the Australian EEZ or whether it was a discrete high seas stock. This disagreement over the categorisation of the stock had implications for future management options. The underlying issue was whether Australia would be entitled to coastal state rights over straddling stocks, or if it, just like New Zealand, would need to rely on its flag state right to engage in fishing on the high seas.

Initial work by scientists was directed at identifying if the orange roughy within the Australian zone was the same genetic structure as that outside. Australian records showed that modest amounts of orange roughy had been caught within the zone but the commercial fishing was primarily on the sea mount structure on the high seas. This issue acquired a greater significance because the initial position taken by Australia was a claim for exclusive rights to catch and manage the orange roughy fishery on the high seas area of the South Tasman Rise.

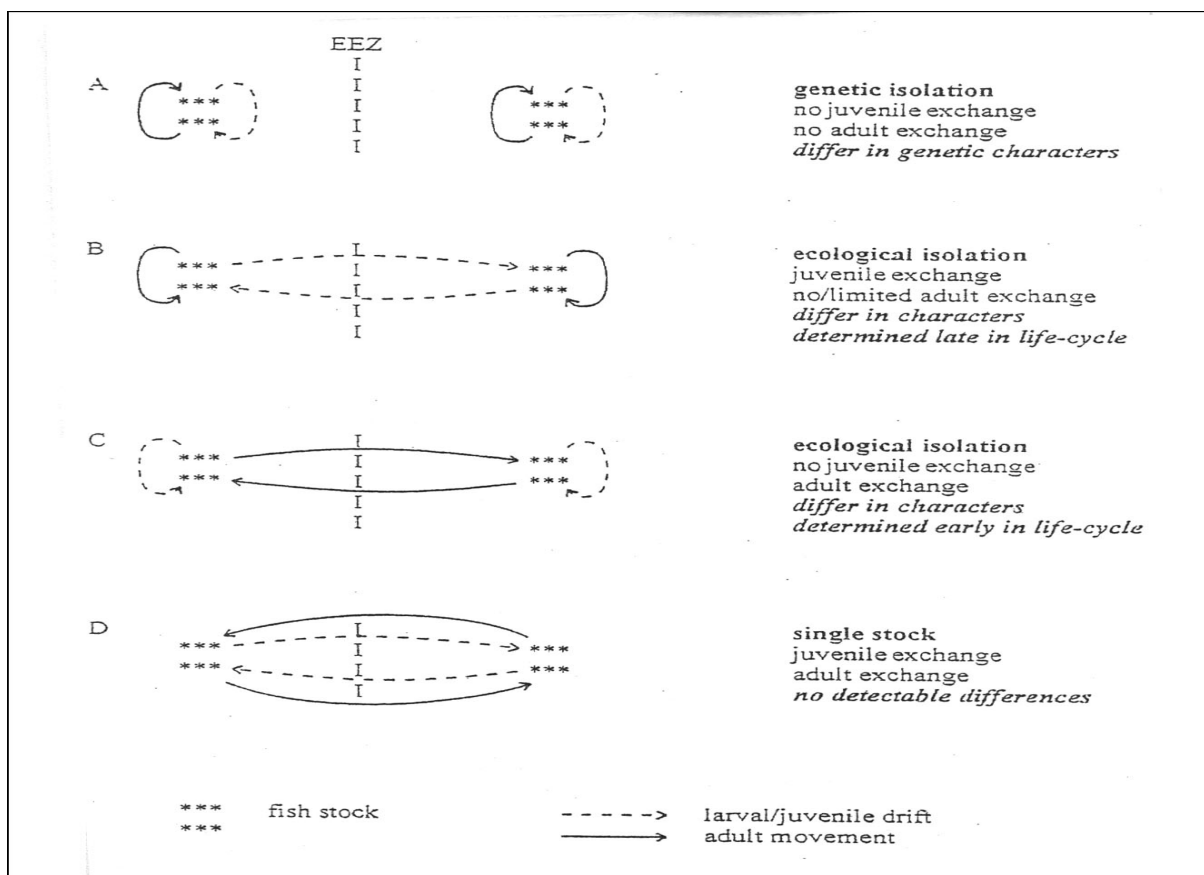
The attempt to resolve this issue was further hampered by the fact that neither the Law of the Sea Convention nor the 1995 Fish Stocks Agreement provides a definition for "*straddling fish stocks*".

A scientific framework for assessing biological data for defining straddling stocks was established. The Framework had two components, firstly determining the stock relationships between fisheries inside and outside the EEZ, and secondly, for a single stock that straddles the EEZ, determining the biomass distribution to define the stocks as "*EEZ*" or "*high seas*" or "*straddling stock*".

(Figure 2) – *Distribution of transboundary stock (adapted from FAO)*



(Figure 3) - *Ecological and genetic stock structures for orange roughy straddling stocks.*



Fishing Activity – a catalyst for action

In late 1997 fishing activity increased over a short period of time. A number of Australian and New Zealand vessels were extracting large volumes of catch. The actual aggregation areas were small which meant fishing activity was occurring in a concentrated area. Officials from Australia approached New Zealand raising concerns about the sustainability of the resource and the need to find a way to manage the fishery. The New Zealand government responded by requesting New Zealand vessels to withdraw from the fishery until an effective management regime was developed.

The timing of the New Zealand withdrawal from the fishery and the continued fishing activity by Australian vessels was to prove to be an ongoing contentious issue through the first few years of the Arrangement.

Why Co-operate?

Who wanted what?

Australia had more to gain from cooperation. In the first set of consultations it was clear that the preferred option for Australia was to have:

- ☆ exclusive access to the high seas areas of the South Tasman Rise in return for which Australian vessels would not fish a small area of the Challenger Plateau adjacent to the New Zealand EEZ

The second option was to have an interim Arrangement developed swiftly to confirm Australian larger catch history in any allocation. Sustainability of the resource was a further consideration.

New Zealand was less enthusiastic about the development of cooperative management but clearly wanted continued access to the fishery and was also concerned about resource sustainability.

Other features played an important role in driving the development of the cooperative Arrangement.

Fishing and the management of fisheries resources cannot be considered in isolation to the wider relationship with another state. This is particularly so when the other state is a neighbour as is the case in cooperative transboundary management regimes. The relationship between New Zealand and Australia is obviously much richer and complex than any concerns about this specific fishery. The dynamics operating in this wider relationship can provide the catalyst for cooperation to succeed or fail.

A further feature played a role in allowing this regime to develop. Both New Zealand and Australia have generally held shared views on the use of stock assessment based on thorough scientific principles. Pride is taken in the robustness of sound fisheries management by both States. Neither State wished to risk their environmental credentials by allowing this fragile orange roughy fishery to be mis-managed.

In December 1997, Officials from New Zealand and Australia negotiated a one-year Arrangement effective from 1 March 1998 to conserve and manage orange roughy on the South Tasman Rise.

Features of the Cooperative Arrangement (Copy attached as Appendix 1)

Participants

The one-year Arrangement was between two States. There was no mention of other parties and clearly the issue of further membership was not anticipated. As such this first Arrangement had many of the features usually found in a cooperative transboundary regime rather than a straddling or high seas regime;

Terms

The specific objectives of this Arrangement were to carry out a programme of research to:

- ★ provide clear information on the stock structure;
- ★ obtain information to enable preliminary assessment of the status and productivity of the stock.

Management Features

- ★ A total allowable catch limit was set and proportions of this TAC were allocated to New Zealand and Australia based on verified catch history over the previous twelve months.
- ★ Exchange of catch data and associated issues were agreed.
- ★ Monitoring and reporting requirements were specified.
- ★ A commencement date was specified which was several months after the signing of the Arrangement. This delay created complications during the implementation of the regime.

In summary, the Arrangement was bilateral, short term and with clearly specified management requirements. It was designed as a quick solution to solve an immediate problem but both parties acknowledged the need to create a longer term Arrangement for the future.

On the face of it, this cooperative fisheries management should have had a positive life with benefits to both parties and a healthy ecological sustainable outcome for the fishery.

Instead the first few years of management of this resource can be summed up by the following comments in a briefing paper in 2000 to the New Zealand Minister of Fisheries.

“The differences between Australia and New Zealand over the Orange Roughy Fishery on the South Tasman Rise have been protracted and acrimonious with allegations and counter allegations of bad behaviour by respective fishing industries”

At the end of the first year of life of the Arrangement, negotiations on the extension failed, largely due to an inability to reach agreement on how to resolve the problems that had occurred before and during the Arrangements one-year life.

The major area of dispute was how to address overfishing by Australia in the months between the signing of the Arrangement and its coming into effect and by New Zealand following the conclusion of the Arrangement and before a new Arrangement was negotiated.

From time to time the tension from this dispute spilled over into the wider bilateral relationship between the two countries.

During this period South African and a Belize-registered vessel arrived on the South Tasman Rise. After forthright diplomatic representations the vessels left the fishery. The presence of these vessels raised the un-addressed issue of provision for third parties. As stated previously the initial Arrangement had most of the characteristics of a transboundary cooperative fisheries management regime. It was ill equipped to deal with the necessary components of a Regional Fisheries Management Organisation for straddling stocks. Within most RFMOs a non-member, found to be fishing the stock in the high seas governed by the RFMO, in a manner inconsistent with the conservation and management measures is deemed to be engaging, not in illegal fishing, but in un-regulated fishing (*Munro*).

The Second ***South Tasman Rise Orange Roughy Arrangement*** (Appendix 2) was agreed in 2000. This Arrangement settled issues for over-catch and more specifically set out obligations to cover third parties. Cooperation with third parties was limited to countries “***which have a real interest in the conservation and management of Orange Roughy on the South Tasman Rise***”. The issue of “***real***

interest” is raised within the 1995 UN Agreement for straddling Fish Stocks and Highly Migratory Fish Stocks in Article 8 (3). The concept of real interest is not defined in the 1995 Fish Stocks Agreement nor has practice so far led to a widely accepted and uniform definition.

A further feature of the modified Arrangement was the requirement to notify the FAO of the Arrangement for the purposes of International publicity. During the period when South African flagged vessels were fishing, the South African government claimed no knowledge of the existence of the STROR Arrangement.

Subsequent to the 2000 Arrangement operating, catches by both parties have been well below the TAC and National allocation.

Additional elements have been added to the Arrangement to allow for more effective operation. The application of consistent management measures to the Orange Roughy stock within the Australian EEZ has occurred. A formal stock assessment process has been developed with scientific advice provided jointly to a bilateral management decision making group.

In reviewing this cooperative management several lessons could be further explored:

- Allocation to parties:
A clearly stated basis for establishing catch history. This needs to be time bound and understood by all parties.
- Time consistency – the initial Arrangement had a short time frame, was rigid and limited in its purpose. This lack of flexibility undid much of the good will which was present in the early negotiations.

The New Member Problem

- The 2000 Arrangement included provision for new members but as yet has been untested with no formal request for third party membership.

Unregulated Fishing

- The parties used diplomatic channels to manage the fishing of non-members. This approach may prove unsuccessful in future and the parties may need to explore mechanisms to minimise the risk of unregulated fishing.

Summary

The development of this Arrangement between two parties has many characteristics of those applied to the cooperative management of transboundary fishery resources.

The current equilibrium is maintained simply because the fishery is yielding small quantities of catch. It is not economically viable for third parties to travel vast distances when catches are uncertain. If the fishery was to rebuild and large aggregations of orange roughy were to be found it will be necessary for the parties to the Arrangement to address all the issues raised.

**ARRANGEMENT BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE
GOVERNMENT OF AUSTRALIA FOR THE CONSERVATION AND
MANAGEMENT OF ORANGE ROUGHY ON THE SOUTH TASMAN RISE**

The Government of New Zealand and the Government of Australia (The Parties):

Considering their shared commitment to the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea 1982;

Recognising their shared concern for and commitment to the conservation of the living resources of the high seas;

Recognising the need for conservation and management measures to be established as a matter of urgency with respect to orange roughy stocks on the South Tasman Rise¹

Mindful of the need to achieve as soon as possible an agreed understanding of the stock structure for orange roughy and other species taken on the South Tasman Rise, as this has clear implications for the way the fishery may be managed in the future;

Recognising also the need for scientific research on the status of the said orange roughy stocks;

Convinced of the need to apply the precautionary approach widely in the conservation, management and utilisation of the said orange roughy stocks

HAVE REACHED AN UNDERSTANDING on the following:

Definitions

1. For the purposes of this Arrangement:

Australian fishing zone (AFL) has the same meaning as the *Fisheries Management Act 1991 (Cth)*;

high seas of the South Tasman Rise means the area lying outside of and adjacent to the AFZ in waters generally south of Tasmania and enclosed by the line:

- (a) commencing at the point 48° 30'S, 150°E²;

¹ The South Tasman Rise is the same feature as that depicted on some maps and charts as the South Tasmania Ridge.

1. Geographical co-ordinates in this definition are in terms of the International Terrestrial Reference System which is maintained by the International Earth Rotation Service and for most practical purposes are equivalent to co-ordinates in terms of the World Geodetic System 1984 (WGS84)

- (b) running thence west along the parallel of latitude 48° 30'S to the point 48° 30'S, 146° 30' E;
- (c) thence north along the meridian of longitude 146°30'E to its first intersection by the outer limit of the AFZ;
- (d) thence generally easterly and north-easterly along the outer limit of the AFZ to its first intersection by the meridian of longitude 150°E;
- (e) thence south along that meridian to the point of commencement.

Program of scientific research

2. The Parties will carry out a Program of scientific research from 1 March 1998 to 28 February 1999 to:
 - provide clear information on the stock structure and relationship between orange roughy taken on the high seas and orange roughy occurring within the AFZ; and
 - obtain information to enable a preliminary assessment of the status and productivity of the fishery.
3. For the purposes of this scientific research programme and the Parties accept that a precautionary total catch limit for the period specified in paragraph 2 will not exceed two thousand one hundred (2100) tonnes. The precautionary total catch limit of 2100 tonnes will be shared between the Government of New Zealand and the Government of Australia in the proportion of verified catches of orange roughy made by New Zealand and Australian vessels in the high seas area of the South Tasman Rise during the period 1 January to 17 December 1997. On current information, New Zealand catches are estimated at approximately 500 tonnes and Australian catches are estimated at approximately 1600 tonnes. Final catch figures, and hence shares of the precautionary total catch limit will be determined by 31 January 1998.
4. No more than half of the respective national catch limits so determined will be fished in each of two six calendar month periods from 1 March 1998 to 31 August 1998 and from 1 September 1998 to 28 February 1999.
5. The scientific research program for collection and collaborative analysis of scientific information under the program from the South Tasman Rise fishery and other potentially related fisheries will be developed by the Parties by mid-February 1998 and recorded in writing. It will focus on work to assist in provide a clear determination of stock structure on the South Tasman Rise, eg:
 - a. Catch by location
 - b. Length frequency
 - c. Age structure

- d. Reproductive stage
 - e. Morphometrics
 - f. Stock genetics
 - g. Otolith structure
6. The Government of Australia will ensure that compatible information is available from scientific research programs within the AFZ consistent with the scientific research program being carried out on the high seas area of the South Tasman Rise.
 7. The Parties acknowledge that the methodologies developed through the scientific research program, including mutually acceptable criteria for determining whether or not a stock is a straddling stock, will assist in broader assessments of stock characteristics in the Tasman Sea region.
 8. The Parties will prohibit fishing on the high seas of the South Tasman Rise except with the authorisation of the appropriate authorities in accordance with their respective national legislation, such authorisation only to be given for the purposes of implementing the said scientific research program and subject to the limits described in paragraph 3.

Exchange of Information

9. Without prejudice to any other arrangements between the Parties, the Parties will exchange all relevant scientific and fisheries information relating to orange roughy on the South Tasman Rise including associated species and bycatch and including samples.
10. Information exchanged pursuant to this Arrangement regardless of its form will be treated as being supplied in confidence and no information will be used except in the manner permitted by the supplying Party and subject to the freedom of information and privacy laws applicable to each Party.

Collection and Provision of Data

11. The Parties will ensure that their respective vessels permitted to fish on the high seas area of the South Tasman Rise will collect and provide the data and samples required by the scientific research program.

Monitoring

12. The Parties will ensure that their respective vessels will:
 - Operate satellite based vessel monitoring systems (VMS) during any trip involving fishing on the high seas area of the South Tasman Rise;
 - Report their position and catch on a daily basis to their national authorities when fishing on the high seas area of the South Tasman Rise;
 - Retain on board all catch taken on the high seas area of the South Tasman Rise unless otherwise directed.
 - Record catch in official log books on a shot-by-shot basis.

13. The Parties will each arrange for scientific observers to be placed on their own vessels in order to ensure the effective implementation of the scientific research program.
14. The Parties will ensure that dockside monitoring of unloading of catch from the high seas area of the South Tasman Rise takes place.
15. The Parties will determine appropriate arrangements for collaborative monitoring of fishing on the high seas area of the South Tasman Rise.

Landings

16. Existing national arrangements applying to Australian and New Zealand vessels fishing for orange roughy in relation to access to and catch landing at the other country's ports will continue to apply for the purposes of this Arrangement.
17. The Parties will prohibit the vessels of any State which is not a signatory to this Arrangement from landing in their respective ports orange roughy caught on the high seas area of the South Tasman Rise.

Review

18. The Parties will prepare a joint report on the outcomes of analyses of scientific information obtained through the scientific research program, with particular emphasis on the best available information in relation to stock structure, in time for a meeting to discuss future management options for the South Tasman Rise fishery by February 1999.
19. The Parties will meet in February 1999 to review these arrangements and consider a new conservation and management measures for orange roughy on the high seas area of the South Tasman Rise.

Commencement and Duration

20. This Arrangement will take effect from 1 March 1998. The Parties will use their best endeavours within their legislative framework to make regulations as are required to implement this Arrangement as soon as possible and will inform each other in writing when such regulations are in force. Should the regulations not be in force by 1 March 1998, the Parties will bring this Arrangement to the notice of their respective industries and will request voluntary compliance with its provisions.
21. This Arrangement will expire on 28 February 1999.
22. This Arrangement is without prejudice to any future arrangements or agreements the Parties may enter into with respect to Tasman Sea fisheries generally and/or orange roughy on the high seas area of the South Tasman Rise.

23. If, as a result of the collaborative scientific work undertaken under this precautionary management regime, the preponderance of evidence indicates that the orange roughy stock on the South Tasman Rise is a straddling stock occurring both within the AFZ and in the adjacent high seas area, the Parties will establish a consistent approach towards conservation, management and allocation for all straddling fish stocks in the Tasman Sea region, consistent with the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks.

This Arrangement embodies the understanding reached between the Parties concerning fisheries matters on the South Tasman Rise.

**ARRANGEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE
GOVERNMENT OF NEW ZEALAND FOR THE CONSERVATION AND
MANAGEMENT OF ORANGE ROUGHY ON THE SOUTH TASMAN RISE**

The Government of Australia and the Government of New Zealand (the Parties):

Considering their shared commitment to the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea 1982 and their shared intention to become parties to the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks 1995 (the 1995 Agreement);

Affirming their shared concerns for and commitment to the conservation of the living resources of the high seas;

Noting their previous Arrangements for the conservation and management of orange roughy on the South Tasman Rise;

Recognising the need for conservation and management measures to be maintained for South Tasman Rise orange roughy, and for those measures to be implemented at the domestic level by the Parties through effective and binding legislative controls;

Affirming the obligation to apply the precautionary approach widely to conservation, management and exploitation of fish stocks;

Mindful of the need to achieve as soon as possible an agreed understanding of the stock structure and abundance of orange roughy and other species taken on the South Tasman Rise;

Recognising also the need for continued scientific research on the status of orange roughy on the South Tasman Rise;

Acknowledging that the methodologies developed through a scientific research program for orange roughy on the South Tasman Rise, including mutually acceptable criteria for determining whether or not a stock is a straddling stock, will assist in broader assessments of orange roughy characteristics in the Tasman Sea region;

HAVE REACHED AN UNDERSTANDING on the following:

Definitions

1. For the purposes of this Arrangement:

Annual catch limit in relation to a season means the whole-weight tonnage of orange roughy that a Party may take in that season in accordance with the formula in paragraphs 7 and 8;

Australian fishing zone (AFZ) has the same meaning as in the *Fisheries Management Act 1991 (Cth)*;

high seas of the South Tasman Rise means the area lying outside of and adjacent to the AFZ in waters generally south of Tasmania and enclosed by the line:

- (a) commencing at the point 48° 30'S, 150°E¹;
- (b) running thence west along the parallel of latitude 48° 30'S to the point 48°30' S, 146°30'E;
- (c) thence north along the meridian of longitude 146°30'E to its first intersection by the outer limit of the AFZ;
- (d) thence generally easterly and north-easterly along the outer limit of the AFZ to its first intersection by the meridian of longitude 150°E;
- (e) thence south along that meridian to the point of commencement;

quota in relation to a Party means the whole-weight tonnage of orange roughy in a season that is allocated to the Party in accordance with paragraphs 5 and 6;

season in relation to a year means a period of twelve months beginning on 1 March of that year and ending on the last day of February of the following year;

South Tasman Rise means the geomorphological feature as depicted on the map at Annex A.

Trawling and other demersal fishing only with authorisation

2. The Parties will prohibit trawling and other demersal fishing for all species on the high seas area of the South Tasman Rise except with the authorisation of the appropriate authorities in accordance with their respective national legislation, such authorisation only to be given for the purposes of implementing this Arrangement and subject to its terms.

Total Allowable Catch

3. Subject to any variation decided in accordance with paragraph 4, the precautionary total allowable catch (TAC) for each successive season for the duration of this Arrangement is two thousand four hundred (2400) tonnes whole weight.
4. The Parties may, taking into account the outcomes of the scientific research undertaken under this Arrangement and any other relevant circumstances, decide to vary the TAC from time to time. Such a variation will be effected by an exchange of Ministerial letters between the Parties.

Party Quotas

5. The TAC is allocated between the Parties in the following proportions:

Australia – 1800 tonnes, being seventy-five per cent (75%) of the TAC
New Zealand – 65 tonnes, being twenty-five per cent (25%) of the TAC

6. If the TAC is varied in accordance with paragraph 4, the Parties' quotas will remain in the same proportions as set out in paragraph 5, unless otherwise decided by the Parties and recorded in an exchange of Ministerial letters.

Annual Catch Limits

7. Unless the Parties jointly decide otherwise and record it in writing, a Party's annual catch limit for the 2000 season is equal to its quota. In each subsequent season, unless the Parties jointly decide otherwise and record it in writing, a Party's annual catch limit is calculated as follows:
 - (a) by adding to its quota for that season the amount, rounded to the nearest tonnes, by which its catch in the previous season fell short of its annual catch limit, up to a maximum of five per cent (5%) of its quota in the previous season, unless the TAC for that season is less than the TAC for the previous season; or
 - (b) by debiting against its quota for that season catch, rounded to the nearest tonne, taken by it in excess of its annual catch limit for the previous season (its excess catch) as follows:
 - (I) one tonne to be debited for each of the first 100 tonnes of excess catch; and
 - (II) two tonnes to be debited for each tonne of excess catch thereafter.
8. If a Party's quota for any season is insufficient to absorb the amount to be debited under paragraph 7 (b), the Party concerned will debit any remaining amount against its quota for the following season, and any subsequent seasons as may be required.
9. Orange roughy caught in the high seas area of the South Tasman Rise will be debited against the annual catch limit of the Party that authorised the fishing irrespective of where the catch was landed.

Implementation

10. Each Party will implement this Arrangement through binding legislative or administrative mechanisms and will inform the other Party in writing of these mechanisms and of their entry into force. In particular, each Party will ensure that its annual catch limit is implemented in accordance with this paragraph with effect from the date of commencement of the relevant season.
11. Each Party will provide in its mechanisms pursuant to paragraph 10 that, when its annual catch limit for orange roughy in any season is reached,

the high seas area of the South Tasman Rise is closed to all trawling and other demersal fishing for all species by its vessels for the remainder of that season.

Program of scientific research

12. The Parties will carry out a Program of scientific research for the purposes of:
 - (a) obtaining information to enable an assessment of the size of the stock(s) of orange roughy on the South Tasman Rise and of the sustainable yield; and
 - (b) providing further information on the stock structure and relationship between orange roughy found in the high seas area of the South Tasman Rise and orange roughy found within the AFZ.
13. Any fishing undertaken within the scientific research program will be taken within the TAC.
14. The Parties will develop a framework for the collection and collaborative analysis of scientific information on orange roughy and other related stocks on the South Tasman Rise, based on the scientific program instituted by the Parties under their previous Arrangements. The program will be reviewed on an annual basis and where necessary amended to achieve its purposes.
15. The Government of Australia will ensure that for scientific and management purposes information is made available from scientific research programs into orange roughy and associated species undertaken on that part of the South Tasman Rise lying within the AFZ consistent with the scientific research program being carried out in the high seas of the South Tasman Rise.
16. The Parties will ensure that their respective vessels authorised to fish on the South Tasman Rise collect and provide the data and samples required by the scientific research program.

Exchange of Information

17. Without prejudice to any other arrangements between the Parties, the Parties will exchange at least on a weekly basis all relevant catch and effort information relating to orange roughy and associated species in the high seas area of the South Tasman Rise when trawling and demersal fishing is occurring and until the fishery is closed. Each Party will notify the other Party in writing of the position whose occupant for the time being is responsible for the exchange of information under this paragraph.
18. The Government of Australia will advise the Government of New Zealand of the management measures and any changes to the management measures for orange roughy and associated species it has adopted within the area of the AFZ adjacent to the high seas area of the South Tasman Rise. Aggregated catch data on such species will be provided on a three-monthly basis.

Confidentiality

19. Information exchanged pursuant to this Arrangement regardless of its form will be treated as being supplied in confidence and no information will be used except in the manner permitted by the supplying Party and subject to the freedom of information and privacy laws applicable to each Party.

Monitoring

20. Each Party will ensure that its respective vessels authorised under this Arrangement to fish in the high seas area of the South Tasman Rise:
 - (a) operate satellite-based vessel monitoring systems (VMS) during any trip involving fishing in that area;
 - (b) when fishing in that area report their position to their national authorities on at least a daily basis;
 - (c) when fishing in that area report their catch to their national authorities on at least a daily basis and on a shot-by-shot basis once seventy-five per cent (75%) of that Party's annual catch limit has been taken;
 - (d) retain on board all catch taken in that area unless required by their national authorities not to do so
 - (e) record catch in official log books on a shot-by-shot basis; and
 - (f) are notified immediately of the closure of that area to trawling and other demersal fishing.
21. Each Party will place observers on its own vessels at a level of coverage sufficient to ensure:
 - (a) the effective operation of the scientific research program
 - (b) the effective implementation of the terms of this Arrangement, including adequate and timely verification of catch data; and
 - (c) where a vessel fishes both the high seas area of the South Tasman Rise and one or more other areas on a single trip, verification of the catch of orange roughy taken from the high seas of the South Tasman Rise.
22. Each Party will ensure that its appropriate authorities monitor the dockside unloading of catch at a level of coverage jointly decided by the Parties to be sufficient to ensure the effective implementation of the terms of this Arrangement.
23. The Parties will ensure that no transshipment at sea of catch taken in the high seas area of the South Tasman Rise is permitted within waters under their national jurisdiction or from their fishing vessels or fish carriers.

Landings and Port Access

24. Each Party's national arrangements in relation to access to its ports and landing there of catch by a vessel authorised to fish by the other Party will continue to apply for the purposes of this Arrangement.
25. Each Party will prohibit vessels not authorised under this Arrangement to fish in the high seas area of the South Tasman Rise from landing in its ports orange roughy and associated species taken in the high seas of the South Tasman Rise.

Cooperation

26. The Parties will cooperate in the surveillance of, and immediately exchange information on, fishing activities in the high seas area of the South Tasman Rise by vessels of third countries not signatories to this Arrangement and by vessels of the Parties not authorised to fish there.
27. Following consultation, the Parties will, where practicable jointly, approach the flag State of a vessel from a third country that by fishing in the high seas area of the South Tasman Rise undermines or threatens to undermine the effectiveness of this Arrangement, with a view to seeking that country's cooperation in the conservation and management of orange roughy on the South Tasman Rise.
28. Following consultation, the Parties, will, where practicable jointly, approach other countries with a view to deterring activities of vessels that undermine or threaten to undermine the effectiveness of this Arrangement. Such approaches will include seeking those countries' cooperation in deterring:
 - (a) landing in their ports, and transshipment in waters under their jurisdiction, of orange roughy caught in the high seas area of the South Tasman Rise; and
 - (b) transfer to the registers of those countries of such vessels.
29. Each Party will take all steps permitted by its domestic law to ensure that its nationals and companies do not engage in trawling or other demersal fishing in the high seas area of the South Tasman Rise with vessels not subject to the control of either of the Parties.

Third Countries

30. The Parties will cooperate with third countries which have a real interest in the conservation and management of orange roughy on the South Tasman Rise with a view to securing the application by them of the conservation and management measures of this Arrangement.
31. The Parties will jointly consider in terms of Article 11 of the 1995 Agreement any request by a third country referred to in paragraph 30 to become a Party to this Arrangement.

32. The inclusion of any new Party in this Arrangement will be effected by an appropriate instrument signed by all Parties which confirms the acceptance by the new Party of the understandings set out in this Arrangement and sets out the participatory rights of the new Party.

Commencement and Duration

33. This Arrangement takes effect on 1 March 2000. Any Party wishing to end this Arrangement will notify the other Party, at least 12 months in advance, of the date on which it is to cease.

Miscellaneous

34. Should any misunderstanding or differences arise between the Parties on the interpretation or implementation of this Arrangement, they will consult at the request of either of them with a view to resolving matters amicably and without unreasonable delay.
35. The Parties will jointly lodge this Arrangement with the Fisheries Division of the United Nations Food and Agriculture Organisation for the purposes of international publicity.
36. This Arrangement is without prejudice to any future arrangements or agreements the Parties may enter into with respect to Tasman Sea fisheries generally or orange roughy on the high seas of the South Tasman Rise.

This Arrangement embodies the understanding reached between the Parties concerning fisheries matters in the high seas area of the South Tasman Rise.