



Fisheries Management Regulations 1992

Statutory Rules No. 20, 1992

made under the

Fisheries Management Act 1991

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About this compilation

This compilation

This is a compilation of the *Fisheries Management Regulations 1992* that shows the text of the law as amended and in force on 25 March 2017 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

These Regulations are the *Fisheries Management Regulations 1992*.

3 Interpretation

(1) In these Regulations, unless the contrary intention appears:

Act means the *Fisheries Management Act 1991*.

Australian port means a port in Australia or an external Territory.

authorised area, in relation to a foreign boat, means an area in the AFZ in which the boat may be used to take, process or carry fish under a foreign fishing licence.

boat statutory fishing right means a statutory fishing right to use a boat in a managed fishery granted under any of the following:

- (a) the *Eastern Tuna and Billfish Fishery Management Plan 2010*;
- (b) the *Northern Prawn Fishery Management Plan 1995*;
- (c) the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*;
- (d) the *Western Tuna and Billfish Fishery Management Plan 2005*.

coast radio station means an Australian coast radio station operated by the Overseas Telecommunications Corporation or the Australian and Overseas Telecommunications Corporation.

concession holder means the holder of a licence, permit or right that is a fishing concession.

declared fishery means a fishery in respect of which AFMA has published a declaration under subsection 91(1) of the Act.

designated quota statutory fishing right means a quota statutory fishing right granted under any of the following:

- (a) the *Bass Strait Central Zone Scallop Fishery Management Plan 2002*;
- (b) the *Heard Island and McDonald Islands Fishery Management Plan 2002*;
- (c) the *Macquarie Island Toothfish Fishery Management Plan 2006*;
- (d) the *Small Pelagic Fishery Management Plan 2009*;
- (e) the *Southern Bluefin Tuna Fishery Management Plan 1995*.

free area, in relation to an applicant for, or the holder of, a fishing permit, means a part of a fishery:

- (a) to which the permit applies; and

Regulation 3

(b) in relation to which section 7 of the *Fisheries Legislation (Consequential Provisions) Act 1991* does not apply.

gear statutory fishing right means a statutory fishing right to use particular fishing equipment in a managed fishery granted under any of the following:

- (a) the *Northern Prawn Fishery Management Plan 1995*;
- (b) the *Southern Squid Jig Fishery Management Plan 2005*.

nominated boat, in relation to a fishing concession, means a boat that has been nominated for the fishing concession in accordance with regulation 9B.

operating, in relation to a vessel monitoring system, means sending a signal that:

- (a) is in a format that has been approved by AFMA; and
- (b) identifies accurately the location of the vessel monitoring system.

provision subject to an infringement notice means section 93, 95 or 100 of the Act.

quota statutory fishing right means a right described in paragraph 21(1)(a) of the Act.

Southern Bluefin Tuna has the meaning given in clause 3.1 of the Southern Bluefin Tuna Fishery Management Plan 1995.

Subsidiary Agreement means the Subsidiary Agreement between the Government of Australia and the Government of Japan concerning Japanese Tuna Long-line Fishing signed on 10 December 1991 and published by the Department.

tender means a tender for the grant of a fishing right.

vessel monitoring system has the meaning given by subsection 167B(4) of the Act.

- (2) The origin of geographical coordinates used in these regulations is the Australian Geodetic Datum 1966 (AGD66).
- (3) In these Regulations, unless the contrary intention appears, a reference to a fishery mentioned in regulation 4B is a reference to the fishery so mentioned.

Part 2—Application of Act to areas outside the AFZ

4 Antarctic waters

For subsection 8(1) of the Act, the Act applies in relation to all waters within 200 nautical miles outwards of the baseline by reference to which the territorial limits of the Australian Antarctic Territory are defined under international law, to:

- (a) Australian citizens; and
- (b) bodies corporate that are incorporated in Australia or carry on activities mainly in Australia; and
- (c) Australian boats; and
- (d) persons on board Australian boats.

4AA High seas fishing zone—Southern Bluefin Tuna

- (1) For subsection 8(1) of the Act, the Act applies in relation to the part of the area of waters described in subregulation (3) that is outside the AFZ (*the high seas fishing zone*), to:
 - (a) Australian citizens; and
 - (b) bodies corporate that are incorporated in Australia or carry on activities mainly in Australia; and
 - (c) Australian boats; and
 - (d) persons on board Australian boats.
- (2) However, the Act does not apply in relation to the high seas fishing zone to any of those persons or boats that are not fishing Southern Bluefin Tuna (*Thunnus maccoyii*) or Northern Bluefin Tuna (*Thunnus thynnus*).
- (3) The area of waters is the area bounded by a line:
 - (a) beginning at the equator at its intersection with the meridian of longitude 50° west; and
 - (b) running:
 - (i) from there east along the equator, to its intersection with the meridian of longitude 140° west; and
 - (ii) from there south along that meridian to its intersection with the parallel of latitude 60° south; and
 - (iii) from there west along that parallel to its intersection with the meridian of longitude 50° west; and
 - (iv) from there north along that meridian to the point where the line began.

Note: To find out where the outer limits of the AFZ are, see the definition of *Australian fishing zone* in subsection 4(1) of the Act and the Proclamation of Excepted Waters made under section 11 of the Act published in *Gazette* No. S52 on 14 February 1992.

Regulation 4AB

**4AB Convention on the Conservation of Antarctic Marine Living Resources
sub-area 58.5.2**

- (1) For subsection 8(1) of the Act, the Act applies in relation to the part of the area of waters described in subregulation (2) that is outside the AFZ, to:
- (a) Australian citizens; and
 - (b) bodies corporate that are incorporated in Australia or carry on activities mainly in Australia; and
 - (c) Australian boats; and
 - (d) persons on board Australian boats.
- (2) The area of waters is the area bounded by a line:
- (a) beginning at latitude 55° south, longitude 60° east; and
 - (b) running:
 - (i) from there north along the meridian of longitude 60° east to its intersection with the parallel of 53° 14' south; and
 - (ii) from there generally east south-easterly along the geodesic to latitude 53° 14' 07" south, longitude 67° 03' 20" east; and
 - (iii) from there north-easterly along the geodesic to latitude 52° 42' 28" south, longitude 68° 05' 31" east; and
 - (iv) from there north-easterly along the geodesic to latitude 51° 58' 18" south, 69° 44' 02" east; and
 - (v) from there north-easterly along the geodesic to latitude 51° 24' 32" south, longitude 71° 12' 29" east; and
 - (vi) from there north-easterly along the geodesic to latitude 51° 03' 09" south, longitude 72° 28' 28" east; and
 - (vii) from there north-easterly along the geodesic to latitude 50° 54' 23" south, longitude 72° 49' 21" east; and
 - (viii) from there north-easterly along the geodesic to latitude 49° 49' 34" south, longitude 75° 36' 08" east; and
 - (ix) from there north-easterly along the geodesic to latitude 49° 24' 07" south, longitude 76° 24' 17" east; and
 - (x) from there east along that parallel to its intersection with the meridian of longitude 80° east; and
 - (xi) from there south along that meridian to its intersection with the parallel of latitude 55° south; and
 - (xii) from there west along that parallel to the point where the line began.

Note: To find out where the outer limits of the AFZ are, see the definition of **Australian fishing zone** in subsection 4(1) of the Act and the Proclamation of Excepted Waters made under section 11 of the Act published in *Gazette* No. S52 on 14 February 1992.

4AC South Tasman Rise

- (1) For subsection 8(1) of the Act, the Act applies in relation to the area of waters described in subregulation (2), to:
-

- (a) Australian citizens; and
 - (b) bodies corporate that are incorporated in Australia or carry on activities mainly in Australia; and
 - (c) Australian boats; and
 - (d) persons on board Australian boats.
- (2) The area of waters is the area bounded by a line:
- (a) beginning at the intersection of the outer limit of the AFZ with the meridian of longitude 150° 00' east; and
 - (b) running:
 - (i) from there south along that meridian to its intersection with the parallel of 48° 30' south; and
 - (ii) from there west along that parallel to its intersection with the meridian of longitude 146° 30' east; and
 - (iii) from there north along that meridian to the intersection with the outer limit of the AFZ; and
 - (iv) from there generally north easterly along that outer limit to the point where the line began.

4AD Further area to which the Convention on the Conservation of Antarctic Marine Living Resources applies

- (1) For subsection 8(1) of the Act, the Act applies in relation to the area of waters described in subregulation (2), to:
- (a) Australian citizens; and
 - (b) bodies corporate that are incorporated in Australia or carry on activities mainly in Australia; and
 - (c) Australian boats; and
 - (d) persons on board Australian boats.
- (2) The area of waters is the area bounded by a line beginning at latitude 62° south, longitude 30° east and running progressively:
- east along the parallel of latitude 62° south to its intersection with the meridian of longitude 60° east
 - north along that meridian to its intersection with the parallel of latitude 55° south
 - east along that parallel to its intersection with the meridian of longitude 89° east
 - south along that meridian to its intersection with the parallel of latitude 64° south
 - west along that parallel to its intersection with the meridian of longitude 80° east
 - south along that meridian to its intersection with the baseline by reference to which the territorial limits of the Australian Antarctic Territory are defined under international law

Schedule 1A Described areas of waters within the AFZ

Part 2 Application of Act to areas outside the AFZ

Division 1 Auctions and ballots for fishing rights

Regulation 4AD

- generally westerly along that baseline to its intersection with the meridian of longitude 30° east
- north along that meridian to the point where the line began.

Part 2A—Application of amendments of the Treaty

4A Amendment of the Treaty

For the purposes of subsection 4(7) of the Act, the amendments of the Treaty set out in Schedule 4:

- (a) have effect for the purposes of the Act; and
- (b) take effect for the purposes of the Act on 16 June 1993.

Part 2B—Fisheries and described areas

4B Described areas of waters within the AFZ

For the purpose of managing fishing activities in certain areas of the AFZ, the following areas are described.

Item	Name	Area
1	Coral Sea Fishery	The area described in Part 2 of Schedule 1A
2	Eastern Skipjack Fishery, being commercial fishing for skipjack tuna by the purse-seining method	The area described in Division 1 of Part 2B of Schedule 1A
3	Norfolk Island Offshore Demersal Finfish Fishery	The area described in Part 5A of Schedule 1A
4	North West Slope Trawl Fishery	The area described in Part 6 of Schedule 1A
5	South Tasman Rise Fishery	The area described in Part 11A of Schedule 1A
6	Western Deepwater Trawl Fishery	The area described in Part 12 of Schedule 1A
7	Western Skipjack Fishery, being commercial fishing for skipjack tuna by the purse-seining method	The area described in Part 12A of Schedule 1A

Note: AFMA may regulate the fishing activities described above by taking actions under certain provisions of the Act, such as sections 32, 33, 34 and 91.

Note to item 2 The area of the Eastern Skipjack Fishery is divided into sub-areas in Division 2 of Part 2B of Schedule 1A.

Note to item 7 The area of the Western Skipjack Fishery is made up of the sub-areas set out in Divisions 1, 2 and 3 of Part 12A of Schedule 1A.

4C Eastern Tuna and Billfish Fishery—sectors etc

- (1) For the purposes of the management of the Eastern Tuna and Billfish Fishery, the Fishery is taken to be divided into the following sectors:
- the ML Sector, being commercial fishing for tuna by any method, except pelagic longlining, purse-seining or poling; or
 - the PL Sector, being commercial fishing for tuna by the poling method; or
 - the PLL (Sub-area 1) Sector, being commercial fishing for tuna in Sub-area 1 by the pelagic longlining method; or
 - the PLL (Sub-area 2) Sector, being commercial fishing for tuna in Sub-area 2 by the pelagic longlining method; or
 - the PLL (Sub-area 4) Sector, being commercial fishing for tuna in Sub-area 4 by the pelagic longlining method; or
 - the PLL (Sub-area 5) Sector, being commercial fishing for tuna in Sub-area 5 by the pelagic longlining method; or

- (h) the PLL (Sub-area 6) Sector, being commercial fishing for tuna in Sub-area 6 by the pelagic longlining method; or
 - (i) the PLL (Sub-area 7) Sector, being commercial fishing for tuna in Sub-area 7 by the pelagic longlining method; or
 - (j) the PLL (Sub-area 8) Sector, being commercial fishing for tuna in Sub-area 8 by the pelagic longlining method; or
 - (k) the PLL (Sub-area 9) Sector, being commercial fishing for tuna in Sub-area 9 by the pelagic longlining method; or
 - (ka) the PLL (Sub-area 10) Sector, being commercial fishing for tuna in Sub-area 10 by the pelagic longlining method.
- (2) In subregulation (1), a reference to a Sub-area by number is a reference to the Sub-area of that number described in Division 2 of Part 3 of Schedule 1A.
- (3) In this regulation, **tuna** means:
- (a) fish of the family Scombridae (commonly known as tuna and tuna-like fish) except:
 - (i) fish of the genera *Scomberomorus*, *Scomber*, *Acanthocybium*, *Grammatorcynus* and *Rastrelliger*, commonly known as mackerels; and
 - (ii) Southern Bluefin Tuna (*Thunnus maccoyii* (Castelnau)) and Northern Bluefin Tuna (*Thunnus thynnus*); and
 - (b) fish of the families Istiophoridae and Xiphiidae (commonly known as billfish); and
 - (c) fish of the family Bramidae (commonly known as pomfrets or rays bream).

Schedule 1A Described areas of waters within the AFZ

Part 2C Regulation etc. of certain practices

Division 1 Auctions and ballots for fishing rights

Regulation 4D

Part 2C—Regulation etc. of certain practices

4D Requirements relating to boats used by persons engaged in fishing in the AFZ

- (1) For section 14 of the Act, this regulation sets out requirements relating to boats used by persons engaged in fishing in the AFZ.
- (2) A person commits an offence if:
 - (a) the person uses a boat to engage in a fishing-related activity in the AFZ;
and
 - (b) the boat is more than 130 metres in length.

Penalty: 25 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Part 3—Administration of fishing concessions

Division 1—Auctions and ballots for fishing rights

5 Auction for the grant of a fishing right

- (1) For subsection 28(1) of the Act, if a grant of a fishing right is to be made by auction, AFMA may set a reserve price for the grant before the day on which the auction is to be held.
- (2) If the person who made the highest bid at the auction is unable to pay the charge applicable in relation to the grant, AFMA must offer the grant to the person who made the second-highest bid.
- (3) If the person who made the second-highest bid at the auction is unable to pay the charge applicable in relation to the grant, AFMA must offer the grant at a new auction.

6 Ballot for the grant of a fishing right

- (1) For paragraph 168(2)(c) of the Act, if a grant of a fishing right is to be made by ballot:
 - (a) the Minister must appoint a person as his or her representative; and
 - (b) the procedures set out in subregulation (2) are prescribed to select the person to whom the grant will be made.
- (2) The procedures are as follows:
 - (a) AFMA must write the name of each eligible person on a separate piece of paper (the *ballot paper*) that is the same size as the other ballot papers;
 - (b) AFMA must ensure that the representative is present when the ballot is conducted;
 - (c) AFMA must show the ballot papers to all persons who are present before the ballot is conducted;
 - (d) AFMA must place the ballot papers in a container within which the papers cannot become snagged or trapped;
 - (e) AFMA must shake or turn the container to mix the ballot papers;
 - (f) the representative must draw 1 ballot paper at a time from the container until it is empty;
 - (g) AFMA must record the names of the eligible persons in the order in which the names were drawn.

Division 2—Tenders

Subdivision A—Preliminary

7 Purpose of Division

For sections 28 and 168 of the Act, this Division sets out the procedures to be followed for selecting, by a tender process, the persons to whom a grant of a fishing right will be made available under section 29 of the Act.

Note: The conditions of tender may stipulate that fishing rights are available only in ‘bundles’ of a specified number.

8 Definitions for Division

In this Division:

precedence list has the meaning given in paragraph 28(d) of the Act.

reserve price means the minimum bid amount that will be accepted as a tender.

tender manager, in relation to a tender process, means:

- (a) if AFMA appoints an independent tender manager under paragraph 8A(a)—that independent tender manager; or
- (b) if AFMA does not make an appointment under paragraph 8A(a)—AFMA.

8A Administration of the tender process

If a grant of fishing rights is to be made by tender:

- (a) AFMA may manage the tender process itself or may appoint an independent tender manager to manage the process on AFMA’s behalf; and
- (b) AFMA may appoint a probity auditor to oversee the tender process.

Subdivision B—Applications under subsection 26(1) and the tender process

8B Applications under subsection 26(1) of the Act

If a person has applied for registration under subsection 26(1) of the Act:

- (a) the application must be sealed in an opaque envelope on which is written the word ‘registration’ (*registration envelope*); and
- (b) the registration envelope and the envelope referred to in paragraph 27(3)(b) of the Act (the *tender envelope*) must be submitted together enclosed in a sealed opaque envelope (*outer envelope*).

Note: See also subsections 27(2) and (3) of the Act in relation to what must accompany a tender, and how a tender is to be submitted.

8C Opening outer envelopes

- (1) As soon as practicable after the closing date for tenders, the tender manager is to open each outer envelope.
- (2) The tender manager must ensure, if AFMA has appointed a probity auditor for the tender process, that the auditor and the tender manager are present at the opening of the outer envelopes.
- (3) The following procedure must then be carried out:
 - (a) for each outer envelope, the tender manager is to open the registration envelope inside it and record:
 - (i) the name of the person who submitted the enclosed registration application; and
 - (ii) whether a sealed tender envelope was submitted with the application; and
 - (iii) whether any other conditions of the tender in relation to the contents of, or markings on, the outer envelope have been complied with;
 - (b) the tender manager must not open any tender envelope, but is to nominate a place where the sealed tender envelopes will be kept until they are opened under regulation 8F;
 - (c) the tender manager is to keep the original registration applications and, if the tender manager is not AFMA, give the applications to AFMA;
 - (d) AFMA:
 - (i) is to assess the registration applications, under section 26 of the Act, to determine each applicant's eligibility for the grant of fishing rights in accordance with the conditions for registration in the Act and the plan of management for the fishery concerned; and
 - (ii) if the tender manager is not AFMA—is then to give the tender manager a list of the eligible persons.

Subdivision C—Ranking and recording of tenders

8D Application procedures if fishery is divided into sectors

If:

- (a) the fishery in which fishing rights are to be allocated is divided into sectors; and
- (b) fishing rights in 2 or more sectors of the fishery are to be allocated by 1 tender process;

the tender manager is to carry out the ranking procedure set out in this Subdivision for each of those sectors.

8E Procedures for reserve price

If AFMA sets a reserve price, AFMA must, before the closing time for tenders, give a written statement of the reserve price in a sealed envelope (the *reserve price envelope*) to the tender manager.

Regulation 8F

8F Tenders—recording and ranking

The procedure for recording and ranking tenders is as follows:

- (a) the tender manager is to open the tender envelope for each registered person;
- (b) the tender manager is to record, for each registered person:
 - (i) the person's name; and
 - (ii) the amount bid by the person per fishing right; and
 - (iii) whether the person's bid is invalid and, if it is, the reason why it is invalid (see paragraph (c) and regulation 8G for how invalid bids are dealt with); and
 - (iv) any other information required by the conditions of tender;
- (c) unless the bid is invalid, the tender manager is to rank the tenders submitted by registered persons according to the amount bid per fishing right;
- (d) if 2 or more tenderers bid the same amount per fishing right, they are to be ranked equally;
- (e) if AFMA has set a reserve price, the tender manager is then to open the reserve price envelope and record, for each tender, whether the amount bid is less than, equal to or higher than the reserve price (see regulation 8G for how bids that do not meet the reserve price are dealt with);
- (f) if the conditions of tender set a minimum number of fishing rights that a tenderer may acquire, the tender manager is then to record, for each tender, whether the minimum number that the tenderer will accept is equal to or more than the minimum number set by the conditions;
- (g) if the conditions of tender set a maximum number of fishing rights that a tenderer may acquire, the tender manager is then to record, for each tender, whether the maximum number that the tenderer will accept is equal to or less than the maximum number set by the conditions;
- (h) subject to regulation 8G, the tender manager is to prepare a precedence list setting out for each registered person who tendered:
 - (i) the person's name and contact details; and
 - (ii) the amount bid per fishing right; and
 - (iii) if the conditions of tender allow a tenderer to specify the maximum number of fishing rights that the tenderer is prepared to acquire, or the minimum number of fishing rights that the tenderer will accept, at the amount bid—those maximum and minimum numbers;
- (i) if the conditions of tender allow a tenderer to acquire less than all of the available fishing rights—the precedence list must also set out the matters provided for in regulation 8H;
- (j) the tender manager is then to give AFMA a report incorporating the precedence list.

8G Certain persons not to be placed on precedence list

- (1) If:
-

- (a) a registered person has tendered; and
 - (b) either the bid is less than the reserve price or is invalid;
- then the person is not to be recorded on the precedence list.

Note: A grant of a fishing right is made to persons on the precedence list only—see section 29 of the Act.

- (2) For a person who, under subregulation (1), is not recorded on the precedence list, the tender manager must record:
 - (a) the person's name; and
 - (b) the reason why the person is not recorded on the precedence list.

8H Procedures if tenderer can acquire less than all available rights

- (1) For paragraph 8F(i), the precedence list must also set out the number of fishing rights to which each tenderer is entitled, determined as set out in subregulations (3), (4), (5), (6) and (7).
- (2) Subregulation (1) applies whether or not the conditions of tender also allow a tenderer to specify, at the amount tendered per fishing right:
 - (a) the maximum number of fishing rights that the tenderer is prepared to acquire; or
 - (b) the minimum number of fishing rights that the tenderer will accept.
- (3) For each tender, if the highest-ranked tenderer has tendered for less than all the available fishing rights, the next-highest-ranked tenderer is entitled to the lesser of:
 - (a) the remaining number of fishing rights; and
 - (b) the number of fishing rights that that tenderer has tendered for;and so on.
- (4) If:
 - (a) a tenderer nominates a minimum number of fishing rights that the tenderer will accept for an amount bid; and
 - (b) that number is greater than the number of fishing rights remaining after deducting the entitlements of all higher-ranked tenderers from the total number of fishing rights offered;the tenderer is not to be entitled to those fishing rights, even if the amount bid per fishing right is higher than that of the next-highest-ranked tenderer.
- (5) If a tenderer does not nominate a minimum number of fishing rights that the tenderer will accept for an amount bid, the tenderer is taken to have nominated, as the minimum number at that amount:
 - (a) 1 fishing right; or
 - (b) if AFMA has set a minimum number of fishing rights that a person may accept—that number.

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- (6) If 2 or more tenderers are equally ranked, their respective entitlements to fishing rights are to be proportional to the maximum number of fishing rights that each is prepared to accept at the amount bid.
- (7) However, a tender is to be disregarded if the granting of entitlements in accordance with subregulation (6) would lead to the tenderer being granted less than any minimum number of fishing rights that:
 - (a) the tenderer would accept; or
 - (b) the conditions of tender specify as the minimum that a tenderer may acquire.

Division 3—Miscellaneous

9 Period for payment in relation to a fishing concession

For the purposes of paragraph 39(1)(c) of the Act, the prescribed period is 21 days.

Note: The effect of paragraph 39(1)(c) of the Act is that if a person who holds a fishing concession does not pay, or arrange to pay, any fee, levy, charge or other money relating to the concession within the prescribed period after the time at which it becomes due, AFMA may cancel the concession.

Part 3A—Standard conditions for fishing concessions

Division 1—Introductory

9A Definitions for Part 3A

In this Part:

observer means a person approved by AFMA to carry out the functions of an observer.

trip means:

- (a) for the Heard Island and McDonald Islands Fishery—a voyage in a boat to or from any port inside or outside Australia for the purpose of exercising a right under a fishing concession; or
- (b) for the Macquarie Island Toothfish Fishery—a voyage in a boat to or from any port inside or outside Australia for the purpose of exercising a right under a fishing concession; or
- (c) for the high seas—a voyage in a boat to or from any port inside or outside Australia for the purpose of exercising a right under a fishing concession; or
- (d) in any other case—a voyage in a boat to Australia or from Australia for the purpose of exercising a right under a fishing concession.

Division 1A—Nominated boats

9AA Conditions

For section 42B of the Act, this Division prescribes conditions that apply to certain fishing concessions.

9AB Nominated boat must be used on trip

Fishing permits

- (1) A boat must not be used on a trip for the purpose of exercising a right under a fishing permit unless:
 - (a) the boat is:
 - (i) specified in the permit; or
 - (ii) nominated to the permit under subsection 32(1A) or (1B) of the Act and in accordance with regulation 9B; and
 - (b) the boat meets the requirements mentioned in subparagraph 9B(3)(f)(i) and the safety standards mentioned in subparagraph 9B(3)(f)(ii).

Statutory fishing rights

- (2) A boat must not be used on a trip for the purpose of exercising a right under a statutory fishing right mentioned in subregulation (3) unless:
 - (a) the boat is nominated to the statutory fishing right in accordance with regulation 9B; and
 - (b) the boat meets the requirements mentioned in subparagraph 9B(3)(f)(i) and the safety standards mentioned in subparagraph 9B(3)(f)(ii).

Note: It is not necessary to nominate a boat to a quota statutory fishing right granted under any of the following:

- (a) the *Eastern Tuna and Billfish Fishery Management Plan 2010*;
- (b) the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*;
- (c) the *Western Tuna and Billfish Fishery Management Plan 2005*.

These quota statutory fishing rights are not designated quota statutory fishing rights.

- (3) For subregulation (2), the fishing concessions are the following:
 - (a) a boat statutory fishing right;
 - (b) a gear statutory fishing right;
 - (c) a designated quota statutory fishing right.

9B Nomination of boats to certain fishing concessions

- (1) The holder of a fishing concession that is:
 - (a) a boat statutory fishing right; or
 - (b) a gear statutory fishing right; or
 - (c) a fishing permit;

may nominate a single boat to the fishing concession.

Note: See also subsections 32(1A) and (1B) of the Act in relation to the nomination of a boat for the purposes of a fishing permit.

- (2) The holder of a fishing concession that is a designated quota statutory fishing right granted under a particular management plan may nominate one or more boats to all the designated quota statutory fishing rights held by that holder under that management plan.
 - (3) The holder of a fishing concession may nominate a boat to a fishing concession under subregulation (1) or (2) only if:
 - (a) the owner of the boat has consented to its nomination; and
 - (b) the boat has not been nominated by another person for another fishing concession; and
 - (c) for a fishing concession that is not a designated quota statutory fishing right—another boat has not been nominated to the fishing concession; and
 - (d) the boat is able to carry safely an observer, the observer's safety equipment and the observer's monitoring equipment for the duration of a trip; and
 - (e) the boat has a vessel monitoring system that is capable of being operational at all times; and
 - (f) the boat meets:
 - (i) any requirements of the Act and these Regulations that apply to the boat; and
 - (ii) any safety standards required by AFMA.
 - (4) The nomination of a boat to a fishing concession:
 - (a) must be made using the approved form, and must be lodged with AFMA; and
 - (b) takes effect on:
 - (i) the day on which AFMA enters the name of the boat on the register or record applicable to the fishing concession; or
 - (ii) a later day specified in the nomination.
 - (5) The holder of a fishing concession may nominate another boat to a fishing concession (the *other boat*), to replace a nominated boat for that fishing concession, if:
 - (a) the fishing concession is not suspended under section 38 of the Act; and
 - (b) the requirements of subregulation (3) are met for the other boat.
- Note: For the nomination of another boat under a fishing permit, see also paragraph 32(1A)(b) and subsection 32(1B) of the Act.
- (6) A nomination of another boat to a fishing concession under subregulation (5):
 - (a) must be made using the approved form, and must be lodged with AFMA; and
 - (b) takes effect on:
 - (i) the day on which AFMA enters the name of the other boat on the register or record applicable to the fishing concession; or

Schedule 1A Described areas of waters within the AFZ

Part 3A Standard conditions for fishing concessions

Division 1A Nominated boats

Regulation 9BA

(ii) a later day specified in the new nomination.

9BA Revocation of nomination of boats to fishing concessions

- (1) The holder of a fishing concession may revoke a nomination of a boat to the fishing concession.
- (2) A revocation of a nomination of a boat:
 - (a) must be made using the approved form, and must be lodged with AFMA;
and
 - (b) takes effect on:
 - (i) the day on which AFMA removes the name of the boat on the register or record applicable to the fishing concession; or
 - (ii) a later day specified in the revocation.

Division 2—Vessel monitoring system

9C Conditions

For section 42B of the Act, this Division sets out conditions that apply to fishing concessions.

9D Concession holder to ensure that vessel monitoring system is operational

- (1) A concession holder must ensure that the vessel monitoring system on a nominated boat is operational at all times.
- (2) If the vessel monitoring system stops operating, the concession holder must ensure that AFMA is informed as soon as practicable after the concession holder becomes aware that the VMS has stopped operating.

Division 3—Observers

Subdivision 1—Conditions

9E Conditions

For section 42B of the Act, this Subdivision sets out conditions that apply to fishing concessions.

9F Concession holder to ensure provision for observer and equipment to be carried

- (1) If AFMA directs a concession holder to carry an observer on a nominated boat, the concession holder must ensure that:
 - (a) an observer; and
 - (b) the observer's safety equipment; and
 - (c) the observer's monitoring equipment;are on board the boat when the boat commences the trip to which the direction applies.
- (2) The concession holder must ensure that the observer is provided with adequate food and accommodation while the observer is on board the boat during a trip.
- (3) The concession holder must ensure that the observer is carried safely on the boat.

9G Concession holder to ensure observer enabled to perform functions

- (1) If an observer is on board a nominated boat during a trip, the concession holder must ensure that the observer:
 - (a) is given assistance by the concession holder, the master of the boat and crew members of the boat; and
 - (b) is given access to all parts of the boat;to the extent reasonably necessary to permit the performance of the functions of the observer.
- (2) The concession holder must not interfere with, or obstruct, the observer in the course of collecting data or samples.
- (3) The concession holder must ensure that:
 - (a) the master of the boat; and
 - (b) crew members of the boat;do not interfere with, or obstruct, the observer in the course of collecting data or samples.

Division 4—Disposal of fish

9H Conditions

For section 42B of the Act, this Division sets out conditions that apply to fishing concessions.

9I Fish to be disposed of to fish receiver permit holder

- (1) This regulation applies if AFMA has declared a fishery, under subsection 91(1) of the Act, to be a fishery to which Division 2 of Part 6 of the Act applies.
- (2) A concession holder for the fishery must ensure that fish taken and retained under the fishing concession are disposed of only to a holder of a fish receiver permit.

Division 5—Catch limits—fishing for tuna in northern waters

Subdivision 1—Introductory

9J Definitions for Division 5

In this Division:

northern waters means the area described in Part 1 of Schedule 5.

tuna means fish:

- (a) of the family Scombridae (commonly known as tuna and tuna-like fish), except fish of the genera *Scomberomorus*, *Scomber*, *Acanthocybium*, *Grammatorcynus* and *Rastrelliger* (commonly known as mackerel); and
- (b) of the families Istiophoridae and Xiphiidae (commonly known as billfish); and
- (c) of the family Bramidae (commonly known as pomfrets or rays bream).

9K Interpretation

For this Division, a fish that is on a boat at the end of a trip is to be treated as having been taken during the trip.

Subdivision 2—Catch limits

9L Conditions

- (1) For section 42B of the Act, this Subdivision sets out conditions that apply to the following fishing concessions:
 - (a) a foreign fishing licence that authorises the use of a boat for taking tuna in northern waters;
 - (b) a fishing permit that authorises the use of a boat for taking tuna in northern waters;
 - (c) a statutory fishing right that includes the right to take tuna in northern waters.
- (2) The concession holder may take fish of a species mentioned in Part 2 of Schedule 5 from northern waters.
- (3) For a species mentioned in Division 1 of Part 2 of Schedule 5, the concession holder must not possess on the nominated boat more than 2 fish of the species.
- (4) For a species mentioned in Division 2 of Part 2 of Schedule 5, the concession holder must not possess on the nominated boat more than 10 fish of the species.
- (5) For a species mentioned in Division 3 of Part 2 of Schedule 5, the concession holder must not possess on the nominated boat more than 20 fish of the species.

Note: There are no limits on taking a species mentioned in Division 4 of Part 2 of Schedule 5.

Division 6—Catch limits for fishing in Victorian waters

Subdivision 1—Introductory

9M Definitions for Division 6

In this Division:

crustacean means any species of the phylum Crustacea.

finfish means fish of the class Osteichthyes.

giant crab includes a king crab.

mollusc means any invertebrate of the phylum Mollusca.

possess, in relation to fish on a nominated boat, includes control.

trawling includes board trawling, midwater or pelagic trawling and Danish seining.

tuna means fish:

- (a) of the family Scombridae (commonly known as tuna and tuna-like fish), except fish of the genera *Scomberomorus*, *Scomber*, *Acanthocybium*, *Grammatorcynus* and *Rastrelliger* (commonly known as mackerel); and
- (b) of the families Istiophoridae and Xiphiidae (commonly known as billfish); and
- (c) of the family Bramidae (commonly known as pomfrets or rays bream).

Victorian waters means the area described in Division 1 of Part 1 of Schedule 6.

9N Interpretation

- (1) For this Division, the weight of a fish is taken to be the weight of the whole fish before it has undergone any preparation.
- (2) For this Division, if a concession holder lands fish at a place on or within the coastline of Victoria, the concession holder is to be treated as having taken the fish in Victorian waters.

Subdivision 2—Catch limits

9O Conditions

For section 42B of the Act, this Subdivision sets out conditions that apply to the following fishing concessions:

- (a) a foreign fishing licence that authorises the use of a boat for fishing in Victorian waters;
- (b) a fishing permit that authorises the use of a boat for taking fish in Victorian waters;

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- (c) a statutory fishing right that includes the right to take fish in Victorian waters.

9PCrustaceans

- (1) The concession holder must not take any:
- (a) school prawns (*Metapenaeus macleayi*); or
 - (b) eastern king prawns (*Penaeus plebejus*);
- from Victorian waters.
- (2) The concession holder may take any other species of crustaceans from Victorian waters.
- (3) For species of crustaceans that are not mentioned in Part 2 of Schedule 6, the concession holder must not possess on the nominated boat:
- (a) more than 50 kilograms of the crustaceans; and
 - (b) more than 5 giant crabs (*Pseudocarcinus gigas*); and
 - (c) more than 10 kilograms of inshore (or bay) bugs (family Scyllaridae).

Note: The species mentioned in Part 2 of Schedule 6 are target species, and are subject to specific management arrangements under Part 3 of the Act.

9QMolluscs

- (1) The concession holder may take any species of molluscs from Victorian waters.
- (2) For species of molluscs that are not mentioned in Part 3 of Schedule 6, the concession holder must not possess on the nominated boat more than 50 kilograms of molluscs.

Note: The species mentioned in Part 3 of Schedule 6 are target species, and are subject to specific management arrangements under Part 3 of the Act.

9RFinfish

- (1) A concession holder that is using a fishing method other than trawling:
- (a) must not take finfish of a species mentioned in Subdivision 1 of Division 1 of Part 4 of Schedule 6 from Victorian waters; and
 - (b) may take any other species of finfish from Victorian waters.
- (2) For species of finfish that are mentioned in Subdivision 2 of Division 1 of Part 4 of Schedule 6, the concession holder must not possess on the nominated boat:
- (a) more than 200 kilograms of finfish; and
 - (b) more than 10 yellowtail kingfish (*Seriola lalandi*); and
 - (c) more than 20 kilograms of striped trumpeter (*Latris lineata*); and
 - (d) more than 50 kilograms of snapper (*Pagrus auratus*).

Division 7—Catch limits for fishing in South Australian waters

Subdivision 1—Introductory

9S Definitions for Division 7

In this Division:

crustacean means any species of the phylum Crustacea.

finfish means fish of the class Osteichthyes.

giant crab includes a king crab.

mollusc means any invertebrate of the phylum Mollusca.

possess, in relation to fish on the nominated boat, includes control.

South Australian waters means the area described in Division 2 of Part 1 of Schedule 6.

trawling includes board trawling, midwater or pelagic trawling and Danish seining.

9T Interpretation

For this Division, if a concession holder lands fish at a place on or within the coastline of South Australia, the concession holder is to be treated as having taken the fish in South Australian waters.

Subdivision 2—Catch limits

9U Conditions

For section 42B of the Act, this Subdivision sets out conditions that apply to the following fishing concessions:

- (a) a foreign fishing licence that authorises the use of a boat for fishing in South Australian waters;
- (b) a fishing permit that authorises the use of a boat for taking fish in South Australian waters;
- (c) a statutory fishing right that includes the right to take fish in South Australian waters.

9V Crustaceans

- (1) The concession holder:
 - (a) must not take any species of prawns, other than a species mentioned in Division 1 of Part 2 of Schedule 6, from South Australian waters; and

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- (b) must not take more than 5 king crabs (*Pseudocarcinus gigas*) from South Australian waters.
- (2) The concession holder may take any other species of crustaceans from South Australian waters.
- (3) For bay bugs (family Scyllaridae), the concession holder must not possess on the nominated boat more than 200 kilograms of bay bugs.
- (4) For other species of crustaceans that are not mentioned in Part 2 of Schedule 6, the concession holder must not possess on the nominated boat more than 50 kilograms of crustaceans.

Note: The species mentioned in Part 2 of Schedule 6 are target species, and are subject to specific management arrangements under Part 3 of the Act.

9WMolluscs

- (1) A concession holder may take any species of molluscs from South Australian waters.
- (2) For species of molluscs that are not mentioned in Part 3 of Schedule 6, the concession holder must not possess on the nominated boat:
 - (a) more than 500 kilograms of molluscs; and
 - (b) more than 50 kilograms of specimen shells or shellfish (class Gastropoda).

Note: The species mentioned in Part 3 of Schedule 6 are target species, and are subject to specific management arrangements under Part 3 of the Act.

9XFinfish

- (1) The concession holder must not take any species of finfish mentioned in Subdivision 1 of Division 2 of Part 4 of Schedule 6 from South Australian waters.
- (2) The holder must not take more than a total of 200 kilograms of finfish of 1 or more species mentioned in Subdivision 2, 3 or 4 of Division 2 of Part 4 of Schedule 6 from South Australian waters by trawling.
- (3) The holder must not take more than a total of 200 kilograms of finfish of 1 or more species mentioned in Subdivision 2, 3, 4 or 5 of Division 2 of Part 4 of Schedule 6 from South Australian waters by a method other than trawling.
- (4) The holder must not take from South Australian waters more than:
 - (a) 20 kilograms of finfish of the species mentioned in Subdivision 2 of Division 2 of Part 4 of Schedule 6; and
 - (b) 50 kilograms of finfish of the species mentioned in Subdivision 3 of Division 2 of Part 4 of Schedule 6; and
 - (c) 10 yellowtail kingfish (*Seriola lalandi*); and
 - (d) 100 kilograms of mullet (*Argyrosomus hololepidotus*).

Division 8—Catch limits for fishing in Tasmanian waters

Subdivision 1—Introductory

9Y Definitions for Division 8

In this Division:

crustacean means any species of the phylum Crustacea.

finfish means fish of the class Osteichthyes.

giant crab includes a king crab.

mollusc means any invertebrate of the phylum Mollusca.

possess, in relation to fish on the nominated boat, includes control.

9Z Interpretation

For this Division, if a concession holder lands fish at a place on or within the coastline of Tasmania, the concession holder is to be treated as having taken the fish in Tasmanian waters.

Subdivision 2—Catch limits

9ZA Conditions

For section 42B of the Act, this Subdivision sets out conditions that apply to the following fishing concessions:

- (a) a foreign fishing licence that authorises the use of a boat for fishing in Tasmanian waters;
- (b) a fishing permit that authorises the use of a boat for taking fish in Tasmanian waters;
- (c) a statutory fishing right that includes the right to take fish in Tasmanian waters.

9ZB Crustaceans

- (1) The concession holder must not take any species of prawns, other than a species mentioned in Division 1 of Part 2 of Schedule 6, from Tasmanian waters.
- (2) The concession holder may take any other species of crustaceans from Tasmanian waters.
- (3) For species of crustaceans that are not mentioned in Part 2 of Schedule 6, the concession holder must not possess on the nominated boat:
 - (a) more than 50 kilograms of crustaceans; and
 - (b) more than 5 giant crabs (*Pseudocarcinus gigas*).

Schedule 1A Described areas of waters within the AFZ

Part 3A Standard conditions for fishing concessions

Division 8 Catch limits for fishing in Tasmanian waters

Regulation 9ZC

Note: The species mentioned in Part 2 of Schedule 6 are target species, and are subject to specific management arrangements under Part 3 of the Act.

9ZC Molluscs

- (1) The concession holder must not take limpets or keyhole limpets (superfamilies Fissurellacea, Patellacea and Siphonariacea) from Tasmanian waters.
- (2) A concession holder may take any other species of molluscs from Tasmanian waters.
- (3) For species of molluscs that are not mentioned in Part 3 of Schedule 6, the concession holder must not possess on the nominated boat:
 - (a) more than 500 kilograms of molluscs; and
 - (b) more than 50 kilograms of specimen shells or shellfish (class Gastropoda).

Note: The species mentioned in Part 3 of Schedule 6 are target species, and are subject to specific management arrangements under Part 3 of the Act.

9ZD Finfish

- (1) The concession holder must not take any species of finfish mentioned in Subdivision 1 of Division 3 of Part 4 of Schedule 6 from Tasmanian waters.
- (2) For the species of finfish mentioned in Subdivision 2 of Division 3 of Part 4 of Schedule 6, the concession holder must not possess on the nominated boat more than 20 kilograms of finfish of the species.
- (3) For the species of finfish mentioned in Subdivision 3 of Division 3 of Part 4 of Schedule 6, the concession holder must not possess on the nominated boat more than 50 kilograms of finfish of the species.
- (4) For the species of finfish mentioned in Subdivision 4 of Division 3 of Part 4 of Schedule 6, the concession holder must not possess on the nominated boat more than 250 kilograms of finfish of the species.

9ZE Other species

The concession holder must not take any fish of a species mentioned in Part 5 of Schedule 6 from the coastal waters of Tasmania.

Note: See section 5 of the Act about the meaning of *coastal waters*.

Division 9—Catch limits for prawn fishery waters

Subdivision 1—Introductory

9ZF Definitions for Division 9

In this Division:

crustacean means any species of the phylum Crustacea other than a prawn.

finfish means fish of the class Osteichthyes.

giant crab includes a king crab.

mollusc means any invertebrate of the phylum Mollusca other than a prawn.

possess, in relation to fish on the nominated boat, includes control.

prawn means:

- (a) a decapod crustacea of:
 - (i) the families Aristeidae, Nephropidae (commonly known as scampi), Penaeidae, Scyllaridae (commonly known as bugs) and Solenoceridae (commonly known as prawns); or
 - (ii) the infraorder Caridae (commonly known as shrimp); and
- (b) a mollusca of the family Pectinidae (commonly known as scallops).

prawn fishery waters means the area described in Part 1 of Schedule 7.

tuna and tuna-like fish means fish of:

- (a) the family Scombridae excluding *Thunnus tonggo* (commonly known as longtail tuna), and fish of the genera *Scomberomorus*, *Scomber*, *Acanthocybium*, *Grammatorcynus* and *Rastrelliger* (commonly known as mackerel); or
- (b) the families Istiophoridae and Xiphiidae (commonly known as billfish); or
- (c) the family Bramidae (commonly known as pomfrets or rays bream).

9ZG Interpretation

- (1) For this Division, the weight of a fish is taken to be the weight of the whole fish before it has undergone any preparation.
 - (2) For this Division, if a fish has been processed, the whole weight equivalent of the fish is to be worked out using 1 of the following methods:
 - (a) multiply the weight of the gilled and gutted fish by 1.1 and express the result in kilograms;
 - (b) multiply the weight of the fillets from the fish by 2.6 and express the result in kilograms;
 - (c) multiply the weight of the headed and gutted fish by 1.4 and express the result in kilograms.
-

Regulation 9ZH

Subdivision 2—Catch limits

9ZH Conditions

For section 42B of the Act, this Subdivision sets out conditions that apply to the following fishing concessions:

- (a) a foreign fishing licence that authorises the use of a boat for fishing for prawns in prawn fishery waters;
- (b) a fishing permit that authorises the use of a boat for taking prawns in prawn fishery waters;
- (c) a statutory fishing right that includes the right to take prawns in prawn fishery waters.

9ZI Crustaceans

- (1) The concession holder may take any other species of crustaceans from prawn fishery waters.
- (2) For species of crustaceans that are mentioned in Part 2 of Schedule 7, the concession holder must not possess on the nominated boat:
 - (a) more than 6 crustaceans of a species mentioned in Division 1 of that Part; and
 - (b) more than 10 crustaceans of a species mentioned in Division 2 of that Part.

9ZJ Molluscs

The concession holder must not take a species of molluscs mentioned in Division 1 of Part 3 of Schedule 7 from prawn fishery waters.

9ZK Finfish

- (1) The concession holder must not take tuna and tuna-like fish from prawn fishery waters.
- (2) The concession holder must not take any species of finfish mentioned in Division 1 of Part 4 of Schedule 7 from prawn fishery waters.
- (3) For the species of finfish mentioned in Division 2 of Part 4 of Schedule 7, the concession holder must not possess on the nominated boat a total of more than 10 finfish.
- (4) For a species of finfish mentioned in Division 3 of Part 4 of Schedule 7:
 - (a) if a trip ends in March, April, May or June, the concession holder must not possess on the nominated boat more than 500 kilograms of finfish of the species; and
 - (b) if a trip ends in any other month, the concession holder must not possess on the nominated boat more than 55 kilograms of finfish of the species.

9ZL Other species

The holder must not take any fish of a species mentioned in Part 5 of Schedule 7 from prawn fishery waters.

Division 10—Processing fish during a trip

Subdivision 1—Introductory

9ZM Definitions for Division 10

In this Division:

tuna means fish:

- (a) of the family Scombridae (commonly known as tuna and tuna-like fish), except fish of the genera *Scomberomorus*, *Scomber*, *Acanthocybium*, *Grammatorcynus* and *Rastrelliger* (commonly known as mackerel); and
- (b) of the families Istiophoridae and Xiphiidae (commonly known as billfish); and
- (c) of the family Bramidae (commonly known as pomfrets or rays bream).

Subdivision 2—Processing

9ZN Conditions

For section 42B of the Act, this Subdivision sets out conditions that apply to fishing concessions.

9ZO Prohibited ways of processing fish

If a fish of a species mentioned in an item of the table is taken and retained during a trip, the concession holder must ensure that the way in which the fish is processed complies with the requirements mentioned in the item before the fish is disposed of in accordance with regulation 9I.

Item	Species	Processing requirements
1	Tuna other than northern bluefin tuna or billfish	The caudal keel must not be removed from the carcass before the fish is landed and received by a fish receiver permit holder
2	Billfish other than broadbill swordfish (<i>Xiphias gladius</i>)	None of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder: (a) the caudal keel; (b) a dorsal, pectoral or anal fin
3	Sharks of the class Chondrichthyes other than the following: (a) angel sharks (family Squantidae); (b) rays; (c) skates; (d) spurdogs (genus <i>Squalus</i>)	None of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder: (a) the caudal lobe; (b) a dorsal, pectoral or caudal fin
4	Angel sharks (family Squantidae)	No dorsal or caudal fin may be removed

Item	Species	Processing requirements
		from the carcass before the fish is landed and received by a fish receiver permit holder
5	Dogfish (family Squalidae)	No dorsal or caudal fin may be removed from the carcass before the fish is landed and received by a fish receiver permit holder
6	Rays	None of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder: (a) the skin; (b) a fillet
7	Skates	None of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder: (a) the skin; (b) a fillet
8	Banjo shark (<i>Trygonorrhina</i> sp.)	None of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder: (a) the skin; (b) a fillet; (c) a pectoral fin; (d) the tail
9	Elephant fish (families Callorhinchidae, Chimaeridae and Rhinochimaeridae)	Neither of the following may be removed from the carcass before the fish is landed and received by a fish receiver permit holder: (a) the second dorsal fin; (b) the tail

9ZP Removal of shark liver

- (1) If a shark is:
 - (a) taken during a trip; and
 - (b) processed during the trip by the removal of its liver;
the concession holder must ensure that the shark's carcass is retained for as long as the liver is retained on the trip.

- (2) If the carcass is retained until the shark is disposed of in accordance with regulation 9I, the concession holder must ensure that the liver is disposed of:
 - (a) at the same time; and

Schedule 1A Described areas of waters within the AFZ

Part 3A Standard conditions for fishing concessions

Division 10 Processing fish during a trip

Regulation 9ZP

(b) to the same holder of a fish receiver permit.

Division 11—Impacts on the marine environment

Subdivision 1—Introductory

9ZQ Definitions for Division 11

In this Division:

interaction means physical contact that:

- (a) occurs between an organism and 1 or more of the following:
 - (i) an individual other than an observer;
 - (ii) a nominated boat;
 - (iii) any object on board, or attached to, the nominated boat, other than equipment that is being used by an observer;
 - (iv) the nominated boat's equipment; and
- (b) is of a kind that could cause the organism to be distressed.

protected community means a listed threatened ecological community within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*.

protected species means:

- (a) a listed threatened species within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* (other than a conservation dependent species within the meaning of that Act); or
- (b) a listed marine species within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*; or
- (c) a listed migratory species within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*; or
- (d) a species of cetacean.

Subdivision 2—Interaction

9ZR Conditions

For section 42B of the Act, this Subdivision sets out conditions that apply to fishing concessions.

9ZS No interaction with protected organism

The concession holder must ensure that, as far as practicable, there is no interaction during a trip with an organism that is:

- (a) part of a protected community; or
- (b) a protected species.

Regulation 9ZT

9ZT Recording and reporting interaction with protected organism

- (1) This regulation applies if there is an interaction during a trip with an organism that is:
 - (a) part of a protected community; or
 - (b) a protected species.
- (2) The concession holder must ensure that the interaction is recorded in a logbook kept on the nominated boat for the purpose of reporting interactions.
- (3) If an observer is on board the nominated boat, the concession holder must also ensure that the interaction is reported to the observer as soon as practicable.
- (4) If:
 - (a) the interaction results in the death of the organism; and
 - (b) it is necessary to discharge the organism's carcass;the concession holder must ensure that the carcass is discharged from the boat in a way that does not attract birds or mammals to the boat.

9ZU Reporting interaction with protected organism if protected organism injured

- (1) This regulation applies if, during a trip:
 - (a) there is an interaction with an organism that is:
 - (i) part of a protected community; or
 - (ii) a protected species; and
 - (b) the interaction injures the organism.
- (2) The concession holder must ensure that the organism is given as much assistance as is practicable.
- (3) If an observer is on board the nominated boat, the concession holder must ensure that the injury is reported to the observer as soon as practicable.

Note: The concession holder may have an additional obligation to record the injury in a logbook kept in accordance with a determination made under section 42 of the Act.

9ZV Reporting interaction with protected organism if protected organism killed

- (1) This regulation applies if, during a trip:
 - (a) there is an interaction with an organism that is:
 - (i) part of a protected community; or
 - (ii) a protected species; and
 - (b) the interaction kills the organism; and
 - (c) an observer is on board the nominated boat.
- (2) The concession holder must ensure that the death is reported to the observer as soon as practicable.

Note: The concession holder may have an additional obligation to record the death in a logbook kept in accordance with a determination made under section 42 of the Act.

Part 4—Fish receiver permits

10A Interpretation

In this Part:

processed form, *processed form A* and *processed form B* have, respectively, the meaning given in subregulation 2(1) of the Fisheries Management (Southern Bluefin Tuna Fishery) Regulations.

10AA Fish receiver permit holder to keep records

- (1) For subsection 92(2) of the Act, a fish receiver permit holder must make a record in respect of fish received by the permit holder.
- (2) The record must be in writing and include the information set out in regulations 10AB and 10AC.
- (3) The permit holder must keep the record for at least 5 years:
 - (a) if the permit specifies premises at which fish received under the permit by the holder are to be kept while in the possession of the holder—at those premises; or
 - (b) in any other case—at the holder's business or residential premises.

10AB Records—fish received

- (1) A record of fish received must include the following details:
 - (a) the full name and address of the fish receiver permit holder;
 - (b) the full name and address of the person from whom the fish were received;
 - (c) the name of the boat that was used to take the fish;
 - (d) the name and amount (by weight) of each species of fish;
 - (e) the type (if any) of processing to which the fish were subjected before being received;
 - (f) the date on which the fish were received;
 - (g) the full name, office (if any) and signature of the person making the record.
 - (2) The record must also include:
 - (a) the number (if any) of Southern Bluefin Tuna received; and
 - (b) for each Southern Bluefin Tuna received in processed form—whether the Southern Bluefin Tuna was in processed form A or processed form B.
 - (3) In addition, the record must include the number (if any) of fish received that are of any of the following kinds:
 - (a) yellowfin tuna (*Thunnus albacares*);
 - (b) bigeye tuna (*Thunnus obesus*);
 - (c) longtail tuna (*Thunnus tonggol*);
 - (d) albacore tuna (*Thunnus alalunga*);
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- (e) black marlin (*Makaira indica*);
- (f) blue marlin (*Makaira nigricans*);
- (g) striped marlin (*Tetrapturus audax*);
- (h) broadbill swordfish (*Xiphias gladius*);
- (i) fish of the family Bramidae (commonly known as pomfrets or rays bream).

10AC Records—fish disposed of

- (1) A record of fish disposed of (except for private or domestic use) must include the following details:
 - (a) the full name and address of the fish receiver permit holder;
 - (b) the full name and address of the person to whom the permit holder disposed of the fish;
 - (c) the name and amount (by weight) of each species of fish;
 - (d) the type (if any) of processing to which the fish were subjected before their disposal;
 - (e) the date on which the fish were disposed of;
 - (f) the full name, office (if any) and signature of the person making the record.
- (2) The record must also include:
 - (a) the number (if any) of Southern Bluefin Tuna disposed of; and
 - (b) for each Southern Bluefin Tuna disposed of in processed form—whether the Southern Bluefin Tuna was in processed form A or processed form B.
- (3) In addition, the record must include the number (if any) of fish disposed of that are of any of the following kinds:
 - (a) yellowfin tuna (*Thunnus albacares*);
 - (b) bigeye tuna (*Thunnus obesus*);
 - (c) longtail tuna (*Thunnus tonggol*);
 - (d) albacore tuna (*Thunnus alalunga*);
 - (e) black marlin (*Makaira indica*);
 - (f) blue marlin (*Makaira nigricans*);
 - (g) striped marlin (*Tetrapturus audax*);
 - (h) broadbill swordfish (*Xiphias gladius*);
 - (i) fish of the family Bramidae (commonly known as pomfrets or rays bream).
- (4) A record of fish disposed of for private or domestic use must include the following details:
 - (a) the full name and address of the permit holder;
 - (b) a declaration that the fish were disposed of for private or domestic use;
 - (c) the name and amount (by weight) of each species of fish;
 - (d) the type (if any) of processing to which the fish were subjected before their disposal;
 - (e) the month in which the fish were disposed of;
 - (f) the full name, office (if any) and signature of the person making the record.

Regulation 10AD

10AD Records—scallop tags

- (1) In this regulation:

AFMA tag means a tag stamped with the letters “AFMA” that is required to be attached to a bag of scallops under a condition of a fishing permit that authorises the use of a boat for fishing for scallops.

scallops means bivalve molluscs of the family Pectinidae.

- (2) For subsection 92(2) of the Act, a fish receiver permit holder who receives scallops must:
- (a) remove the AFMA tag attached to each bag of scallops received; and
 - (b) keep the tag for at least 1 year at the premises where the holder keeps the record of scallops received.

10C Fish receiver—person who receives his or her own catch

A person who takes fish in a declared fishery is taken to receive fish within the meaning of subsection 97(1) of the Act if the person:

- (a) after landing the fish, processes the fish (except for the person’s private or domestic use); or
- (b) uses the fish for the purpose of aquaculture or mariculture.

10D Fish receiver—not person who transports fish

For the purposes of section 97 of the Act, a person who transports fish from a person engaged in fishing in a declared fishery to a fish receiver permit holder is taken to be the agent of the holder.

Part 5—Operation of boats and equipment

11 Approval for the presence of foreign boats in the AFZ

- (1) For the purposes of paragraph 101(1)(c) of the Act, the master of a foreign boat may apply to AFMA to approve the boat's being at a place in the AFZ:
- (a) if the boat is at sea at the time the approval is requested—by sending the application by radio through a coast radio station; or
 - (b) in any other case—by sending the application to AFMA.
- (2) The application must contain whichever of the following reference letters are relevant to the category of the boat:

Category of boat	Where is the boat?	What area is it passing through?	Where is it going?	What are the reference letters?
1	Outside the AFZ	Any area	An authorised area	AFZE
2	An Australian port	A part of the AFZ that is not an authorised area	An authorised area	AFZT
3	An authorised area	Any area	Another authorised area	AFZT
4	Outside the AFZ	A part of the AFZ that is not an authorised area	An Australian port	AFZH
5	An authorised area	A part of the AFZ that is not an authorised area	An Australian port	AFZH
6	An authorised area	The AFZ	Outside the AFZ	AFZX
7	An Australian port	The AFZ	Outside the AFZ	AFZX

- (3) If the boat is in Category 1, the application must contain the following particulars:
- (a) the boat's international call-sign;
 - (b) the geographical co-ordinates of the point at which the boat is expected to enter the AFZ;
 - (c) the day and time (in Greenwich Mean Time) at which the boat is expected to enter the AFZ;
 - (d) the geographical co-ordinates of the point in the authorised area to which the boat is to travel;
 - (e) the day and time (in Greenwich Mean Time) at which the boat is expected to reach that point.

Regulation 11

- (4) If the boat is in Category 2, the application must contain the following particulars:
- (a) the boat's international call-sign;
 - (b) the name of the Australian port from which it is leaving;
 - (c) the day and time (in Greenwich Mean Time) at which the boat is expected to leave the port;
 - (d) the proposed movements of the boat while it is in a part of the AFZ that is not an authorised area, including the geographical co-ordinates of any point in that part at which the boat is expected to change course and the day and time (in Greenwich Mean Time) at which the boat is expected to change course;
 - (e) the geographical co-ordinates of the point in the authorised area to which the boat is to travel;
 - (f) the day and time (in Greenwich Mean Time) at which the boat is expected to reach that point.
- (5) If the boat is in Category 3, the application must contain the following particulars:
- (a) the boat's international call-sign;
 - (b) the geographical co-ordinates of the point, in the authorised area, from which the boat will first enter a part of the AFZ that is not an authorised area;
 - (c) the day and time (in Greenwich Mean Time) at which the boat is expected to reach that point;
 - (d) the proposed movements of the boat while it is in a part of the AFZ that is not an authorised area, including the geographical co-ordinates of any point in that part at which the boat is expected to change course and the day and time (in Greenwich Mean Time) at which the boat is expected to change course;
 - (e) the geographical co-ordinates of the point in the authorised area to which the boat is to travel;
 - (f) the day and time (in Greenwich Mean Time) at which the boat is expected to reach that point.
- (6) If the boat is in Category 4 or 5, the application must contain the following particulars:
- (a) the boat's international call-sign;
 - (b) the geographical co-ordinates of the point, in the authorised area, from which the boat will first enter a part of the AFZ that is not an authorised area;
 - (c) the day and time (in Greenwich Mean Time) at which the boat is expected to reach that point;
 - (d) the proposed movements of the boat while it is in a part of the AFZ that is not an authorised area, including the geographical co-ordinates of any point in that part at which the boat is expected to change course and the day and time (in Greenwich Mean Time) at which the boat is expected to change course;

- (e) the name of the Australian port to which the boat is to travel;
 - (f) the day and time (in Greenwich Mean Time) at which the boat is expected to reach the port.
- (7) If the boat is in Category 6, the application must contain the following particulars:
- (a) the boat's international call-sign;
 - (b) the geographical co-ordinates of the point, in the authorised area, at which the boat will first enter a part of the AFZ that is not an authorised area;
 - (c) the day and time (in Greenwich Mean Time) at which the boat is expected to reach that point;
 - (d) the proposed movements of the boat while it is in a part of the AFZ that is not an authorised area, including the geographical co-ordinates of any point in that part at which the boat is expected to change course and the day and time (in Greenwich Mean Time) at which the boat is expected to change course;
 - (e) the geographical co-ordinates of the point in the authorised area at which the boat is expected to leave the AFZ;
 - (f) the day and time (in Greenwich Mean Time) at which the boat is expected to reach that point.
- (8) If the boat is in Category 7, the application must contain the following particulars:
- (a) the boat's international call-sign;
 - (b) the name of the Australian port from which it is leaving;
 - (c) the day and time (in Greenwich Mean Time) at which the boat is expected to leave the port;
 - (d) the proposed movements of the boat while it is in a part of the AFZ that is not an authorised area, including the geographical co-ordinates of any point in that part at which the boat is expected to change course and the day and time (in Greenwich Mean Time) at which the boat is expected to change course;
 - (e) the geographical co-ordinates of the point in the authorised area to which the boat is to travel;
 - (f) the day and time (in Greenwich Mean Time) at which the boat is expected to reach that point.

12 Identification code for a boat

- (1) If AFMA grants a statutory fishing right or a fishing permit for a boat, it must allocate an identification code to the boat.
- (1A) The identification code:
- (a) must be in the form of a letter or letters; and
 - (b) may include a number or numbers.
- (2) The boat's identification code must be shown on the boat:
- (a) above its water line; and

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- (b) on each bow; and
- (c) in a reasonably legible form; and
- (d) in paint that contrasts with the colour of the bow; and
- (e) in letters and figures at least 300 millimetres in depth.

(3) If:

- (a) the boat is being used in accordance with the right or permit; and
- (b) the boat does not display its identification code in accordance with subregulation (2);

the master and the owner of the boat are each guilty of an offence.

Penalty: 15 penalty units.

(3A) It is a defence to a prosecution under subregulation (3) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter set out in this subregulation—see section 13.3 of the *Criminal Code*.

(4) If:

- (a) the right or permit ceases to apply in relation to the boat; and
- (b) the boat's identification code is not removed or obliterated as soon as practicable;

the master and the owner of the boat are guilty of an offence.

Penalty: 15 penalty units.

(5) If:

- (a) the boat is being used in accordance with the right or permit; and
- (b) the boat's bow shows a letter or letters and a number that are not:
 - (i) the boat's name or identification code; or
 - (ii) an identification marking allocated to the boat under a law of a State or Territory;

the master and the owner of the boat are each guilty of an offence.

Penalty: 15 penalty units.

(5A) It is a defence to a prosecution under subregulation (5) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter set out in this subregulation—see section 13.3 of the *Criminal Code*.

(6) Subregulations (3) and (4) do not apply in relation to a boat that:

- (a) is licensed to be used to take fish under a law of a State or Territory; and
- (b) displays an identifying marking under that law.

(7) An offence under subregulation (3), (4) or (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

13 Production of documents on a foreign boat

- (1) This regulation applies in relation to a foreign boat that is being used under a foreign fishing licence or a Treaty licence.
- (2) For the purposes of subsection 84(1) of the Act, if a document in a foreign language is given to an officer, the officer may ask the master to give the officer a written translation of the document into English.
- (3) The officer may nominate a person who is to make the translation.
- (4) If the officer asks the master for a translation, the master must give the officer the translation as soon as practicable.

Penalty: 15 penalty units.

- (4A) An offence under subregulation (4) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (5) The owner of the boat is liable for the cost (if any) of the translation.
- (6) For the purposes of subsection 84(1) of the Act, if an officer removes a document from the boat to make a copy of, or take an extract from, the document, the officer must:
 - (a) keep the document for no longer than is reasonably necessary to make the copy or take the extract; and
 - (b) allow the master, or a person nominated by the master, to accompany the officer while he or she has the document away from the boat.

15 Identification of the call-sign of a foreign boat

- (1) The master of a foreign boat that is being used in the AFZ under a foreign fishing licence must show the boat's international radio call-sign on the boat in accordance with subregulations (2) to (6).

Penalty: 25 penalty units.

- (2) The call-sign must be shown in a position or positions on the boat that makes each sign clearly visible from an aircraft or a boat.
- (3) The call-sign must be shown:
 - (i) by white characters on a black background; or
 - (ii) by black characters on a white background; or
 - (iii) by black characters on a background of international safety yellow.
- (4) The characters must be Roman capital letters, or Arabic numerals, without ornamentation.
- (5) If the boat is less than 20 metres long, the characters:
 - (a) must be at least 50 centimetres high; and
 - (b) must consist of strokes at least 6.25 centimetres wide.

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- (6) If the boat is at least 20 metres long, the characters:
- (a) must be at least 1 metre high; and
 - (b) must consist of strokes at least 12.5 centimetres wide.
- (7) It is a defence to a prosecution under subregulation (1) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter set out in this subregulation—see section 13.3 of the *Criminal Code*.

- (8) An offence under subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

16 Identification of the name of a foreign boat

- (1) The master of a foreign boat that is being used in the AFZ under a foreign fishing licence must show the boat's name on the boat in accordance with subregulations (2) to (4).

Penalty: 25 penalty units.

- (1A) It is a defence to a prosecution under subregulation (1) if the defendant has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter set out in this subregulation—see section 13.3 of the *Criminal Code*.

- (2) The name must be shown:
- (a) on both sides of the boat's bow; and
 - (b) on the boat's stern.
- (3) The name must be shown by characters of a colour that contrasts with the colour of the characters' background.
- (4) The characters must be:
- (a) Roman capital letters, or Arabic numerals, without ornamentation; and
 - (b) at least 45 centimetres high.
- (5) An offence under subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

17 Information relating to persons on board a boat

- (1) This regulation applies in relation to:
- (a) a boat that is used in the AFZ under a fishing concession; and
 - (b) an Australian boat engaged in fishing outside the AFZ.
- (2) AFMA may, at any time, ask the master of the boat to give it the names, dates of birth, residential addresses and positions of persons on board the boat.
- (3) The master must give the information to AFMA as soon as practicable.

Penalty: 15 penalty units.

- (4) AFMA must not ask the master under subregulation (2) more than once in a period of 48 hours.
- (5) An offence under subregulation (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

19 Sale or disposal of unclaimed equipment

- (1) This regulation applies to equipment used for fishing if:
 - (a) an officer finds the equipment in the AFZ; and
 - (b) the identity of the owner of the equipment is unknown.
 - (2) The officer must keep the equipment in safe custody for a period of 30 days after the day on which it was found.
 - (3) If the owner of the equipment has not been identified by the end of the period, AFMA must place a notice in:
 - (a) 1 or more newspapers circulating in the Australian port nearest to the place where the equipment was found; or
 - (b) if there is no newspaper circulating in the port—1 or more newspapers nominated by the Managing Director.
 - (4) The notice must:
 - (a) describe the equipment; and
 - (b) identify the place, or approximate place, where it was found; and
 - (c) state that unless the owner of the equipment is not identified within 14 days after the date of publication of the newspaper, the equipment will be sold by public auction.
 - (5) AFMA may attempt to sell the equipment by public auction if:
 - (a) the owner of the equipment is not identified at the end of 14 days after the date on which the latest of the notice is published; and
 - (b) the equipment is in saleable condition.
 - (6) For the purposes of the auction:
 - (a) the Commonwealth is taken to be the absolute owner of the equipment; and
 - (b) an officer may conduct it without holding an auctioneer's licence under the law of the State or Territory in which the auction is held; and
 - (c) the proceeds of the sale of the equipment must be paid to AFMA.
 - (7) AFMA may direct how the equipment is to be disposed of if:
 - (a) it is not in saleable condition; or
 - (b) it is offered, but not sold, at the auction.
 - (8) No action lies against the Commonwealth or a person as a result of the sale or disposal of the equipment.
-

Part 5A—Detention of suspected illegal foreign fishers etc

Division 1—Training for officers

19A Training for officers and detention officers

For subclause 6(1) of Schedule 1A to the Act, the minimum training is the course of training provided by AFMA known as Authorised Officer Training, which provides training on the following matters:

- (a) conducting searches;
- (b) maintaining the health, safety and welfare of detainees;
- (c) controlling persons by the use of empty-hand techniques;
- (d) the use of authorised officers' powers under the *Fisheries Management Act 1991* and the *Torres Strait Fisheries Act 1984*.

Division 2—Identifying detainees

19B Personal identifiers

For paragraph 26(1)(g) of Schedule 1A to the Act, the personal identifiers are as follows:

- (a) a sample of a person's handwriting;
- (b) a photograph of a tattoo, scar or other identifying mark of a person, if the obtaining of the photograph does not involve:
 - (i) the removal of any of the person's clothing; or
 - (ii) the carrying out of an intimate forensic procedure within the meaning of section 23WA of the *Crimes Act 1914*.

Note: Subsection 23WA(1) of the *Crimes Act 1914* provides that *intimate forensic procedure* means any of the following forensic procedures:

- (a) an external examination of the genital or anal area, the buttocks or, in the case of a female or a transgender person who identifies as a female, the breasts;
- (b) the taking of a sample of blood;
- (c) the taking of a sample of saliva, or a sample by buccal swab;
- (d) the taking of a sample of pubic hair;
- (e) the taking of a sample by swab or washing from the external genital or anal area, the buttocks or, in the case of a female or a transgender person who identifies as a female, the breasts;
- (f) the taking of a sample by vacuum suction, by scraping or by lifting by tape from the external genital or anal area, the buttocks or, in the case of a female or a transgender person who identifies as a female, the breasts;
- (g) the taking of a dental impression;
- (h) the taking of a photograph or video recording of, or an impression or cast of a wound from, the genital or anal area, the buttocks or, in the case of a female or a transgender person who identifies as a female, the breasts.

19C Personal identifiers detainees must provide

For paragraph 28(2)(e) of Schedule 1A to the Act, the types of personal identifier are as follows:

- (a) an audio or a video recording of the detainee (other than a video recording under clause 37 of Schedule 1A to the Act);
- (b) an iris scan of the detainee's eyes;
- (c) a sample of the detainee's handwriting;
- (d) a photograph of a tattoo, scar or other identifying mark of the detainee, if the obtaining of the photograph does not involve:
 - (i) the removal of any of the detainee's clothing; or
 - (ii) the carrying out of an intimate forensic procedure within the meaning of section 23WA of the *Crimes Act 1914*.

Note: See the note after regulation 19B for the meaning of *intimate forensic procedure* for section 23WA of the *Crimes Act 1914*.

Regulation 19D

19D Personal identifiers officers must require non-citizens to provide by way of identification tests

For paragraph 29(1)(a) of Schedule 1A to the Act, the types of personal identifier are as follows:

- (a) fingerprints or handprints of the non-citizen (including those taken using paper and ink or digital liveness scanning technologies);
- (b) a measurement of the non-citizen's height and weight;
- (c) a photograph or other image of the non-citizen's face and shoulders;
- (d) an audio or a video recording of the non-citizen (other than a video recording under clause 37 of Schedule 1A to the Act);
- (e) an iris scan of the non-citizen's eyes;
- (f) the non-citizen's signature;
- (g) a sample of the non-citizen's handwriting;
- (h) a photograph of a tattoo, scar or other identifying mark of the non-citizen, if the obtaining of the photograph does not involve:
 - (i) the removal of any of the non-citizen's clothing; or
 - (ii) the carrying out of an intimate forensic procedure within the meaning of section 23WA of the *Crimes Act 1914*.

Note: See the note after regulation 19B for the meaning of intimate forensic procedure for section 23WA of the *Crimes Act 1914*.

19E Information to be provided before carrying out identification tests

- (1) For paragraph 30(1)(b) of Schedule 1A of the Act, the matters about which the authorised officer must inform the non-citizen before carrying out an identification test are:

- (a) the reason why a personal identifier is required to be provided; and
- (b) how a personal identifier may be collected; and
- (c) how any personal identifier that is collected may be used; and
- (d) if the non-citizen is a minor or an incapable person—how a personal identifier is to be obtained from a minor or incapable person.

Note: See Division 3 of Part 5 of Schedule 1A to the Act in relation to the identification of minors and incapable persons.

- (2) Also, the authorised officer must inform the non-citizen:

- (a) that a personal identifier may be produced in evidence in a court or tribunal in relation to the non-citizen who provided the personal identifier; and
- (b) that the *Privacy Act 1988* applies to personal information, including personal identifiers, and that the non-citizen has a right to make a complaint to the Australian Information Commissioner about the handling of the non-citizen's personal information; and
- (c) that:
 - (i) the *Freedom of Information Act 1982* gives a person access to certain information and documents in the possession of the Government of the Commonwealth and of its agencies; and

- (ii) the non-citizen has a right, under that Act, to seek:
 - (A) access to that information or those documents; and
 - (B) amendment of records containing personal information that is incomplete, incorrect, out of date or misleading.
- (3) For subclause 30(3) of Schedule 1A of the Act, if a form is to be given to a non-citizen setting out any information mentioned in subregulation (1) or (2), it must be given to the non-citizen at a time that gives the non-citizen enough time to read and understand the form before the identification test is conducted.

19F Authorising access to video recordings—limitations

For subclause 41(3) of Schedule 1A to the Act, the types of personal identifier are as follows:

- (a) fingerprints or handprints of a non-citizen (including those taken using paper and ink or digital livescanning technologies);
- (b) a measurement of a non-citizen's height and weight;
- (c) a photograph or other image of a non-citizen's face and shoulders;
- (d) an audio or a video recording of a non-citizen (other than a video recording under clause 37 of Schedule 1A to the Act);
- (e) an iris scan of a non-citizen's eyes;
- (f) a non-citizen's signature;
- (g) a sample of a non-citizen's handwriting;
- (h) a photograph of a tattoo, scar or other identifying mark of a non-citizen.

19G Providing video recordings—permitted provision

- (1) This regulation applies for paragraph 42(2)(f) of Schedule 1A to the Act.
- (2) The provision of a video recording to the Australian Human Rights Commission is a permitted provision of the recording if the provision is for the purpose of the Commission inquiring into the operation of provisions of the Act relating to carrying out an identification test.

19H Providing video recordings—limitations

For paragraph 42(3)(a) of Schedule 1A to the Act, the types of personal identifier are as follows:

- (a) fingerprints or handprints of a non-citizen (including those taken using paper and ink or digital livescanning technologies);
- (b) a measurement of a non-citizen's height and weight;
- (c) a photograph or other image of a non-citizen's face and shoulders;
- (d) an audio or a video recording of a non-citizen (other than a video recording under clause 37 of Schedule 1A to the Act);
- (e) an iris scan of a non-citizen's eyes;
- (f) a non-citizen's signature;
- (g) a sample of a non-citizen's handwriting;

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- (h) a photograph of a tattoo, scar or other identifying mark of a non-citizen.

Division 3—Disclosure of identifying information

19IAuthorising access to identifying information

For subclause 52(3) of Schedule 1A to the Act, the types of personal identifier are as follows:

- (a) fingerprints or handprints of a non-citizen (including those taken using paper and ink or digital livescanning technologies);
- (b) a measurement of a non-citizen's height and weight;
- (c) a photograph or other image of a non-citizen's face and shoulders;
- (d) an audio or a video recording of a non-citizen (other than a video recording under clause 37 of Schedule 1A to the Act);
- (e) an iris scan of a non-citizen's eyes;
- (f) a non-citizen's signature;
- (g) a sample of a non-citizen's handwriting;
- (h) a photograph of a tattoo, scar or other identifying mark of a non-citizen.

19JAuthorising disclosure of identifying information

For subclause 54(1) of Schedule 1A to the Act, AFMA may authorise the following Agencies to disclose identifying information under that subclause:

- (a) the Department of Foreign Affairs and Trade;
- (b) the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

19KDisclosure of identifying information to Australian bodies

For paragraph 54(1)(d) of Schedule 1A to the Act, AFMA may authorise the disclosure of identifying information under subclause 54(1) of that Schedule to any of the bodies mentioned in the following table:

Item	Name of body
1	Attorney-General's Department
2	Australian Crime Commission
4	Australian Federal Police
6	Australian Securities and Investments Commission
7	Australian Security Intelligence Organisation
8	Australian Taxation Office
9	Australian Transaction Reports and Analysis Centre (AUSTRAC)
10	CrimTrac
11	Department of Agriculture, Fisheries and Forestry
12	Department of Defence
13	Department of Foreign Affairs and Trade

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Item	Name of body
14	Department of Health
15	Department of Immigration, Multicultural and Indigenous Affairs
16	New South Wales Department of Primary Industries
17	New South Wales Office of Director of Public Prosecutions
18	New South Wales Police Service
19	Office of Director of Public Prosecutions, Victoria
20	Victorian Department of Justice
21	Victorian Department of Primary Industries
22	Victorian Police
23	Queensland Department of Primary Industries and Fisheries
24	Queensland Office of Director of Public Prosecutions
25	Queensland Police Service
26	Office of Director of Public Prosecutions for Western Australia
27	Western Australian Department of Fisheries
28	Western Australian Department of Justice
29	Western Australian Police Service
30	South Australian Department of Primary Industries and Resources
31	South Australian Office of Director of Public Prosecutions
32	South Australian Police
33	Tasmanian Department of Primary Industries
34	Tasmanian Office of the Director of Public Prosecutions
35	Tasmanian Police
36	Northern Territory Department of Business, Industry and Resource Development
37	Northern Territory Office of Director of Public Prosecutions
38	Northern Territory Police

19L Disclosure of identifying information to international organisations

For paragraph 54 (1) (e) of Schedule 1A to the Act, AFMA may authorise the disclosure of identifying information

under clause 54 of that Schedule to any of the following organisations:

- (a) Interpol;
- (b) the United Nations;
- (c) any of the Intergovernmental Organisations known as *Regional Fisheries Bodies* mentioned in the following table:

Item	Name of Intergovernmental Organisation
1	Advisory Committee on Fishery Research (ACFR)
2	Asia-Pacific Fishery Commission (APFIC)
3	Atlantic Africa Fisheries Conference (AAFC)

Item	Name of Intergovernmental Organisation
4	Bay of Bengal Programme (BOBP-IGO)
5	Comisión de Pesca Continental Para America Latina (COPESCAL)
6	Comisión Interamericana del Atún Tropical (CIAT)
7	Comisión Permanente del Pacifico Sur (CPPS)
8	Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)
9	Commission for the Conservation of Southern Bluefin Tuna (CCSBT)
10	Committee for Inland Fisheries of Africa (CIFA)
11	Coordinating Working Party on Fisheries Statistics (CWP)
12	Council of the Eastern Pacific Tuna Fishing Agreement (CEPTFA)
13	European Inland Fisheries Advisory Commission (EIFAC)
14	Fishery Committee for the Eastern Central Atlantic (CECAF)
15	Forum Fisheries Agency (FFA)
16	General Fisheries Commission for the Mediterranean (GFCM)
17	Indian Ocean Tuna Commission (IOTC)
18	Inter-American Tropical Tuna Commission (IATTC)
19	International Baltic Sea Fishery Commission (IBSFC)
20	International Commission for the Conservation of Atlantic Tunas (ICCAT)
21	International Council for Exploration of the Sea (ICES)
22	International Pacific Halibut Commission (IPHC)
23	International Whaling Commission (IWC)
24	La Commission Sous-Régionale des Pêches (CSRP)
25	Lake Victoria Fisheries Organization (LVFO)
26	Latin American Fisheries Development Organization (OLDEPESCA)
27	Marine Mammal Commission (MMC)
28	Mekong River Commission (MRC)
29	Network of the Aquaculture Centres in Asia-Pacific (NACA)
30	North Atlantic Fisheries Organisation (NAFO)
31	North Atlantic Salmon Conservation Organization (NASCO)
32	North East Atlantic Fisheries Commission (NEAFC)
33	North Pacific Anadromous Fish Commission (NPAFC)
34	North Pacific Marine Science Organisation (PICES)
35	Northwest Atlantic Fisheries Organization (NAFO)
36	Pacific Salmon Commission (PSC)
37	Regional Commission for Fisheries (RECOFI)
38	Regional Fisheries Advisory Committee for the Southwest Atlantic (CARPAS)
39	Regional Fisheries Committee for the Gulf of Guinea (COREP)
40	Secretariat of the Pacific Community (SPC)
41	Southeast Asian Fisheries Development Center (SEAFDEC)
42	South East Atlantic Fisheries Organisation (SEAFO)

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Item	Name of Intergovernmental Organisation
43	Southwest Indian Ocean Fisheries Commission (SWIOFC)
44	Western and Central Pacific Fisheries Commission (WCPFC)
45	Western Central Atlantic Fishery Commission (WECAFC)
46	Western Indian Ocean Tuna Organization (WIOTO)

Division 4—Disclosures relating to illegal fishing activities

19M Authorising disclosure of information relating to illegal fishing activities

For subsection 108B(1) of the Act, the Minister may authorise the following Agencies to disclose information under that subsection:

- (a) the Department of Foreign Affairs and Trade;
- (b) the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

Part 6—Payments and fees

20 Payment by instalments

For the purposes of subsection 121(1) of the Act, a person who makes the highest qualifying bid for a grant of a fishing right at an auction:

- (a) must pay 10 percent of the amount of charge payable in relation to the grant to AFMA immediately after the person's bid is accepted; and
- (b) must pay the remainder of the amount to AFMA:
 - (i) in the period ending 30 days after the day on which the person's bid is accepted; or
 - (ii) if the person makes an agreement with AFMA to pay the amount at a different time—at that time; or
 - (iii) if the person makes an agreement with AFMA to pay the amount by instalments—when the instalments are due and payable.

21 Fees

- (1) For paragraph 168(2)(e) of the Act, the fee payable for an application, registration, inspection or other matter mentioned in an item in Schedule 2 is the fee set out in the item.
- (4) Despite subregulation (1) and items 9 and 10 of Schedule 2, no fee is payable for an application for the grant of a port permit for a foreign fishing boat that is engaged in fisheries research activities in collaboration with:
 - (a) the Commonwealth, a State or a Territory; or
 - (b) an authority of the Commonwealth or of a State or Territory.

Part 6A—Registers

21A Information to be included in Register of Statutory Fishing Rights

(1) For paragraph 45(1)(f) of the Act, the particulars in the table are prescribed.

Item	Particular
1	For the person to whom the fishing right is granted: (a) postal address; and (b) telephone number; and (c) fax number; and (d) email address; and (e) ABN or ACN
2	For any other holder of the fishing right: (a) name; and (b) postal address; and (c) telephone number; and (d) fax number; and (e) email address; and (f) ABN or ACN
3	Number of the boat statutory fishing right
4	Number of the quota statutory fishing right
5	Any alphanumeric code assigned for the purposes of the registration of the statutory fishing right
6	Total weight of fish that may be taken for the purposes of the statutory fishing right, in kilograms
7	Total headrope length that can be used for the purposes of the statutory fishing right, in metres
8	Whether a gear statutory fishing right has been nominated in relation to a B class statutory fishing right
9	Whether a quota statutory fishing right has been nominated in relation to a boat statutory fishing right
10	For a boat that has been nominated for the statutory fishing right: (a) name; and (b) any previous names; and (c) any distinguishing symbol that identifies the boat; and (d) length; and (e) colour; and (f) beam, in metres; and (g) gross registered tonnage; and (h) moulded depth, in metres; and (i) when it was built; and

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Item	Particular
	(j) where it was built; and (k) a code representing the type of boat; and (l) a code representing the gear type used on the boat; and (m) port of registry; and (n) registry number; and (o) whether the boat's registration has previously been cancelled or suspended, and the country which cancelled or suspended the registration; and (p) any previous flag under which it has been operated; and (q) normal crew compliment; and (r) a code representing the boat's current flag state; and (s) a code representing any previous flag state; and (t) number of freezers on the boat; and (u) each type of freezer used on the boat; and (v) capacity of each freezer used on the boat; and (w) fish hold capacity; and (x) engine type; and (y) power of the main engine or engines, in kilowatts; and (z) serial number of each engine; and (za) aspiration of each engine; and (zb) number of turbochargers; and (zc) type of aftercooler system; and (zd) radio call sign; and (ze) International Radio Call Sign; and (zf) Vessel Communication Type; and (zg) whether the boat is included in the Large Scale Fishing Vessel list; and (zh) colour photographs of the boat, in high resolution and with sufficient brightness and contrast to show the boat clearly, including: (i) a photograph measuring at least 12 cm × 7 cm that shows the full overall length of the starboard side of the boat and all of the boat's structural features along that side; and (ii) a photograph measuring at least 12 cm × 7 cm that shows the full overall length of the port side of the boat and all of the boat's structural features along that side; and (iii) a photograph measuring at least 12 cm × 7 cm that is taken from astern and shows the boat's stern
11	For the owner of a boat that has been nominated for the statutory fishing right: (a) name; and (b) postal address; and (c) nationality
12	For the master of a boat that has been nominated for the statutory fishing right: (a) name; and (b) nationality

- (2) A particular mentioned in the table in subregulation (1) is taken not to be prescribed if:
- (a) the particular does not exist in relation to a statutory fishing right; or
 - (b) it is not necessary for AFMA to collect the particular, either for its own purposes, or in accordance with an international fisheries agreement.

Note: Under subsection 45(1) of the Act, a fishing right is registered by entering particulars in the Register of Statutory Fishing Rights, including the particulars prescribed in subregulation (1). Particulars that do not exist in relation to a statutory fishing right would be prescribed but could not be entered.

21B Information to be included in High Seas Register

- (1) For paragraph 57B(2)(i) of the Act, the particulars in the table in subregulation 21A(1) are prescribed.
- (2) A particular mentioned in the table in subregulation 21A(1) is taken not to be prescribed if:
- (a) the particular does not exist in relation to a fishing permit; or
 - (b) it is not necessary for AFMA to collect the particular, either for its own purposes, or in accordance with an international fisheries agreement.

Note: Under subsection 45(1) of the Act, a fishing right is registered by entering particulars in the Register of Statutory Fishing Rights, including the particulars prescribed in subregulation (1). Particulars that do not exist in relation to a statutory fishing right would be prescribed but could not be entered.

21C Information to be included in Fishing Permits Register

- (1) For paragraph 57H(1)(e) of the Act, the particulars in the table in subregulation 21A(1) are prescribed.
- (2) A particular mentioned in the table in subregulation 21A(1) is taken not to be prescribed if:
- (a) the particular does not exist in relation to a fishing permit; or
 - (b) it is not necessary for AFMA to collect the particular, either for its own purposes, or in accordance with an international fisheries agreement.

Note: Under subsection 45(1) of the Act, a fishing right is registered by entering particulars in the Register of Statutory Fishing Rights, including the particulars prescribed in subregulation (1). Particulars that do not exist in relation to a statutory fishing right would be prescribed but could not be entered.

Part 7—Administration of the Statutory Fishing Rights Allocation Review Panel

22 Hours of operation of Registries of the Panel

For the purposes of section 136 of the Act, a Registry of the Panel must be open for business from 9.30am to 1.00pm, and from 2.00pm to 4.00pm, on each day other than:

- (a) a Saturday or Sunday; or
- (b) a day that is observed as a holiday in the Australian Public Service in the place where the Registry is located.

23 Registrar must date and acknowledge documents

For the purposes of paragraph 137(3)(c) of the Act, the Registrar of the Panel must:

- (a) date documents received by the Panel; and
- (b) acknowledge in writing an application for review of a decision to grant a fishing right.

24 Application to the Panel for review of a decision to grant a fishing right

An application to the Panel under subsection 143(1) of the Act for review of a decision to grant a fishing right may be made using Form 2 in Schedule 1.

25 Notification by Principal Member that an application for review has been made

For the purposes of subsection 144(1) of the Act, if an application is made to the Panel for review of a decision to grant a fishing right, the Principal Member may notify the persons referred to in that subsection of the application using Form 3 in Schedule 1.

26 Notice of date, time and place of a hearing

For the purposes of subsection 145(2) of the Act, the Principal Member may give each party to a proceeding notice of the date, time and place fixed for a hearing in relation to the proceeding using Form 4 in Schedule 1.

27 Summons

A form of summons under paragraph 146(2)(a) or 146(2)(b) of the Act is in Form 5 in Schedule 1.

28 Witness expenses

If a person is summoned under paragraph 146(2)(a) of the Act to appear as a witness before the Panel, he or she is entitled to be paid fees and allowances for expenses in relation to the appearance at the same rate that is applicable under the Administrative Appeals Tribunal Regulations in relation to an appearance under the *Administrative Appeals Tribunal Act 1975*.

Part 8—Documents relating to fishing concessions

29 Replacement of documents

- (1) AFMA may give a person a copy of a document issued by it, certifying that the person is the holder of a fishing concession or a scientific permit, if:
 - (a) the person applies to AFMA; and
 - (b) AFMA is satisfied that:
 - (i) the person was granted the concession or permit; and
 - (ii) the person has lost the original document; and
 - (iii) the original document is not being used improperly.
- (2) AFMA may give a person a copy of a document issued by it, certifying that the person is the holder of a fishing concession or a scientific permit if:
 - (a) the original document is damaged; and
 - (b) the person applies to AFMA; and
 - (c) AFMA is satisfied that the person was granted the concession or permit;
and
 - (d) the person gives the damaged document to AFMA.
- (4) The copy of the document has the same force as the original document.

Part 9—References to areas of the AFZ

31 References to areas of the AFZ

For paragraph 168(2)(p) of the Act, an area of the AFZ referred to in column 2 of an item in Schedule 3 may be described using the short method of reference set out in column 3 of the item.

Part 9A—Offences relating to fisheries

37A Definitions

In this Part:

closed zone has the meaning given by regulation 37B.

unforeseen emergency includes the following:

- (a) a threat to the safety of human life;
- (b) a threat to the safety of a boat and property on board the boat;
- (c) giving assistance to a person, boat or aircraft in danger or distress;
- (d) a serious danger to navigation on or near the boat's course;
- (e) a failure, malfunction or defect that caused, or is likely to cause, serious damage to the boat, or that interfered with, or is likely to interfere with, the normal control of the boat.

37B Meaning of *closed zone*

If:

- (a) AFMA has given a direction under paragraph 17(5A)(a) or subsection 41A(2) of the Act; and
- (b) the direction is in force; and
- (c) the effect of the direction is that fishing is not to be engaged in in the area of a fishery, or a particular part of the area of a fishery, at a particular time; and
- (d) a particular boat:
 - (i) is specified in, or is nominated for, a fishing concession that entitles the holder to engage in fishing in the fishery or that authorises the use of the boat for fishing in the fishery; or
 - (ii) is specified in a scientific permit that authorises the use of the boat for scientific research purposes in the fishery; and
- (e) the direction applies to the holder of the fishing concession or scientific permit;

the area of the fishery, or the particular part of the area of the fishery, to which the direction applies is, at the time, a *closed zone* for the boat in the capacity mentioned in paragraph (d).

37C Navigating in area that is a closed zone for less than 24 hours

- (1) The master of a boat commits an offence if the boat is being navigated in an area that, at the time, is a closed zone for the boat for less than 24 hours.

Penalty: 25 penalty units.

- (2) Subregulation (1) does not apply to the master of a boat if information given by the boat's vessel monitoring system during the period that the boat was navigated in the closed zone shows that:
 - (a) the boat was navigated in the closed zone for a period of 30 minutes or more; and
 - (b) for the period the boat was in the closed zone, the boat was:
 - (i) stationary; or
 - (ii) travelling at a speed of 5 knots or more as worked out under subregulation (5).
- (3) Subregulation (1) does not apply to the master of a boat if:
 - (a) AFMA had given approval for the boat to be navigated in the closed zone because of an unforeseen emergency, or circumstances beyond the control of the master of the boat; and
 - (b) the boat was navigated in the closed zone in accordance with any instructions given by AFMA.
- (4) An offence against subregulation (1) is an offence of strict liability.
- (5) To work out a boat's speed:
 - (a) for each consecutive pair of points identified by the boat's vessel monitoring system, identify the shortest distance between the pair of points in a straight line; and
 - (b) divide the distance by the time taken by the boat to travel between the two points.
- (6) In this regulation a boat is taken to be stationary if it is travelling at a speed of 0.5 knots or less as worked out under subregulation (5).

37D Navigating in area that is a closed zone for 24 hours or more

- (1) The master of a boat commits an offence if the boat is being navigated in an area that, at the time, is a closed zone for the boat for 24 hours or more.

Penalty: 25 penalty units.
 - (2) Subregulation (1) does not apply to the master of a boat if information given by the boat's vessel monitoring system during the period that the boat was navigated in the closed zone shows that:
 - (a) the boat was navigated in the closed zone for a continuous period of 30 minutes or more; and
 - (b) at all times during the period, the boat was travelling at a speed of at least 5 knots as worked out under subregulation (5).
 - (3) Subregulation (1) does not apply to the master of a boat if:
 - (a) AFMA had given approval for the boat to be navigated in the closed zone because of an unforeseen emergency, or circumstances beyond the control of the master of the boat; and
-

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- (b) the boat was navigated in the closed zone in accordance with any instructions given by AFMA.
- (4) An offence against subregulation (1) is an offence of strict liability.
- (5) For paragraph (2)(b), to work out a boat's speed:
 - (a) for each consecutive pair of points identified by the boat's vessel monitoring system, identify the shortest distance between the pair of points in a straight line; and
 - (b) divide the distance by the time taken by the boat to travel between the two points.

Part 10—Infringement notices

38 When an infringement notice may be given

- (1) If an officer believes on reasonable grounds that a person has contravened a provision subject to an infringement notice, the officer may give to the person an infringement notice for the alleged contravention.
- (2) The infringement notice must be given within 12 months after the day on which the contravention is alleged to have taken place.
- (3) A single infringement notice must relate only to a single contravention of a single provision unless subregulation (4) applies.
- (4) An officer may give a person a single infringement notice relating to multiple contraventions of a single provision if:
 - (a) the provision requires the person to do a thing within a particular period or before a particular time; and
 - (b) the person fails or refuses to do that thing within that period or before that time; and
 - (c) the failure or refusal occurs on more than 1 day; and
 - (d) each contravention is constituted by the failure or refusal on one of those days.

Note: For continuing offences, see subsection 4K(2) of the *Crimes Act 1914*.

39 Matters to be included in an infringement notice

- (1) An infringement notice must:
 - (a) be identified by a unique number; and
 - (b) state the day on which it is given; and
 - (c) state the name of the person to whom the notice is given; and
 - (d) state the name and contact details of the person who gave the notice, and that the person is an officer for the purposes of issuing the infringement notice; and
 - (e) give brief details of the alleged contravention, including:
 - (i) the provision that was allegedly contravened; and
 - (ii) the maximum penalty that a court could impose if the provision were contravened; and
 - (iii) the time (if known) and day of, and the place of, the alleged contravention; and
 - (f) state the amount that is payable under the notice; and
 - (g) give an explanation of how payment of the amount is to be made; and
 - (h) state that, if the person to whom the notice is given pays the amount within 28 days after the day the notice is given, then (unless the notice is

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- withdrawn) the person will not be liable to be prosecuted in a court for the alleged contravention; and
- (i) state that payment of the amount is not an admission of guilt or liability; and
 - (j) state that the person may apply to the CEO to have the period in which to pay the amount extended; and
 - (k) state that the person may choose not to pay the amount and, if the person does so, the person may be prosecuted in a court for the alleged contravention; and
 - (l) set out how the notice can be withdrawn; and
 - (m) state that if the notice is withdrawn, the person may be prosecuted in a court for the alleged contravention; and
 - (n) state that the person may make written representations to the CEO seeking the withdrawal of the notice.
- (2) The amount to be stated in the notice for the purposes of paragraph (1)(f) for the alleged contravention of the provision by the person must be the lesser of:
- (a) one-fifth of the maximum penalty that a court could impose on the person for that contravention; and
 - (b) 12 penalty units where the person is an individual, or 60 penalty units where the person is a body corporate.

40 Extension of time to pay amount

- (1) A person to whom an infringement notice has been given may apply to the CEO for an extension of the period referred to in paragraph 39(1)(h).
- (2) If the application is made before the end of that period, the CEO may, in writing, extend that period. The CEO may do so before or after the end of that period.
- (3) If the CEO extends that period, a reference in this Part, or in a notice or other instrument under this Part, to the period referred to in paragraph 39(1)(h) is taken to be a reference to that period so extended.
- (4) If the CEO does not extend that period, a reference in this Part, or in a notice or other instrument under this Part, to the period referred to in paragraph 39(1)(h) is taken to be a reference to the period that ends on the later of the following days:
 - (a) the day that is the last day of the period referred to in paragraph 39(1)(h);
 - (b) the day that is 7 days after the day the person was given notice of the CEO's decision not to extend.
- (5) The CEO may extend the period more than once under subregulation (2).

41 Withdrawal of an infringement notice

Representation seeking withdrawal of notice

- (1) A person to whom an infringement notice has been given may make written representations to the CEO seeking the withdrawal of the notice.

Withdrawal of notice

- (2) The CEO may withdraw an infringement notice given to a person (whether or not the person has made written representations seeking the withdrawal).
- (3) When deciding whether or not to withdraw an infringement notice (the **relevant infringement notice**), the CEO:
 - (a) must take into account any written representations seeking the withdrawal that were given by the person to the CEO; and
 - (b) may take into account the following:
 - (i) whether a court has previously imposed a penalty on the person for a contravention of a provision subject to an infringement notice;
 - (ii) the circumstances of the alleged contravention;
 - (iii) whether the person has paid an amount, stated in an earlier infringement notice, for a contravention of a provision subject to an infringement notice if the contravention is constituted by conduct that is the same, or substantially the same, as the conduct alleged to constitute the contravention in the relevant infringement notice;
 - (iv) any other matter the CEO considers relevant.

Notice of withdrawal

- (4) Notice of the withdrawal of the infringement notice must be given to the person. The withdrawal notice must state:
 - (a) the person's name and address; and
 - (b) the day the infringement notice was given; and
 - (c) the identifying number of the infringement notice; and
 - (d) that the infringement notice is withdrawn; and
 - (e) that the person may be prosecuted in a court for the alleged contravention.

Refund of amount if infringement notice withdrawn

- (5) If:
 - (a) the CEO withdraws the infringement notice; and
 - (b) the person has already paid the amount stated in the notice;AFMA must refund to the person an amount equal to the amount paid.

42 Effect of payment of amount

- (1) If the person to whom an infringement notice for an alleged contravention of a provision is given pays the amount stated in the notice before the end of the period referred to in paragraph 39(1)(h):
 - (a) any liability of the person for the alleged contravention is discharged; and
 - (b) the person may not be prosecuted in a court for the alleged contravention; and
 - (c) the person is not regarded as having admitted guilt or liability for the alleged contravention; and

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(d) the person is not regarded as having been convicted of the alleged offence.

(2) Subsection (1) does not apply if the notice has been withdrawn.

43 Effect of this Part

This Part does not:

- (a) require an infringement notice to be given to a person for an alleged contravention of a provision subject to an infringement notice; or
- (b) affect the liability of a person for an alleged contravention of a provision subject to an infringement notice if:
 - (i) the person does not comply with an infringement notice given to the person for the contravention; or
 - (ii) an infringement notice is not given to the person for the contravention; or
 - (iii) an infringement notice is given to the person for the contravention and is subsequently withdrawn; or
- (c) prevent the giving of 2 or more infringement notices to a person for an alleged contravention of a provision subject to an infringement notice; or
- (d) limit a court's discretion to determine the amount of a penalty to be imposed on a person who is found to have contravened a provision subject to an infringement notice.

44 Delegation by CEO

The CEO may, in writing, delegate the following powers and functions to an officer:

- (a) the power under regulation 40 to extend the period referred to in paragraph 39(1)(h) in relation to an infringement notice;
- (b) the power under regulation 41 to withdraw an infringement notice.

Part 12—Incidental catch of seabirds

Division 3—Discharge of offal

75 Application

This Division applies to:

- (a) Australian boats; and
- (b) foreign boats in the AFZ.

76 When a person may discharge offal

- (1) A person must not discharge offal from a boat while the crew of the boat are setting:
 - (a) a pelagic, or drifting, longline; or
 - (b) a demersal longline; or
 - (c) a trotline; or
 - (d) a dropline.

Penalty: 25 penalty units.

- (2) A person must not discharge offal from a boat while the crew of the boat are hauling a line mentioned in subregulation (1).

Penalty: 25 penalty units.

- (3) Subregulation (2) does not apply if the boat concerned is exempted under regulation 77.

Note: A defendant bears an evidential burden in relation to the matter mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

- (4) An offence under subregulation (1) or (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (5) It is a defence to a prosecution under subregulation (2) if:

- (a) it is not practical to store offal on the boat until the crew has finished hauling the line; and
- (b) the offal is discharged during hauling:
 - (i) while the vessel is not under way; and
 - (ii) from the opposite side of the vessel to that where the line is being hauled.

Note: A defendant bears an evidential burden in relation to the matter mentioned in this subregulation—see section 13.3 of the *Criminal Code*.

77 Exemptions

- (1) Subregulation 76(2) does not apply to a boat if the operator of the boat is:
-

Schedule 1A Described areas of waters within the AFZ

Part 12 Incidental catch of seabirds

Division 3 Discharge of offal

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- (a) the holder of a fishing concession that contains a condition exempting the holder from complying with subregulation 76(2); or
 - (b) the holder of a scientific permit granted for the purpose of testing alternative measures to minimise the risk of incidental catch of seabirds.
- (2) AFMA may include a condition in a fishing concession exempting the holder of the concession from complying with subregulation 76(2).
- (3) If a fishing concession or scientific permit mentioned in subregulation (1) requires the holder of the concession or permit to take alternative action to minimise the risk of incidental catch of seabirds, the holder must take that action.

Penalty: 25 penalty units.

- (4) An offence under subregulation (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Part 13—Collection and disclosure of information

78 Collection and disclosure of information

- (1) In the performance of its functions mentioned in paragraphs 7(1)(gaa) and (gb) of the *Fisheries Administration Act 1991*, AFMA may collect information, including personal information, relating to any of the following:
 - (a) possible breaches of the laws of Australia or of a foreign country;
 - (b) the control and protection of Australia's borders;
 - (c) the administration and management of fisheries or marine environments;
 - (d) research or monitoring conducted, or proposed to be conducted, into fisheries or marine environments.
- (2) AFMA may disclose the information to a government organisation if AFMA is satisfied that the information relates to the performance of a function of the government organisation.
- (3) AFMA may disclose the information at the request of the government organisation or on its own initiative.
- (4) AFMA may disclose the information in hard copy, electronic format or orally.

Schedule 1A—Described areas of waters within the AFZ

(regulation 4B)

Part 2—Area of the Coral Sea Fishery

That part of the AFZ that is within the area bounded by a line:

- (a) beginning at latitude 24° 30' south, longitude 154° 40' east, and
- (b) running:
 - (i) from there generally north-westerly along the geodesic to latitude 22° 15' south, longitude 154° 40' east; and
 - (ii) from there generally north-westerly along the geodesic to latitude 18° 45' south, longitude 152° 35' east; and
 - (iii) from there generally north-westerly along the geodesic to latitude 18° 20' south, longitude 148° 20' east; and
 - (iv) from there generally north-westerly along the geodesic to latitude 15° south, longitude 146° east; and
 - (v) from there generally north-westerly along the geodesic to latitude 13° south, longitude 145° east; and
 - (vi) from there northerly along the meridian of longitude 145° east to its intersection with the outer limit of the AFZ; and
 - (vii) from there generally south-easterly along that outer limit to its intersection with the parallel of latitude 24° 30' south; and
 - (viii) from there west along the parallel of latitude 24° 30' south to the point where the line began.

Part 2B—Area of the Eastern Skipjack Fishery

Division 1—Area of the fishery

The part of the AFZ that is:

- (a) within the area bounded by a notional line beginning at the intersection of the eastern coastline of the mainland at low water with the parallel of latitude 37° 30' 24" south, in the vicinity of the border between New South Wales and Victoria, and running progressively:
 - (i) generally southerly and westerly along that coastline at low water to its intersection with the meridian of longitude 141° east, in the vicinity of the border between Victoria and South Australia;
 - (ii) south along that meridian to its intersection with the outer limit of the AFZ;
 - (iii) generally southerly, easterly and northerly along that outer limit to its intersection with the meridian of longitude 144° 28' east, off the coast of Queensland;
 - (iv) south along that meridian to its intersection with the parallel of latitude 9° 54' south;
 - (v) south-westerly along the geodesic to the point of latitude 10° 15' south, longitude 144° 12' east;
 - (vi) southerly along the geodesic to the point of latitude 10° 28' south, longitude 144° 10' east;
 - (vii) west along that parallel to its intersection with the meridian of longitude 142° 31' 49" east;
 - (viii) south along that meridian to its intersection with the northern coastline of the mainland at low water, in the vicinity of Cape York;
 - (ix) generally southerly along that coastline at low water to the point where the line began; or
- (b) adjacent to Norfolk Island, except the area bounded by a notional line beginning at the point of latitude 28° 35' south, longitude 167° 25' east, and running progressively:
 - (i) east along that parallel to its intersection with the meridian of longitude 168° 25' east;
 - (ii) south along that meridian to its intersection with the parallel of latitude 29° 50' south;
 - (iii) west along that parallel to its intersection with the meridian of longitude 167° 25' east;
 - (iv) north along that meridian to the point where the line began.

Division 2—Sub-areas

1.Sub-area 1 (Northern inshore)

The part of the AFZ that is:

- (a) within the area bounded by a notional line beginning at latitude 10° 28' south, longitude 144° 10' east and running progressively:
 - (i) south along that meridian to its intersection with the parallel of latitude 10° 41' 14" south;
 - (ii) easterly along the geodesic to the point of latitude 10° 41' south, longitude 145° east;
 - (iii) south along that meridian to its intersection with the parallel of latitude 12° south;
 - (iv) south-easterly along the geodesic to the point of latitude 14° south, longitude 147° east;
 - (v) south-easterly along the geodesic to the point of latitude 17° south, longitude 149° east;
 - (vi) south along that meridian to its intersection with the parallel of latitude 18° south;
 - (vii) east along that parallel to its intersection with the meridian of longitude 152° east;
 - (viii) south along that meridian to its intersection with the parallel of latitude 20° 28' 49" south;
 - (ix) south-easterly along the geodesic to the point of latitude 21° south, longitude 152° 55' east;
 - (x) south-easterly along the geodesic to the point of latitude 24° 30' south, longitude 154° east;
 - (xi) west along that parallel to its intersection with the eastern coastline of the mainland at low water, in the vicinity of Baffle Creek;
 - (xii) generally southerly along that coastline at low water to its intersection with the parallel of latitude 37° 30' 24" south, in the vicinity of the border between New South Wales and Victoria;
 - (xiii) south-easterly along the geodesic to the intersection between the outer limit of the AFZ and the parallel of latitude 38° 58' south;
 - (xiv) generally northerly along that outer limit to its intersection with the meridian of longitude 144° 28' east, off the coast of Queensland;
 - (xv) south along that meridian to its intersection with the parallel of latitude 9° 54' south;
 - (xvi) south-westerly along the geodesic to the point of latitude 10° 15' south, longitude 144° 12' east;
 - (xvii) southerly along the geodesic to the point where the line began; or
- (b) adjacent to Norfolk Island, except the area bounded by a notional line beginning at the point of latitude 28° 35' south, longitude 167° 25' east, and running progressively:

- (i) east along that parallel to its intersection with the meridian of longitude 168° 25' east;
- (ii) south along that meridian to its intersection with the parallel of latitude 29° 50' south;
- (iii) west along that parallel to its intersection with the meridian of longitude 167° 25' east;
- (iv) north along that meridian to the point where the line began.

2.Sub-area 2 (Northern offshore)

The part of the AFZ that is:

- (a) within the area bounded by a notional line beginning at latitude 10° 28' south, longitude 144° 10' east and running progressively:
 - (i) south along that meridian to its intersection with the parallel of latitude 10° 41' 14" south;
 - (ii) easterly along the geodesic to the point of latitude 10° 41' south, longitude 145° east;
 - (iii) south along that meridian to its intersection with the parallel of latitude 12° south;
 - (iv) south-easterly along the geodesic to the point of latitude 14° south, longitude 147° east;
 - (v) south-easterly along the geodesic to the point of latitude 17° south, longitude 149° east;
 - (vi) south along that meridian to its intersection with the parallel of latitude 18° south;
 - (vii) east along that parallel to its intersection with the meridian of longitude 152° east;
 - (viii) south along that meridian to its intersection with the parallel of latitude 20° 28' 49" south;
 - (ix) south-easterly along the geodesic to the point of latitude 21° south, longitude 152° 55' east;
 - (x) south-easterly along the geodesic to the point of latitude 24° 30' south, longitude 154° east;
 - (xi) east along that parallel to its intersection with the 50 nautical mile line;
 - (xii) generally southerly along that line to its intersection with the parallel of latitude 37° 53' south;
 - (xiii) south-easterly along the geodesic to the intersection between the outer limit of the AFZ and the parallel of latitude 38° 58' south;
 - (xiv) generally northerly along that outer limit to its intersection with the meridian of longitude 144° 28' east, off the coast of Queensland;
 - (xv) south along that meridian to its intersection with the parallel of latitude 9° 54' south;
 - (xvi) south-westerly along the geodesic to the point of latitude 10° 15' south, longitude 144° 12' east;
 - (xvii) southerly along the geodesic to the point where the line began; or

- (b) adjacent to Norfolk Island, except the area bounded by a notional line beginning at the point of latitude 28° 35' south, longitude 167° 25' east, and running progressively:
 - (i) east along that parallel to its intersection with the meridian of longitude 168° 25' east;
 - (ii) south along that meridian to its intersection with the parallel of latitude 29° 50' south;
 - (iii) west along that parallel to its intersection with the meridian of longitude 167° 25' east;
 - (iv) north along that meridian to the point where the line began.

3. Sub-area 3 (Southern inshore north)

The part of the AFZ that is:

- (a) within the area bounded by a notional line beginning at the intersection of the eastern coastline of the mainland at low water with the parallel of latitude 37° 30' 24 south, in the vicinity of the border between New South Wales and Victoria, and running progressively:
 - (i) south-easterly along the geodesic to the intersection between the outer limit of the AFZ and the parallel of latitude 38° 58' south;
 - (ii) generally southerly, westerly and northerly along that outer limit to its intersection with the meridian of longitude 141° east;
 - (iii) north along that meridian to its intersection with the coastline of the mainland at low water, in the vicinity of the border between Victoria and South Australia;
 - (iv) generally easterly and north-easterly along that coastline at low water to the point where the line began; or
- (b) adjacent to Norfolk Island, except the area bounded by a notional line beginning at the point of latitude 28° 35' south, longitude 167° 25' east, and running progressively:
 - (i) east along that parallel to its intersection with the meridian of longitude 168° 25' east;
 - (ii) south along that meridian to its intersection with the parallel of latitude 29° 50' south;
 - (iii) west along that parallel to its intersection with the meridian of longitude 167° 25' east;
 - (iv) north along that meridian to the point where the line began.

4. Sub-area 4 (Southern inshore south)

The part of the AFZ that is:

- (a) within the area bounded by a notional line beginning at the point of latitude 37° 53' south, longitude 151° east and running progressively:
 - (i) south-easterly along the geodesic to the intersection between the outer limit of the AFZ and the parallel of latitude 38° 58' south;

- (ii) generally southerly, westerly and northerly along that outer limit to its intersection with the meridian of longitude 141° east;
- (iii) north along that meridian to its intersection with the parallel of latitude 40° south;
- (iv) east along that parallel to its intersection with the meridian of longitude 151° east;
- (v) north along that meridian to the point where the line began; or
- (b) adjacent to Norfolk Island, except the area bounded by a notional line beginning at the point of latitude 28° 35' south, longitude 167° 25' east, and running progressively:
 - (i) east along that parallel to its intersection with the meridian of longitude 168° 25' east;
 - (ii) south along that meridian to its intersection with the parallel of latitude 29° 50' south;
 - (iii) west along that parallel to its intersection with the meridian of longitude 167° 25' east;
 - (iv) north along that meridian to the point where the line began.

5.Sub-area 5 (Southern offshore)

The part of the AFZ that is:

- (a) within the area bounded by a notional line beginning at the intersection of the outer limit of the AFZ with the parallel of latitude 38° 58' south, off the coast of Victoria and running progressively:
 - (i) generally south-westerly, southerly and north-westerly along that outer limit to its intersection with the meridian of longitude 141° east;
 - (ii) north along that meridian to its intersection with the parallel of latitude 40° south;
 - (iii) east along that parallel to its intersection with the 12 nautical mile line, west of Flinders Island;
 - (iv) southerly, westerly, south-easterly and generally north-easterly along the 12 nautical mile line around Tasmania and Flinders Island to its intersection with the parallel of latitude 40° south, east of Flinders Island;
 - (v) east along that parallel to its intersection with the meridian of longitude 151° east;
 - (vi) north along that meridian to its intersection with the parallel of latitude 37° 53' south;
 - (vii) south-easterly along the geodesic to the point where the line began; or
- (b) adjacent to Norfolk Island, except the area bounded by a notional line beginning at the point of latitude 28° 35' south, longitude 167° 25' east, and running progressively:
 - (i) east along that parallel to its intersection with the meridian of longitude 168° 25' east;
 - (ii) south along that meridian to its intersection with the parallel of latitude 29° 50' south;

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- (iii) west along that parallel to its intersection with the meridian of longitude $167^{\circ} 25'$ east;
- (iv) north along that meridian to the point where the line began.

Part 5A—Area of the Norfolk Island Offshore Demersal Finfish Fishery

The part of the AFZ that surrounds Norfolk Island, except the area bounded by a notional line beginning at latitude 28° 38' south, longitude 167° 40' east and running progressively:

- east along the parallel of latitude 28° 38' south to its intersection by the meridian of longitude 168° 20' east;
- south along that meridian to its intersection by the parallel of latitude 29° 45' south;
- west along that parallel to its intersection by the meridian of longitude 167° 40' east;
- north along that meridian to the point where the line began.

Part 6—Area of the North West Slope Trawl Fishery

That part of the AFZ within the area bounded by a line:

- (a) beginning at the intersection of the meridian of longitude 114° 00' east by the parallel of latitude 21° 37' south; and
- (b) running:
 - (i) from there north-westerly along the geodesic to the outer limit of the AFZ; and
 - (ii) from there north-easterly along the outer limit of the AFZ to the point of latitude 13° 13' south, longitude 118° 29' east; and
 - (iii) from there generally south-easterly along the geodesic to the point of latitude 13° 56' south, longitude 120° 01' east; and
 - (iv) then generally north-easterly along the geodesic to the point of latitude 13° 15' south, longitude 121° 49' east; and
 - (v) then generally north-easterly along the geodesic to the point of latitude 12° 30' south, longitude 123° 06' east; and
 - (vi) from there along a line each point of which is twelve miles distant from the nearest base point of the territorial sea of Ashmore Island to the point 12° 19' south, longitude 123° 21' east; and
 - (vii) from there generally north-easterly along the geodesic to the point of latitude 11° 55' south, longitude 125° 00' east; and
 - (viii) from there south-westerly along the geodesic to the point of latitude 13° 19' south to its intersection by the meridian of longitude 124° 00' east; and
 - (ix) from there west along the geodesic to the point of latitude 13° 19' south, longitude 123° 49' east; and
 - (x) from there south-westerly along the geodesic to the point of latitude 13° 35' south, longitude 123° 37' east; and
 - (xi) from there south-westerly along the geodesic to the point of latitude 14° 00' south, longitude 123° 36' east; and
 - (xii) from there south-westerly along the geodesic to the point of latitude 14° 03' south, longitude 123° 25' east; and
 - (xiii) from there south-westerly along the geodesic to the point of latitude 14° 13' south, longitude 123° 10' east; and
 - (xiv) from there west along the parallel of latitude 14° 13' south, to its intersection with the meridian of longitude 122° 53' east; and
 - (xv) from there south-westerly along the geodesic to the point of latitude 14° 56' south, longitude 121° 42' east; and
 - (xvi) from there south-westerly along the geodesic to the point of latitude 15° 00' south, longitude 121° 38' east; and
 - (xvii) from there south-westerly along the geodesic to the point of latitude 15° 23' south, longitude 121° 25' east; and

- (xviii) from there south-westerly along the geodesic to the point of latitude 15° 36' south, longitude 121° 08' east; and
- (xix) from there south-westerly along the geodesic to the point of latitude 15° 47' south, longitude 120° 59' east; and
- (xx) from there south-westerly along the geodesic to the point of latitude 16° 20' south, longitude 120° 50' east; and
- (xxi) from there south along the meridian of longitude 120° 50' east, to its intersection with the parallel of 16° 48' south; and
- (xxii) from there south-westerly along the geodesic to the point of latitude 17° 00' south, longitude 120° 47' east; and
- (xxiii) from there south-westerly along the geodesic to the point of latitude 17° 12' south, longitude 120° 35' east; and
- (xxiv) from there south-westerly along the geodesic to the point of latitude 17° 39' south, longitude 120° 10' east; and
- (xxv) from there south-westerly along the geodesic to the point of latitude 17° 55' south, longitude 119° 11' east; and
- (xxvi) from there south-westerly along the geodesic to the point of latitude 18° 01' south, longitude 119° 00' east; and
- (xxvii) from there south-westerly along the geodesic to the point of latitude 19° 00' south, longitude 117° 14' east; and
- (xxviii) from there south-westerly along the geodesic to the point of latitude 19° 09' south, longitude 116° 50' east; and
- (xxix) from there south-westerly along the geodesic to the point of latitude 19° 11' south, longitude 116° 28' east; and
- (xxx) from there south-westerly along the geodesic to the point of latitude 19° 17' south, longitude 116° 05' east; and
- (xxxii) from there south-westerly along the geodesic to the point of latitude 19° 30' south, longitude 115° 50' east; and
- (xxxiii) from there south-westerly along the geodesic to the point of latitude 19° 40' south, longitude 115° 25' east; and
- (xxxiv) from there south-westerly along the geodesic to the point of latitude 19° 55' south, longitude 115° 14' east; and
- (xxxv) from there south-westerly along the geodesic to the point of latitude 20° 03' south, longitude 115° 03' east; and
- (xxxvi) from there south-westerly along the geodesic to the point of latitude 20° 15' south, longitude 114° 55' east; and
- (xxxvii) from there south-westerly along the geodesic to the point of latitude 20° 35' south, longitude 114° 47' east; and
- (xxxviii) from there southerly along the geodesic to the point of latitude 20° 53' south, longitude 114° 43' east; and
- (xxxix) from there south along the meridian of longitude 114° 43' east to its intersection with the parallel of latitude 21° 00' south; and
- (xl) from there south-westerly along the geodesic to the point of latitude 21° 30' south, longitude 114° 06' east; and

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- (x1) from there south-westerly along the geodesic to the point where the line began.

Part 11A—Area of the South Tasman Rise Fishery

The waters within the area bounded by a line:

- (a) beginning at the intersection of the outer limit of the AFZ with the meridian of longitude 150° 00' east; and
- (b) running:
 - (i) from there south along that meridian to its intersection with the parallel of 48° 30' south; and
 - (ii) from there west along that parallel to its intersection with the meridian of longitude 146° 30' east; and
 - (iii) from there north along that meridian to the intersection with the outer limit of the AFZ; and
 - (iv) from there generally north easterly along that outer limit to the point where the line began.

Part 12—Area of the Western Deepwater Trawl Fishery

That part of the AFZ within the area bounded by a line:

- (a) beginning at the point of latitude 21° 37' south, longitude 114° 00' east; and
- (b) running:
 - (i) from there south-westerly along the geodesic to the point of latitude 21° 41' south, longitude 113° 57' east; and
 - (ii) from there south-westerly along the geodesic to the point of latitude 21° 48' south, longitude 113° 51' east; and
 - (iii) from there southerly along the geodesic to the point of latitude 22° 01' south, longitude 113° 47' east; and
 - (iv) from there southerly along the geodesic to the point of latitude 22° 12' south, longitude 113° 45' east; and
 - (v) from there south-westerly along the geodesic to the point of latitude 22° 50' south, longitude 113° 26' east; and
 - (vi) from there south-westerly along the geodesic to the point of latitude 23° 20' south, longitude 113° 13' east; and
 - (vii) from there south-westerly along the geodesic to the point of latitude 23° 36' south, longitude 113° 02' east; and
 - (viii) from there south-westerly along the geodesic to the point of latitude 24° 06' south, longitude 112° 37' east; and
 - (ix) from there south-westerly along the geodesic to the point of latitude 24° 25' south, longitude 112° 25' east; and
 - (x) from there south-westerly along the geodesic to the point of latitude 24° 39' south, longitude 112° 19' east; and
 - (xi) from there southerly along the geodesic to the point of latitude 25° south, longitude 112° 14' east; and
 - (xii) from there southerly along the geodesic to the point of latitude 25° 33' south, longitude 112° 12' east; and
 - (xiii) from there southerly along the geodesic to the point of latitude 26° south, longitude 112° 18' east; and
 - (xiv) from there south-easterly along the geodesic to the point of latitude 26° 24' south, longitude 112° 30' east; and
 - (xv) from there south-easterly along the geodesic to the point of latitude 26° 50' south, longitude 112° 44' east; and
 - (xvi) from there south-easterly along the geodesic to the point of latitude 27° 20' south, longitude 112° 55' east; and
 - (xvii) from there south-easterly along the geodesic to the point of latitude 27° 55' south, longitude 113° 10' east; and
 - (xviii) from there south-easterly along the geodesic to the point of latitude 28° 35' south, longitude 113° 29' east; and

- (xix) from there south-easterly along the geodesic to the point of latitude 29° south, longitude 113° 46' east; and
- (xx) from there south-easterly along the geodesic to the point of latitude 29° 54' south, longitude 114° 25' east; and
- (xxi) from there south-easterly along the geodesic to the point of latitude 30° 40' south, longitude 114° 41' east; and
- (xxii) from there south-easterly along the geodesic to the point of latitude 31° 14' south, longitude 114° 55' east; and
- (xxiii) from there southerly along the geodesic to the point of latitude 31° 48' south, longitude 115° 01' east; and
- (xxiv) from there south-easterly along the geodesic to the point of latitude 31° 58' south, longitude 115° 13' east; and
- (xxv) from there south-westerly along the geodesic to the point of latitude 32° 16' south, longitude 115° 05' east; and
- (xxvi) from there south-westerly along the geodesic to the point of latitude 32° 53' south, longitude 114° 41' east; and
- (xxvii) from there south-westerly along the geodesic to the point of latitude 33° 10' south, longitude 114° 34' east; and
- (xxviii) from there south-westerly along the geodesic to the point of latitude 33° 30' south, longitude 114° 29' east; and
- (xxix) from there southerly along the geodesic to the point of latitude 34° south, longitude 114° 27' east; and
- (xxx) from there southerly along the geodesic to latitude 34° 20' south, longitude 114° 30' east; and
- (xxxi) from there south-easterly along the geodesic to latitude 34° 41' south, longitude 114° 40' east; and
- (xxxii) from there south-easterly along the geodesic to latitude 34° 52' south, longitude 114° 50' east; and
- (xxxiii) from there south-easterly along the geodesic to latitude 34° 58' south, longitude 115° east; and
- (xxxiv) from there south-easterly along the geodesic to the point of latitude 35° 01' south, longitude 115° 08' east; and
- (xxxv) from there south along the meridian of longitude 115° 08' east to its intersection with the outer limit of the AFZ; and
- (xxxvi) from there generally north westerly along the outer limit to its intersection off the north west coast of Australia by the meridian of longitude 114° 00' east; and
- (xxxvii) from there south along that meridian to the point where the line began.

Part 12A—Area of the Western Skipjack Fishery

Division 1—Sub-area 1

That part of the AFZ that is within the area bounded by a notional line:

- (a) beginning at the intersection of the western coastline of Australia with the parallel of latitude 34° south; and
- (b) running:
 - (i) from there west along that parallel to the outer limit of the AFZ; and
 - (ii) from there generally southerly and easterly along that outer limit to its intersection with the meridian of longitude 141° east; and
 - (iii) from there north along that meridian to its first intersection with the southern coastline of Australia; and
 - (iv) from there generally westerly along that coastline to the point where the line began.

Division 2—Sub-area 2

That part of the AFZ that is within the area bounded by a notional line:

- (a) beginning at the intersection of the northern coastline of Australia with the meridian of longitude 142° 30' east; and
- (b) running:
 - (i) from there north along that meridian to the outer limit of the AFZ; and
 - (ii) from there generally westerly and southerly along that outer limit to its intersection with the parallel of latitude 34° south; and
 - (iii) from there east along that parallel to its intersection with the western coastline of Australia; and
 - (iv) from there generally northerly and easterly to the point where the line began.

Division 3—Sub-area 3

Those parts of the AFZ:

- (a) surrounding Christmas Island and the Cocos (Keeling) Islands; and
- (b) extending, from a notional line every point of which is 12 nautical miles from the Australian territorial sea baseline, toward the outer limit of the AFZ.

Schedule 1—Forms

(regulations 24, 25, 26 and 27)

Form 2—Application for review

File No.

For Office Use Only

COMMONWEALTH OF AUSTRALIA
Fisheries Management Act 1991

APPLICATION FOR REVIEW OF DECISION TO GRANT A FISHING RIGHT

To: The Registrar of the Statutory Fishing Rights Allocation Review Panel
C/- General Manager
Fisheries and Aquaculture
Department of Agriculture, Fisheries and Forestry
GPO Box 858
Canberra ACT 2601

I apply under subsection 143(1) of the *Fisheries Management Act 1991* for review by the Panel of a decision.

My name is:

My address is:

My postal address is:

The decision that I want reviewed is: *The following decision dated of the Australian Fisheries Management Authority or Joint Authority as the case may be (state which authority):*

The name of the person who made the decision is:

The office or title of that person is:

The reasons for my application are:

(If insufficient space, please attach and sign additional page/s as necessary.)

(Signature of applicant)

(Date)

Form 3—Notice under subsection 144(1)

File No.

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For Office Use Only

COMMONWEALTH OF AUSTRALIA
Fisheries Management Act 1991

NOTICE UNDER SUBSECTION 144(1) OF AN APPLICATION FOR REVIEW OF A DECISION TO GRANT A FISHING RIGHT

To: **The Australian Fisheries Management Authority*
**The Joint Authority*
**(name of a person who is registered in relation to the grant of a fishing right to which
the application for review relates)*

I have received the attached application for review of a decision to grant a fishing right.

(Signature)
(Insert name of Principal Member)
Statutory Fishing Rights Allocation Review Panel
(Date)

* *Omit if inapplicable.*

Form 4—Notice under subsection 145(2)

File No.

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For Office Use Only

COMMONWEALTH OF AUSTRALIA
Fisheries Management Act 1991

NOTICE UNDER SUBSECTION 145(2) OF THE DATE, TIME AND PLACE OF A HEARING OF AN APPLICATION FOR REVIEW OF A DECISION TO GRANT A FISHING RIGHT

To: *(Title and name of party to the application and their address)*

Applicant:

Respondent:

Decision being reviewed:

A hearing in relation to the review of this decision will be held:

(a) on *(date)*

(b) at *(time)*

(c) at *(place)*

If necessary, the hearing will be adjourned to a later date, time and place.

(Signature)

(Date)

(Insert name of Principal Member)

Statutory Fishing Rights Allocation Review Panel

Form 5—Summons under subsection 146(2)

File No.

For Office Use Only

COMMONWEALTH OF AUSTRALIA
Fisheries Management Act 1991

SUMMONS UNDER SUBSECTION 146(2) TO APPEAR BEFORE THE STATUTORY FISHING RIGHTS ALLOCATION REVIEW PANEL

To: *(name)*

Applicant:

Respondent:

**Decision being
reviewed:**

You are summoned to appear before the Statutory Fishing Rights Allocation Review Panel:

(a) on *(date)*

(b) at *(time)*

(c) at *(place)*

and on each subsequent day of the hearing of the application for review of the decision until you are excused or released from further attendance.

You are summoned:

Schedule 1Forms

Form 5Summons under subsection 146(2)

**(a) to give evidence; * and
(b) to produce the following
documents:**

**Omit if inapplicable*

(Signature)

(Date)

*Registrar/*Deputy Registrar

Statutory Fishing Rights Allocation Review Panel

Schedule 2—Fees

Note: See regulation 21.

Part 1—Definitions

In this Schedule:

Antarctic Convergence means the line deemed to be the Antarctic Convergence in Article I, paragraph 4 of the Convention on the Conservation of Antarctic Marine Living Resources, being the Convention of that name, a copy of the English text of which is set out in the Schedule to the *Antarctic Marine Living Resources Conservation Act 1981*.

electronic communication has the meaning given by subsection 5(1) of the *Electronic Transactions Act 1999*.

fishing day means a day, or a part of a day, for which a fishing activity is required to be reported under the Act or these Regulations.

Note: If fishing gear is deployed over more than one day, only activity associated with deploying the fishing gear will be treated as a fishing activity.

scheduled species, in relation to a fishing permit, means a species for which quota units are specified in an attachment to the permit.

Part 2—Fees

Fees			
Item	Description	Fee (electronic communication not used)	Fee (electronic communication used)
Permits			
1	Application under section 32 of the Act for the grant of a fishing permit that gives access to the AFZ:		
	(a) for a new fishing permit on the expiry of an existing fishing permit; or	\$160	Nil
	(b) for a new fishing permit that is not on the expiry of an existing fishing permit that authorises the carrying or transshipping of fish	\$160	Nil
2	Application for the grant of a new fishing permit outside the AFZ that is not in an area of waters south of the Antarctic Convergence (known as a High Seas Permit):		
	(a) on the expiry of an existing fishing permit; or	\$160	Nil
	(b) not on the expiry of an existing fishing permit	\$160	\$160
3	Application for the variation, revocation or specification, under section 32 of the Act, of a condition or conditions of:		
	(a) an application for a variation of a concession under subsection 32(8) of the Act if the variation is to take account of the transfer of quota units of a scheduled species of fish:		
	(i) to that concession from another concession in the same fishery; or	\$115	Nil
	(ii) from that concession to another concession for the same fishery; or	\$115	Nil
	(b) an application for a variation of a concession under subsection 32(8) of the Act if the variation is not to take account of the transfer of quota units of a scheduled species of fish	\$300	\$300
4	Notice under paragraph 32(1A)(b) of the		

Fees			
Item	Description	Fee (electronic communication not used)	Fee (electronic communication used)
	Act of the nomination of another Australian boat in lieu of the boat specified in:		
	(a) a permit; or	\$115	Nil
	(b) if the notice relates to more than one permit—the permits	\$115	Nil
5	Notice under subsection 32(1B) of the Act of the nomination of an Australian boat to:		
	(a) a permit; or	\$115	Nil
	(b) if the notice relates to more than one permit—the permits	\$115	Nil
6	Notice under subsection 32(1B) of the Act of the nomination of an Australian boat if the notice is given at the same time as a nomination of the boat to a statutory fishing right	Nil	Nil
7	Revocation of a nomination of a boat to a permit under subregulation 9BA(1)	\$115	Nil
8	Application under subsection 32A(2) of the Act for the transfer of:		
	(a) a permit; or	\$115	Nil
	(b) if the one application relates to more than one permit—the permits	\$115	Nil
9	Application under subsection 94(1) of the Act for a port permit	\$860	Not available
10	Application under subsection 94(5) of the Act for the variation of a condition of a port permit	\$400	Not available
11	Application for a permit under the <i>Customs Regulations 1926</i> to import or export	\$165	Not available
12	Application under subsection 91(2) of the Act for:		
	(a) a new fish receiver permit on the expiry of an existing fish receiver permit; or	\$245	Nil
	(b) a new fish receiver permit that is not on the expiry of an existing fish receiver permit	\$245	\$245
13	Application under subsection 91(6) of the Act for the variation of a condition of a fish receiver permit	\$160	\$160

Schedule 2 Fees**Part 2 Fees**

Fees			
Item	Description	Fee (electronic communication not used)	Fee (electronic communication used)
14	Inspection of the High Seas Register under subsection 57D(1) of the Act	\$30	Nil
15	Inspection of the Fishing Permits Register under subsection 57J(1) of the Act	\$30	Nil
Statutory fishing rights			
16	Application under subsection 46(3) of the Act to register the transfer or lease of a statutory fishing right	\$115	Nil
17	Nomination of a boat for a statutory fishing right under subregulation 9B(1), (2) or (5)	\$115	Nil
17A	Revocation of a nomination of a boat for a statutory fishing right under subregulation 9BA(1)	\$115	Nil
18	Registration under subsection 46 (4A) of the Act of a claim of an interest in a statutory fishing right	\$160	Not available
19	Cancellation under subsection 46 (4B) of the Act of a claim of an interest in a statutory fishing right	\$160	Not available
20	Application for a replacement certificate of a statutory fishing right	\$30	Nil
21	Application for an extract of the Register	\$30	Nil
22	Inspection of the Register under subsection 52(1) of the Act	\$30	Nil
Logbooks			
23	Furnishing of a logbook in the Bass Strait Central Zone Scallop Fishery	\$11 for each fishing day	Nil
24	Furnishing of a logbook in the Coral Sea Fishery	\$11 for each fishing day	Nil
25	Furnishing of a logbook in the Eastern Skipjack Fishery	\$11 for each fishing day	Nil
26	Furnishing of a logbook in the Eastern Tuna and Billfish Fishery	\$11 for each fishing day	Nil
27	Furnishing of a logbook in the High Seas Trawl Fishery	\$18.40 for each fishing day	Nil
28	Furnishing of a logbook in the High Seas Non Trawl Fishery	\$11 for each fishing day	Nil
29	Furnishing of a logbook in the North West Slope Trawl Fishery	\$18.40 for each fishing day	Nil

Fees			
Item	Description	Fee (electronic communication not used)	Fee (electronic communication used)
30	Furnishing of a logbook in the Northern Prawn Fishery	\$4 for each fishing day	Nil
31	Furnishing of a logbook in the Small Pelagic Fishery	\$11 for each fishing day	Nil
32	Furnishing of a logbook in the Southern and Eastern Scalefish and Shark Fishery (Great Australian Bight Trawl sector)	\$18.40 for each fishing day	Nil
33	Furnishing of a logbook in the Southern and Eastern Scalefish and Shark Fishery (Gillnet Hook and Trap sector)	\$11 for each fishing day	Nil
34	Furnishing of a logbook in the Southern and Eastern Scalefish and Shark Fishery (East Coast Deep-water Trawl sector)	\$18.40 for each fishing day	Nil
35	Furnishing of a logbook in the Southern and Eastern Scalefish and Shark Fishery (Commonwealth Trawl sector)	\$18.40 for each fishing day	Nil
36	Furnishing of a logbook in the Southern Bluefin Tuna Fishery	\$11 for each fishing day	Nil
37	Furnishing of a logbook in the Southern Squid Jig Fishery	\$11 for each fishing day	Nil
38	Furnishing of a logbook in the Western Deep Water Trawl Fishery	\$18.40 for each fishing day	Nil
39	Furnishing of a logbook in the Western Skipjack Fishery	\$11 for each fishing day	Nil
40	Furnishing of a logbook in the Western Tuna and Billfish Fishery	\$11 for each fishing day	Nil
Miscellaneous			
41	Application under subsection 4(2) of the Act for a declaration that a foreign boat is to be taken to be an Australian boat	\$1 790	Not available
42	Application to validate a European Community catch document	\$85	Not available
43	Application to validate a catch export document	\$85	Not available
44	Application for an Electronic Dissostichus Catch Document	\$165	Not available
45	Application for a quota holding statement	\$30	Nil
46	Application for a quota transaction statement	\$30	Nil
47	Application to enter into an arrangement for the payment of a fee, levy, charge or	\$220	Not available

Schedule 2 Fees
Part 2 Fees

Fees			
Item	Description	Fee (electronic communication not used)	Fee (electronic communication used)
	other amount relating to a fishing concession		
48	<p>Application for which a fee is not prescribed in another item of this Schedule</p> <p>Note: The fee will be calculated on the basis of the time taken by AFMA to assess and action the application, multiplied by the hourly cost to AFMA of the staff involved</p>	The cost to AFMA of providing the service	The cost to AFMA of providing the service (if electronic communication is available)

Schedule 3—Short methods of reference to areas of the AFZ

(regulation 31)

Column 1 Item	Column 2 Area of the AFZ	Column 3 Short method of reference
1	The area described in paragraph A of Appendix II to the Subsidiary Agreement	Area A
2	The area described in paragraph B of Appendix II to the Subsidiary Agreement	Area B
3	The area described in paragraph C of Appendix II to the Subsidiary Agreement	Area C
4	The area described in paragraph D of Appendix II to the Subsidiary Agreement	Area D

Schedule 4—Amendments of the Treaty

(regulation 4A)

1. Annex I

1.1 Omit Parts 1 to 7 and Schedules 1 and 2, substitute:

PART 1
INTRODUCTORY

1. In this Annex:

- (a) “applicable national law” means any provision of a law, however described, of a Pacific Island party which governs the fishing activities of foreign fishing vessels, being a law identified in Schedule 1, and which is not inconsistent with the requirements of this Treaty and shall be taken to exclude any provision which imposes a requirement which is also imposed by this Treaty;
- (b) “Closed Area” means an area of a Pacific Island party as described in Schedule 2;
- (c) “fishing trip” means any period commencing with the departure of the vessel from port for the purpose of beginning a fishing trip to such time as any or all of the fish on board the vessel are unloaded from the vessel, either ashore or onto another vessel except for the transfer of catch by a licensed group seiner to its licensed carrier vessel;
- (d) “Limited Area” means an area described in Schedule 3;
- (e) “the vessel” means the vessel in respect of which a licence is issued; and
- (f) “transhipment” means the unloading of any or all of the fish on board a licensed vessel either ashore or onto another vessel.

2. Schedule 1 may be amended from time to time by the inclusion by any Pacific Island party of any applicable national law and, for the purposes of this Treaty, except as provided in this paragraph, the amendment shall take effect from the date that the amended Schedule has been notified to the Government of the United States. For the purposes of any obligation on the United States pursuant to paragraphs 4 and 5 of Article 4, the amendment shall take effect 60 days from the date that the amended Schedule has been notified to the Government of the United States. The Government of the Pacific Island party shall use its best endeavours to provide advance notice to the Government of the United States of the amendment.

3. Nothing in this Annex and its Schedules, nor acts or activities taking place thereunder, shall constitute recognition of the claims or the positions of any of the parties concerning the legal status and extent of waters and zones claimed by any party. In the claimed waters and zones, the freedoms of navigation and overflight and other uses of the sea related to such freedoms are to be exercised in accordance with international law.

PART 2
COMPLIANCE WITH APPLICABLE NATIONAL LAWS

4. The operator of the vessel shall comply with each of the applicable national laws, and shall be responsible for the compliance by the vessel and its crew with each of the applicable national laws, and the vessel shall be operated in accordance with those laws.

PART 3
PROHIBITIONS

5. The vessel shall not be used for directed fishing for Southern Bluefin Tuna, or for fishing for any kinds of fish other than tunas, except that other kinds of fish may be caught as an incidental by-catch.

6. The vessel shall not be used for fishing by any method, except the purse-seine method.

7. The vessel shall not be used for fishing in any Closed Area.

8. Except for circumstances involving force majeure and other emergencies involving the health or safety of crew members or the safety of the vessel, no aircraft may be used in association with the fishing activities of the vessel unless it is identified in item 6 or 7 of Schedule 1 of Annex II.

9. The vessel shall not be used for fishing in any Limited Area except in accordance with the requirements set out in Schedule 3, which are applicable to that Limited Area.

10. No fish on board the vessel shall be unloaded from the vessel at sea, except in a designated area in accordance with such terms and conditions as may be agreed between the Pacific Island Party in whose zone the transhipment is to take place. Provided that, notwithstanding any such additional terms and conditions, transhipment shall only take place in accordance with the conditions set out in Schedule 4 hereof and catch shall only be transhipped to a carrier vessel duly licensed in accordance with national laws.

PART 4
TRANSHIPMENT

11. The operator of a vessel shall:

- (a) provide 48 hours notice to the Administrator and the Pacific Island Party of an intent to tranship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, and the time and place where such transhipment is requested to occur,
- (b) only tranship at the time and place authorised for transhipment by the Pacific Island parties;
- (c) submit full reports on the transhipment in the form set out in Schedule 6;

12. The master and each member of the crew of the vessel from which any fish taken in the Licensing Area is transhipped shall:

- (a) allow and assist any person identified as an officer of the Pacific Island party to have full access to the vessel and any place where such fish is being

transhipped and the use of facilities and equipment which the officer may determine is necessary to carry out his or her duties; have full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish; remove samples; have full access to the vessel's records including its log and documentation for the purpose of inspection and photocopying; and gather any other information required to fully monitor the activity without interfering unduly with the lawful operation of the vessel; and

- (b) not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with any such officer in the performance of his or her duties.

PART 5 REPORTING

13. Information relating to the position of and catch on board the vessel, as described in Part 1 of Schedule 4, shall be provided by telex to the Administrator at the following times:

- (a) before departure from port for the purpose of beginning a fishing trip in the Licensing Area;
- (b) each Wednesday while within the Licensing Area or a Closed Area; and
- (c) before entry into port for the purpose of unloading fish from any trip involving fishing in the Licensing Area.

14. Information relating to the position of and catch on board the vessel, as described in Part 2 of Schedule 4, shall be provided to each Pacific Island party in the manner notified to the Government of the United States by that party as follows:

- (a) at the time of entry into and of departure from waters which are, for any purpose, subject to the jurisdiction of the Pacific Island party;
- (b) each Wednesday while within the waters of that party;
- (c) at least 24 hours prior to the estimated time of entry into any port of that party; and
- (d) as otherwise set out in Part 3 of Schedule 4.

15. At the end of each day that the vessel is in the Licensing Area, an entry or entries for that day shall be completed in ink in the English language on the catch report form as set out in Schedule 5, in accordance with the requirements of that form, and such forms shall be posted by registered airmail to the Administrator within fourteen (14) days following the date of the next entry into a port for the purpose of unloading its fish catch.

16. Immediately following the unloading of any fish from the vessel, a report shall be completed in the form set out in Schedule 6 and shall be posted by registered airmail to the Administrator within fourteen (14) days following the date of the completion of that unloading operation, or, in the case of unloading by transshipment, within fourteen (14) days following unloading of that transshipment at the processing site.

PART 6
ENFORCEMENT

17. The master and each member of the crew of the vessel shall immediately comply with every instruction and direction given by an authorized and identified officer of a Pacific Island party, including to stop, to move to a specified location, and to facilitate safe boarding and inspection of the vessel, its licence, gear, equipment, records, facilities, fish and fish products. Such boarding and inspection shall be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the vessel. The operator and each member of the crew shall facilitate and assist in any action by an authorized officer of a Pacific Island party and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorized officer in the performance of his or her duties.

18. The operator shall ensure that a recent and up-to-date copy of the International Code of Signals (INTERCO) is on board and accessible at all times.

19. The international distress frequency, 2.182 MHz, and 156.8 MHz (Channel 16, VHF) shall be monitored continuously from the vessel for the purpose of facilitating communication with the fisheries management, surveillance and enforcement authorities of the parties.

20. The operator shall comply with the 1989 FAO standard specifications for the marking and identification of fishing vessels. In particular the international radio call sign of the vessel shall be painted in white on a black background, or in black on a white background in the following manner:

- (a) on the vessel's hull or superstructure, with each letter and number being at least one metre high and having a stroke width of 16.7 centimetres, with the background extending to provide a border around the mark of not less than 16.7 centimetres;
- (b) on the vessel's deck, on the body of any helicopter and on the hull of any skiff, with each letter and number being at least 30 centimetres high, and having a stroke width of 5 centimetres wide with the background extending to provide a border around the mark of not less than 5 centimetres; and
- (c) on any other equipment being carried by and intended to be separated from the vessel during normal fishing operations, with each letter and number being at least 10 centimetres high and having a stroke width of 1.7 centimetres, with the background extending to provide a border around the mark of not less than 1.7 centimetres;

and at all times while the vessel is within the Licensing Area or a Closed Area, all parts of these markings shall be clear, distinct and uncovered.

21. The licence or a duly certified copy, facsimile or telex confirmation thereof shall be carried on board the vessel at all times and produced at the request of an authorized enforcement official of any of the parties. Prior to receipt of the licence, the correct citation of the licence number shall satisfy this requirement.

PART 7
OBSERVERS

22. The operator and each member of the crew of the vessel shall allow and assist any person identified as an observer by the Pacific Island parties to:

- (a) board the vessel for scientific, compliance, monitoring and other functions at the point and time notified by the Pacific Island parties to the Government of the United States;
- (b) have full access to and the use of facilities and equipment on board the vessel which the observer may determine is necessary to carry out his or her duties; **including** full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish; remove samples; have full access to the vessel's records, including its logs and documentation for the purpose of inspection and copying; reasonable access to navigation equipment, charts, and radios; and gather any other information relating to fisheries in the Licensing Area; without interfering unduly with the lawful operation of the vessel;
- (c) disembark at the point and time notified by the Pacific Island parties to the Government of the United States; and
- (d) carry out all duties safely,

and no operator or crew member of the vessel shall assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an observer in the performance of his or her duties.

23. The operator shall provide the observer, while on board the vessel, at no expense to the Pacific Island parties, with food, accommodation and medical facilities of such reasonable standard as may be acceptable to the Pacific Island party whose representative is serving as the observer.

24. (a) The operators of United States vessels licensed to fish pursuant to the agreement shall be responsible for the costs of observers on United States vessels including the full travel costs from the place notified by the Pacific Island Parties to and from the vessel, salary and allowances, and full insurance coverage, and the cost of training those observers.
- (b) The fees for the costs of the observers shall be provided in a lump sum on an annual basis to the Administrator. In the first licensing period of the extended Treaty, the lump sum shall be based on the following formula:

The number of licensed U.S. vessels multiplied by the average annual number of trips per vessel for the latest licensing period for which information is available multiplied by 20 percent multiplied by the cost per trip (US\$4,000) equals lump sum payment. In addition in the first two years, an additional payment of US\$15,000 per year for training shall be made to the Administrator.

- (c) For subsequent licensing periods, the parties may, as mutually determined at the annual meeting provided for in Article 7 of the Treaty adjust the amount of the fees to be paid under sub-paragraph (b), it being understood that:

- the goal of the observer programme is to provide an effective observer programme for compliance by targeting 20 percent coverage, which may be reviewed from time to time

- any unused sums are carried forward to the next licensing period, with the annual fee to be reduced accordingly;
- the factor of inflation shall be taken into account
- the costs of training may be reviewed.

25. Any operator of the vessel from which any fish taken in the Licensing Area is unloaded shall allow, or arrange for, and assist any person authorized for this purpose by the Pacific Island parties to have full access to any place where such fish is unloaded, to remove samples and to gather any other information relating to fisheries in the Licensing Area.

26. An observer programme shall be conducted in accordance with this Treaty and provisions that may be agreed from time to time.

PART 8 MISCELLANEOUS REQUIREMENTS

27. At all times while the vessel is in a Closed Area, the fishing gear of the vessel shall be stowed in such a manner as not to be readily available for fishing. In particular, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations; the helicopter, if any, shall be tied down; and launches shall be secured.

28. The vessel shall be operated in such a way that the activities of traditional and locally based fishermen and fishing vessels are not disrupted or in any other way adversely affected.

29. Any information required to be recorded, or to be notified, communicated or reported pursuant to a requirement of this Treaty shall be true, complete and correct. Any change in circumstances which has the effect of rendering any such information false, incomplete or misleading shall be notified to the Administrator immediately.

30. It is understood that a region-wide vessel tracking system applicable to all vessels licensed to fish in the Treaty Area may be established. U.S. vessels with a licence to fish under the Treaty shall participate in such a system and shall install and operate a transponder of a type and in such a manner as may be agreed by the Parties. It is understood that data derived through the system shall be treated as confidential business information and that the terms and conditions for access to that information shall be a matter of discussions between the Parties.

SCHEDULE 1 APPLICABLE NATIONAL LAWS

The following laws and any regulations or other instruments having the force of law which have been implemented pursuant to those laws, as amended at the time this Treaty enters into force, shall be considered as applicable national laws for the purposes of this Treaty.

Australia

Antarctic Marine Living Resources Conservation Act, 1981
Fisheries Management Act, 1991
Fisheries Administration Act, 1991

Statutory Fishing Rights Charge Act, 1991
Fisheries Legislation (Consequential Provisions) Act, 1991
Foreign Fishing Licences Levy Act, 1991
Fishing Levy Act, 1991
Fisheries Agreements (Payments) Act, 1991
Torres Strait Fisheries Act, 1984
Whale Protection Act, 1980

Cook Islands

Cook Island Commercial Fishing Regulations, 1951
Exclusive Economic Zone (Foreign Fishing Craft) Regulations, 1979
Fisheries Protection Act, 1976
Fishing Ordinance, 1950
Territorial Sea and Exclusive Economic Zone Act, 1977

Federated States of Micronesia

Titles 18 and 24 of the Code of the Federated States of Micronesia, as amended by Public Law Nos. 2-28, 2-31, 3-9, 3-10, 3-34, and 3-80

Fiji

Fisheries Act, 1942
Fisheries Ordinance (Cap 135)
Fisheries Regulations (Cap 135)
Marine Spaces Act, 1978
Marine Spaces (Foreign Fishing Vessels) Regulations, 1979

Kiribati

Fisheries Ordinance, 1979
Fisheries (Amendment) Act, 1984
Marine Zones (Declaration) Act, 1983

Marshall Islands

Title 33, Marine Resources Act, as amended by P.L. 1989-56, P.L. 1991-143 and P.L. 1992-25 of the Marshall Islands revised Code.

Nauru

Interpretation Act, 1971
Marine Resources Act, 1978

New Zealand

Antarctic Marine Living Resources Act, 1981
Continental Shelf Act, 1964
Conservation Act, 1987
Driftnet Prohibition Act, 1991
Exclusive Economic Zone (Foreign Fishing Craft) Regulations, 1978
Fishing Industry Board Act, 1963
Fisheries Act, 1983

Marine Mammals Protection Act, 1978
Marine Reserves Act, 1971
Marine Pollution Act, 1974
Meat Act, 1964
Territorial Sea and Exclusive Economic Zone Act, 1977
Tokelau (Territorial Sea and Exclusive Economic Zone) Act, 1977
Submarine Cables and Pipelines Protection Act, 1966
Sugar Loaf Islands Marine Protection Area Act, 1991
Wildlife Act, 1953

Niue

Cook Islands Commercial Fishing Regulations 1951
Niue Fish Protection Act 1965
Sunday Fishing Prohibition Act 1980
Territorial Sea and Exclusive Economic Zone Act 1977

Palau

Palau National Code, Title 27

Papua New Guinea

Fisheries Act (Cap 214)
Fisheries Regulations (Cap 214)
Fisheries (Torres Strait Protected Zone) Act, 1984
National Seas Act, (Cap 361)
Tuna Resources Management Act, (Cap 224)
Whaling Act (Cap 225)

Solomon Islands

Delimitation of Marine Waters Act, 1978
Fisheries Act, 1972
Fisheries Limits Act, 1977
Fisheries Regulations, 1972
Fisheries (Foreign Fishing Vessels) Regulations, 1981

Tonga

Fisheries Protection Act, 1973
Fisheries Regulation Act, 1923
Whaling Industry (Amendment) Act, 1979
Fisheries Act, 1989

Tuvalu

Fisheries Act (Cap 45)
Fisheries (Foreign Fishing Vessel) (Amendment) Regulations, 1982
Marine Zones (Declaration) Act, 1983

Vanuatu

Fisheries Act 1982 (Cap 158)

Fisheries Regulations 1983
Maritime Zones Act 1981 (Cap 138)

Western Samoa

Exclusive Economic Zone Act, 1977
Territorial Sea Act, 1971
Fisheries Act, 1988

SCHEDULE 2
CLOSED AREAS

Australia All waters within the seaward boundary of the Australian Fishing Zone (AFZ) west of a line connecting the point of intersection of the outer limit of the AFZ by the parallel of latitude 25° 30' south with the point of intersection of the meridian of longitude 151° East by the outer limit of the AFZ and all waters south of the parallel of latitude 25° 30' South.

Cook Islands Territorial Sea

Federated States of Micronesia Three nautical mile territorial sea and nine nautical mile exclusive fishery zone and on all named banks and reefs as depicted on the following charts:

DMAHTC NO 81019	(2nd. ed., Mar. 1945; revised 7\17\72. Corrected through NM 3\78 of June 21, 1978).
DMAHTC NO 81023	(3rd. ed., Aug. 7, 1976).
DMAHTC NO 81002	(4th. ed., Jan. 26, 1980; corrected through NM 4\80).

Fiji Internal waters, archipelagic waters and territorial seas of Fiji and Rotuma and its Dependencies.

Kiribati Within archipelagic waters as established in accordance with the Marine Zones Declaration Act 1983; within 12 nautical miles drawn from the baselines from which the territorial seas is measured; within 2 nautical miles of any anchored fish aggregating device for which notification of its location shall be given by geographical coordinates.

Marshall Islands 12 nautical mile territorial sea and area within two nautical miles of any anchored fish aggregating device for which notification of its location shall be given by geographical coordinates.

Nauru The territorial waters as defined by Nauru Interpretation Act, 1971, Section 2.

New Zealand Territorial waters; waters within 6 nautical miles of outer boundary of territorial waters; all waters to west of New Zealand main islands and south of 39° South latitude; all waters to east of New Zealand main islands south of 40° South latitude; and in respect of Tokelau: areas within 12 nautical miles of all island and reef baselines; twelve and one half nautical miles either side of a line joining Atafu and Nukunonu and Faka'ofu; and coordinates as follows:

Atafu:	8° 35' 10" S,	172° 29' 30" W
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Nukunonu:	9° 06' 25" S,	171° 52' 10" W
	9° 11' 30" S,	171° 47' 00" W
Faka'ofu:	9° 22' 30" S,	171° 16' 30" W

Niue Territorial sea and within 3 nautical miles of Beveridge Reef, Antiope Reef and Haran Reef as depicted by appropriate symbols on NZ 225F (chart showing the territorial sea and exclusive economic zone of Niue pursuant to the Niue Territorial Sea and Exclusive Economic Zone Act of 1978).

Palau Within 12 nautical miles of all island baselines in the Palau Islands; the area -

- a) commencing at the north-easternmost intersection of the outer limit of the 12 nautical mile territorial sea of Palau by the arc of a circle having a radius of 50 nautical miles and its centre at Latitude 07° 16' 34" North, Longitude 134° 28' 25" East, being at about the centre of the reef entrance to Malakal Pass;
- b) running thence generally south-easterly, southerly, south-westerly, westerly, north-westerly, northerly and north-easterly along that arc to its intersection by the outer limit of the 12 nautical mile territorial sea; and
- c) thence generally northerly, north-easterly, easterly, south-easterly and southerly along that outer limit to the point of commencement.

NOTE: *Where for the purpose of this paragraph it is necessary to determine the position on the surface of the Earth of a point, line or area it shall be determined by reference to the World Geodetic System 1984, that is to say, by reference to a spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6,378,137 metres and a flattening of 1/298.2572.*

Papua New Guinea In addition to its territorial sea and internal waters, within the area bounded by the following parallels and meridians—from latitude 0° 30' South to latitude 3° 30' South, and from longitude 149° East to longitude 153° East.

Solomon Islands All waters within the fishery limits of the Solomon Islands (including internal waters, territorial sea and archipelagic waters) except that part of the fishery limits east and north of the following lines: commencing at a point 161° East, 4° 20' South, then extending due south along 161° to a point 6° 30' South, then by a line extending due east to a point 165° East, then by a line due south to a point 8° South, then by a line due east to a point 169° 55' East.

Tonga All waters with depths of not more than 1,000 metres, within the area bounded by the fifteenth and twenty third and one half degrees of south latitudes and the one hundred and seventy third and the one hundred and seventy seventh degrees of west longitudes; also within a radius of twelve nautical miles from the islands of Teleki Tonga and Teleki Tokelau.

Tuvalu Territorial sea and waters within two nautical miles of all named banks, i.e. Macau, Kosciusko, Rose, Bayonnaise and Hera, in Tuvalu EEZ, as depicted on the chart entitled "Tuvalu Fishery Limits" prepared by the United Kingdom Hydrographic Department, Taunton, January 11, 1981.

Vanuatu Archipelagic waters and the territorial sea, and internal waters.

Western Samoa Territorial sea; reefs, banks, sea-mounts and within 2 nautical miles of any anchored fish aggregating device within the EEZ for which notification of its location shall be given by geographical coordinates.

Only the Closed Areas, as described above, of Pacific Island States which are parties to this Treaty shall be applicable under the terms of this Treaty.

1.2 Omit Schedules 4, 5 and 6, substitute:

SCHEDULE 4
REPORT DETAILS

PART 1
LICENSING AREA REPORTS TO THE ADMINISTRATOR

- (a) Port departure and entry into port for unloading
- (1) report type (LBEG for port departure to begin fishing and LFIN for port entry for unloading)
 - (2) Regional Register number
 - (3) Trip begin date
 - (4) date and time (GMT)
 - (5) international call sign
 - (6) port name
 - (7) catch on board by species (in short tons)
 - (8) intended action

as: LBEG (or LFIN) / RREG# / TBD / ddmmyy / TIME / CALL SIGN / PORT / SJ
xxx YF yyy OTH zzz / INTENDED ACTION

- (b) Weekly reports
- (1) report type (WEEK)
 - (2) Regional Register number
 - (3) Trip begin date
 - (4) date and time (GMT)
 - (5) international call sign
 - (6) position (to one minute of arc)
 - (7) catch on board by weight by species
 - (8) intended action

as: WEEK / RREG# / TBD / ddmmyy / TIME / CALL SIGN / LA 1111 / LO 1111
/ SJ xxx YF yyy OTH zzz / INTENDED ACTION

(c) Transshipment reports

- (1) report type (TRANS)
- (2) Regional Register number
- (3) Trip begin date
- (4) date and time (GMT)
- (5) international call sign
- (6) position (to one minute of arc)
- (7) catch transferred by weight by species
- (8) name of carrier/Freezer
- (9) destination of catch

as: TRANS / RREG# / TBD / ddmmyy / TIME / CALL SIGN / LA 1111 / LO 11111 / SJ xxx YF yyy OTH zzz / CARRIER NAME / DESTINATION OF CATCH

PART 2
REPORTS TO NATIONAL AUTHORITIES

(a) Zone Entry and Exit

- (1) report type (ZENT for entry and ZEXT for exit)
- (2) Regional Register number
- (3) Trip begin date
- (4) date and time (GMT)
- (5) international call sign
- (6) position (to one minute of arc)
- (7) catch on board by weight of species
- (8) intended action

as: ZENT (or ZEXT) / RREG# / TBD / ddmmyy / TIME / CALL SIGN / TIME / LA 1111 / LO 11111 / SJ xxx YF yyy OTH zzz / INTENDED ACTION

(b) Weekly Reports

- (1) report type (WEEK)
- (2) Regional Register number
- (3) Trip begin date
- (4) date and time (GMT)
- (5) international call sign
- (6) position (to one minute of arc)
- (7) catch on board by weight by species
- (8) intended action

as: WEEK / RREG# / TBD / ddmmyy / TIME / CALL SIGN / LA 1111 / LO 11111
/ SJ xxx YF yyy OTH zzz / INTENDED ACTION

(c) Port Entry Reports

- (1) report type (PENT)
- (2) Regional Register number
- (3) Trip begin date
- (4) date and time (GMT)
- (5) international call sign
- (6) position (to one minute of arc)
- (7) catch on board by weight by species
- (8) estimated time of entry into port (GMT)
- (9) port name
- (10) intended action

as: PENT / RREG# / TBD / ddmmyy / TIME / CALL SIGN / LA 1111 / LO 11111 /
SJ xxx YF yyy OTH zzz / ETA / PORT NAME / INTENDED ACTION

(d) Transshipment reports

- (1) report type (TRANS)
- (2) Regional Register number
- (3) Trip begin date
- (4) date and time (GMT)
- (5) international call sign
- (6) position (to one minute of arc)
- (7) catch transferred by weight by species
- (8) name of carrier/Freezer
- (9) destination of catch

as: TRANS / RREG# / TBD / ddmmyy / TIME / CALL SIGN / LA 1111 / LO
11111 / SJ xxx YF yyy OTH zzz / CARRIER NAME / DESTINATION OF
CATCH

PART 3
OTHER NATIONAL REPORTING REQUIREMENTS

1. Australia

- (a) Report of position and catch by species every day while within the Australian Fishing Zone;
- (b) 24 hours notice of intention to enter the Australian Fishing Zone.

2. Fiji
 - (a) While in Fiji fisheries waters, daily position reporting of the name, call sign, and country of registration of the craft, and its position at that specified time; and
 - (b) While in Fiji fisheries waters, weekly report of catch by species.
 3. Kiribati
While in the Kiribati exclusive economic zone, report on entry into or exit from Closed Areas.
 4. New Zealand
 - (a) 24 hours notice of intention to enter New Zealand's exclusive economic zone giving notice of -
 - name and call sign of craft;
 - position of point of entry;
 - species, quantity and condition of catch on board.
 - (b) While in the New Zealand exclusive economic zone;
 - notification of daily noon positions, to be received no later than noon on the following day;
 - a weekly report of catch taken in the New Zealand exclusive economic zone to cover the period 0001 hours on Monday to 2400 on the following Sunday and to be received by noon on the following Wednesday;
 - licensed craft are prohibited from transshipping within New Zealand fisheries waters, except at a port and time authorised by the Director General. 10 days notice of intention to tranship will be required.
 - (c) 24 hours notice of intention to exit New Zealand's exclusive economic zone giving notice of -
 - position at point of exit;
 - species, quantity and condition of catch on board.
 5. Solomon Islands
Report on:
 - (a) Expected vessel position, date and time of entry at least 24 hours before entry into the Solomon Islands Fishery Limits;
 - (b) Entry to or exit from Solomon Islands Limited Area together with the catch on board by weight and volume; and
 - (c) A weekly report of catch taken and fishing days in the Solomon Islands exclusive economic zone to cover the period 0001 hours on a Monday to 2400 hours on the following Sunday and to be received by noon on the following Tuesday.
 6. Tonga
While in the Tonga exclusive economic zone, daily position report by radio or telex.
 7. Tuvalu
 - (a) Report not less than 24 hours before entry into the Tuvalu fishery limits on:
-

- (i) the name, call sign and country of registration of the vessel;
- (ii) the license number;
- (iii) position on entry; and
- (iv) catch by species.

SCHEDULE 5

PURSE SEINE VESSEL CATCH REPORT FORM

SCHEDULE 6

PURSE SEINE UNLOADING AND
TRANSHIPMENT LOGSHEET

SCHEDULE 6
PURSE SEINE TRANSSHIPMENT AND OTHER UNLOADING LOGSHEET

TRIP NO: _____ TRIP COMMENCEMENT DATE: _____
VESSEL NAME: _____ RADIO CALL SIGN: _____
(1) PORT: _____
[OR POSITION: LAT _____ LONG _____]
(2) DATES
(a) AT UNLOADING POINT
ARRIVAL _____ DEPARTURE: _____
(b) AT UNLOADING
COMMENCEMENT: _____ COMPLETION: _____
(3) PARTIAL OR COMPLETE UNLOADING _____
(4) UNLOADING TO: [(separate form to be completed for each transshipment/ unloading recipient)]
(5) (a) CARRIER VESSEL NAME: _____
and RADIO CALL SIGN OR REGIONAL REGISTER NO: _____
or
(b) NAME AND ADDRESS OF COMPANY ACCEPTING FISH: _____
(6) [DESTINATION OF FISH] { FISH TO BE PROCESSED AT } _____
(separate form to be completed for each processing destination)
(7) QUANTITY UNLOADED [Enter quantity by size class in short tons]

	Quantity Accepted	Quantity Rejected	[Tranship Estimates]
Yellowfin	_____	_____	_____
Skipjack	_____	_____	_____
Bigeye	_____	_____	_____
Marlin	_____	_____	_____
Unit (eg tons)			

(9) SIGNATURES

VESSEL MASTER

RECEIVING AGENT
NB: An attachment to this form should include a signed copy of the size breakdown of catch as provided by the cannery.

2. Annex II

2.1 Omit paragraphs 1 to 6, substitute:

1. For the purposes of this Annex:
 - (a) “Licensing Period” means the period of validity of licences issued in accordance with this Treaty.

2. The Government of the United States shall make application for a licence in respect of any fishing vessel of the United States intended by the operator to be used for purse seine fishing in the Licensing Area at any time in the Licensing Period by providing to the Administrator a complete application form as set out in Schedule 1.

3. Licences issued pursuant to this Treaty shall not take effect until the Administrator has received payment, free of any charges whatsoever, of the amounts set out in Schedule 2 for that Licensing Period in the manner described in that Schedule.

4. (a) The Administrator may suspend the good standing of a vessel on the Regional Register of Foreign Fishing Vessels where there is reasonable cause to believe that the vessel operator has violated the terms and conditions of access in Annex I including but not limited to:

- (i) failing to report entry into and exit from Zones;
- (ii) failing to report while in a Zone;
- (iii) misreporting position and catch on board; or
- (iv) improperly marking the vessel and gear.

(b) The Administrator shall notify the Government of the United States and the operator not less than 30 days prior to the intended date of suspension of good standing. The notice shall include a statement of the facts which give reasonable cause to believe a violation has occurred, the corrective action required, and the effective date of the suspension of good standing; provided however that the corrective action required shall be limited to making the omitted report, correcting any misreporting, or correcting vessel markings or otherwise complying with the requirements of Annex I.

(c) If the corrective action is taken within 30 days, the Administrator shall not suspend good standing.

(d) Upon satisfactory completion of the required corrective action, the Administrator shall immediately reinstate the good standing of the vessel.

(e) Any fishing vessel of the United States in respect of which good standing has been suspended shall not be eligible to receive a new licence upon the expiration of the current licence, until notified by the Administrator that good standing has been reinstated.

5. Subject to paragraph 6, a licence may be denied:

- (a) where the application is not in accordance with the requirements of paragraph 2;
- (b) where the owner or charterer is the subject of proceedings under the bankruptcy laws of the United States, unless reasonable financial assurances have been provided to the Administrator;
- (c) where the vessel in respect of which application for a licence has been made does not have good standing on the Regional Register of Foreign Fishing Vessels, maintained by the South Pacific Forum Fisheries Agency, provided that:
 - (i) good standing is withdrawn only as a result of:
 - (A) the commission of a serious offence against fisheries laws or regulations of a Pacific Island State and the operator has not fully complied with any civil or criminal judgment rendered with respect to such an offence;

- (B) evidence existing that gives reasonable cause to believe that the operator has committed a serious offence against the fisheries laws or regulations of any Pacific Island State and that it has not been possible to bring the vessel operator to trial; or
 - (C) the vessel operator has failed to comply with the annual registration and information requirements for registration as notified by the Administrator to the Government of the United States;
 - (D) the failure to satisfactorily complete the required corrective action of all outstanding requests, as a result of which the good standing of a vessel has continued in suspension for a period of more than 12 months;
- (ii) the Pacific Island party requesting withdrawal of good standing has first consulted the Government of the United States and has made all reasonable efforts to resolve the dispute in question before utilizing the procedures for withdrawal of good standing;
 - (iii) in the event of a request for withdrawal of good standing from the Regional Register of Foreign Fishing Vessels of a vessel licensed pursuant to this Treaty, the Pacific Island parties agree to take into consideration that vessel's compliance with the terms of this Treaty in determining whether to approve such a request; and
 - (iv) following a withdrawal of good standing the Pacific Island party involved promptly advises the Government of the United States in writing of the reason for the withdrawal and the requirements which must be fulfilled to reinstate good standing;
- (d) where there has been a failure to satisfy a final judgment or other final determination for a breach of this Treaty by the owner, charterer or master of the vessel in respect of which application for a licence has been made, until such time as the final judgment or other final determination is satisfied, and subsequent change in ownership of a vessel shall not affect the application of this provision; or
 - (e) where an operator has committed, or the vessel has been used for:
 - (i) a violation of this Treaty, providing that the Pacific Island parties, following consultation with the Government of the United States, determine that the violation is of a serious nature; or
 - (ii) any violation of this Treaty on more than one occasion, providing that the Pacific Island parties, following consultation with the Government of the United States, determine that such multiple violations constitute a serious disregard of this Treaty.

6. Without prejudice to their rights under Paragraph 4 of Article 4 of the Treaty, the Pacific Island Parties shall consider notifying the Government of the United States of any alleged infringements of the Treaty by vessels of the United States 30 days prior to requesting an investigation under Paragraph 4 of Article 4 of the Treaty. The Government of the United States shall inquire into the allegation. As appropriate, the Government of the United States, the operator concerned, the Administrator and the Pacific Island Party concerned may engage in consultations with a view to settling the matter.

7. A maximum number of licences may be issued for any Licensing Period as set out in Schedule 2, and, upon request by the Government of the United States, the Pacific Island parties may agree to vary such number.

8. On receipt of an application for a licence in accordance with this Annex, the Administrator shall take the necessary steps to ensure that:

- (a) a licence in the form set out in Schedule 3 in respect of the vessel identified in the application; or
- (b) a statement setting out the reasons that a licence in respect of the vessel identified in the application is denied together with a refund of the amount or amounts provided with the application;

is promptly provided to the Government of the United States.

2.2 Omit Schedule 2, substitute:

SCHEDULE 2
PAYMENTS AND REVIEW

1. The following amounts are payable annually for a period of ten (10) years pursuant to paragraph 3 of Annex II -

- (a) an annual industry payment of US\$4 million, which shall cover -
 - (i) licence fees for up to 55 vessels as set forth in paragraph 2 below; and
 - (ii) technical assistance;
- (b) costs to be paid by the industry for the observer programme set forth in Part 7 of Annex I; and
- (c) sums pursuant to the related agreement between the South Pacific Forum Fisheries Agency and the Government of the United States.

2. During each licensing period, the Administrator shall make available a maximum of 55 licences to fishing vessels of the United States for fishing in the Licensing Area. Any licences issued beyond 50 shall only be available to fishing vessels of the United States engaged in fishing activity designed to advance broader cooperation with the Pacific Island parties as envisaged under Article 2. If the Administrator does not receive applications for the maximum of 55 licences during any of the first three licensing periods, the Pacific Island parties reserve the right at the end of the third licensing period to review the allocation of licences beyond 50 for the remaining licensing periods.

3. Prior to the beginning of the sixth licensing period, the Parties shall review the number of licences to be issued, the licence fees and any other issues which may be identified during the preceding Annual Consultations. During such review, the Parties shall determine the number of licences and the licence fees for the second five-year period. Any agreed changes in the number of licences or licence fees shall be reflected in the annual industry payment.

Schedule 5—Catch limits—fishing for tuna in northern waters

(regulation 9J, definition of *northern waters* and regulation 9L)

Part 1—Northern waters

That part of the AFZ that is within the area bounded by a notional line beginning at the point of intersection of the southern coastline of Australia and the meridian of longitude 129° east and running progressively:

- south along that meridian to the outer limit of the AFZ;
- generally westerly, northerly, easterly and southerly along that outer limit to its second intersection with the parallel of latitude 28° 10' south;
- west along that parallel to its intersection with the eastern coastline of Australia at the border of Queensland and New South Wales;
- generally northerly, westerly, southerly and easterly along that coastline to the point where the line began.

Part 1A—Northern Territory and Queensland waters

The boundary between Northern Territory and Queensland waters is the notional line commencing at a point that is the intersection of the coastline at mean low water with the boundary between the Northern Territory and Queensland, and running progressively:

- north-easterly along the geodesic to the point of latitude 15° 55' south, longitude 138° 30' east;
- north along that meridian to its intersection with the parallel of latitude 14° 30' south;
- east along that parallel to its intersection with the meridian of longitude 139° 15' east;
- north along that meridian to its intersection with the parallel of latitude 11° south.

Part 2—Restricted species for northern waters

Division 1

Common name	Scientific name
Amberjack	<i>Seriola dumerili</i>
Black kingfish that are in waters east of the meridian of longitude 129° east	<i>Rachycentron canadus</i>
Yellowtail kingfish	<i>Seriola lalandi</i>

Division 2

Common name	Scientific name
Australian bonito	<i>Sardi australis</i>
Australian spotted mackerel	<i>Scomberomorus munroi</i>
Bar cod	<i>Polyprion moeone</i>
Blue eye trevalla	<i>Hyperoglyphe antarctica</i>
Cod	Family Serranidae
Dog toothed tuna	<i>Gymnosarda unicolor</i>
Dolphinfish that are in northern waters west of the boundary between Northern Territory and Queensland waters	<i>Coryphaena hippurus</i>
Emperor	Families Lethrinidae and Lutjanidae
Frigate mackerel	<i>Auxis thazard</i>
Grouper	Family Serranidae
Hapuku	<i>Polyprion oxygeneios</i>
Leaping bonito	<i>Cybiosarda elegans</i>
Mackerel tuna	<i>Euthynnus affinis</i>
Oriental bonito	<i>Sarda orientalis</i>
Rainbow runner	<i>Elagatis bipinnulata</i>
Rake gilled mackerel	<i>Rastrelliger kanagurta</i>
Shark mackerel	<i>Grammatorecynus bicarinatus</i>
Snapper	<i>Pagrus auratus</i>
Spanish mackerel	<i>Scomberomorus commerson</i>
Trevally	Family Carangidae (except genus <i>Seriola</i>)
Tropical snapper	Families Lethrinidae and Lutjanidae
Tuskfish	Family Labridae
Wrasse	Family Labridae

Schedule 5 Catch limits—fishing for tuna in northern waters
Part 2 Restricted species for northern waters

Division 3

Common name	Scientific name
Butterfly mackerel	<i>Gasterochisma melampus</i>
Shark	Subclass Elasmobranchii and Family Serranidae
Slender tuna	<i>Allothunnus fallai</i>
Wahoo	<i>Acanthocybium solandri</i>

Division 4

Common name	Scientific name
Black kingfish that are in waters west of the meridian of longitude 129° east	<i>Rachycentron canadus</i>
Dolphinfish that are in northern waters east of the boundary between Northern Territory and Queensland waters	<i>Coryphaena hippurus</i>

Schedule 6—Catch limits—Victorian, South Australian and Tasmanian waters

(regulation 9M, definition of *Victorian waters*, regulations 9P, 9Q and 9R, regulation 9S, definition of *South Australian waters* and regulations 9V, 9W, 9X, 9ZB, 9ZC, 9ZD and 9ZJE)

Part 1—Areas of application

Division 1—Victorian waters

The area of water bounded by a notional line beginning at the intersection of the coastline at mean low water mark with the border between New South Wales and Victoria and running progressively:

- south easterly along the geodesic towards a point of latitude 37° 35' south, longitude 150° 10' east to its intersection with a line parallel to, and 3 nautical miles distant from, the coastline at mean low water mark;
- along that line to its intersection with the geodesic which is a continuation of the landward border between New South Wales and Victoria;
- south easterly along the geodesic to its intersection with the outer limit of the AFZ;
- generally southerly along that outer limit to its intersection with the parallel of latitude 39° 12' south;
- westerly along the parallel to its intersection with the meridian of longitude 143° 40' east;
- southerly along the meridian to the parallel of latitude 40° 00' south;
- westerly along the parallel to its intersection with the meridian of longitude 140° 57.9' east;
- northerly along that meridian to its intersection with the coastline at mean low water mark;
- along the coastline of Victoria at mean low water mark to the point where the line began;

but excluding:

- (a) the area described in Part 1 (Wilson's Promontory Marine Reserve) of Schedule 4 to the **National Parks Act 1975** of Victoria as in force on 1 November 1997; and
- (b) the area described in Part 2 (Wilson's Promontory Marine Park) of Schedule 4 to the **National Parks Act 1975** of Victoria as in force on 1 November 1997; and
- (c) the area described in Part 7 (Bunurong Marine Park) of Schedule 4 to the **National Parks Act 1975** of Victoria as in force on 1 November 1997; and
- (d) the area described in Schedule 2 (Point Lonsdale) to the Harold Holt Marine Reserves Proclamation 1979 of Victoria, published in the Government Gazette of Victoria, No. 11 on 7 February 1979; and

- (e) the area described in Schedule 3 (Point Nepean) to the Harold Holt Marine Reserves Proclamation 1979 of Victoria, published in the Government Gazette of Victoria, No. 11 on 7 February 1979.

Division 2—South Australian waters

The area of water bounded by a notional line beginning at a point on the meridian of longitude 140° 57.9' east that is the intersection of the coastline at mean low water mark with the border between South Australia and Victoria and running progressively:

- south along the meridian to its intersection with the outer limit of the AFZ;
- west along that outer limit to its intersection with the meridian of longitude 129° east;
- north along the meridian to its intersection with the parallel of latitude 31° 45' south;
- north along the geodesic to the intersection of the coastline at mean low water mark with the border between South Australia and Western Australia;
- along the coastline of South Australia at mean low water mark to the point where the line began.

Division 3—Tasmanian waters

The area of waters bounded by a notional line beginning at the point of latitude 40° south, longitude 140° 57.9' east and running progressively:

- south along the meridian of longitude 140° 57.9' east to its intersection with the outer limit of the AFZ;
- generally southerly, easterly and northerly along that outer limit to its intersection with the parallel of latitude 39° 12' south;
- west along that parallel to its intersection with the meridian of longitude 143° 40' east;
- south along that meridian to its intersection with the parallel of latitude 40° south;
- west along that parallel to the point where the line began;

but excluding:

- (a) the area known as South West National Park, being all waters to the north and east of a notional line extending from Hilliard Head to Point Vincent; and
- (b) the area known as Nine Pin Point Marine Nature Reserve, being all waters within 500 metres of Nine Pin Point; and
- (c) the area known as Tinderbox Marine Nature Reserve, being the area of waters bounded by a notional line beginning at Piersons Point and running progressively:
 - 200 metres due east;
 - generally southerly and westerly 200 metres from and parallel to the low water mark to the point of latitude 43° 3.84' south, longitude 147° 19.13' east;
 - due north to high water mark;
 - generally northerly and easterly along the high water mark to the point of commencement; and
- (d) the area known as Governor Island Marine Nature Reserve, being the area of waters bounded by a notional line beginning at the southernmost point of Governor Island and running progressively:
 - due south for 400 metres;
 - generally easterly, northerly and westerly at 600 metres from and parallel to low water mark to its intersection with the notional line of longitude that passes through the northernmost point of Governor Island.

Part 2—Crustaceans

Division 1—Prawns

Common name	Scientific name
Deepwater prawn	<i>Haliporoides cristatus</i>
Prawn	Genus <i>Aristeus</i>
Red prawn	<i>Aristeomorpha foliacea</i>
Royal red prawn	<i>Haliporoides sibogae</i>
Scarlet prawn	<i>Plesiopenaeus edwardsianus</i>

Division 2—Other crustaceans

Common name	Scientific name
Carid	Family Pandalidae

Part 3—Molluscs

Common name	Scientific name
Arrow squid	<i>Nototodarus gouldi</i>
Red ocean squid	<i>Ommastrephes bartrami</i>
Southern ocean arrow squid	<i>Todarodes filippovae</i>
Yellowback squid	<i>Sthenoteuthis oualaniensis</i>
Scallops	Family Pectinidae

Part 4—Finfish

Division 1—Victorian waters

Subdivision 1

Common name	Scientific name
Australian anchovy	<i>Engraulis australis</i>
Australian salmon	Genus <i>Arripis</i>
Blue sprat	<i>Spratelloides robustus</i>
King George whiting	<i>Sillaginodes punctata</i>
Pilchard	<i>Sardinops neopilchardus</i>
Sprat	<i>Clupea bassensis</i>
Wrasse	Family Labridae

Subdivision 2

Common name	Scientific name
Barracouta	<i>Thyrsites atun</i>
Leatherjackets, all species	Family Monacanthidae
Snapper	<i>Pagrus auratus</i>
Striped trumpeter	<i>Latris lineata</i>
Yellowtail kingfish	<i>Seriola lalandi</i>

Division 2—South Australian waters

Subdivision 1

Common name	Scientific name
Australian anchovy	<i>Engraulis australis</i>
Australian salmon/Tommy ruff	Genus <i>Arripis</i>
Banded morwong	<i>Nemodactylus spectabilis</i>
Black bream	<i>Acanthopagrus butcheri</i>
Blue sprat	<i>Spratelloides robustus</i>
Dusky morwong	<i>Dactylophora nigricans</i>
Garfish	<i>Hyporhamphus melanochir</i>
Grassy (rock) flathead	<i>Platycephalus laevigatus</i>
King gar	<i>Scomberesox forsteri</i>
King George whiting	<i>Sillaginodes punctata</i>
Luderick	<i>Girrella tricuspidata</i>
Magpie morwong	<i>Cheilodactylus nigripes</i>
Pilchard	<i>Sardinops neopilchardus</i>
Red mullet	<i>Upeneichthys vlamingii</i>
Sea sweep	<i>Scorpius aequipinnis</i>
Snook	<i>Sphyaena novaehollandiae</i>
Sprat	<i>Clupea bassensis</i>
Wrasse	Family Labridae
Yellow eye mullet	<i>Aldrichetta forsteri</i>
Yellow-finned whiting	<i>Sillago schomburgkii</i>

Subdivision 2

Common name	Scientific name
Bastard trumpeter	<i>Latridopsis forsteri</i>
Striped trumpeter	<i>Latris lineata</i>

Subdivision 3

Common name	Scientific name
Blue groper	<i>Achoerodus gouldii</i>
Snapper	<i>Pagrus auratus</i>

Subdivision 4

Common name	Scientific name
Mulloy	<i>Argyrosomus hololepidotus</i>
Yellowtail kingfish	<i>Seriola lalandi</i>

Subdivision 5

Common name	Scientific name
Black reef leatherjacket	<i>Eubalichthys bucephalus</i>
Chinaman leatherjacket	<i>Nelusetta ayraudi</i>
Parrotfish (or knifejaw)	<i>Oplegnathus woodwardi</i>
Rough leatherjacket	<i>Monacanthus chinensis</i>

Division 3—Tasmanian waters

Subdivision 1

Common name	Scientific name
Australian anchovy	<i>Engraulis australis</i>
Australian salmon/Tommy ruff	Genus <i>Arripis</i>
Banded morwong	<i>Nemodactylus spectabilis</i>
Black bream	<i>Acanthopagrus butcheri</i>
Blue sprat	<i>Spratelloides robustus</i>
Dusky morwong	<i>Dactylophora nigricans</i>
Garfish	<i>Hyporhamphus melanochir</i>
Grassy (rock) flathead	<i>Platycephalus laevigatus</i>
King gar	<i>Scomberesox forsteri</i>
King George whiting	<i>Sillaginodes punctata</i>
Luderick	<i>Girrella tricuspidata</i>
Magpie morwong	<i>Cheilodactylus nigripes</i>
Mulloway	<i>Argyrosomus hololepidotus</i>
Pilchard	<i>Sardinops neopilchardus</i>
Red mullet	<i>Upeneichthys vlamingii</i>
Sea sweep	<i>Scorpius aequipinnis</i>
Snook	<i>Sphyraena novaehollandiae</i>
Sprat	<i>Clupea bassensis</i>
Wrasse	Family Labridae
Yellow eye mullet	<i>Aldrichetta forsteri</i>
Yellow-finned whiting	<i>Sillago schomburgkii</i>

Subdivision 2

Common name	Scientific name
Bastard trumpeter	<i>Latridopsis forsteri</i>

Subdivision 3

Common name	Scientific name
Blue groper	<i>Achoerodus gouldii</i>

Subdivision 4

Common name	Scientific name
Snapper	<i>Pagrus auratus</i>
Striped trumpeter	<i>Latris lineata</i>
Yellowtail kingfish	<i>Seriola lalandi</i>

Part 5—Other species

Common name	Scientific name
Handfish	Family Brachionichthyidae
Seahorses and Pipefish	Family Sygnathidae
Three-finned blennies	Family Tripterygiidae

Schedule 7—Catch limits—prawn fishery waters

(regulations 9ZI, 9ZJ, 9ZK and 9ZL)

Part 1—Prawn fishery waters

That part of the AFZ that is adjacent to the coastal waters from low water of Western Australia, the Northern Territory and Queensland and within the area bounded by a notional line beginning at the point of intersection of the north-western coastline of Australia and the meridian of longitude 126° 58' east and running progressively:

- north along that meridian to the outer limit of the AFZ;
- generally easterly along that outer limit to its intersection with the meridian of longitude 141° 20' east;
- south along that meridian to its intersection with the parallel of latitude 10° 28' south;
- east along that parallel to its intersection with the meridian of longitude 142° 09' east;
- south along that meridian to its intersection with the northern coastline of Australia;
- generally westerly along that coastline to the point where the line began.

Part 2—Crustaceans

Division 1

Common name	Scientific name
Tropical rock lobster	<i>Panulirus ornatus</i>

Division 2

Common name	Scientific name
Mud crab	<i>Scylla sp.</i>

Part 3—Molluscs

Division 1

Common name	Scientific name
Pearl shell	<i>Pinctada sp.</i>
Trepang	Class <i>Holothuroidea</i>
Trochus	Class <i>Trochidae</i>

Part 4—Finfish

Division 1

Common name	Scientific name
Barramundi	<i>Lates calcarifer</i>
Blue salmon	<i>Eleutheronema tetradactylum</i>
Jewfish	<i>Nibea squatmosa, Protonibea diacanthus</i>
Queenfish	<i>Scomberoides lysan, S. commersonianus</i>
Spotted grunter-bream	<i>Pomadasys kaakan</i>
	<i>Polydactylus sheridani</i>

Division 2

Common name	Scientific name
Broad barred Spanish (Grey) mackerel	<i>Scomberomorus semifasciatus</i>
Gold band snapper	<i>Pristipomoides multidens</i>
Longtail tuna	<i>Thunnus tonggol</i>
Narrow barred Spanish mackerel	<i>Scomberomorus commerson</i>
Sweet lips	Family Lethrinidae
	Family Serranidae

Division 3

Common name	Scientific name
Saddle tailed snapper	<i>Lutjanus malabaricus</i>
Red snapper	<i>Lutjanus erythropterus</i>
Red emperor	<i>Lutjanus sebae</i>

Part 5—Other species

Common name	Scientific name
Coral	
Sharks, rays and skates	Subclass <i>Elasmobranchii</i>

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
1992 No. 20	31 Jan 1992	3 Feb 1992 (gaz 1992, No. GN1)	
1992 No. 455	24 Dec 1992	24 Dec 1992	—
1993 No. 74	11 May 1993	11 May 1993	—
1993 No. 118	10 June 1993	10 June 1993	—
1993 No. 296	19 Nov 1993	19 Nov 1993	—
1994 No. 77	30 Mar 1994	30 Mar 1994	—
1994 No. 125	3 May 1994	3 May 1994	—
1994 No. 419	21 Dec 1994	21 Dec 1994	—
1995 No. 285	4 Oct 1995	4 Oct 1995	—
1995 No. 360	30 Nov 1995	30 Nov 1995	—
1996 No. 67	30 May 1996	30 May 1996	—
1996 No. 317	20 Dec 1996	20 Dec 1996	—
1997 No. 19	26 Feb 1997	26 Feb 1997	—
1997 No. 95	1 May 1997	r 5: 1 May 1997 Remainder: 1 May 1997	—
1997 No. 186	1 July 1997	r 3, 4, 9 and 10: 1 July 1997 Remainder: 1 July 1997	—
1997 No. 278	1 Oct 1997	1 Oct 1997	—
1997 No. 410	24 Dec 1997	24 Dec 1997	—
1998 No. 24	5 Mar 1998	5 Mar 1998	—
1999 No. 22	2 Mar 1999	2 Mar 1999	—
1999 No. 98	17 June 1999	17 June 1999	—
1999 No. 130	30 June 1999	30 June 1999	—
1999 No. 285	2 Dec 1999	2 Dec 1999	—
2000 No. 56	27 Apr 2000	27 Apr 2000	—
2000 No. 92	1 June 2000	1 June 2000	—
2000 No. 310	29 Nov 2000	29 Nov 2000	—
2000 No. 337	14 Dec 2000	14 Dec 2000	—
2000 No. 338	14 Dec 2000	14 Dec 2000	—
2000 No. 339	14 Dec 2000	14 Dec 2000	—
2001 No. 3	7 Feb 2001	7 Feb 2001	—
2001 No. 22	23 Feb 2001	23 Feb 2001	—
2001 No. 190	2 Aug 2002	2 Aug 2002	—
2001 No. 302	15 Oct 2001	15 Oct 2001	—
2002 No. 25	28 Feb 2002	28 Feb 2002	—

Endnotes

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
2002 No. 27	7 Mar 2002	7 Mar 2002	—
2002 No. 60	5 Apr 2002	5 Apr 2002	—
2002 No. 157	3 July 2002	3 July 2002	—
2002 No. 304	13 Dec 2002	13 Dec 2002	—
2003 No. 9	27 Feb 2003	27 Feb 2003	—
2003 No. 112	19 June 2003	19 June 2003	—
2004 No. 70	30 Apr 2004	30 Apr 2004	—
2004 No. 233	6 Aug 2004	6 Aug 2004 (r 2 and gaz 2004, No. S321)	—
2004 No. 234	6 Aug 2004	6 Aug 2004	—
2005 No. 19	25 Feb 2005 (F2005L00357)	1 Mar 2005	—
2005 No. 153	8 July 2005 (F2005L01297)	9 July 2005	—
2005 No. 294	16 Dec 2005 (F2005L04101)	16 Dec 2005	—
2006 No. 90	9 May 2006 (F2006L01439)	10 May 2006	—
2009 No. 90	11 June 2009 (F2009L02123)	12 June 2009	—
2009 No. 120	25 June 2009 (F2009L02431)	1 July 2009	—
2009 No. 185	3 Aug 2009 (F2009L02973)	5 Aug 2009	—
2010 No. 1	11 Feb 2010 (F2010L00339)	12 Feb 2010	—
2010 No. 270	28 Oct 2010 (F2010L02818)	1 Nov 2010	—
2011 No. 135	3 Aug 2011 (F2011L01592)	4 Aug 2011	—
132, 2013	30 June 2013 (F2012L01291)	1 July 2013 (s 2)	—
141, 2014	8 Oct 2014 (F2014L01330)	9 Oct 2014 (s 2)	—
42, 2015	20 Apr 2015 (F2015L00576)	21 Apr 2015 (s 2)	—
90, 2015	19 June 2015 (F2015L00854)	1 July 2015 (s 2(1) item 2)	—
203, 2015	27 Nov 2015 (F2015L01856)	28 Nov 2015 (s 2(1) item 1)	—
Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity (Consequential Amendments and Transitional Provisions) Regulation 2016	9 May 2016 (F2016L00717)	Sch 2 (item 12) and Sch 3: 16 June 2016 (s 2(1) item 1)	Sch 3
Fisheries Management Amendment (Compliance and Enforcement) Regulations 2017	24 Mar 2017 (F2017L00295)	25 Mar 2017 (s 2(1) item 1)	—

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
r 1	rs 1999 No 22
r 2	rep LA s 48D
r 3	am No 455, 1992; No 285, 1995; No 317, 1996; No 19, 1997; No 22, 1999; No 9, 2003; No 90, 2006; No 90, 2009; No 1, 2010; No 135, 2011; No 141, 2014; F2017L00295
Part 2	
Part 2	rs 1998 No 24
r 4	am 1994 No 125; 1994 No 419
	rs 1998 No 24
	am 2000 No 337
r 4AA.....	ad 1998 No 24
	am 1999 No 22
r 4AB.....	ad 1998 No 24
	am 2000 No 337
r 4AC.....	ad 1998 No 24
r 4AD.....	ad 2000 No 337
Part 2A	
Part 2A	ad 1993 No 118
r 4A	ad 1993 No 118
Part 2B	
Part 2B heading.....	rs 2010 No 1
Part 2B.....	ad 1996 No 317
r 4B.....	ad 1996 No 317
	am 1997 No 410; 1998 No 24; 1999 No 130; 1999 No 285; 2000 No 56; 2000 No 338; 2002 No 25
	rs 2002 No 304
	am 2004 No 70
	rs 2010 No 1
r 4C.....	ad 1996 No 317
	am 1997 No 186; 1997 No 278; 2004 No 70
r 4CA.....	ad 2000 No 92
	rep 2002 No 304
r 4D	ad 1996 No 317
	rep 2002 No 304
r 4E.....	ad 1996 No 317
	rep 1997 No 186
Part 2C	
Part 2C.....	ad No 42, 2015

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 4D	ad No 42, 2015
Part 3	
Division 1	
Division 1 heading.....	ad 2006 No 90
r 5	rs 2006 No 90
r 6	am 1992 No 455
	rs 2006 No 90
Division 2	
Division 2 heading.....	ad 2006 No 90
r 7	am 1992 No 455
	rs 2006 No 90
r 8	am 1992 No 455
	rs 2006 No 90
r 8A	ad 1995 No 285
	rep 1999 No 22
	ad 2006 No 90
r 8B.....	ad 2006 No 90
r 8C.....	ad 2006 No 90
r 8D	ad 2006 No 90
r 8E.....	ad 2006 No 90
r 8F	ad 2006 No 90
r 8G	ad 2006 No 90
r 8H	ad 2006 No 90
Division 3	
Division 3 heading.....	ad 2006 No 90
r 9	am F2017L00295
Part 3A	
Part 3A	ad 2011 No 135
Division 1	
Subdivision 1 heading	rep No 141, 2014
r 9A	ad 2011 No 135
Subdivision 2 heading	rep No 141, 2014
Division 1A	
Division 1A	ad No 141, 2014
r 9AA.....	ad No 141, 2014
r 9AB.....	ad No 141, 2014
r 9B.....	ad 2011 No 135
	rs No 141, 2014
r 9BA.....	ad No 141, 2014
Division 2	

Endnote 4—Amendment history

Provision affected	How affected
r 9C.....	ad 2011 No 135
r 9D.....	ad 2011 No 135
Division 3	
Subdivision 1	
r 9E.....	ad 2011 No 135
r 9F.....	ad 2011 No 135
r 9G.....	ad 2011 No 135
Division 4	
r 9H.....	ad 2011 No 135
r 9I.....	ad 2011 No 135
Division 5	
Subdivision 1	
r 9J.....	ad 2011 No 135
r 9K.....	ad 2011 No 135
Subdivision 2	
r 9L.....	ad 2011 No 135
Division 6	
Subdivision 1	
r 9M.....	ad 2011 No 135
r 9N.....	ad 2011 No 135
Subdivision 2	
r 9O.....	ad 2011 No 135
r 9P.....	ad 2011 No 135
r 9Q.....	ad 2011 No 135
r 9R.....	ad 2011 No 135
Division 7	
Subdivision 1	
r 9S.....	ad 2011 No 135
r 9T.....	ad 2011 No 135
Subdivision 2	
r 9U.....	ad 2011 No 135
r 9V.....	ad 2011 No 135
r 9W.....	ad 2011 No 135
r 9X.....	ad 2011 No 135
Division 8	
Subdivision 1	
r 9Y.....	ad 2011 No 135
r 9Z.....	ad 2011 No 135
Subdivision 2	
r 9ZA.....	ad 2011 No 135

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 9ZB	ad 2011 No 135
r 9ZC	ad 2011 No 135
r 9ZD	ad 2011 No 135
r 9ZE	ad 2011 No 135
Division 9	
Subdivision 1	
r 9ZF.....	ad 2011 No 135
r 9ZG	ad 2011 No 135
Subdivision 2	
r 9ZH.....	ad 2011 No 135
r 9ZI.....	ad 2011 No 135
r 9ZJ	ad 2011 No 135
r 9ZK	ad 2011 No 135
r 9ZL	ad 2011 No 135
Division 10	
Subdivision 1	
r 9ZM	ad 2011 No 135
Subdivision 2	
r 9ZN	ad 2011 No 135
r 9ZO	ad 2011 No 135
r 9ZP.....	ad 2011 No 135
Division 11	
Subdivision 1	
r 9ZQ.....	ad 2011 No 135
Subdivision 2	
r 9ZR	ad 2011 No 135
r 9ZS.....	ad 2011 No 135
r 9ZT	ad 2011 No 135
r 9ZU	ad 2011 No 135
r 9ZV	ad 2011 No 135
Division 12	rep No 141, 2014
r 9ZW	ad 2011 No 135
	rep No 141, 2014
r 9ZX	ad 2011 No 135
	rep No 141, 2014
Part 4	
Part 4 heading.....	rs F2017L00295
Division 1 heading.....	ad No 19, 1997
	rep No 410, 1997
	ad No 233, 2004

Endnote 4—Amendment history

Provision affected	How affected
	rep F2017L00295
Division 1	rep No 410, 1997
	ad No 233, 2004
	rep F2017L00295
r 10	rep No 410, 1997
	ad No 233, 2004
	rep F2017L00295
Division 2	
Division 2 heading.....	ad No 19, 1997
	rep F2017L00295
r 10A	ad No 285, 1995
	rs No 19, 1997
	am F2017L00295
r 10AA.....	ad 1997 No 19
	am 2011 No 135
r 10AB.....	ad 1997 No 19
	am 1997 No 186
r 10AC.....	ad 1997 No 19
	am 1997 No 186
r 10AD.....	ad 1997 No 186
	am 2011 No 135
r 10B.....	ad 1995 No 285
	am 1996 No 317; 1997 No 19; 1997 No 186; 1997 No 278; 1999 No 98; 2002 No 304
	rep 2003 No 9
r 10C.....	ad 1995 No 285
r 10D	ad 1995 No 285
	am 2011 No 135
Part 5	
r 11	am 1992 No 455
r 12	am No 285, 1999; No 60, 2002; F2017L00295
r 13	am No 60, 2002; F2017L00295
r 14	am No 455, 1992; No 60, 2002
	rep F2017L00295
r 15	am No 60, 2002; F2017L00295
r 16	am No 60, 2002; F2017L00295
r 17	am No 60, 2002; F2017L00295
r 18	am 1992 No 455; 2002 No 60
	rep 2011 No 135
r 19	am 1992 No 455
Part 5A	

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Part 5A	ad 2005 No 294
Division 1	
r 19A	am 1993 No 74; 1994 No 77 rep 1994 No 419 ad 1995 No 360 rs 1996 No 67 rep 2001 No 3 ad 2005 No 294
Division 2	
r 19B.....	ad 2005 No 294
r 19C.....	ad 2005 No 294
r 19D	ad 2005 No 294
r 19E.....	ad 2005 No 294 am 2010 No 270
r 19F.....	ad 2005 No 294
r 19G	ad 2005 No 294 am 2009 No 185
r 19H	ad 2005 No 294
Division 3	
r 19I.....	ad 2005 No 294
r 19J.....	ad 2005 No 294 am No 90, 2015
r 19K	ad 2005 No 294 am No 90, 2015; F2016L00717
r 19L.....	ad 2005 No 294
Division 4	
r 19M.....	ad 2005 No 294 am No 90, 2015
Part 6	
r 21	am 1992 No 455; 1993 No 296; 1995 No 285 rs 1996 No 317 am 1997 No 95; 2000 No 310; 2001 No 302; 2009 No 120; No 132, 2013
Part 6A	
Part 6A	ad 2011 No 135
r 21A	ad 2011 No 135
r 21B.....	ad 2011 No 135 am No 132, 2013
r 21C.....	ad 2011 No 135 am No 132, 2013
Part 8	

Endnote 4—Amendment history

Provision affected	How affected
r 29	am No 60, 2002; F2017L00295
r 30	rs No 60, 2002 rep F2017L00295
Part 9	
Part 9	rs 2009 No 90
r 31	am 1992 No 455; 1994 No 125 rs 2009 No 90
r 32	am 1992 No 455; 1993 No 74; 2001 No 22 rep 2009 No 90
r 33	rs 1992 No 455; 2002 No 60 rep 2009 No 90
r 34	rs 1992 No 455; 2002 No 60 rep 2009 No 90
r 35	am 2002 No 60 rep 2009 No 90
r 36	am 1997 No 95; 2002 No 60 rep 2009 No 90
r 37	rep 2009 No 90
Part 9A	
Part 9A	ad 2010 No 1
r 37A	ad 2010 No 1
r 37B.....	ad 2010 No 1
r 37C.....	ad 2010 No 1
r 37D	ad 2010 No 1
Part 10	
Part 10	rs F2017L00295
r 38	rs F2017L00295
r 39	rs F2017L00295
r 40	am No 455, 1992; No 285, 1999 rs F2017L00295
r 40A	ad No 19, 1997 rep F2017L00295
r 41	rs F2017L00295
r 42	rs No 19, 1997; F2017L00295
r 43	rs F2017L00295
r 44	rs F2017L00295
r 45	am No 9, 2003 rep F2017L00295
r 46	am No 60, 2002 rep F2017L00295

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Part 11	ad 1999 No 22 rs 2000 No 339 rep 2011 No 135
r 47	ad 1999 No 22 rs 2000 No 339 rep 2011 No 135
r 48	ad 1999 No 22 rs 2000 No 339 rep 2011 No 135
r 49	ad 1999 No 22 rs 2000 No 339 rep 2011 No 135
r 50	ad 1999 No 22 rs 2000 No 339 rep 2011 No 135
r 51	ad 1999 No 22 rs 2000 No 339 am 2003 No 112 rep 2011 No 135
r 52	ad 1999 No 22 rs 2000 No 339; 2009 No 90 rep 2011 No 135
r 53	ad 1999 No 22 rs 2000 No 339; 2009 No 90 rep 2011 No 135
r 53A	ad 2009 No 90 rep 2011 No 135
r 54	ad 1999 No 22 rs 2000 No 339 rep 2011 No 135
r 55	ad 1999 No 22 rs 2000 No 339 rep 2011 No 135
r 56	ad 1999 No 22 rs 2000 No 339 rep 2011 No 135
r 57	ad 1999 No 22 rs 2000 No 339; 2009 No 90 rep 2011 No 135
r 58	ad 1999 No 22

Endnote 4—Amendment history

Provision affected	How affected
	rs 2000 No 339; 2009 No 90
	rep 2011 No 135
r 58A	ad, 2009 No 90
	rep 2011 No 135
r 59	ad 1999 No 22
	rs 2000 No 339
	rep 2011 No 135
r 60	ad 1999 No 22
	rs 2000 No 339
	rep 2011 No 135
r 61	ad 1999 No 22
	rs 2000 No 339
	rep 2011 No 135
r 62	ad 1999 No 22
	rs 2000 No 339; 2009 No 90
	rep 2011 No 135
r 63	ad 1999 No 22
	rs 2000 No 339; 2009 No 90
	rep 2011 No 135
r 63A	ad 2009 No 90
	rep 2011 No 135
r 64	ad 2000 No 339
	rep 2011 No 135
r 65	ad 2000 No 339
	rep 2011 No 135
r 66	ad 2000 No 339
	rep 2011 No 135
r 67	ad 2000 No 339
	rep 2011 No 135
Part 12	
Part 12	ad 2001 No 3
Division 1	rep 2005 No 19
r 68	ad 2001 No 3
	rep 2005 No 19
r 69	ad 2001 No 3
	am 2002 No 60
	rep 2005 No 19
r 70	ad 2001 No 3
	am 2002 No 60
	rep 2005 No 19

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
r 71	ad 2001 No 3 am 2002 No 60 rep 2005 No 19
Division 2	rep 2005 No 19
r 72	ad 2001 No 3 rep 2005 No 19
r 73	ad 2001 No 3 rs 2002 No 60 rep 2005 No 19
r 74	ad 2001 No 3 am 2002 No 60 rep 2005 No 19
Division 3	
Division 3	ad 2001 No 3
r 75	ad 2001 No 3
r 76	ad No 3, 2001 am No 60, 2002; F2017L00295
r 77	ad No 3, 2001 am No 60, 2002; F2017L00295
Part 13	
Part 13	ad 2010 No 1
r 78	ad 2010 No 1
Part 13A heading	ed C46
Part 13A	ad No 203, 2015
Division 1	rep 30 June 2016 (r 80)
r 79	ad No 141, 2014 rep 10 Oct 2014 (r 80) ad No 203, 2015 rep 30 June 2016 (r 80)
r 80	ad No 141, 2014 rep 10 Oct 2014 (r 80) ad No 203, 2015 rep 30 June 2016 (r 80)
Part 14	ad No 141, 2014 rep 10 Oct 2014 (r 80)
Schedule heading	rep 1996 No 317
Schedule 1A	
Schedule 1A heading	rs 2010 No 1
Schedule 1A	ad 1996 No 317

Endnote 4—Amendment history

Provision affected	How affected
	am 1997 Nos 186 and 278; 1998 No 24; 1999 Nos 130 and 285; 2000 Nos 56, 92 and 338; 2002 Nos 25 and 304; 2004 No 70; 2010 No 1
Schedule 1	
Schedule 1 heading.....	ad 1996 No 317 rs 1997 No 410; 2004 No 234
Schedule 1	am 1997 No 410 rs 2004 No 234
Form 1	1992 No 20 rep 1997 No 410
Form 2	1992 No 20 rs 2004 No 234
Form 3	1992 No 20 rs 2004 No 234
Form 4	1992 No 20 rs 2004 No 234
Form 5	1992 No 20 rs 2004 No 234
Schedule 2	
Schedule 2	rs 1993 No 296 am 1995 No 285 rs 1996 No 317 am 1997 No 95; 1997 No 410; 1999 No 130; 1999 No 285; 2000 No 92; 2000 No 310; 2001 No 302; 2002 No 27; 2002 No 157; 2005 No 153 rs No 132, 2013 am No 141, 2014; No 203, 2015
Schedule 3	
Schedule 3 heading.....	rs 2009 No 90
Schedule 3A	ad 1995 No 285 rep 1999 No 22
Schedule 3B.....	ad 1995 No 285 rep 1999 No 22
Schedule 3C.....	ad 1995 No 285 rep 1999 No 22
Schedule 3D heading.....	rs 2001 No 3 rep 2005 No 19
Schedule 3D	ad 1995 No 360 am 1996 No 67 rep 2005 No 19
Schedule 4	
Schedule 4	ad 1993 No 118
Schedule 5	

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Schedule 5 heading.....	rs 2011 No 135
Schedule 5	ad 1999 No 22
	rs 2000 No 339
	am 2011 No 135
Schedule 6	
Schedule 6 heading.....	rs 2009 No 90; 2011 No 135
Schedule 6	ad 1999 No 22
	rs 2000 No 339
Schedule 7	
Schedule 7	ad 2011 No 135

Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Part 13A heading**Kind of editorial change**

Removal of redundant text

Details of editorial change

Division 1 of Part 13A was self-repealed by regulation 80 on 30 June 2016.

This action left a Part 13A heading and Part 13A does not contain any regulations.

This compilation was editorially changed to repeal the Part 13A heading.