

# Australian Heard Island and McDonald Islands Toothfish & Icefish fisheries

## Certificate Holder Forced and Child Labour Policies, Practices and Measures

### 1 Introduction

Fisheries and at-sea Certificate Holders (CH) in the Marine Stewardship Council (MSC) program are required to provide a self-description of policies and measures, including regulatory requirements and procedures that are in effect in the Unit of Assessment, to protect fishing crew from forced labour or child labour, as well as any efforts by the private sector. The objective is to require certificate holders to communicate how government, industry, or other relevant entities protect against forced or child labour.

Each fishery and at-sea Chain of Custody client shall provide this information by completing this template. This template should be completed by the client in good faith and be based on information known and available to the client at the time of completion. The information provided should be representative of the range of measures known to the certificate holder.

The completed form will be uploaded to MSC database to be published on the MSC website at the same time as the Public Certification Report.

Guidance for filling in the template is found in the [Appendix](#) of this template. Information is required on all issues addressed in the template and should be provided in English, which is the official language of the MSC.

Please complete all unshaded fields. Please fill in N/A if an issue is not applicable, including a short justification for why it is not applicable.

## 2 Marine Stewardship Council certificate holder forced and child labour policies, practices and measures

Table 2.1 – Certificate holder information	
1	Composition of fishery client group on behalf of who the statement is provided
	<ul style="list-style-type: none"> <li>- Characterise the composition of the fishery client group, including cost sharing entities.</li> <li>- Describe the relationship between cost sharing members of the fishery client group and the vessel owners and operators of the Unit of Certification (UoC).</li> </ul>
CH	<p><b>Austral Fisheries &amp; Australian Longline:</b> The HIMI Toothfish and Icefish fisheries client group is composed of two fishing companies, Austral Fisheries Pty Ltd and Australian Longline Pty Ltd. Austral Fisheries owns 71% of the statutory fishing rights and operates three fishing vessels in these fisheries. Australian Longline owns 26% of statutory fishery rights and operates one fishing vessel in the fishery. Toothfish quota is captured by each company according to their quota holding share; all Icefish quota is captured by Austral Fisheries.</p>
2	Responsibility for labour regulation
	<ul style="list-style-type: none"> <li>- What management authorities and laws, including flag state authorities, control labour-related regulations in the unit of assessment area?</li> <li>- How are laws enforced?</li> </ul>
CH	<p><b>Austral Fisheries &amp; Australian Longline:</b> All vessels operate under relevant Australian labour laws, including:</p> <ul style="list-style-type: none"> <li>- the Australian Maritime Safety Authority’s Marine Order 11 (Living and Working Conditions on Vessels) 2015, and Marine Order 28 (Operations Standards and Procedures) 2015.</li> <li>- the federal Criminal Code, Migration Act 2007.</li> <li>- Australia has also ratified ILO Conventions 29 (Forced Labour); 105 (Abolition of Forced Labour); and 182 (Worst Forms of Child Labour).</li> <li>- While Australia has not ratified ILO Conventions 138 and 188, its Marine Orders 11 and 28, as well as its Modern Slavery Act 2018 takes into account these requirements.</li> </ul>
3	Risk identification and mitigation
	<ul style="list-style-type: none"> <li>- Describe the processes, including government and certificate holder measures, that are in place in the UoC to identify and mitigate any risk of child and forced labour.</li> </ul>
CH	<p><b>Austral Fisheries &amp; Australian Longline:</b> Marine Order 11 prohibits engagement of any crew under 16 years of age, and those under 18 years of age require approved training. Copies of passports are required for all crew, which is used to confirm their age before being contracted to work.</p>
4	Crew recruitment
	<ul style="list-style-type: none"> <li>- Describe the typical methods used to recruit crew in the UoC and describe the migrant composition of crew if any.</li> </ul>
CH	<p><b>Austral Fisheries:</b> Vessel owners are typically contacted by potential new crew that are seeking work, normally through word of mouth via current crew member contacts. Crew on board these vessels come from many regions of the world, including but not limited to Australia, New Zealand, Indonesia, South Africa, Mauritius, Spain, Chile, Russia, Peru.</p> <p>Engagement of crew follows a strict process to ensure that all relevant Australian requirements are met, including at a minimum, as per Marine Order 51, holding a Certificate of Safety Training (STCW95). Crew compliance on board follow minimum safe manning levels in accordance with Marine Order 21.</p>

	<p><b>Australian Longline:</b> Crew members are recruited, following direct application to the company or a recruitment company acting on Australian Longline’s behalf, based on skills and experience commensurate with the position. Underpinning this process is compliance with the Australian Maritime Safety Authority’s Marine Order 51 which outlines minimum competency standards and Marine Order 21 outlining manning levels. The composition of the crew by nationality includes Australians, New Zealanders, Indonesians and Mauritians.</p>
5	Engagement with fish worker groups
	<p>- Where there is known engagement with fisher, migrant, and worker rights groups, describe how this occurs and the organisations engaged with workers in the Unit of Assessment (UoA).</p>
CH	<p><b>Austral Fisheries &amp; Australian Longline:</b> The Fair Work Act 2009 underpins workplace protections, including providing the right for employees to freely associate with and participate in industrial associations.</p>
6	Crew contracts
	<p>- Describe the nature of contracts or legal work agreements in place in the UoC and the issues addressed in such agreements.</p>
CH	<p><b>Austral Fisheries:</b> Crew are engaged on 2 bases:</p> <ul style="list-style-type: none"> <li>• Crew are partners in partnerships which are in joint ventures with the owner of the vessels and statutory fishing rights. Under these share fishing structures, crew earnings are based on sharing the sales proceeds of catch and sharing in some specified operating costs. There are no brokerage fees paid; or</li> <li>• Crew are sourced by a Mauritian resident company who receives a monthly fee for their services. These costs are paid by the Owner and are not recovered from crew. Crew earnings are based on agreed rates for the crew position on the vessel plus catch incentives.</li> </ul> <p>Where applicable, the contractual arrangements are translated into the crew persons’ native language to ensure that all crew members understand their contracts.</p> <p><b>Australian Longline:</b> Crew are engaged on an individual contract trip-by-trip basis. Crew members may negotiate some detailed terms of their individual agreements with the employer but in general contracts consist of a standard set of terms and conditions with a set rate component and a cost-adjusted share of catch component. Indonesian crew are engaged by Australian Longline’s Indonesian recruitment agency. Contracts provided to Indonesian crew members are translated to Bahasa Indonesia.</p>
7	Audits and labour inspections
	<p>- Describe any 3rd Party audits and certifications on labour, or labour inspections conducted within the UoC in the last two years.</p>
CH	<p><b>Austral Fisheries:</b> Class Society undertakes annual surveys to ensure vessels are compliant with relevant Marine Orders, including Marine Order 11 and 28 which have relevant labour clauses.</p> <p>In March 2019 Austral also conducted an internal audit on crew arrangements, policies and procedures, including conditions onboard and a questionnaire to suppliers on their labour policies. The audit was conducted in accordance with Austral’s Audit Procedure for Labour Onboard and Suppliers and included interviewing of crew and was overseen by Terra Moana and Fish Matter.</p> <p><b>Australian Longline:</b> DNV-GL Class Society undertakes annual vessel inspections which include verifying compliance with relevant Marine Orders, including Marine Orders 11 and 28 which contain labour clauses.</p>

8	National minimum age requirements
	<ul style="list-style-type: none"> <li>- Describe national minimum age requirements for crew members serving on vessels within the UoC.</li> <li>- Describe systems in place, both regulatory and private sector systems, to ensure that crew members meet national minimum age requirements.</li> <li>- Describe how this is checked, including enforcement within the UoC by the responsible governing authority or oversight body such as labour inspectors.</li> </ul>
CH	<p><b>Austral Fisheries:</b> Marine Order 11 prohibits engagement of crew under 16 years of age, and those under 18 years of age require approved training. Copies of passports are required for all crew, which used to confirm their age before being contracted to work. The Recent audit by Austral with Terra Moana and Fish Matter incorporated checks into minimum age and labour conditions.</p> <p><b>Australian Longline:</b> Marine Order 11 prohibits engagement of crew under 16 years of age, and those under 18 years of age require approved training. Copies of passports are required for all crew, which are used to confirm their age before being contracted to work. The skills and depth of experience required for all positions on vessels in the fishery also preclude the employment of young crew.</p>
9	Repatriation
	<ul style="list-style-type: none"> <li>- Describe how repatriation issues are dealt with in the UoC with respect visits end of contract, voluntary and involuntary termination, and freedom of movement and the extent to which these are included in contracts.</li> </ul>
CH	<p><b>Austral Fisheries:</b> Responsibility for travel costs pre and post voyage are included within the relevant agreements with crew. The vessel owners coordinate with the crew post-voyage to ensure they are repatriated home. Crew are entitled to return home at the end of any trip.</p> <p><b>Australian Longline:</b> Crew member contracts make provision for the repatriation of all crew at the conclusion of their contract except in the case of dismissal for serious misconduct where repatriation costs are covered at the company's discretion, the terms of which are covered in contracts.</p>
10	Debt bondage
	<ul style="list-style-type: none"> <li>- Describe if there is evidence of systemic practices to impose costs on crew members for placement or brokerage fees, travel to the workplace, visa, medical, safety gear, clothing/protective gear, food at the workplace, communications access, remittance fees, repatriation, etc.</li> <li>- If so, describe such practices and how debt bondage is avoided.</li> </ul>
CH	<p><b>Austral Fisheries:</b> Placement fees, visas, medical, safety/protective gear, remittance fees, and repatriation are not imposed on individual crew members. Travel, food and communication costs are shared costs covered within the relevant crew partnership agreements where crew and the vessel owner and operator share in the agreed costs and revenues associated with fishing. The Partnership does not pay brokerage fees and crew earnings are paid direct from the Partnership to the crew avoiding the possibility of any debt bondage.</p> <p><b>Australian Longline:</b> The company provides for all provisions, equipment, medicals, communications access and international travel for crew members. Crew share of catch payment is paid with the following deductions: provisions, protective clothing and domestic travel arrangements. Contracts of crew members engaged through the Indonesian agency provide for payment directly to the crew member's account and do not include deductions for provisions, protective clothing or domestic travel.</p>

11	Grievance and remedy mechanisms
	- Please list any policies or measures (e.g. hotline) that are in place for crew voices to be heard and to report and remediate any instances of forced or child labour.
CH	<p><b>Austral Fisheries:</b> All crew have free wifi access onboard. Crew are free to air their grievances to the Skipper and/or the vessel owner/onshore management team – there have been no instances of forced or child labour in these fisheries. Austral have in place a Grievance Resolution Policy; a Grievance Resolution Guide; and a Modern Slavery Policy and Procedure.</p> <p><b>Australian Longline:</b> All crew members have free wifi access onboard to internet communications at all times, with the only restrictions on use relating to social media company policy provisions. Contracts outline company policies and remediation measures in relation to harassment, bullying and discrimination.</p>
12	Identification documents
	- Describe policies and practice in place across the UoC to ensure that crew members have free and timely access to their identification documents, including National ID, passports, visas, etc.
CH	<b>Austral Fisheries &amp; Australian Longline:</b> Crew have free access to identification documents at all times.
13	Additional comments
	- Do you have additional comments on labour practices within the UoC?
CH	<b>Austral Fisheries &amp; Australian Longline:</b> No
14	Date this template was last updated
	- DD/MM/YYYY
CH	09/08/2019

### **3 Appendix – Guidance on filling in the Certificate Holder Forced and Child Labour Policies, Practices and Measures Template**

#### **3.1 Composition of the fishery client group on behalf of who the statement is provided**

If a fishery is in full assessment and the cost-sharing participants and arrangements are not yet determined, provide as much detail as possible regarding the expected cost-sharing entities that will comprise the client group, should the fishery achieve certification, and the relationship between such client group representatives and the vessel owners and operators in the Unit of Certification (UoC).

#### **3.2 Responsibility for labour regulation**

Provide information on laws and regulation and the authorities that have responsibility for labour regulations in the area in which the fishery operates, including flag state authorities where this is applicable. Describe how these are enforced.

#### **3.3 Risk identification, mitigation and remediation**

The information required in this section includes information known by the certificate holder on processes and practices that are applicable in the UoC to identify, assess, prevent and mitigate forced and child labour risks. The information may include government policy or measures, or where applicable, measures being implemented by the certificate holder.

#### **3.4 Crew recruitment**

The information required here includes information on the methods used to recruit crew in the UoC, any widespread use of migrant labour, the countries that crew come from and information on recruitment agencies used where this information is available and known to the certificate holder. It may also include information known of visa programs used to bring in workers to the UoC and on payment of recruitment fees.

#### **3.5 Engagement with fish worker groups**

In some countries, there may be engagement with fish worker groups or other types of organisations that work to address risks of forced labour. Where this occurs provide information on such engagement. This may include information on any organizations in the port area which support crew members socially, e.g. seafarers' ministry, fishers' association, local committees.

#### **3.6 Crew contracts**

Contracts are legal work agreements with labour duties and payments clearly spelled out. Describe the nature of crew contracts in the UoC, specifically features related to forced and child labour, whether the contracts are written in languages understood by crew and how provisions in the contract are enforced.

#### **3.7 Audits and labour inspections**

Describe any government labour inspections or social audits and certifications of working conditions within the UoC in the past 2 years. Where the information is available provide a link to the criteria against which the audit took place.

#### **3.8 National minimum age requirements**

For this section describe national minimum age requirements and provide a description of regulatory and private sector systems in place to confirm that minimum age restrictions are met. Include information on any exceptions to statutory minimum age requirements which are used by the UoC and information on policy for hiring young workers in compliance with national legislation. This should also include description of any policy or practices for monitoring including hours of work and rest for young

workers. This may include information on any other programs which are monitoring labour in your UoC fishing area.

### **3.9 Repatriation**

This section requires a description of how departure of crew members across the UoC is handled. This may include information about government, and/or where known, any applicable company policy on end of crew members' contracts; involuntary termination; leave (including family visits and medical treatment); freedom of movement during the work term and departure terms within crew member contracts.

### **3.10 Debt bondage**

Deductions for costs of work from pay can cause debt bondage and put crew at risk of forced labour. Examples of such work costs include costs of getting to work, placement/broker fee, medical costs, safety gear, food at the workplace, remittance fees and repatriation costs.

Describe systems in place to avoid debt bondage. If there is evidence of systemic practices to impose costs on workers, what measures are in place to avoid debt bondage.

### **3.11 Grievance and remedy mechanisms**

Provide a description of systems known to be in place that allow crew to share information, access assistance and report labour violations and how the systems work to address such reports and provide remediation.

### **3.12 Identification documents**

Describe provisions across the UoC for crew to access their official identification (passports, visas, seafarers book). Where the law in a jurisdiction requires the vessel owner or captain to hold the crew members' official identification, describe the protocol, including government regulations in place to ensure that crew members can access their personal documents and have freedom of movement.

## 4 Template information and copyright

This document was drafted using the 'Certificate Holder Forced and Child Labour Policies, Practices and Measures Template v1.0'.

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1.0	17 December 2018	Release alongside Fisheries Certification Process v2.1

A controlled document list of MSC program documents is available on the [MSC website](http://msc.org) (msc.org)

Senior Policy Manager  
Marine Stewardship Council  
Marine House  
1 Snow Hill  
London EC1A 2DH  
United Kingdom

Phone: + 44 (0) 20 7246 8900  
Fax: + 44 (0) 20 7246 8901  
Email: [standards@msc.org](mailto:standards@msc.org)