

FISHERIES REGULATIONS

1 The Fisheries Regulations (in force under the Fisheries Act 1952) as shown in this reprint comprise Statutory Rules 1954 No. 116 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number Gazette	Date of notification in	Date of commencement	Application, saving or transitional provisions
1954 No. 116	9 Dec 1954	1 Jan 1955	
1968 No. 7	30 Jan 1968	30 Jan 1968	-
143	28 Nov 1968	28 Nov 1968	-
1974 No. 211	19 Nov 1974	1 Jan 1975 (see	-
r. 1 and Gazette 1974, No. 98, p. 2)			
as amended by			
1976 No. 173	25 Aug 1976	25 Aug 1976	-
1974 No. 212	19 Nov 1974	1 Jan 1975 (see	-
r. 1 and Gazette 1974, No. 98, p. 2)			
1975 No. 69	29 Apr 1975	29 Apr 1975	R. 3
1976 No. 173	25 Aug 1976	25 Aug 1976	-
1979 No. 187	27 Sept 1979	1 Nov 1979	-
235	1 Nov 1979	1 Nov 1979	-
1980 No. 13	4 Feb 1980	4 Feb 1980	-
279	25 Sept 1980	25 Sept 1980	-
369	18 Dec 1980	18 Dec 1980	-
1981 No. 388	31 Dec 1981	31 Dec 1981	-
1982 No. 127	11 June 1982	11 June 1982	-
1983 No. 10	11 Feb 1983	11 Feb 1983	-
1984 No. 233	13 Sept 1984	13 Sept 1984	-
1985 No. 194	16 Aug 1985	16 Aug 1985	-
358	20 Dec 1985	20 Dec 1985	-
1987 No. 135	25 June 1987	25 June 1987	-
259	6 Nov 1987	6 Nov 1987	-
1988 No. 30	10 Mar 1988	10 Mar 1988	-
63	29 Apr 1988	1 May 1988	-
81	13 May 1988	13 May 1988	-
1989 No. 69	28 Apr 1989	28 Apr 1989	-
1990 No. 78	30 Apr 1990	1 May 1990	-
79	30 Apr 1990	30 Apr 1990	-
200	29 June 1990	1 July 1990	-
1991 No. 438	19 Dec 1991	19 Dec 1991	-
1993 No. 119	10 June 1993	10 June 1993	-
295	19 Nov 1993	19 Nov 1993	-

Table of Amendments ad=added or inserted am=amended rep=repealed rs=repealed and substituted

Provision affected	How affected
R. 2	am. 1976 No. 173
R. 3	am. 1968 No. 7

rs. 1974 No. 211 (as am. by 1976 No. 173)
 am. 1976 No. 173; 1979 No. 187
 rs. 1980 No. 279
 am. 1982 No. 127; 1987 No. 259; 1993 No. 295
 R. 3A ad. 1993 No. 119
 R. 4 rs. 1968 No. 7; 1974 No. 211 (as am. By 1976 No. 173)
 am. 1979 No. 187
 rs. 1980 No. 279
 R. 4A ad. 1974 No. 211
 am. 1979 No. 187
 rep. 1980 No. 279
 R. 5 rep. 1968 No. 7
 ad. 1980 No. 279
 am. 1987 No. 259
 Rr. 6, 7 rep. 1968 No. 7
 R. 8 am. 1968 No. 7; 1974 No. 211; 1976 No.
 173; 1985 No. 358
 R. 9 am. 1974 No. 211
 R. 9A ad. 1987 No. 135
 R. 10 am. 1968 Nos. 7 and 143; 1974 No. 212; 1975 No. 69; 1976 No. 173; 1979 No.
 187; 1987 No. 135
 rs. 1993 No. 295
 R. 11 am. 1968 No. 7; 1976 No. 173; 1985 Nos. 194 and 358
 R. 12 am. 1976 No. 173
 R. 12A ad. 1979 No. 187
 am. 1987 No. 259
 R. 12B ad. 1979 No. 187
 R. 12BA ad. 1984 No. 233
 R. 12C ad. 1979 No. 187
 am. 1985 No. 358; 1987 No. 259
 Rr. 12D-12G ad. 1979 No. 187
 am. 1985 No. 358
 Rr. 12H, 12J ad. 1979 No. 187
 Rr. 12K-12M ad. 1979 No. 187
 am. 1985 No. 358
 R. 13 am. 1968 No. 7; 1976 No. 173
 rs. 1985 No. 194
 am. 1985 No. 358
 R. 13A ad. 1979 No. 187
 am. 1985 No. 358
 R. 14 am. 1976 No. 173
 R. 15 ad. 1974 No. 211
 am. 1976 No. 173; 1982 No. 127; 1985 No. 358; 1990 No. 78
 R. 15A ad. 1988 No. 63
 am. 1988 No. 81; 1989 No. 69; 1990 No. 79
 rs. 1991 No. 438
 R. 15B ad. 1990 No. 78
 rep. 1991 No. 438
 R. 16 ad. 1974 No. 211
 am. 1976 No. 173
 rs. 1982 No. 127
 am. 1987 No. 135
 R. 17 ad. 1974 No. 211
 am. 1976 No. 173

R. 18 rs. 1982 No. 127
 ad. 1974 No. 211
 am. 1976 No. 173
 rs. 1982 No. 127
 am. 1985 No. 358; 1987 No. 135; 1990 No. 79

R. 19 ad. 1974 No. 211
 rs. 1982 No. 127
 am. 1985 No. 358

R. 19A ad. 1979 No. 187

R. 20 ad. 1974 No. 211

R. 21 ad. 1979 No. 235
 am. 1980 Nos. 13 and 369
 rs. 1981 No. 388
 am. 1987 No. 259; 1988 No. 30

Heading to The Schedules rep. 1968 No. 7

First, Second Schedules rep. 1968 No. 7

The Schedule ad. 1968 No. 7
 rep. 1974 No. 212

Schedule ad. 1974 No. 212
 am. 1975 No. 69; 1976 No. 173
 rep. 1979 No. 187

Schedule 1 ad. 1979 No. 187
 rs. 1990 No. 200; 1993 No. 295

Schedule 2 ad. 1979 No. 187

Schedule 3 ad. 1979 No. 235
 am. 1980 No. 369
 rs. 1981 No. 388; 1983 No. 10; 1985 No. 194
 rep. 1987 No. 259
 ad. 1988 No. 30

Schedule 4 ad. 1980 No. 13
 rs. 1980 No. 369
 rep. 1987 No. 259
 ad. 1993 No. 119

Schedule 5 ad. 1981 No. 388
 rs. 1985 No. 194
 am. 1987 No. 259

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Citation

1. These Regulations may be cited as the Fisheries Regulations.*1*
SEE NOTES TO FIRST ARTICLE OF THIS CHAPTER .

2 Commencement

2. These Regulations shall come into operation on 1 January 1955.

3 Interpretation

3. In these Regulations, unless the contrary intention appears:

“approved form” means a form approved by the Secretary;

“formally managed fishery” means a fishery for which there is:

(a) an instrument in force:

(i) to which paragraph 5 (a), (b), (ba), (bb), (bc), (bd) or (c) of the Fisheries Levy Act 1984 applies; and

(ii) in respect of which an amount of levy is prescribed in regulations, except the Fisheries Levy Regulations, in force under that Act; or

(b) a fishing concession for which an amount of levy is prescribed in regulations, except the Fishing Levy Regulations, in force under the Fishing Levy Act 1991;

“informally managed fishery” means any fishery except a formally managed fishery;

“KKFC Agreement” means the Agreement between the Commonwealth and the K.K.F.C. Proprietary Limited signed on 28 July 1986 and published by the Department;

“licencing authority” means the Minister or the Secretary and includes, in relation to the exercise of a power or the performance of a function that has been delegated by the Minister or the Secretary to a person or authority under subsection 6A (1) of the Act, that person or authority;

“master”, in relation to a boat, includes the person for the time being in charge of the boat;

“nominated person” means a person nominated by the Minister or the Secretary in pursuance of subregulation 12J (1);

“Subsidiary Agreement” means the Subsidiary Agreement between the Government of Australia and the Government of Japan concerning Japanese Tuna Long-line Fishing signed on 30 October 1986 and published by the Department;

“the Act” means the Fisheries Act 1952.

3A Amendment of the Treaty

3A. For the purposes of subsection 4 (5) 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.

4 Payment of licence fees

4. A licencing authority shall not grant or transfer a licence under section 9 of the Act unless the fee prescribed by these Regulations in respect of the grant or transfer, as the case may be, of that licence has been paid.

5 Applications for licences

5. (1) An application for the grant, transfer or endorsement of a licence shall be made in the approved form.

(2) An application for the grant of a licence under subsection 9 (2) or (3) of the Act shall be made not less than:

- (a) except where paragraph (b) applies - 30 days; or
- (b) where the Minister or the Secretary in a particular case allows a number of days that is less than 30 - the number of days so allowed; before the date on which the licence so applied for is to come into force.

(3) An application for the grant, transfer or endorsement of a licence in respect of a foreign boat shall be lodged at the Department of Primary Industries and Energy in Canberra.

8 Lost or destroyed licences etc.

8. (1) Where a licence granted under section 9 of the Act (in this regulation referred to as "the original instrument") has been lost or destroyed, the holder of the licence may make application in writing to a licensing authority for the issue to him of a duplicate licence.

(2) If the licensing authority is satisfied that:

- (a) the original instrument has been lost or destroyed; and
- (b) no improper use has been made or is being made of the original instrument; he may, upon payment by the applicant of the prescribed fee, issue to him a duplicate licence.

(3) A duplicate licence issued under this regulation has the same force and effect as the original instrument in respect of which it is issued.

(4) A person shall not, in or in relation to an application under this regulation, make a statement or furnish information that is false or misleading in any particular.

Penalty:

- (a) in the case of a natural person - \$2,000; or

- (b) in the case of a body corporate - \$10,000.

9 Defaced licences etc.

9. (1) Where a licence granted under section 9 of the Act (in this regulation referred to as "the original instrument") has been defaced, the holder of the licence may, on returning the licence to a licensing authority and on payment of the prescribed fee, be issued with a duplicate licence.

(2) A duplicate licence issued under this regulation has the same force and effect as the original instrument in respect of which it is issued.

9A Return of cancelled licence

9A. The holder of a licence granted under section 9 of the Act shall return the licence to the Department not later than 14 days after the date of receipt of notification that the licence has been cancelled under section 9A of the Act by the licensing authority.

Penalty:

- (a) in the case of a natural person - \$100; or
- (b) in the case of a body corporate - \$500.

10 Fees

10. The fee set out in column 3 of an item in Schedule 1 is payable in respect of the matter referred to in column 2 of the item.

11 Distinguishing number

11. (1) Where a licensing authority grants an application for a licence authorizing the use of a boat for fishing, he shall assign to the boat a distinguishing number consisting of a letter or letters followed by a number.

(2) If:

- (a) a boat in respect of which a licence under subsection 9 (2) of the Act is in force:
 - (i) is being or has, since the grant of the licence, been used for fishing in proclaimed waters; and
 - (ii) does not bear the distinguishing number assigned to it under subregulation (1) conspicuously and legibly painted on each bow, above the water line, in dark letters and figures on a light ground, or in light letters and figures on a dark ground, each letter and figure being not less than 300 millimetres in depth;
- (c) a boat in respect of which such a licence has been granted has ceased to be so licensed, and the distinguishing number assigned to it under subregulation (1) has not been completely obliterated or removed; or

- (d) a boat that is being used for fishing in proclaimed waters has painted or displayed upon a bow a letter or letters followed by a number, not being the letter or letters and number assigned to it in pursuance of this regulation or under a law of a State; the master and the owner of the boat are each guilty of an offence punishable on conviction by a fine not exceeding:
- (e) in the case of a natural person - \$2,000; or
- (f) in the case of a body corporate - \$10,000.

12 Certain provisions of regulation 11 not to apply to boats licensed under State law

12. (1) The provisions of paragraphs 11 (2) (a) and (b) do not apply to, or in relation to, a boat that:

- (a) is licensed under the law of a State to be used in the taking of fish; and
- (b) has painted or displayed on it a distinguishing number in accordance with that law.

(2) In this regulation "distinguishing number" includes a distinguishing number consisting of a letter or letters followed by a number.

12A Prescribed person: paragraph 13AB (3) (b) of the Act

12A. For the purposes of paragraph 13AB (3) (b) of the Act, the person who is for the time being performing the duties of the office of Senior Co-ordinator, Federal Sea Safety and Surveillance Centre in the Department of Transport and Communications is a prescribed person.

12B Prescribed manner of obtaining approval for a foreign boat to travel through the Australian fishing zone

12B. (1) For the purposes of paragraph 13AB (3) (b) of the Act, the prescribed manner of obtaining the approval of a prescribed person or authority is by making an application for the approval to the prescribed person or authority by means of:

- (a) in the case of a boat that is at sea at the time the approval is sought:
 - (i) a radio message transmitted through an Australian coast radio station operated by the Overseas Telecommunications Commission (Australia) that commences with the appropriate code letters and contains the required particulars; or
 - (ii) a telegram or telex message that commences with the appropriate code letters and contains the required particulars; and
- (b) in the case of a boat that is not at sea at the time the approval is sought - a telegram or telex message that commences with the appropriate code letters and contains the required particulars.

(2) For the purposes of this regulation, the appropriate code letters are:

- (a) in the case of an application that is made in respect of a boat that is to travel from a point outside the Australian fishing zone to a point inside an area that is an authorized area in relation to the boat - AFZE;
- (b) in the case of an application that is made in respect of a boat that is to travel through an area of the Australian fishing zone that is not an authorized area in relation to the boat, being travel from a port in Australia or in an external Territory to a point inside an area that is an authorized area in relation to the boat or travel from a point inside an area that is an authorized area in relation to the boat to a point inside another such area - AFZT;
- (c) in the case of an application that is made in respect of a boat that is to travel to a port in Australia or in an external Territory from a point outside the Australian fishing zone or from a point inside an area that is an authorized area in relation to the boat - AFZH; and
- (d) in the case of an application that is made in respect of a boat that is to travel to a point outside the Australian fishing zone from a point inside an area that is an authorized area in relation to the boat or from a port in Australia or in an external Territory - AFZX.

(3) For the purposes of this regulation, the required particulars are:

- (a) in the case of an application that is made in respect of a boat referred to in paragraph (2) (a):
 - (i) the international radio call-sign of the boat;
 - (ii) the geographical co-ordinates of the point at which it is proposed that the boat should enter the Australian fishing zone and the date upon which, and the time at which, it is proposed that the boat should arrive at that point; and
 - (iii) the geographical co-ordinates of the point in the area that is an authorized area in relation to the boat to which it is proposed that the boat should travel and the date upon which, and the time at which, it is proposed that the boat should arrive at that point;
- (b) in the case of an application that is made in respect of a boat referred to in paragraph (2) (b):
 - (i) the international radio call-sign of the boat;
 - (ii) where it is proposed that the boat should commence to travel from a port in Australia or in an external Territory - the name of the port and the date upon which, and the time at which, it is proposed that the boat should commence to travel from the port;
 - (iii) where it is proposed that the boat should commence to travel from a point inside an area that is an authorized area in relation to the boat - the geographical co-ordinates of the point at which it is proposed that the boat should enter the area of the Australian fishing zone that is not an authorized area in relation to the boat and the date upon which, and the time at which, it is proposed that the boat should so enter that area;
 - (iv) the proposed movements of the boat while it is in the area of the Australian fishing zone that is not an authorized area in relation to the boat and, where it is proposed that the boat should change course while it is in that area, the

geographical co-ordinates of each point at which it is proposed that the boat should change course in that area and the date upon which, and the time at which, it is proposed that each such change of course should occur; and

- (v) the geographical co-ordinates of the point to which it is proposed that the boat should travel and the date upon which, and the time at which, it is proposed that the boat should arrive at that point;
- (c) in the case of an application that is made in respect of a boat referred to in paragraph (2) (c):
- (i) the international radio call-sign of the boat;
 - (ii) the geographical co-ordinates of the point at which it is proposed that the boat should enter the area of the Australian fishing zone that is not an authorized area in relation to the boat and the date upon which, and the time at which, it is proposed that the boat should so enter that area;
 - (iii) the proposed movements of the boat while it is in the area of the Australian fishing zone that is not an authorized area in relation to the boat and, where it is proposed that the boat should change course while it is in that area, the geographical co-ordinates of each point at which it is proposed that the boat should change course in that area and the date upon which, and the time at which, it is proposed that each such change of course should occur; and
 - (iv) the name of the port to which it is proposed that the boat should travel and the date upon which, and the time at which, it is proposed that the boat should arrive at that port; and
- (d) in the case of an application that is made in respect of a boat referred to in paragraph (2) (d):
- (i) the international radio call-sign of the boat;
 - (ii) where it is proposed that the boat should commence to travel from a port in Australia or in an external Territory - the name of the port and the date upon which, and the time at which, it is proposed that the boat should commence to so travel;
 - (iii) where it is proposed that the boat should commence to travel from a point inside an area that is an authorized area in relation to the boat - the geographical co-ordinates of the point at which it is proposed that the boat should enter the area of the Australian fishing zone that is not an authorized area in relation to the boat and the date upon which, and the time at which, it is proposed that the boat should so enter that area;
 - (iv) the proposed movements of the boat while it is in the area of the Australian fishing zone that is not an authorized area in relation to the boat and, where it is proposed that the boat should change course while it is in that area, the geographical co-ordinates of each point at which it is proposed that the boat should change course in that area and the date upon which, and time at which, it is proposed that each such change of course should occur; and

- (v) the geographical co-ordinates of the point at which it is proposed that the boat should leave the Australian fishing zone and the date upon which, and the time at which, it is proposed that the boat should arrive at that point.

(4) Where a time is required to be specified in an application referred to in subregulation (1), that time shall be expressed as Greenwich Mean Time.

(5) In this regulation, "authorized area", in relation to a boat, means an area within the Australian fishing zone within which the use of the boat for taking, processing and carrying fish is authorized by a licence granted under section 9 of the Act.

12BA Prescribed agreement for purposes of paragraph 13BA (2) (b) of Act

12BA. For the purposes of paragraph 13BA (2) (b) of the Act, the agreement between the Government of Australia and the Government of the United States of America on access of commercial fishing vessels to Australian ports that is constituted by an exchange of notes dated 10 April, and 10 May, 1984 is a prescribed agreement between Australia and another country.

12C Masters of foreign boats in the Australian fishing zone to furnish position reports

12C. (1) The master of a foreign boat licensed under the Act shall not, without reasonable excuse, fail to make, in accordance with this regulation, while the boat is in the Australian fishing zone, position reports to the Federal Sea Safety and Surveillance Centre in the Department of Transport and Communications.

Penalty: \$2,000.

(2) A position report shall be made within 12 hours after each of the times specified in the licence for the purposes of this regulation.

(3) A position report:

- (a) shall be conveyed to the Federal Sea Safety and Surveillance Centre by radio through an Australian coast radio station operated by the Overseas Telecommunications Commission (Australia);
- (b) shall be prefaced by the code letters AFZP; and
- (c) shall specify:
 - (i) the international radio call-sign of the boat;
 - (ii) the time specified in the licence that, by virtue of subregulation (2), is the relevant time in relation to the making of that report; and
 - (iii) the geographical co-ordinates of the boat at the time referred to in subparagraph (ii).

12D Foreign boats licensed under the Act to display their radio call-sign

12D. (1) The master of a foreign boat licensed under the Act shall, at all times while the boat is in the Australian fishing zone, cause the international radio call-sign allotted to it to be displayed on the boat in accordance with this regulation.

Penalty: \$2,000.

(2) The international radio call-sign of the boat:

- (a) shall be displayed in such a position, or in such positions, on the boat as to be clearly visible from aircraft and from surface vessels; and
- (b) shall be represented:
 - (i) by white characters on a black background;
 - (ii) by black characters on a white background; or
 - (iii) by black characters on an international safety yellow background.

(3) Each character referred to in paragraph (2) (b):

- (a) shall consist of a Roman capital letter without ornamentation or an Arabic numeral without ornamentation;
- (b) in the case of a boat less than 20 metres in length:
 - (i) shall be not less than 50 centimetres in height; and
 - (ii) shall consist of strokes not less than 6.25 centimetres wide; and
- (c) in the case of a boat not less than 20 metres in length:
 - (i) shall be not less than 1 metre in height; and
 - (ii) shall consist of strokes not less than 12.5 centimetres wide.

12E Foreign boats licensed under the Act to display their names

12E. (1) The master of a foreign boat licensed under the Act shall, at all times while the boat is in the Australian fishing zone, cause the name of the boat to be displayed on the boat in accordance with this regulation.

Penalty: \$2,000.

(2) The name of the boat shall be displayed:

- (a) on both sides of the bow of the boat; and
- (b) on the stern of the boat; in characters of a colour that contrasts with the background on which it appears.

(3) Each character referred to in subregulation (2):

- (a) shall consist of a Roman capital letter without ornamentation or an Arabic numeral without ornamentation; and

(b) shall be not less than 45 centimetres in height.

(4) The name of the boat displayed at the places specified in subregulation (2) shall be kept clean and clearly visible.

12F Officers may inspect foreign boats

12F. (1) An officer may at any time inspect a foreign boat licensed under the Act and nets, traps and other equipment belonging to the boat and fish taken with the use of the boat.

(2) A person shall not obstruct an officer in the exercise of his powers under subregulation (1).
Penalty: \$2,000.

12G Officers may require the production of certain documents

12G. (1) An officer may require the master of a foreign boat licensed under the Act:

- (a) to produce to the officer:
 - (i) all papers held on the boat relating to the registration of the boat;
 - (ii) all licences held on the boat that have been issued in respect of the boat by the country whose flag the boat flies; and
 - (iii) all records held on the boat relating to fishing operations carried out with the use of the boat in the Australian fishing zone; and
- (b) to allow the officer to make copies of, or take extracts from, the documents so produced to him.

(2) An officer to whom a document has been produced under subregulation (1) may remove the document from the boat for the purpose of making a copy of or taking an extract from it.

(3) If a document produced to an officer in pursuance of subregulation (1) is in a foreign language, the officer may require the master of the foreign boat, at the expense of the owner of the foreign boat, to furnish him with a written translation of the document into English made by such person as the officer may nominate.

(4) A person shall not:

- (a) refuse or neglect to comply with a requirement made by an officer under subregulation (1);
- (b) prevent or obstruct an officer from making a copy of or taking an extract from a document under subregulation (1);
- (c) prevent or obstruct an officer from removing a document from a boat under subregulation (2); or

(d) fail or neglect to comply with a requirement made by an officer under subregulation (3).
Penalty: \$2,000.

12H Duties of officer who removes document from a foreign boat

12H. An officer who, under regulation 12G, removes a document from a boat shall:

- (a) retain the document for no longer than is reasonably necessary for making the copy or taking the extract; and
- (b) allow the master of the boat, or a person nominated by the master, to accompany him while he has the document away from the boat for the purpose of making the copy or taking the extract.

12J Foreign boats licensed under the Act to carry nominated persons

12J. (1) The Minister or the Secretary may, by notice in writing deliver to, or radio message sent to, the master of a foreign boat licensed under the Act, nominate:

- (a) a person who is an officer; or
- (b) a person:
 - (i) who is engaged in marine research; or
 - (ii) who is interested in methods of catching, capturing or processing fish; as a person who is to be carried on the foreign boat in accordance with this regulation.

(2) A notification delivered or sent to the master of a foreign boat in pursuance of subregulation (1) shall specify:

- (a) the name and residential address of the nominated person;
- (b) if the nominated person is not self-employed:
 - (i) the name and business address of his employer; and
 - (ii) the capacity in which he is employed;
- (c) if the nominated person is self-employed:
 - (i) that he is self-employed; and
 - (ii) his occupation;
- (d) the date upon which and the time and place at which, the nominated person is to be taken on board the boat;
- (e) the purpose for which the nominated person is to be carried on the boat;
- (f) the equipment (if any) relating to that purpose that the nominated person is to be permitted to take on board the boat; and

- (g) the date upon which and the time and place at which the nominated person is to be put ashore from the boat.

(3) A place specified in a notification referred to in subregulation (1) as a place at which the nominated person is to be taken on board a boat or put ashore from a boat shall be a place that, having regard to the proposed location of the fishing operations of the boat, is reasonable in the circumstances.

(4) A notification delivered or sent to the master of a foreign boat in pursuance of subregulation (1) shall be delivered or sent to the master so that it is received by him not less than 14 days before the date on which the nominated person is to be taken on board the boat.

12K Duties of persons in relation to the carriage of nominated persons

12K. (1) Where the Minister or the Secretary has, in pursuance of subregulation 12J (1), nominated a person to be carried on a foreign boat, the master of the boat shall:

- (a) have his boat available to receive the nominated person on board at the time and place specified for embarkation in the notification delivered or sent to the master in relation to the nominated person;
- (b) permit the nominated person to remain on board the boat until the time specified in the notification for him to be put ashore;
- (c) permit the nominated person to have access to all parts of the boat to which he may reasonably require access;
- (d) give the nominated person such information as is reasonably requested by him in relation to the boat, the equipment in or on the boat or any fish taken with the use of the boat; and
- (e) put the nominated person ashore from the boat at the time and place specified for disembarkation in the notification delivered or sent to the master in relation to the nominated person.

(2) The master of a foreign boat licensed under the Act on board which a nominated person is being carried in accordance with this regulation shall, while the nominated person is being so carried:

- (a) provide the person with accommodation and sustenance of a standard that is equal to or better than the standard of accommodation and sustenance appropriate for a junior officer serving on the boat; and
- (b) permit that person to use any facilities of the boat that the person requires the use of in order to operate any equipment taken on board the boat by him, being equipment specified in the notification given or sent to the master of the boat in accordance with subregulation 12J (1).

(3) Where the Minister or the Secretary has, in pursuance of subregulation 12J (1), nominated a person to be carried on a foreign boat, the person to whom the licence in respect of the boat has been issued under the Act shall not obstruct the master of the boat in the performance of his duties under subregulations (1) or (2).

Penalty:

- (a) in the case of a natural person - \$2,000; or

(b) in the case of a body corporate - \$10,000.

12L Nominated persons may require radio messages to be transmitted

12L. (1) Where a nominated person who is being carried on a foreign boat licensed under the Act requests the master of the boat to transmit a radio message, the master of the boat shall cause the radio message to be transmitted promptly.

Penalty: \$2,000.

(2) Where the master of a foreign boat licensed under the Act causes a radio message to be transmitted in pursuance of subregulation (1) he may recover from the nominated person at whose request the message was sent all costs incurred in sending the message.

12M Masters to cause radio messages to be delivered to nominated persons

12M. Where a foreign boat licensed under the Act receives a radio message addressed to a nominated person being carried on the boat, the master of the boat shall cause the message to be delivered promptly to the nominated person.

Penalty: \$2,000.

13 Measures for the prevention of collisions

13. (1) The measures required by the Navigation (Collision) Regulations to be complied with by a master, mate or other person concerned with the navigation, management or working of a ship shall be complied with by a fisherman in charge of a boat in proclaimed waters.

Penalty: \$2,000.

(2) The imposition of a penalty on a person for a contravention of this regulation by reason of an act or omission does not relieve the person from civil liability for damage occasioned by that act or omission.

13A Identity cards

13A. (1) The Secretary shall cause to be issued to each officer, other than a member of a police force or a member of the Defence Force, an identity card stating that the person to whom the card has been issued is an officer for the purposes of the Act.

(2) A person, other than a member of a police force or a member of the Defence Force, who ceases to be an officer shall forthwith return his identity card to the Secretary.

Penalty: \$100.

(3) Where an officer, other than a member of a police force or a member of the Defence Force, goes aboard a boat for the purpose of inspecting the boat, equipment in or on the boat or fish on board the boat he shall, if requested to do so by the master of the boat, produce to the master the identity card issued to him in pursuance of subregulation (1).

14 Unclaimed nets, traps and equipment

14. (1) Where an officer finds nets, traps or other fishing equipment (in this regulation referred to as "the equipment") in proclaimed waters and the identity of the owner of the equipment is not known to the officer, he shall cause the equipment to be kept in safe custody for a period of 30 days.

(2) If, at the expiration of the period specified in subregulation (1), no person has claimed, and established that he is the owner of, the equipment, a notice shall be inserted once in one or more newspapers circulating in the locality of the port nearest to which the equipment was found or, if there is no such newspaper, in such newspaper as the Secretary directs, describing the equipment and the approximate locality in which it was found, and stating that if it is not claimed, and the ownership of the claimant established, within 14 days from the date of the publication of the notice, it will be sold by public auction.

(3) After the expiration of the period specified in the notice, an officer may, if the equipment has not been claimed and the ownership of the claimant established, sell the equipment by public auction.

(4) An officer may conduct an auction sale under this regulation without holding an auctioneer's licence under the law of the State or Territory in which the auction sale is conducted.

(5) The proceeds of the sale of equipment under this regulation shall be paid into the Consolidated Revenue Fund.

(6) For the purposes of the sale of equipment in pursuance of this regulation, the Commonwealth shall be deemed to be the absolute owner of the equipment.

(7) Any equipment submitted for sale at an auction sale held in pursuance of this regulation but not sold may be disposed of in such manner as the Minister directs.

(8) An action does not lie against the Commonwealth or any person (including a purchaser of the equipment) by reason of the sale or disposal of equipment in pursuance of this regulation.

15 Returns by processor

15. (1) A person who has, at any time during a period of 6 months ending on the last day of a month, received, at a place in Australia north of the parallel 20 degrees south latitude, prawns for processing in Australia shall, on or before the fifteenth day of the next succeeding month, furnish a return in the approved form to the Secretary:

- (a) stating the total quantity of prawns so received during the preceding month (including the quantity of prawns received from each boat from which prawns were received);
- (b) giving the prescribed particulars in relation to those prawns; and
- (c) giving particulars of the sale or other disposal of any fish (other than prawns) received by the processor at a place north of that parallel during the preceding month for processing in Australia.

Penalty:

- (a) in the case of a natural person - \$2,000; or
- (b) in the case of a body corporate - \$10,000.

(2) For the purposes of subregulation (1), "the prescribed particulars" in relation to prawns referred to in paragraph (1) (a) are particulars of:

- (a) the name of the person who received the prawns for processing;
- (b) the address of the place where the prawns were received;
- (c) the name of each fishing boat that took the prawns that were received;
- (d) the quantity of prawns taken by each such fishing boat;
- (e) the price paid by the person for the prawns referred to in paragraph (d);
- (f) the area of waters from which the prawns referred to in paragraph (d) were taken; and
- (g) the quantity of prawns sold or disposed of by the person in the form of:
 - (i) uncooked prawn tails;
 - (ii) whole uncooked prawns;
 - (iii) whole cooked prawns;
 - (iv) prawn cutlets; or
 - (v) peeled prawn meat.

(3) For the purposes of subregulations (1) and (2), particulars of prawns received, or sold or disposed of, shall be specified separately in relation to each kind and size range of prawn received, or sold or disposed of.

(4) For the purposes of subregulation (1), the particulars of fish (other than prawns) referred to in paragraph (1) (c) include particulars of:

- (a) the quantity of fish sold or disposed of;
- (b) the value, or price, of fish sold or disposed of; and
- (c) where fish is sold or disposed of in a form other than whole fish or fillets - the form in which the fish was sold or disposed of.

(5) For the purposes of subregulations (1) and (4), the particulars of fish (other than prawns) sold or disposed of shall be specified separately in relation to:

- (a) each kind of fish sold or disposed of;
- (b) whole fish sold or disposed of;
- (c) fillets sold or disposed of; and
- (d) where fish is sold or disposed of in a form other than whole fish or fillets - each such form.

(6) It is a defence to a prosecution under subregulation (1) if the defendant shows that he, she or it had a reasonable excuse for failing to comply with that subregulation.

15A Returns relating to SEF species

15A. (1) In this regulation:

“Management Plan” means the South East Fishery (Individual Transferable Quota) Management Plan made by the Minister on 9 December 1991 and published in the Gazette on 9 December 1991;

“receiver” means a person who receives SEF species for processing for trade, or for sale by wholesale or retail, except:

- (a) a person who receives SEF species for which a receiver is already required to lodge a return under subregulation (4); or
- (b) a person who receives SEF species only for the purpose of transporting the fish from one place to another;

“SEF species” means:

- (a) the species of fish specified in Schedule 1 to the Management Plan; and
- (b) School Shark (*Galeorhinus galeus*); and
- (c) Gummy Shark (*Mustelus antarcticus*).

(2) This regulation applies only to SEF species taken by a boat in relation to which units under the Management Plan have been allocated or have been assigned as a result of a transfer.

(3) This regulation applies to receivers who operate in New South Wales, Victoria, Queensland, Western Australia, South Australia or Tasmania on or after 1 January 1992.

(4) A receiver who receives SEF species on any day must, within 24 hours after the end of the day, complete a return that contains the particulars specified in subregulation (8). Maximum penalty: \$2,000.

(5) The return must be in the form approved by the Minister.

(6) A receiver who is required to complete a return in any week ending at the end of a Sunday must give the Department a return before the end of the following Tuesday. Maximum penalty: \$2,000.

(7) A return may be sent or delivered to the Department at the address specified in the return form.

(8) For the purposes of subregulation (4), the following particulars are specified:

- (a) the name of the receiver; and
- (b) the address of the depot at which the receiver received the SEF species; and
- (c) the name (in block letters) of the individual who takes delivery of the SEF species for the receiver; and
- (d) the individual's signature; and
- (e) the individual's telephone number; and
- (f) the date on which the receiver received the SEF species; and

- (g) the quantity (in kilograms) of each SEF species that the receiver received in each of the following forms:
 - (i) whole fish; and
 - (ii) gutted fish; and
 - (iii) headed and gutted fish; and
 - (iv) filleted fish; and
 - (v) fish in any other form.

16 Publication of log-books

16. (1) Where the Minister is satisfied that information:

- (a) in relation to the taking of fish in Australian waters and the sale or disposal of such fish;
- (ab) relating to the carrying and transshipping of fish taken in Australian waters; or
- (b) relating to the use in the Australian fishing zone of foreign boats licensed under the Act; is required in pursuit of the objectives of the Act, he shall cause to be published forms of log-books in which the information can be entered in accordance with these Regulations.

(2) Each form of log-book shall be appropriate to:

- (a) the kind of fish;
- (b) the kind of fishing activity; and
- (c) the area of waters; in respect of which information is to be entered in the log-book and shall bear a letter, number or symbol by which it can be distinguished from other forms of log-book.

(3) The information referred to in subregulation (1) that may be required to be entered in a log-book in respect of fish taken by means of a boat may include:

- (a) the following particulars of the person in charge of taking fish by means of the boat:
 - (i) his name;
 - (ii) the number of his certificate of competency (if any) as a master of a boat and the name of the authority that granted it; and
 - (iii) the duration of his experience in the method of fishing carried on by means of a boat;
- (b) the number of the crew of the boat and the number of that crew who are normally directly engaged in taking fish;
- (c) particulars of the physical characteristics, and means of identification, of the boat and its equipment;
- (d) particulars of the fish taken by means of the boat;

- (e) particulars of circumstances related to the taking of fish by means of the boat; and
- (f) particulars of the sale or disposal of fish taken by means of the boat.

17 Powers of Minister

17. (1) Where the Minister has, by notice in writing published in the Gazette and in a newspaper circulating in a State or the Northern Territory, determined in respect of a form of log-book:

- (a) the kind of fish;
- (b) the kind of fishing activity; and
- (c) the area of waters; in respect of which the form of log-book is to be used in accordance with these Regulations, the form of log-book is for the purposes of these Regulations the appropriate form of log-book in relation to a boat:
- (d) engaged in taking in that area of waters fish included in that kind of fish; or
- (e) engaged in an activity related to taking in that area of waters fish included in that kind of fish.

(2) The Minister shall, by notice in writing published in the Gazette and in a newspaper circulating in a State or the Northern Territory, determine in respect of each form of log-book:

- (a) the beginning and the end of the period during which subregulation 18 (1), (2) or (3) shall apply in respect of the form of log-book; and
- (b) the places where copies of the form of log-book can be obtained during ordinary business hours.

(3) For the purposes of a notice referred to in subregulation (1) or (2), it shall be sufficient to identify a form of log-book by means of the letter, number or symbol, referred to in subregulation 16 (2), by which it is distinguished from other forms of log-book.

(4) In respect of a form of log-book, the beginning of a period referred to in paragraph (2) (a) shall be not less than 14 days after the date on which the notice referred to in subregulation (2) is published in the Gazette, or in a newspaper referred to in that subregulation, whichever is the later, in relation to the form of log-book.

(5) In respect of a form of log-book, the duration of a period referred to in paragraph (2) (a) shall not be longer than 3 years after the date on which the notice referred to in subregulation (2) is published in the Gazette, or in a newspaper referred to in that subregulation, whichever is the earlier, in relation to the form of log-book.

(6) The Minister may, by notice in writing published in the Gazette and in a newspaper circulating in a State or the Northern Territory, determine that subregulation 18 (1), (2) or (3) shall not apply in relation to masters of a specified class of boat in respect of a specified form of log-book.

(7) The Minister shall determine in respect of each form of log-book the newspaper or newspapers in which a notice referred to in subregulation (1), (2) or (6) shall be published.

(8) In making a determination under subregulation (7), the Minister shall have regard to the area of waters in respect of which the form of log-book is to be used in accordance with these Regulations.

(9) Nothing in these Regulations prevents notices under subregulation (1), (2) or (6) being combined and published as one notice.

18 Offences in relation to log-books

18. (1) Unless he has a reasonable excuse, a person who is a master of an Australian boat licensed under section 9 of the Act shall:

- (a) in respect of each day during which he uses the boat in an area of proclaimed waters in relation to taking fish in such an area, or in relation to the sale or disposal of fish taken in such an area; and
- (b) not later than the end of the day immediately following the day referred to in paragraph (a) or at the time or times specified in the log-book; cause information relating to that taking, sale or disposal to be entered in a log-book, kept in the appropriate form, in accordance with the requirements set out in the log-book.

Penalty: \$2,000.

(2) Unless he has a reasonable excuse, a person who is a master of a foreign boat licensed under section 9 of the Act shall:

- (a) in respect of each day during which he uses the boat in the Australian fishing zone; and
- (b) not later than the end of the day immediately following the day referred to in paragraph (a); cause information relating to that use to be entered in a log-book, kept in the appropriate form, in accordance with the requirements set out in the log-book.

Penalty: \$2,000.

(3) Unless he has a reasonable excuse, a person who has caused information to be entered in a log-book shall cause the folios, of the log-book, in which the information has been entered to be furnished to an officer, or to the Department, in accordance with the requirements set out in the log-book.

Penalty: \$2,000.

(3A) A person shall not cause to be entered in a log-book information that, to the knowledge of that person, is false or misleading in a material particular.

Penalty: \$2,000.

(4) It is a defence to a prosecution for an offence against subregulation (1) or (2) in respect of a log-book if the defendant establishes that he made reasonable, but unsuccessful, efforts to obtain a copy of that log-book.

19 Secrecy

19. (1) A person shall not, either directly or indirectly:

- (a) make a record of, or communicate to a person, information, concerning the affairs of another person, that is contained in a log-book; or

- (b) produce to a person any part of a log-book in which information has been recorded under these Regulations; except in the performance of a duty under, or in relation to, the Act or these Regulations, or in pursuance of an order of a court.

Penalty: \$500.

(2) The reference in subregulation (1) to information, concerning the affairs of another person, that is contained in a log-book does not include a reference to information:

- (a) that is compiled for statistical purposes with other like information; and
- (b) that does not specify the name of the person who furnished the information or to whom the information relates.

(3) In this regulation, "court" includes any tribunal or person having authority under a law, or by consent of parties, to receive evidence.

19A Form of warrant for officer to enter land or premises

19A. For the purposes of subsection 10 (4) of the Act, the prescribed form, in accordance with which a Justice of the Peace may grant a warrant authorizing an officer to enter land or premises for the purpose referred to in subsection 10 (3) of the Act, is the form set out in Schedule 2.

20 Marking of fishing equipment

20. A licensing authority shall, upon the application of the holder of a licence granted under subsection 9 (2) of the Act, assign a distinguishing symbol to equipment, being equipment of a kind to which a notice under paragraph 8 (1) (f) of the Act applies, to be used for taking, in the area of proclaimed waters specified in the notice, fish to which the notice applies in pursuance of the licence.

21 Short methods of reference

21. (1) For the purposes of a notice under section 8 of the Act, a licence granted under section 9 of the Act, a certificate given under section 16 of the Act, any other instrument made by or under the authority of the Act or any information, complaint or summons laid or issued against a person who, when the offence was committed, was on a foreign boat, "the area of waters adjacent to Western Australia on the landward side of the 200 metre isobath" is the short method of reference to the area of proclaimed waters described in Schedule 3.

(2) For the purposes of a notice under section 8 of the Act, a licence granted under section 9 of the Act, a certificate given under section 16 of the Act, any other instrument made by or under the authority of the Act or any information, complaint or summons laid or issued against a person who, when the offence was committed, was on a foreign boat, the short method of reference set out in an item in Schedule 5, in Column 2 of that Schedule, is the short method of reference to the area of proclaimed waters referred to in that item in Column 3 of that Schedule.

Column 1	Column 2	Column 3
Item	Matter	Fee
		\$

- | | | |
|---|---|-----|
| 1 | Grant of a master fisherman's licence for an Australian boat | 25 |
| 2 | Grant of a master fisherman's licence for a foreign boat, unless the holder of the licence is: | 100 |
| | (a) the holder of a foreign master fishing licence in force under Fisheries Management Act 1991; or | |
| | (b) an applicant for a licence referred to in paragraph (a) | |
| 3 | Grant of a licence under subsection 9 (2) or (3) of the Act for an Australian boat in respect of a formally managed fishery, unless the holder of the licence is: | 100 |
| | (a) the holder of a fishing permit in force under the Fisheries Management Act 1991 for the fishery in respect of the boat; or | |
| | (b) an applicant for a permit referred to in paragraph (a) | |
| 4 | Grant of a licence under subsection 9 (2) or (3) of the Act for a foreign boat, unless the holder of the licence is: | 300 |
| | (a) the holder of a foreign fishing licence in force under the Fisheries Management Act 1991 for the fishery in respect of the boat; or | |
| | (b) an applicant for a licence referred to in paragraph (a) | |
| 5 | Grant of a licence under subsection 9 (2) or (3) of the Act for an Australian boat in respect of an informally managed fishery, unless the holder of the licence is: | 300 |
| | (a) the holder of a fishing permit in force under the Fisheries Management Act 1991 for the fishery in respect of the boat; or | |
| | (b) an applicant for a permit referred to in paragraph (a) | |
| 6 | On application, variation under subsection 9 (5B) of the Act of a condition, or conditions, of: | 250 |
| | (a) a licence in force in respect of a boat under subsection 9 (2) or (3) of the Act; or | |
| | (b) if application is made to vary more than 1 licence referred to in paragraph (a) in respect of that boat at the same time - those licences; unless: | |
| | (c) a fee has been paid in relation to a request to vary, revoke or specify a condition, or conditions, of a licence, or licences, in respect of the boat under subsection 32 (8) of the Fisheries Management Act 1991; and | |
| | (d) the application was made at the same time as that request | |
| 7 | Transfer under subsection 9 (7) of the Act of: | 250 |
| | (a) a licence in force in respect of a boat under subsection 9 (2) or (3) of the Act; or | |
| | (b) if application is made to transfer more than 1 licence referred to in paragraph (a) in respect of that boat at the same time - those licences; unless: | |
| | (c) a fee has been paid in relation to an application to transfer a permit, or permits, in respect of the boat under subsection 32 (10) of the Fisheries Management Act 1991; and | |
| | (d) that application is made at the same time as the application to transfer the licence or licences | |
| 8 | Variation under subsection 9 (7A) of the Act of: | 250 |
| | (a) a licence in force in respect of a boat under subsection 9 (2) or (3) of the Act; or | |
| | (b) if application is made at the same time to vary more than 1 licence referred to in paragraph (a) in respect of the boat in the same manner - those licences; unless, the | |

licence is, or licences are, transferred to a person who applies for variation of the licence or licences at the same time as application is made for the transfer

SCHEDULE 2 Regulation 19A
Fisheries Act 1952
SEARCH WARRANT UNDER SUB-SECTION 10 (4)

To: (full name), an officer within the meaning of section 10 of the Fisheries Act 1952.

WHEREAS, on an application made under sub-section 10 (3) of that Act in relation to land or premises at _____,

I, (full name), a Justice of the Peace, am satisfied by information on oath (or affirmation) that the issue of a warrant is reasonably required for the purposes of that Act;

YOU ARE HEREBY AUTHORIZED, with such assistance as you think necessary, to enter the land or premises at _____, for the purpose referred to in sub-section 10 (3) of that Act, namely, the purpose of ascertaining whether there are on that land or in those premises fish that have been landed in contravention of section 13BB of that Act:

AND for so doing, this shall be your sufficient warrant. Dated this _____ day of _____ 19.

Justice of the Peace

SCHEDULE 3 Regulation 21
DESCRIPTION OF AREA OF PROCLAIMED WATERS THE SHORT METHOD OF
REFERENCE TO WHICH IS THE AREA OF WATERS ADJACENT TO
WESTERN AUSTRALIA ON THE LANDWARD SIDE OF THE 200 METRE ISOBATH

The area of proclaimed waters adjacent to Western Australia, bounded by the line:

- (a) commencing at the intersection of the northern coast of Australia by the eastern limit of the waters adjacent to Western Australia;
- (b) running thence northerly along the geodesic to the point of Latitude 14 degrees 37' 30" South, Longitude 129 degrees 01' 45" East;
- (c) thence northerly along the geodesic to the point of Latitude 14 degrees 32' 30" South, Longitude 129 degrees 01' 15" East;
- (d) thence north-westerly along the geodesic to the point of Latitude 14 degrees 19' 30" South, Longitude 128 degrees 53' East;
- (e) thence north-westerly along the geodesic to the point of Latitude 14 degrees South, Longitude 128 degrees 42' 15" East;
- (f) thence north-westerly along the geodesic to the point of Latitude 13 degrees 49' 45" South, Longitude 128 degrees 33' 15" East;
- (g) thence north-westerly along the geodesic to the point of Latitude 13 degrees 39' 45" South, Longitude 128 degrees 30' 45" East;
- (h) thence north-westerly along the geodesic to the point of Latitude 13 degrees 15' 30" South, Longitude 128 degrees 28' East;
- (i) thence north to the point of Latitude 12 degrees 55' 30" South, Longitude 128 degrees 28' East;

- (j) thence north-westerly along the geodesic to the point of Latitude 12 degrees 32' 45" South, Longitude 128 degrees 24' East;
- (k) thence north-westerly along the geodesic to the point of Latitude 12 degrees 26' 30" South, Longitude 128 degrees 22' East;
- (l) thence north-westerly along the geodesic to the point of Latitude 11 degrees 48' South, Longitude 127 degrees 53' 45" East;
- (m) thence north-westerly along the geodesic to the point of Latitude 11 degrees 13' 15" South, Longitude 127 degrees 32' East;
- (n) thence north-westerly along the geodesic to the point of Latitude 10 degrees 05' South, Longitude 126 degrees 47' 30" East;
- (o) thence south-westerly along the geodesic to the point of Latitude 10 degrees 13' South, Longitude 126 degrees 26' 30" East;
- (p) thence south-westerly along the geodesic to the point of Latitude 10 degrees 21' 30" South, Longitude 126 degrees 10' 30" East;
- (q) thence south-westerly along the geodesic to the point of Latitude 11 degrees 44' 30" South, Longitude 125 degrees 31' 30" East;
- (r) thence south-westerly along the geodesic to the point of Latitude 11 degrees 51' South, Longitude 125 degrees 27' 45" East;
- (s) thence south-westerly along the geodesic to the point of Latitude 12 degrees 46' 15" South, Longitude 124 degrees 55' 30" East;
- (t) thence south-westerly along the geodesic to the point of Latitude 13 degrees 13' 15" South, Longitude 124 degrees 36' 15" East;
- (u) thence south-westerly along the geodesic to the point of Latitude 13 degrees 19' 30" South, Longitude 124 degrees 27' 45" East;
- (v) thence west to the point of Latitude 13 degrees 19' 30" South, Longitude 123 degrees 49' East;
- (w) thence south-westerly along the geodesic to the point of Latitude 13 degrees 35' South, Longitude 123 degrees 37' East;
- (x) thence southerly along the geodesic to the point of Latitude 14 degrees South, Longitude 123 degrees 36' East;
- (y) thence south-westerly along the geodesic to the point of Latitude 14 degrees 03' South, Longitude 123 degrees 25' East;
- (z) thence south-westerly along the geodesic to the point of Latitude 14 degrees 13' South, Longitude 123 degrees 10' East;
- (aa) thence west along the geodesic to the point of Latitude 14 degrees 13' South, Longitude 122 degrees 53' East;

- (ab) thence south-westerly along the geodesic to the point of Latitude 14 degrees 56' South, Longitude 121 degrees 42' East;
- (ac) thence south-westerly along the geodesic to the point of Latitude 15 degrees South, Longitude 121 degrees 38' East;
- (ad) thence south-westerly along the geodesic to the point of Latitude 15 degrees 23' South, Longitude 121 degrees 25' East;
- (ae) thence south-westerly along the geodesic to the point of Latitude 15 degrees 36' South, Longitude 121 degrees 08' East;
- (af) thence south-westerly along the geodesic to the point of Latitude 15 degrees 47' South, Longitude 120 degrees 59' East;
- (ag) thence south-westerly along the geodesic to the point of Latitude 16 degrees 20' South, Longitude 120 degrees 50' East;
- (ah) thence south to the point of Latitude 120 degrees 50' South, Longitude 16 degrees 48' East;
- (ai) thence south-westerly along the geodesic to the point of Latitude 17 degrees South, Longitude 120 degrees 47' East;
- (aj) thence south-westerly along the geodesic to the point of Latitude 17 degrees 12' South, Longitude 120 degrees 35' East;
- (ak) thence south-westerly along the geodesic to the point of Latitude 17 degrees 39' South, Longitude 120 degrees 10' East;
- (al) thence south-westerly along the geodesic to the point of Latitude 17 degrees 55' South, Longitude 119 degrees 11' East;
- (am) thence south-westerly along the geodesic to the point of Latitude 18 degrees 01' South, Longitude 119 degrees East;
- (an) thence south-westerly along the geodesic to the point of Latitude 19 degrees South, Longitude 117 degrees 14' East;
- (ao) thence south-westerly along the geodesic to the point of Latitude 9 degrees 09' South, Longitude 116 degrees 50' East;
- (ap) thence south-westerly along the geodesic to the point of Latitude 9 degrees 11' South, Longitude 116 degrees 28' East;
- (aq) thence south-westerly along the geodesic to the point of Latitude 9 degrees 17' South, Longitude 116 degrees 05' East;
- (ar) thence south-westerly along the geodesic to the point of Latitude 9 degrees 30' South, Longitude 115 degrees 50' East;
- (as) thence south-westerly along the geodesic to the point of Latitude 9 degrees 40' South, Longitude 115 degrees 25' East;

- (at) thence south-westerly along the geodesic to the point of Latitude 9 degrees 55' South, Longitude 115 degrees 14' East;
- (au) thence south-westerly along the geodesic to the point of Latitude 0 degrees 03' South, Longitude 115 degrees 03' East;
- (av) thence south-westerly along the geodesic to the point of Latitude 0 degrees 15' South, Longitude 114 degrees 55' East;
- (aw) thence south-westerly along the geodesic to the point of Latitude 0 degrees 35' South, Longitude 114 degrees 47' East;
- (ax) thence southerly along the geodesic to the point of Latitude 20 degrees 53' South, Longitude 114 degrees 43' East;
- (ay) thence south along the meridian of Longitude 114 degrees 43' East to its intersection by the parallel of Latitude 21 degrees South;
- (az) thence south-westerly along the geodesic to the point of Latitude 1 degrees 30' South, Longitude 114 degrees 06' East;
- (ba) thence south-westerly along the geodesic to the point of Latitude 1 degrees 41' South, Longitude 113 degrees 57' East;
- (bb) thence south-westerly along the geodesic to the point of Latitude 1 degrees 48' South, Longitude 113 degrees 51' East;
- (bc) thence southerly along the geodesic to the point of Latitude 22 degrees 01' South, Longitude 113 degrees 47' East;
- (bd) thence southerly along the geodesic to the point of Latitude 22 degrees 12' South, Longitude 113 degrees 45' East;
- (be) thence south-westerly along the geodesic to the point of Latitude 2 degrees 50' South, Longitude 113 degrees 26' East;
- (bf) thence south-westerly along the geodesic to the point of Latitude 3 degrees 20' South, Longitude 113 degrees 13' East;
- (bg) thence south-westerly along the geodesic to the point of Latitude 3 degrees 36' South, Longitude 113 degrees 02' East;
- (bh) thence south-westerly along the geodesic to the point of Latitude 4 degrees 06' South, Longitude 112 degrees 37' East;
- (bi) thence south-westerly along the geodesic to the point of Latitude 4 degrees 25' South, Longitude 112 degrees 25' East;
- (bj) thence south-westerly along the geodesic to the point of Latitude 4 degrees 39' South, Longitude 112 degrees 19' East;
- (bk) thence southerly along the geodesic to the point of Latitude 25 degrees South, Longitude 112 degrees 14' East;

- (bl) thence southerly along the geodesic to the point of Latitude 25 degrees 33' South, Longitude 112 degrees 12' East;
- (bm) thence southerly along the geodesic to the point of Latitude 26 degrees South, Longitude 112 degrees 18' East;
- (bn) thence south-easterly along the geodesic to the point of Latitude 6 degrees 24' South, Longitude 112 degrees 30' East;
- (bo) thence south-easterly along the geodesic to the point of Latitude 6 degrees 50' South, Longitude 112 degrees 44' East;
- (bp) thence south-easterly along the geodesic to the point of Latitude 7 degrees 20' South, Longitude 112 degrees 55' East;
- (bq) thence south-easterly along the geodesic to the point of Latitude 7 degrees 55' South, Longitude 113 degrees 10' East;
- (br) thence south-easterly along the geodesic to the point of Latitude 8 degrees 35' South, Longitude 113 degrees 29' East;
- (bs) thence south-easterly along the geodesic to the point of Latitude 9 degrees South, Longitude 113 degrees 46' East;
- (bt) thence south-easterly along the geodesic to the point of Latitude 9 degrees 54' South, Longitude 114 degrees 25' East;
- (bu) thence south-easterly along the geodesic to the point of Latitude 0 degrees 40' South, Longitude 114 degrees 41' East;
- (bv) thence south-easterly along the geodesic to the point of Latitude 1 degrees 14' South, Longitude 114 degrees 55' East;
- (bw) thence southerly along the geodesic to the point of Latitude 31 degrees 48' South, Longitude 115 degrees 01' East;
- (bx) thence south-easterly along the geodesic to the point of Latitude 1 degrees 58' South, Longitude 115 degrees 13' East;
- (by) thence south-westerly along the geodesic to the point of Latitude 2 degrees 16' South, Longitude 115 degrees 05' East;
- (bz) thence south-westerly along the geodesic to the point of Latitude 2 degrees 53' South, Longitude 114 degrees 41' East;
- (ca) thence south-westerly along the geodesic to the point of Latitude 3 degrees 10' South, Longitude 114 degrees 34' East;
- (cb) thence south-westerly along the geodesic to the point of Latitude 3 degrees 30' South, Longitude 114 degrees 29' East;
- (cc) thence southerly along the geodesic to the point of Latitude 34 degrees South, Longitude 114 degrees 27' East;

- (cd) thence southerly along the geodesic to the point of Latitude 34 degrees 20' South, Longitude 114 degrees 30' East;
- (ce) thence south-easterly along the geodesic to the point of Latitude 4 degrees 41' South, Longitude 114 degrees 40' East;
- (cf) thence south-easterly along the geodesic to the point of Latitude 4 degrees 52' South, Longitude 114 degrees 50' East;
- (cg) thence south-easterly along the geodesic to the point of Latitude 4 degrees 58' South, Longitude 115 degrees East;
- (ch) thence south-easterly along the geodesic to the point of Latitude 5 degrees 04' South, Longitude 115 degrees 16' East;
- (ci) thence easterly along the geodesic to the point of Latitude 35 degrees 06' South, Longitude 115 degrees 36' East;
- (cj) thence south-easterly along the geodesic to the point of Latitude 5 degrees 17' South, Longitude 116 degrees East;
- (ck) thence south-easterly along the geodesic to the point of Latitude 5 degrees 23' South, Longitude 116 degrees 19' East;
- (cl) thence south-easterly along the geodesic to the point of Latitude 5 degrees 27' South, Longitude 116 degrees 47' East;
- (cm) thence east along the parallel of Latitude 35 degrees 27' South to its intersection by the meridian of Longitude 116 degrees 57' East;
- (cn) thence north-easterly along the geodesic to the point of Latitude 5 degrees 23' South, Longitude 117 degrees 13' East;
- (co) thence south-easterly along the geodesic to the point of Latitude 5 degrees 27' South, Longitude 117 degrees 40' East;
- (cp) thence south-easterly along the geodesic to the point of Latitude 5 degrees 29' South, Longitude 117 degrees 50' East;
- (cq) thence north-easterly along the geodesic to the point of Latitude 5 degrees 26' South, Longitude 118 degrees 05' East;
- (cr) thence north-easterly along the geodesic to the point of Latitude 5 degrees 21' South, Longitude 118 degrees 22' East;
- (cs) thence north-easterly along the geodesic to the point of Latitude 5 degrees 09' South, Longitude 118 degrees 47' East;
- (ct) thence north-easterly along the geodesic to the point of Latitude 4 degrees 50' South, Longitude 119 degrees 19' East;
- (cu) thence north-easterly along the geodesic to the point of Latitude 4 degrees 41' South, Longitude 119 degrees 42' East;

- (cv) thence easterly along the geodesic to the point of Latitude 34 degrees 37' South, Longitude 120 degrees 09' East;
- (cw) thence easterly along the geodesic to the point of Latitude 34 degrees 36' South, Longitude 120 degrees 19' East;
- (cx) thence easterly along the geodesic to the point of Latitude 34 degrees 34' South, Longitude 120 degrees 32' East;
- (cy) thence north-easterly along the geodesic to the point of Latitude 4 degrees 30' South, Longitude 120 degrees 42' East;
- (cz) thence east along the parallel of Latitude 34 degrees 30' South to its intersection by the meridian of Longitude 120 degrees 57' East;
- (da) thence south-easterly along the geodesic to the point of Latitude 4 degrees 34' South, Longitude 121 degrees 26' East;
- (db) thence easterly along the geodesic to the point of Latitude 34 degrees 35' South, Longitude 121 degrees 45' East;
- (dc) thence south-easterly along the geodesic to the point of Latitude 4 degrees 38' South, Longitude 121 degrees 52' East;
- (dd) thence easterly along the geodesic to the point of Latitude 34 degrees 39' South, Longitude 122 degrees 30' East;
- (de) thence easterly along the geodesic to the point of Latitude 34 degrees 40' South, Longitude 122 degrees 44' East;
- (df) thence easterly along the geodesic to the point of Latitude 34 degrees 39' South, Longitude 123 degrees 25' East;
- (dg) thence easterly along the geodesic to the point of Latitude 34 degrees 37' South, Longitude 123 degrees 49' East;
- (dh) thence north-easterly along the geodesic to the point of Latitude 4 degrees 19' South, Longitude 124 degrees 17' East;
- (di) thence north-easterly along the geodesic to the point of Latitude 4 degrees 09' South, Longitude 124 degrees 49' East;
- (dj) thence north-easterly along the geodesic to the point of Latitude 4 degrees 02' South, Longitude 125 degrees 08' East;
- (dk) thence north-easterly along the geodesic to the point of Latitude 3 degrees 53' South, Longitude 125 degrees 23' East;
- (dl) thence north-easterly along the geodesic to the point of Latitude 3 degrees 20' South, Longitude 126 degrees 08' East;
- (dm) thence north-easterly along the geodesic to the point of Latitude 3 degrees 16' South, Longitude 126 degrees 30' East;

- (dn) thence east along the parallel of Latitude 33 degrees 16' South to its intersection by the meridian of Longitude 126 degrees 51' East;
- (do) thence easterly along the geodesic to the point of Latitude 33 degrees 20' South, Longitude 127 degrees 40' East;
- (dp) thence easterly along the geodesic to the point of Latitude 33 degrees 18' South, Longitude 128 degrees 20' East;
- (dq) thence easterly along the geodesic to the intersection of the parallel of Latitude 33 degrees 23' South by the outer limit of the waters adjacent to Western Australia;
- (dr) thence northerly along that outer limit to its intersection with the southern shore of Australia;
- (ds) thence generally south-westerly, northerly, north-easterly and south-easterly along the shore of Australia to the point of commencement.

SCHEDULE 4 Regulation 3A

AMENDMENTS OF THE TREATY . Annex I .1 Omit Parts 1 to 7 and Schedules 1 and 2, substitute:

PART 1

INTRODUCTORY . 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.

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. .

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

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

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

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

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.

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. 0. 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 transshipment is to take place. Provided that, notwithstanding any such additional terms and conditions, transshipment 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 1. 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 transshipment is requested to occur,
- (b) only tranship at the time and place authorised for transshipment by the Pacific Island parties;
- (c) submit full reports on the transshipment in the form set out in Schedule 6; 2. 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

3. 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. 4. 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.

5. 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.

6. 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

7. 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.

8. 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.

9. 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. 0. 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.

1. 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

2. 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.

3. 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.

4. (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.

5. 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.

6. 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

7. 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.

8. 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.

9. 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.

10. 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. 991-143 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 degrees 30' south with the point of intersection of the meridian of longitude 51 degrees East by the outer limit of the AFZ and all waters south of the parallel of latitude 25 degrees 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, 971, 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 degrees 35' 10" S, 172 degrees 29' 30" W

Nukunonu: 9 degrees 06' 25" S, 171 degrees 52' 10" W

9 degrees 11' 30" S, 171 degrees 47' 00" W

Faka'ofu: 9 degrees 22' 30" S, 171 degrees 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 25F (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 7 degrees 16' 34" North, Longitude 134 degrees 28' 25" East, being at about the centre of the reef entrance to Malakal Pass;
- (b) running thence generally south-easterly, southerly, south-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 984, 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 degrees 30' South to latitude 3 degrees 30' South, and from longitude 149 degrees East to longitude 153 degrees 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 degrees East, 4 degrees 20' South, then extending due south along 161 degrees to a point 6 degrees 0' South, then by a line extending due east to a point 165 degrees East, then by a line due south to a point 8 degrees South, then by a line due east to a point 169 degrees 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. .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 1111/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 111/LO 1111/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) 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 1111/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 1111/SJ xxx YF yyy OTH
zzz/CARRIER NAME/DESTINATION OF CATCH

PART 3 OTHER NATIONAL REPORTING REQUIREMENTS .

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.

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.

Kiribati

While in the Kiribati exclusive economic zone, report on entry into or exit from Closed Areas.

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 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.

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.

Tonga

While in the Tonga exclusive economic zone, daily position report by radio or telex.

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

See Statutory Rule 1993, No. 119

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 transhipment/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) (DESTINATIONS 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 Quantity (Tranship
Accepted Rejected 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.

Annex II

2.1 Omit paragraphs 1 to 6, substitute: . For the purposes of this Annex:

(a) "Licensing Period" means the period of validity of licences issued in accordance with this Treaty.

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.

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.

- (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.

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.

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. 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.

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 . 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.

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.

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 Regulation 21

SHORT METHODS OF REFERENCE TO CERTAIN AREAS OF PROCLAIMED WATERS

Column 1

Column 2

Column 3

Item

Short method of reference

Area of proclaimed waters

“prescribed area 1”

The area described in paragraph A of the Appendix to the Subsidiary Agreement

“prescribed area 2”

The area described in paragraph B of the Appendix to the Subsidiary Agreement

“prescribed area 3”

The area described in paragraph C of the Appendix to the Subsidiary Agreement

“prescribed area 4”

The area described in paragraph D of the Appendix to the Subsidiary Agreement

“authorised area of the Australian fishing zone for Taiwanese vessels”

The part of the Australian fishing zone described in Appendix A to the KKFC Agreement in which duly licensed vessels of the Kaohsiung Fishing Boat Commercial Guild may take fish by use of the pair trawling method of fishing