



# **Fisheries Management (International Agreements) Regulations 2009**

**Select Legislative Instrument No. 254, 2009**

made under the

*Fisheries Management Act 1991*

## **Compilation No. 7**

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Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Fisheries Management (International Agreements) Regulations 2009* that shows the text of the law as amended and in force on 14 July 2017 (the **compilation date**).

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

### Uncommenced amendments

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

### Application, saving and transitional provisions for provisions and amendments

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

### Editorial changes

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

### Modifications

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

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Part 1—Preliminary

### 1.1 Name of Regulations

These Regulations are the *Fisheries Management (International Agreements) Regulations 2009*.

### 1.3 Interpretation

In these Regulations:

*Act* means the *Fisheries Management Act 1991*.

*CCAMLR* means the Commission for the Conservation of Antarctic Marine Living Resources.

*CCSBT* means the Commission for the Conservation of Southern Bluefin Tuna.

*FAO Standard Specifications for the Marking and Identification of Fishing Vessels* means the *Food and Agriculture Organization Standard Specifications for the Marking and Identification of Fishing Vessels*, as existing from time to time.

Note: The FAO Standard Specifications for the Marking and Identification of Fishing Vessels is located in Annex II of the *FAO Technical Guidelines for Responsible Fisheries No. 1*, available on the Internet at <http://www.fao.org>.

*ICCAT* means the International Commission for the Conservation of Atlantic Tunas.

*IMO* means the International Maritime Organization.

*IOTC* means the Indian Ocean Tuna Commission.

*SPRFMO* means the South Pacific Regional Fisheries Management Organisation.

*WCPFC* means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

**Schedule 1** Prescribed measures—Commission for the Conservation of Antarctic Marine Living Resources

**Part 2** International fisheries management measures

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Regulation 2.1

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## **Part 2—International fisheries management measures**

### **2.1 Prescribed measures**

For the definition of *international fisheries management measure* in subsection 4(1) of the Act:

- (a) Schedule 1 prescribes measures to give effect to measures established by CCAMLR; and
- (b) Schedule 2 prescribes measures to give effect to measures established by IOTC; and
- (c) Schedule 3 prescribes measures to give effect to measures established by WCPFC; and
- (d) Schedule 3A prescribes measures to give effect to measures established by CCSBT; and
- (e) Schedule 3B prescribes measures to give effect to measures established by SPRFMO.

### **2.2 Identification of CCAMLR measures**

A Schedule 1 clause mentioned in an item of the following table gives effect to the CCAMLR measure mentioned in the item.

<b>Item</b>	<b>Schedule 1 clause number</b>	<b>CCAMLR measure</b>
1	2	CM 10-01 2014
2	3	CM 10-02 2015
2A	3A	CM 10-03 2015
3	4	CM 10-04 2015
4	5	CM 10-05 2015
5	6	CM 10-06 2008
6	7	CM 10-07 2009
7	8	CM 10-09 2011
8	9	CM 22-02 1984
9	10	CM 22-03 1990
10	11	CM 22-04 2010
11	12	CM 22-05 2008
12	13	CM 22-06 2015
13	13A	CM 22-07 2013
14	13B	CM 22-08 2009
14A	13BA	CM 22-09 2012
16	14	CM 24-01 2013
17	15	CM 24-02 2014

Item	Schedule 1 clause number	CCAMLR measure
18	16	CM 25-02 2015
19	17	CM 25-03 2011
20	18	CM 26-01 2015
21	19	CM 31-02 2007
22	20	CM 32-02 2012
29	27	CM 32-09 2014
38	36	CM 32-18 2006
39	37	CM 33-03 2015
40	37A	CM 41-01 2015
40A	37B	CM 41-02 2015
40B	37C	CM 41-03 2015
41	38	CM 41-04 2015
42	39	CM 41-05 2015
43	40	CM 41-06 2015
44	41	CM 41-07 2015
45	42	CM 41-09 2015
46	43	CM 41-10 2015
47	44	CM 41-11 2015
47A	44A	CM 42-01 2015
47B	44B	CM 42-02 2015
48	45	CM 51-01 2010
49	46	CM 51-02 2008
50	47	CM 51-03 2008
51	48	CM 51-04 2015
52	49	CM 51-06 2014
53	49A	CM 51-07 2014
55	53	CM 91-03 2009
56	54	CM 23-01 2005
57	55	CM 23-02 1993
58	56	CM 23-04 2000
59	57	CM 23-05 2000
59A	57A	CM 23-06 2012
60	58	CM 23-07 2012

### 2.3 Identification of IOTC measures

A Schedule 2 clause mentioned in an item of the following table gives effect to an IOTC measure mentioned in the item.

**Schedule 1** Prescribed measures—Commission for the Conservation of Antarctic Marine Living Resources

**Part 2** International fisheries management measures

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**Regulation 2.4**

<b>Item</b>	<b>Schedule 2 clause number</b>	<b>IOTC measure</b>	<b>Brief description</b>
1	2	15/04	Control of fishing activities
2	3	05/05	Conservation of sharks
3	4	15/03	Vessel monitoring system
4	5	15/04	IOTC record of vessels
7	7	14/06	Programs for transshipment
8	8	12/06	Incidental bycatch of seabirds
9	9	15/01	Recording of catch
10	10	11/03	IOTC illegal, unreported and unregulated fishing vessels list
11	11	16/04	Regional observer scheme
12	12	12/12	Prohibition of large-scale driftnets
13	13	12/04	Marine turtles
14	14	12/09	Conservation of thresher sharks
15	15	13/04	Conservation of cetaceans
16	16	13/05	Conservation of whale sharks
17	17	13/06	Conservation of shark species caught in IOTC managed fisheries
18	18	16/01	Use of fish aggregating devices
19	19	15/06	Ban on discards of bigeye, skipjack and yellowfin tuna
20	20	16/07	Ban on using artificial lights to attract fish to drifting fish aggregating devices
21	21	16/08	Ban on use of aircraft or unmanned aerial vehicles as fishing aids

**2.4 Identification of WCPFC measures**

A Schedule 3 clause mentioned in an item of the following table gives effect to the WCPFC measure mentioned in the item.

<b>Item</b>	<b>Schedule 3 clause number</b>	<b>WCPFC measure</b>	<b>Brief description</b>
1	2	2013-10	Record of fishing vessels
2	3	2004-03	Identification of fishing vessels
3	4	2006-08	Boarding and inspection procedures
4	5	2007-01	Regional observer program
5	6	2014-02	Commission vessel monitoring system
6	7	2010-06	WCPFC illegal, unreported and unregulated vessels list
7	8	2015-03	Mitigation of impact on seabirds

**Regulation 2.5**

<b>Item</b>	<b>Schedule 3 clause number</b>	<b>WCPFC measure</b>	<b>Brief description</b>
8	9	2015-01	Bigeye, yellowfin and skipjack tuna
9	10	2008-03	Sea turtles
10	11	2008-04	Prohibition of large-scale driftnets
11	12	2010-07, 2014-05	Sharks
12	13	2009-02	High seas Fish Aggregating Device closures
13	14	2009-05	Prohibition of fishing on data buoys
14	15	2009-06	Regulation of transshipment
15	16	2010-02	Conservation and Management Measure for the Eastern High-Seas Pocket Special Management Area
16	17	2012-04	Protection of whale sharks
17	18	2013-05	Daily catch and effort reporting
18	19	2013-08	Conservation and management measure for silky sharks
19	20	2011-03	Protection of cetaceans from purse seine fishing operations
20	21	2011-04	Oceanic whitetip sharks

## 2.5 Identification of CCSBT measures

A Schedule 3A clause mentioned in an item of the following table gives effect to the CCSBT measure mentioned in the item.

<b>Item</b>	<b>Schedule 3A clause number</b>	<b>CCSBT measure</b>
1	2	Illegal, Unregulated and Unreported Fishing and Establishment of a CCSBT Record of Vessels Authorised to Fish for Southern Bluefin Tuna
2	3	Establishing the CCSBT Vessel Monitoring System
3	4	Establishing a Program for Transshipment by Large-Scale Fishing Vessels
4	5	Implementation of a CCSBT Catch Documentation Scheme
5	6	Establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities for Southern Bluefin Tuna
6	7	CCSBT scheme for minimum standards for inspection in port

**Schedule 1** Prescribed measures—Commission for the Conservation of Antarctic Marine Living Resources

**Part 2** International fisheries management measures

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## Regulation 2.6

### 2.6 Identification of SPRFMO measures

A Schedule 3B clause mentioned in an item of the following table gives effect to the SPRFMO measure mentioned in the item.

<b>SPRFMO measures</b>			
<b>Item</b>	<b>Schedule 3B clause number</b>	<b>SPRFMO measure</b>	<b>Brief description</b>
1	2	CMM 08-2013	Conservation and management measure for gillnets
2	3	CMM 04-2017	SPRFMO illegal, unreported and unregulated fishing vessels list
3	4	CMM 01-2017	Conservation and management measure for <i>Trachurus murphyi</i>
4	5	CMM 02-2017	Standards for the collection, reporting, verification and exchange of data
5	6	CMM 03-2017	Management of bottom fishing
6	7	CMM 05-2017	Record of fishing vessels
7	8	CMM 09-2017	Minimising by-catch of seabirds
8	9	CMM 12-2017	Conservation and management measure for regulating transshipment and other transfer activities
9	10	CMM 13-2016	Conservation and management measure for exploratory fisheries
10	11	CMM 14-2016	Conservation and management measure for exploratory fishing for toothfish

## **Part 3—International fisheries management organisations**

### **3.1 Prescribed arrangements**

For the definition of *international fisheries management organisation* in subsection 4(1) of the Act, each arrangement mentioned in Schedule 4 is prescribed.

### **3.2 Prescribed organisations**

For the definition of *international fisheries management organisation* in subsection 4(1) of the Act, each organisation mentioned in Schedule 5 is prescribed.

## Part 4—Application and transitional provisions

### 4.1 Transitional provision—*Fisheries Management (International Agreements) Amendment (Other 2014 Measures) Regulation 2016*

- (1) Clauses 40 to 43 of Schedule 1, as amended by the amending regulation, apply:
  - (a) in respect of the 2015/16 fishing season, for the period:
    - (i) starting on the day after the day the amending regulation commences; and
    - (ii) ending on 30 November 2016; and
  - (b) in respect of the 2016/17 and later fishing seasons.
- (2) In this regulation:

*amending regulation* means the *Fisheries Management (International Agreements) Amendment (Other 2014 Measures) Regulation 2016*.

### 4.2 Transitional provision—*Fisheries Management (International Agreements) Amendment (2015 and 2016 Measures) Regulations 2017*

- (1) For the purposes of subclause 37B.6A of Schedule 1, as inserted by the amending regulations:
  - (a) the amounts of by-catch referred to in paragraphs 37B.6A(a) and (b) include by-catch caught, in the 2016/17 season, before the commencement of the amending regulations; but
  - (b) if a by-catch limit in paragraph 37B.6A(a) and (b) is exceeded in relation to a boat before that commencement, a person contravenes subclause 37B.6A only if the person uses the boat to fish for *Dissostichus eleginoides* in Statistical Subarea 48.3 on or after that commencement.
- (2) For the purposes of applying subclause 18.4 of Schedule 2, as amended by the amending regulations, in relation to 2017:
  - (a) the number of instrumented buoys referred to in paragraph 18.4(b) includes buoys acquired during 2017 but before the commencement of the amending regulations; but
  - (b) if the limit in paragraph 18.4(b) is exceeded in relation to a boat before that commencement, a person contravenes subclause 18.4 in relation to the boat only if at least one more instrumented buoy is acquired for the boat in 2017.
- (3) In this regulation:

*amending regulations* means the *Fisheries Management (International Agreements) Amendment (2015 and 2016 Measures) Regulations 2017*.



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# Schedule 1—Prescribed measures—Commission for the Conservation of Antarctic Marine Living Resources

(paragraph 2.1(a))

## 1 Definitions

1.1 In this Schedule:

**CCAMLR Secretariat** means the Secretariat of the Commission.

**Commission** means the Commission for the Conservation of Antarctic Marine Living Resources.

**Convention Area** means the waters defined in Article I(4) of the *Convention on the Conservation of Antarctic Marine Living Resources* done at Canberra on 20 May 1980 ([1982] ATS 9).

Note: The text of the Convention is available in the Australian Treaties Library, located on the Internet at <http://www.austlii.edu.au>.

**CP-IUU vessel list** means the *Contracting Party Illegal, Unregulated and Unreported vessel list* established by the Commission, as existing from time to time.

Note: The CP-IUU vessel list is available on the Internet at <http://www.ccamlr.org>.

**fishing season**, for a species in the Convention Area, means:

- (a) the period starting on 1 December in a year and ending on 30 November of the following year; or
- (b) another period that is specified for a species, including a period that is to end if a precautionary catch limit is reached.

**MARPOL 73/78** means the *Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships 1973 (MARPOL 73/78), as amended by Annexes I and II as adopted*, done at London on 15 October 2004 ([2007] ATS 19).

Note: The text of MARPOL 73/78 is available in the Australian Treaties Library, located on the Internet at <http://www.austlii.edu.au>.

**NCP-IUU vessel list** means the *Non-Contracting Party Illegal, Unregulated and Unreported vessel list* established by the Commission, as existing from time to time.

Note: The NCP-IUU vessel list is available on the Internet at <http://www.ccamlr.org>.

**SSRU** means small-scale research unit.

**UTC** means Coordinated Universal Time.

Clause 2

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## **2 Marking of fishing vessels and fishing gear**

- 2.1 A person using a boat in the Convention Area for fishing must:
- (a) mark the boat in such a way that it can be readily identified with markings prominently displayed at all times; and
  - (b) mark all floating gear that is used or intended to be used with the letter or letters (if any) and the number or numbers (if any) of the boat to which the gear belongs.
- 2.2 For the purposes of paragraph 2.1(a), markings are taken to be readily identified and prominently displayed at all times if:
- (a) the boat's name and international radio call sign are marked on the boat's side or superstructure, on both port and starboard sides, so that they are visible from another boat or the air; and
  - (b) the boat's international radio call sign is marked on the boat's deck, and any deck awning or temporary cover, placed athwartships, with the top of the numbers or letters towards the bow.
- 2.3 The markings mentioned in paragraphs 2.2(a) and (b) must:
- (a) be placed as high as possible above the waterline and not extend below the waterline; and
  - (b) not be obscured by fishing gear, whether it is stowed or in use; and
  - (c) be clear of flow from scuppers or overboard discharges; and
  - (d) be clear of any area that might be damaged or discoloured from a catch of fish; and
  - (e) meet the technical specifications specified in Annex 10-01/A to CCAMLR Conservation Measure 10-01.
- 2.4 If the boat carries another boat, skiff or other craft, the requirements of subclause 2.2 apply in respect of the other boat, skiff or craft.

## **3 Licensing and inspection obligations of Contracting Parties with regard to their flag vessels operating in the Convention Area**

- 3.1 A person using a boat in the Convention Area for fishing must make the authorisation to fish issued under the law of the country of nationality of the boat available for inspection, on request, by an inspector designated by the Commission.
- 3.2 A person using a boat in the Convention Area for fishing must:
- (a) document, if possible, the following information about any fishing vessel sighted in the Convention Area:
    - (i) the name of the vessel;
    - (ii) a description of the vessel;
    - (iii) the vessel call sign;
    - (iv) the registration number of the vessel;
    - (v) the Lloyds/IMO number of the vessel;

- (vi) the flag State of the vessel;
  - (vii) photographs of the vessel;
  - (viii) any relevant information regarding the observed activities of the vessel; and
- (b) forward a report containing the information to the appropriate authority of the flag State of the boat.

### **3A Information required before port entry**

- 3A.1 A person using a boat in the Convention Area for fishing must give at least 48 hours prior notice of entry into a port to the appropriate authority of the Port State.
- 3A.2 The notice must include:
- (a) the information specified in Annex 10-03/A to CCAMLR Conservation Measure 10-03; and
  - (b) a written declaration required by Annex 10-03/A to CCAMLR Conservation Measure 10-03 that:
    - (i) the person has not engaged in or supported illegal, unregulated or unreported fishing activity in the Convention Area; and
    - (ii) all fishing activities undertaken in the Convention Area have complied with all relevant CCAMLR Conservation Measures.

### **4 Automated satellite linked Vessel Monitoring Systems (VMS)**

- 4.1 A person using a boat in the Convention Area for fishing must:
- (a) have on board an ALC that meets the minimum standards set out in Annex 10-04/C of CCAMLR Conservation Measure 10-04; and
  - (b) ensure that the ALC transmits VMS data for the boat to the FMC of the flag State of the boat:
    - (i) for finfish fisheries—at least once every hour; and
    - (ii) for all other fisheries, before 1 December 2019—at least once every 4 hours; and
    - (iii) for all other fisheries, on and after 1 December 2019—at least once every hour; and
  - (c) ensure that:
    - (i) the ALC is not tampered with; and
    - (ii) VMS data are not altered; and
    - (iii) the antennae connected to the ALC are not obstructed; and
    - (iv) the power supply of the ALC is not interrupted; and
    - (v) the ALC is not removed from the boat (except for the purposes of repairing or replacing it in accordance with paragraph 4.2(b)).
- 4.2 If the ALC fails to transmit the VMS data, the person must:
- (a) provide manual reporting to the FMC of the flag State at least once every 4 hours; and

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- (b) repair or replace the ALC as soon as possible, and, in any event, before the end of 2 months after the failure.

4.3 A person using a boat in the Convention Area for fishing must give at least 24 hours prior notice of entry, exit and movement between Statistical Subareas and Statistical Divisions of the Convention Area to:

- (a) the flag State of the boat; and
- (b) the CCAMLR Secretariat.

4.4 In this clause:

*ALC* (short for automatic location communicator) means a satellite position transmitter that is capable of continuously and automatically transmitting VMS data for a boat, independently of any intervention of a person on the boat.

*FMC* (short for fisheries monitoring centre) means the government authority or agency of a flag State responsible for managing the VMS for its flagged fishing boats.

*manual reporting* means the transmission by email or fax of the latitude and longitude of a fishing boat when an ALC fails to transmit VMS data for the boat.

*VMS* (short for vessel monitoring system) means a satellite-based monitoring system which provides VMS data for a boat at regular intervals.

*VMS data*, for a boat, includes the following:

- (a) the ALC unique identifier for the boat;
- (b) the latitude and longitude of the boat;
- (c) the date and time (expressed in UTC) of the fixing of the latitude and longitude of the boat;
- (d) the boat's speed (calculated based on the data referred to in paragraphs (b) and (c));
- (e) the boat's course (derived from the data referred to in paragraphs (b) and (c)).

## **5 Catch Documentation Scheme for *Dissostichus* species**

5.1 A person using a boat in the Convention Area for fishing, or a person authorised to represent the boat, must:

- (a) accurately complete a DCD before transshipping or landing *Dissostichus* species; and
- (b) accurately complete a DED before exporting or importing *Dissostichus* species; and
- (c) accurately complete a DRED before re-exporting or importing *Dissostichus* species.

5.1A The DCD, DED or DRED must be:

- (a) generated and validated by means of the e-CDS; and

- (b) completed as described in Annex 10-05/A of CCAMLR Conservation Measure 10-05 and by means of the e—CDS.

5.3 In this clause:

**DCD** (short for *Dissostichus* catch document) means a document containing information relating to transshipping or landing *Dissostichus* species.

**DED** (short for *Dissostichus* export document) means a document containing information relating to an export or import of *Dissostichus* species.

**DRED** (short for *Dissostichus* re-export document) means a document that contains information relating to a re-export or import of *Dissostichus* species.

**e-CDS** means an internet-based system for generating, validating, completing and storing DCDs, DEDs and DREDs.

**export** means any movement of *Dissostichus* species (in any form) from a territory under the control of:

- (a) a State or free-trade zone; or
- (b) if a State or free-trade zone forms part of a customs union—another member State of the customs union.

**import** means the physical entry or bringing of *Dissostichus* species (in any form) into a territory under the control of a State, other than an entry or bringing of such species that occurs when the species is in transit to another State.

**landing** means the initial unloading or transfer of *Dissostichus* species (in any form) from a boat in a port or free-trade zone if the species are certified by an authority of the Port State as landed. For the purpose of this definition, it does not matter:

- (a) if the *Dissostichus* species are unloaded or transferred to:
  - (i) dockside; or
  - (ii) a container; or
- (b) if the *Dissostichus* species are subsequently transferred to another boat.

**Port State** means the State:

- (a) that has control over a particular port area or free-trade zone for the purposes of landing, transshipment, importing, exporting or re-exporting *Dissostichus* species; and
- (b) that gives authority for landing or transshipment certifications.

**re-export** means any movement of *Dissostichus* species (in any form) from a territory under the control of:

- (a) a State or free-trade zone; or
- (b) if a State or free-trade zone forms part of a customs union—another member State of the customs union;

if the State, free-trade zone or member State of the customs union is not the first place of import for the *Dissostichus* species.

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*transshipment* means the transfer (other than by way of import) of *Dissostichus* species (in any form) that have not previously been landed from one boat directly to another, either at sea or in port.

**6 Scheme to promote compliance by Contracting Party vessels with CCAMLR conservation measures**

- 6.1 A person must not use a boat in the Convention Area for fishing if the boat is listed on the CP-IUU vessel list.
- 6.2 A person using a Contracting Party boat in the Convention Area for fishing must not participate in any transshipment or joint fishing operations supporting or resupplying a boat that is listed on:
- (a) the CP-IUU vessel list; or
  - (b) the NCP-IUU vessel list.

**7 Scheme to promote compliance by non-Contracting Party vessels with CCAMLR conservation measures**

- 7.1 A person must not use a boat in the Convention Area for fishing if the boat is listed on the NCP-IUU vessel list.
- 7.2 A person using a non-Contracting Party boat in the Convention Area for fishing must not participate in any transshipment or joint fishing operations supporting or resupplying a boat that is listed on:
- (a) the CP-IUU vessel list; or
  - (b) the NCP-IUU vessel list.
- 7.3 A person using a non-Contracting Party boat outside the Convention Area for fishing must not participate in a transshipment or a joint fishing operation supporting or resupplying a boat that is listed on the NCP-IUU vessel list.

**8 Notification system for transshipments within the Convention Area**

- 8.1 A person using a boat in the Convention Area for fishing must not tranship catch from a new and exploratory fishery, or a fishery specified in the following table unless the person:
- (a) has recorded in a bound or electronic logbook the information mentioned in subparagraphs 8.2(b)(i) to (xiv); and
  - (b) no later than 72 hours before the intended transshipment, has notified the Flag State or the CCAMLR Secretariat of the information mentioned in subparagraphs 8.2(b)(i) to (xiv).

Item	Target species	Statistical Subarea/Division	Fishing gear
1	<i>Dissostichus eleginoides</i>	Subarea 48.3 Division 58.5.2	Longline Longline, pot, trawl
2	<i>Dissostichus</i> spp.	Subarea 48.4	Longline

<b>Item</b>	<b>Target species</b>	<b>Statistical Subarea/Division</b>	<b>Fishing gear</b>
3	<i>Chamsocephalus gunnari</i>	Subarea 48.3 Division 58.5.2	Trawl Trawl
4	Crab	Subarea 48.3	Pot
5	Krill ( <i>Euphausia superba</i> )	Subareas 48.1, 48.2, 48.3, 48.4 Divisions 58.4.1, 58.4.2	Trawl, continuous fishing system, pumping to clear codend

- 8.2 Paragraph 8.1(b) does not apply to a person using a Contracting Party boat licensed under Conservation Measure 10-02 in the Convention Area if:
- (a) the boat is used for the transshipment of goods other than harvested marine living resources, bait or fuel; and
  - (b) no later than 2 hours before the transshipment, the person has given the Flag State or the CCAMLR Secretariat the following information:
    - (i) the boat's name;
    - (ii) the boat's registration number;
    - (iii) the boat's international radio call sign;
    - (iv) the Flag State of the boat;
    - (v) the type of boat;
    - (vi) the length of the boat;
    - (vii) the gross registered tonnage of the boat;
    - (viii) the carrying capacity of the boat;
    - (ix) the proposed time of the transshipment;
    - (x) the proposed location of the transshipment, expressed in latitude and longitude;
    - (xi) details of the type of the catch that is to be transhipped;
    - (xii) details of the amount of the catch that is to be transhipped;
    - (xiii) details of the type of any other goods that are to be transhipped (such as food stores and fuel);
    - (xiv) details of the amount of any other goods that are to be transhipped (such as food stores and fuel).

## 9 Mesh size

- 9.1 A person using a boat in the Convention Area for fishing for a species specified in the following table must not use a pelagic or bottom trawl having a mesh size that is less than the size specified in the table for the species other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14.

<b>Item</b>	<b>For this species ...</b>	<b>the minimum mesh size is ...</b>
1	<i>Notothenia rossii</i>	120 mm
2	<i>Dissostichus eleginoides</i>	120 mm

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<b>Item</b>	<b>For this species ...</b>	<b>the minimum mesh size is ...</b>
3	<i>Gobionotothen gibberifrons</i>	80 mm
4	<i>Notothenia kempfi</i>	80 mm
5	<i>Lepidonotothen squamifrons</i>	80 mm

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- 9.2 A person using a boat in the Convention Area for fishing must not obstruct or diminish the size of the meshes other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14.

### **10 Mesh size for *Champocephalus gunnari***

- 10.1 A person using a boat in the Convention Area for fishing for *Champocephalus gunnari* must not use a pelagic or bottom trawl that has a mesh size less than 90mm other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14.
- 10.2 A person using a boat in the Convention Area for fishing for *Champocephalus gunnari* must not obstruct or diminish the size of the meshes other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14.

### **11 Interim prohibition of deep sea gillnetting**

- 11.1 A person using a boat in the Convention Area for fishing must not use gillnets other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14.
- 11.2 A person using a boat in the Convention Area for fishing must not use gillnets for scientific research purposes in waters deeper than 100 metres unless:
- (a) the person has given advance notice to the CCAMLR Scientific Committee; and
  - (b) the Commission has agreed to the use.
- 11.3 A person transiting through the Convention Area must not be in possession of gillnets unless the person has given advance notice to the CCAMLR Scientific Committee, including the period during which the person expects to be in the Convention Area.

### **12 Restrictions on the use of bottom trawling gear in high seas areas of the Convention Area**

- 12.1 A person using a boat in the Convention Area for fishing must not use bottom trawling gear in the high-seas areas of the Convention Area unless Conservation Measures allow the use of bottom trawling gear.



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- 12.2 A person is not required to comply with subclause 12.1 if the fishing is conducted for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14.

### **13 Bottom fishing in certain parts of Convention Area**

- 13.1 A person using a boat in the relevant Convention Area must not engage in bottom fishing activities otherwise than in accordance with CCAMLR Conservation Measures 22-06 and 22-07.
- 13.2 In the absence of site-specific or other conservation measures to prevent significant adverse impact on vulnerable marine ecosystems, a person using a boat in the relevant Convention Area for fishing must:
- (a) cease bottom fishing activities in any location in which the person encounters evidence of a vulnerable marine ecosystem in the course of fishing operations; and
  - (b) report the encounter to the person's flag State.
- 13.3 A person using a boat in the relevant Convention Area for bottom fishing activities must ensure that there is at least 1 CCAMLR-designated scientific observer on the boat to collect data.
- 13.4 This clause applies to:
- (a) all areas in the Convention Area south of 60° S; and
  - (aa) the area of Statistical Division 58.4.1 north of 60° S; and
  - (b) any other area in the Convention Area other than an area mentioned in subclause 13.5.
- 13.5 This clause does not apply to any Statistical Subarea or Statistical Division of the Convention Area in which an established fishery:
- (a) was in place in the 2006/07 fishing season; and
  - (b) had a catch limit greater than zero.

- 13.6 In this clause:

*bottom fishing activities* includes the use of any gear that interacts with the bottom of the sea.

*relevant Convention Area* means the areas of the Convention Area to which this clause applies under subclauses 13.4 and 13.5.

*vulnerable marine ecosystem* includes seamounts, hydrothermal vents, cold water corals and sponge fields.

### **13A Interim measure for bottom fishing activities subject to CCAMLR Conservation Measure 22-06 encountering potential vulnerable marine ecosystems in the Convention Area**

- 13A.1 A person using a boat for bottom fishing activities in the relevant Convention Area must:

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- (a) use a line marked into line segments to carry out the activities; and
- (b) give to the CCAMLR Secretariat or flag State of the boat each day a report setting out the following information:
  - (i) the total benthos recovered during the day;
  - (ii) if the person is using the boat in a longline fishery—the number of hooks in the water at the time of reporting;
  - (iii) if the person is using the boat in a pot fishery—the number of pots in the water at the time of reporting.

13A.2 If a VME indicator organism is retrieved on a line segment in the relevant Convention Area, the person must:

- (a) record details about the organism; and
- (b) remove the deployed line segment; and
- (c) cease fishing; and
- (d) give the CCAMLR Secretariat and the boat's Flag State the following information:
  - (i) if 10 or more VME indicator units are recovered on a single line segment—details about the recovery of 3 VME indicator units;
  - (ii) the location of the midpoint of the line segment;
  - (iii) the number of VME indicator units recovered.

13A.3 If the person receives written notice from the CCAMLR Secretariat that the relevant Convention Area is a risk area, the person must cease fishing.

13A.4 In this clause:

**line segment** means:

- (a) for a longline—the shorter of the following:
  - (i) a section of line with 1 000 hooks;
  - (ii) a section of line 1 200 metres long; and
- (b) for a potline—a section of line 1 200 metres long.

**relevant Convention Area** has the same meaning as in clause 13.

**risk area** means an area:

- (a) in which 10 or more VME indicator units are recovered on a single line segment; and
- (b) which has a radius of 1 nautical mile from the midpoint of the line segment on which the VME units mentioned in paragraph (a) were recovered.

**VME indicator organism** means any benthic organism listed in the CCAMLR VME Taxa Classification Guide.

Note: The CCAMLR VME Taxa Classification Guide is available on the internet at [www.ccamlr.org/pu/E/sc/obs/VME-guide.pdf](http://www.ccamlr.org/pu/E/sc/obs/VME-guide.pdf).

**VME indicator unit** means:

- (a) 1 litre of VME indicator organisms that are able to be placed in a 10 litre container; or

- (b) 1 kilogram of VME indicator organisms that are not able to be placed in a 10 litre container.

### **13B Prohibition on fishing for *Dissostichus* species in depths shallower than 550m in exploratory fisheries**

- 13B.1 This clause applies to a person using a boat in the Convention Area for fishing in exploratory fisheries for *Dissostichus* species.
- 13B.2 The person must not fish in water shallower than 550 metres, other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14.

### **13BA Protection of registered vulnerable marine ecosystems in subareas, divisions, small-scale research units, or management areas open to bottom fishing**

- 13BA.1 A person must not engage in bottom fishing activities other than for scientific research activities agreed upon by the Commission, and in accordance with CCAMLR Conservation Measures 22-06 and 24-01 in any registered vulnerable marine ecosystems.

Note: CCAMLR Conservation Measure 22-06 is given effect to by clause 13 and CCAMLR Conservation Measure 24-01 is given effect to by clause 14.

## **14 The application of conservation measures to scientific research**

- 14.1 A person using a boat in the Convention Area for fishing must not use the boat for scientific research purposes unless the fishing is in accordance with CCAMLR Conservation Measure 24-01, as given effect by this clause.
- 14.2 A person using a boat in the Convention Area for scientific research purposes, must:
- (a) during a voyage that involves any commercial fishing—ensure that the boat is linked to an automated satellite linked vessel monitoring system in accordance with CCAMLR Conservation Measure 10-04, as given effect by clause 4; and
  - (b) during a voyage involving the taking of more than 50 tonnes of finfish or more than the amounts specified for finfish taxa in Annex 24-01/B or more than 0.1% of a given catch limit for non-finish taxa indicated in Annex 24-01/B—ensure that at least 2 scientific observers are on board throughout all fishing activities, and that at least one of them is appointed in accordance with the CCAMLR Scheme of International Scientific Observation; and
  - (c) if the person is fishing in an exploratory finfish fishery—meet the requirements of the Daily Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-07, as given effect by clause 58 of this Schedule; and

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- (d) if the person is fishing in an exploratory krill fishery—meet the reporting requirements for exploratory fisheries for *Euphausia superba* set out in CCAMLR Conservation Measure 51-04, as given effect by clause 48 of this Schedule; and
- (e) if the person is fishing in a krill fishery other than an exploratory krill fishery mentioned in paragraph (d) and the fishery has a catch limit greater than zero—meet the requirements of the Data Reporting System for *Euphausia superba* fisheries set out in CCAMLR Conservation Measure 23-06, as given effect by clause 57A of this Schedule; and
- (f) if the person is fishing in a fishery other than a fishery mentioned in paragraph (c), (d) or (e)—meet the requirements of the Five-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-01, as given effect by clause 54 of this Schedule; and
- (g) if the person is undertaking a trawl survey—give the flag State of the boat the information required by the Fine-Scale Catch, Effort and Biological Data for Trawl Surveys Form (Form C4); and
- (h) if paragraph (g) does not apply—meet the requirements of the Monthly Fine-Scale Catch and Effort Data Reporting System set out in CCAMLR Conservation Measure 23-04, as given effect by clause 56 of this Schedule; and
- (i) meet the requirements of the Monthly Fine-Scale Biological Data Reporting System set out in CCAMLR Conservation Measure 23-05, as given effect by clause 57 of this Schedule; and
- (j) if the fishery is closed to the person under subclause 54.2 or 58.2 of this Schedule—cease fishing in the fishery.

## **15 Longline weighting for seabird conservation**

- 15.1 A person using a boat for longline fishing in:
- (a) any of Statistical Subareas 48.4, 48.6, 88.1 or 88.2 of the Convention Area; or
  - (b) any of Statistical Divisions 58.4.1, 58.4.2, 58.4.3a, 58.4.3b or 58.5.2 in the Convention Area;
- must conduct a longline sink rate test under observation by a scientific observer.
- 15.1A However, subclause 15.1 does not apply if the boat uses:
- (a) an autoline system; or
  - (b) the Spanish method of longline fishing; or
  - (c) the trotline system exclusively (not alternating between trotlines and the Spanish method of longline fishing within the same longline).
- 15.2 The longline sink rate test must be conducted in accordance with 1 of the following requirements:
- (a) Protocol A for vessels monitoring longline sink rate with Time-Depth Recorders (TDRs), set out in CCAMLR Conservation Measure 24-02, and using longlines to which weights are manually attached;

- (b) Protocol B for vessels monitoring longline sink rate with bottle tests, set out in CCAMLR Conservation Measure 24-02, and using longlines to which weights are manually attached;
- (c) Protocol C for vessel monitoring longline sink rate with either TDR or bottle tests, set out in CCAMLR Conservation Measure 24-02, and using internally weighted longlines with integrated weight of at least 50 g/m that are designed to sink instantly and that have a linear profile at greater than 0.2 m/s with no external weights attached.

## **16 Minimisation of the incidental mortality of seabirds in the course of longline fishing or longline fishing research in the Convention Area**

- 16.1 A person using a boat in the Convention Area for fishing must ensure that the fishing operations of the boat are conducted in a way that all procedural measures set out in the Conservation Measure are taken to ensure that hooklines sink beyond the reach of seabirds as soon as possible after they are put in the water.
- 16.2 If the person uses an autoline system, the person must:
- (a) add weights to the hookline while deploying a longline; or
  - (b) use integrated weight hooklines while deploying a longline.
- 16.3 If the person uses the Spanish method of longline fishing:
- (a) the person must use:
    - (i) traditional weights made of rocks or concrete of at least 8.5 kg mass, spaced at intervals of no more than 40 m; or
    - (ii) traditional weights made of rocks or concrete of at least 6 kg, spaced at intervals of no more than 20 m; or
    - (iii) solid steel weights, not made from chain links, of at least 5 kg mass, spaced at intervals of no more than 40 m; and
  - (b) the person must release the weights before line tension occurs.
- 16.4 If the person uses the trotline system exclusively (not alternating between trotlines and the Spanish method of longline fishing within the same longline), the person must use:
- (a) traditional weights made of rocks or concrete of at least 6 kg mass, but only at the distal end of the droppers in the trotline; or
  - (b) solid steel weights of at least 5 kg mass, but only at the distal end of the droppers in the trotline.
- 16.5 If the person alternates between using trotlines and the Spanish method of longline fishing within the same longline:
- (a) for the Spanish method of longline fishing, the person must comply with subclause 16.3; and
  - (b) for the trotline method, the person must use:
    - (i) traditional weights made of rocks or concrete of at least 8.5 kg mass; or

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- (ii) solid steel weights of at least 5 kg mass; that are attached on the hook-end of all droppers in the trotline at no more than 80 m intervals.
- 16.6 A person using a boat for longline fishing must, to the extent allowed by weather conditions, use a bird exclusion device in:
  - (a) any of Statistical Subareas 48.3, 58.6 or 58.7 of the Convention Area; or
  - (b) any of Statistical Divisions 58.5.1 or 58.5.2 in the Convention Area.
- 16.7 A person using a boat in the Convention Area for longline fishing at night must use only the minimum lights of the boat that are necessary for safety.
- 16.8 A person using a boat in the Convention Area for fishing:
  - (a) must not dump offal while longlines are being set; and
  - (b) must deploy a streamer line, in accordance with Annex 25-02/A of CCAMLR Conservation Measure 25-02, during longline setting; and
  - (c) must only discharge offal on the opposite side of the boat to where longlines have been hauled; and
  - (d) must remove all fish hooks from offal before it is discharged.

**17 Minimisation of the incidental mortality of seabirds and marine mammals in the course of trawl fishing in the Convention Area**

- 17.1 A person using a boat in the Convention Area for trawl fishing:
  - (a) must not use a net monitor cable in the Convention Area; and
  - (b) must not discharge offal during the shooting and hauling of trawl gear.

**18 General environmental protection during fishing**

- 18.1 A person using a boat in the Convention Area for fishing must not use a plastic packaging band to secure a bait box.
- 18.2 A person using a boat in the Convention Area for fishing that does not have an on-board incinerator that is a closed system must not use a plastic packaging band for any purpose.
- 18.3 A person using a boat in the Convention Area for fishing that has an on-board incinerator that is a closed system:
  - (a) must cut a plastic packaging band that has been removed from a package into strips not more than 30cm long; and
  - (b) must burn the strips in the on-board incinerator as soon as possible; and
  - (c) must store any plastic residue on the boat until it reaches port; and
  - (d) must not discard plastic residue at sea.
- 18.4 A person using a boat in the Convention Area for fishing south of 60° S:
  - (a) must not dump or discharge:
    - (i) oil or fuel products; or
    - (ii) oily residues;

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- into the sea unless it is permitted under Annex I of MARPOL 73/78; and
- (b) must not dump or discharge food wastes that are not capable of passing through a screen with openings no greater than 25 mm; and
  - (c) must not dump or discharge sewage:
    - (i) within 12 nautical miles of land or an ice shelf; or
    - (ii) while the boat is travelling at a speed of less than 4 knots; and
  - (d) must not dump or discharge:
    - (i) garbage; or
    - (ii) poultry or poultry parts (including egg shells); or
    - (iii) offal; or
    - (iv) incineration ash; or
    - (v) discard.
- 18.5 A person using a boat in the Convention Area for fishing south of 60° S:
- (a) must not bring live poultry or other living birds into the area; and
  - (b) must remove from the area any dressed poultry that has not been consumed.
- 18.6 A person using a boat in the Convention Area for fishing south of 60° S may return fish or any other benthic organism to the sea if it is:
- (a) alive; and
  - (b) likely to survive if returned to the sea.
- 18.7 In this clause:
- discard** means a fish or other benthic organism that is:
- (a) dead; or
  - (b) alive, but unlikely to survive if returned to the sea.

## 19 General measure for the closure of all fisheries

- 19.1 If the CCAMLR Secretariat notifies a person using a boat in the Convention Area for fishing of the closure of a fishery, the person must:
- (a) ensure that all fishing gear is removed from the water by the date and time of closure notified by the CCAMLR Secretariat; and
  - (b) either:
    - (i) ensure that no new longlines are set within 24 hours before the date and time of closure notified by the CCAMLR Secretariat; or
    - (ii) if the person is notified less than 24 hours before the date and time of closure—ensure that no new longlines are set after the person is notified.
- 19.2 If it is likely that the person will be unable to remove all of the fishing gear from the water before the date and time of closure because of:
- (a) the safety of the boat and crew; or
  - (b) limitations which may arise from adverse weather conditions; or

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- (c) sea-ice cover; or
  - (d) the need to protect the Antarctic marine environment;
- the person must notify the Flag State of the boat and remove all fishing gear from the water as soon as possible.

## **20 Prohibition of directed fishing**

### *Directed fishing for *Chaenocephalus aceratus**

- 20.1 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Chaenocephalus aceratus* in:
- (a) Statistical Subarea 48.1 or 48.2 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14; or
  - (b) Statistical Subarea 48.3.

### *Directed fishing for *Dissostichus eleginoides**

- 20.2 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus eleginoides* in the following areas other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule:
- (a) Statistical Subarea 48.1;
  - (b) Statistical Subarea 48.2;
  - (c) Statistical Division 58.5.1 other than areas of national jurisdiction adjacent to the Kerguelen Islands and Crozet Islands;
  - (d) Statistical Division 58.5.2 east of 79°20'E and outside the exclusive economic zone to the west of 79°20'E;
  - (e) Statistical Subarea 58.6 other than areas of national jurisdiction adjacent to the Prince Edward Islands, Kerguelen Islands and Crozet Islands;
  - (f) Statistical Subarea 58.7 other than areas of national jurisdiction adjacent to the Prince Edward Islands.

### *Directed fishing for *Dissostichus species**

- 20.3 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus species* in the following areas other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule:
- (a) Statistical Subarea 48.1;
  - (b) Statistical Subarea 48.2;
  - (c) Statistical Division 58.4.4a other than areas of national jurisdiction adjacent to the Prince Edward Islands;
  - (d) Statistical Division 58.4.4b;
  - (e) Statistical Subarea 88.2 north of 65°S;
  - (f) Statistical Subarea 88.3.



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*Directed fishing for *Electrona carlsbergi**

- 20.4 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Electrona carlsbergi* in Statistical Subarea 48.1, 48.2 or 48.3 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule.

*Directed fishing for *Gobionotothen gibberifrons**

- 20.5 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Gobionotothen gibberifrons* in:
- (a) Statistical Subarea 48.1 or 48.2 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule; or
  - (b) Statistical Subarea 48.3.

*Directed fishing for *Lepidonotothen squamifrons**

- 20.6 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Lepidonotothen squamifrons* in:
- (a) the following areas other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule:
    - (i) Statistical Subarea 48.1;
    - (ii) Statistical Subarea 48.2;
    - (iii) Statistical Division 58.4.4a other than areas of national jurisdiction adjacent to the Prince Edward Islands;
    - (iv) Statistical Division 58.4.4b; or
  - (b) Statistical Subarea 48.3.

*Directed fishing for *Notothenia rossii**

- 20.7 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Notothenia rossii* in:
- (a) Statistical Subarea 48.1 or 48.2 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule; or
  - (b) Statistical Subarea 48.3.

*Directed fishing for *Patagonotothen guntheri**

- 20.8 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Patagonotothen guntheri* in:
- (a) Statistical Subarea 48.1 or 48.2 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule; or
  - (b) Statistical Subarea 48.3.

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*Directed fishing for *Pseudochaenichthys georgianus**

- 20.9 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Pseudochaenichthys georgianus* in:
- (a) Statistical Subarea 48.1 or 48.2 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule; or
  - (b) Statistical Subarea 48.3.

*Directed fishing for other species of finfish*

- 20.10 A person using a boat in the Convention Area for fishing must not undertake directed fishing for species of finfish not mentioned in subclauses 20.1 to 20.9, in Statistical Subarea 48.1 or 48.2, other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule.

**27 Prohibition of directed fishing for *Dissostichus* species except in accordance with specific conservation measures**

- 27.1 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus* species in Statistical Subarea 48.5.

**36 Conservation of sharks**

- 36.1 A person using a boat in the Convention Area for fishing:
- (a) must not undertake directed fishing for shark species in the Convention Area unless the fishing is permitted in accordance with a permit allowing catch of shark for scientific research purposes; and
  - (b) must release any by-catch of shark alive if this is possible.

**37 Limitation of by-catch in new and exploratory fisheries**

- 37.1 A person using a boat in the Convention Area for new or exploratory fishing must:
- (a) bring on board or alongside the boat all skates and rays that are caught; and
  - (b) retain on board tagged skates and rays; and
  - (c) release untagged skates and rays that are alive and have a high probability of survival by:
    - (i) cutting snoods; and
    - (ii) if practicable, removing the hooks.
- 37.1A A person is not required to comply with paragraph 37.1(c) if a scientific observer on board the boat tells the person not to do so.
- 37.2 If the by-catch of a species is equal to or greater than 1 tonne in any one haul or set, the person must:

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- (a) move the boat to another location that is at least 5 nautical miles from that location; and
- (b) ensure that the boat does not return to any point within 5 nautical miles of the location where the by-catch exceeded 1 tonne for a period of at least 5 days (treating the location where the by-catch exceeded 1 tonne as the path followed by the boat while taking the catch).
- 37.3 If the catch of *Macrourus* species taken by a single boat in any 2 10-day periods in a single SSRU exceeds:
- (a) 1 500 kg in each of the 10-day periods; and
- (b) 16 % of the catch of *Dissostichus* species by the boat in the SSRU in those periods;
- the person must not use the boat to fish in the SSRU for the remainder of the fishing season.

### **37A General measures for exploratory fisheries for *Dissostichus* species in the Convention Area**

- 37A.1 A person using a boat in the Convention Area for exploratory fishing for *Dissostichus* species during a fishing season:
- (a) must meet the requirements of the Daily Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-07, as given effect by clause 58 of this Schedule; and
- (b) must meet the requirements of the Monthly Fine-Scale Catch and Effort Data Reporting System set out in CCAMLR Conservation Measure 23-04, as given effect by clause 56 of this Schedule; and
- (c) must meet the requirements of the Monthly Fine-Scale Biological Data Reporting System set out in CCAMLR Conservation Measure 23-05, as given effect by clause 57 of this Schedule; and
- (d) must submit fine-scale data on a haul-by-haul basis; and
- (e) must record and report the total number and weight of *Dissostichus eleginoides* and *Dissostichus mawsoni* discarded during the fishing season, including fish with the condition known as “jellymeat”; and
- (f) must have one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board the boat during the fishing season; and
- (g) must ensure that sufficient samples are made available to the scientific observer to enable collection of all data required by the CCAMLR Scientific Observers Manual for finfish fisheries; and
- (h) if the person is fishing in a longline fishery—must record the following information:
- (i) position and sea depth at each end of every line in a haul;
- (ii) setting, soak and hauling times;
- (iii) number and species of fish lost at surface;
- (iv) number of hooks set;
- (v) bait type;

Clause 37B

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- (vi) baiting success as a percentage;
- (vii) hook type; and
- (i) if the person is using the boat in an area of the Convention Area other than Statistical Subarea 88.1 or 88.2—must not fish for the species other than for scientific research purposes agreed upon by the CCAMLR Scientific Committee.

37A.2 If the person is using a longline boat, the person must ensure that:

- (a) toothfish that are suitable to be tagged and released in accordance with the CCAMLR Tagging Protocol are tagged and released continuously while fishing at the rate specified in the conservation measure for that fishery according to Annex 41-01/C of CCAMLR Conservation Measure 41-01 and the CCAMLR Tagging Protocol; and
- (b) toothfish that are already tagged when caught are not released; and
- (c) tag data for newly tagged and recaptured toothfish are given at the end of each month to:
  - (i) the CCAMLR Executive Secretary; and
  - (ii) the relevant regional tag data repository as set out in the CCAMLR Tagging Protocol.

Note: The CCAMLR Tagging Protocol can be obtained from the CCAMLR Secretariat.

37A.3 The person must not fish for the species if:

- (a) the CCAMLR Secretariat has announced that the catch limit for the species has been reached; or
- (b) the fishery has been closed to the person under subclause 56.2, 57.3 or 58.2 of this Schedule.

37A.4 This clause applies, subject to any exemptions granted in relation to a fishery by the Commission.

**37B Limits on the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3**

37B.1 A person who uses a boat to engage in fishing for *Dissostichus eleginoides* in Statistical Subarea 48.3 may use longlines and pots only.

37B.1A If longlines are used, they may only be set at night, during the hours of darkness between the times of nautical twilight.

37B.2 This clause applies to the portion of Statistical Subarea 48.3 that:

- (a) lies within the area bounded by latitudes 52° 30' S and 56° 0' S and by longitudes 33° 30' W and 48° 0' W; and
- (b) lies outside areas of national jurisdiction.

37B.3 A person using a boat in Statistical Subarea 48.3 for fishing must not fish for *Dissostichus eleginoides* in a fishing season if the catch limit as set out in CCAMLR Conservation Measure 41-02 is zero or has been reached.

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- 37B.4 The fishing season for the longline fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3 is the period starting on 16 April in a year and ending on the earlier of:
- (a) 14 September in that year; and
  - (b) the time the catch limit is reached.
- 37B.5 The fishing season for the pot fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3 is the period starting on 1 December in a year and ending on the earlier of:
- (a) 30 November in the following year; and
  - (b) the time the catch limit is reached.
- 37B.6 Any by-catch of crabs must, as far as possible, be released alive.
- 37B.6A A person using a boat to fish for *Dissostichus eleginoides* in Statistical Subarea 48.3 must not exceed the following by-catch limits in the 2016/17 season:
- (a) 138 tonnes for *Macrourus* species;
  - (b) 138 tonnes for skates and rays.
- 37B.6B A person using a boat to fish for *Dissostichus eleginoides* in Statistical Subarea 48.3 must, if the by-catch of either the species referred to in paragraph 37B.6A(a), or the species referred to in paragraph 37B.6A(b), is equal to or greater than 1 tonne in any one haul or set:
- (a) move the boat at least 5 nautical miles from the path followed by the boat while taking the catch; and
  - (b) ensure that the boat does not return to any point within 5 nautical miles of that path for a period of at least 5 days.
- 37B.7 A person using a boat in Statistical Subarea 48.3 for fishing for *Dissostichus eleginoides* must ensure that at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, is on board during all fishing activities.

### **37C Limits on the fishery for *Dissostichus* species in Statistical Subarea 48.4**

A person must not engage in fishing for *Dissostichus* species in Statistical Subarea 48.4 outside areas of national jurisdiction.

### **38 Limits on the exploratory fishery for *Dissostichus* species in Statistical Subarea 48.6**

- 38.1 A person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species in Statistical Subarea 48.6 unless the person is fishing in the exploratory longline fishery in a flagged boat of a country permitted to do so in accordance with CCAMLR Conservation Measure 41-04 as given effect by this clause.
- 38.2 The person must not:
- (a) discharge offal in the Convention Area; or
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- (b) fish in Statistical Subarea 48.6 if another flagged boat of the same country as the boat the person is using is engaged in fishing in the Subarea.
- 38.3 The person must not fish for *Dissostichus* species within a SSRU in Statistical Subarea 48.6 in a fishing season if the precautionary catch limit applied to the SSRU, as specified in CCAMLR Conservation Measure 41-04, has been reached.
- 38.4 The person must ensure that:
- (a) toothfish caught in Statistical Subarea 48.6 in a fishing season are tagged at a rate of at least 5 fish per tonne green weight caught; and
  - (b) at least 2 scientific observers are on board throughout all fishing activities, and at least one of the observers is appointed in accordance with the CCAMLR Scheme of International Scientific Observations.
- 38.5 If 3 seabirds are caught in a fishing season, the person may set longlines only at night, during the hours of darkness between the times of nautical twilight, for the remainder of the fishing season.
- Note: See also clause 16.

**39 Limits on the exploratory fishery for *Dissostichus* species in Statistical Division 58.4.2**

- 39.1 A person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species in Statistical Division 58.4.2 unless the person is fishing in the exploratory longline fishery in a flagged boat of a country permitted to do so in accordance with CCAMLR Conservation Measure 41-05, as given effect by this clause.
- 39.2 The person must ensure that:
- (a) toothfish caught in Statistical Division 58.4.2 in a fishing season are tagged at a rate of at least 5 fish per tonne green weight caught; and
  - (c) at least 2 scientific observers are on board throughout all fishing activities, and that at least 1 of them is appointed in accordance with the CCAMLR Scheme of International Scientific Observation; and
  - (d) if 3 seabirds are caught in a fishing season—longlines are set only at night, during the hours of darkness between the times of nautical twilight, for the remainder of the fishing season.
- Note: See also clause 16.
- 39.3 The person must not fish for *Dissostichus* species within a SSRU in Statistical Division 58.4.2 in a fishing season if the precautionary catch limit applied to the SSRU, as specified in CCAMLR Conservation Measure 41-05, has been reached.

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**40 Limits on the exploratory fishery for *Dissostichus* species on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction**

- 40.1 A person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction unless the person is fishing in the exploratory longline fishery in a flagged boat of a country permitted to do so in accordance with CCAMLR Conservation Measure 41-06, as given effect by this clause.
- 40.2 The person must not fish for *Dissostichus* species on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction in a fishing season if the precautionary catch limit applied to Statistical Division 58.4.3a, as specified in CCAMLR Conservation Measure 41-06, has been reached.
- 40.3 The person must ensure that:
- (a) toothfish caught by the person on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction in a fishing season are tagged at a rate of at least 5 fish per tonne green weight caught; and
  - (c) at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, is on board during all fishing activities; and
  - (d) if 3 seabirds are caught in a fishing season—longlines are set only at night, during the hours of darkness between the times of nautical twilight, for the remainder of the fishing season.

Note: See also clause 16.

**41 Limits on the exploratory fishery for *Dissostichus* species on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction**

- 41.1 A person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction in a fishing season unless the person is fishing in the exploratory longline fishery in a flagged boat of a country permitted to do so in accordance with CCAMLR Conservation Measure 41-07, as given effect by this clause.
- 41.3 The person must ensure that:
- (a) toothfish caught by the person on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction in a fishing season are tagged at a rate of at least 5 fish per tonne green weight caught; and
  - (c) at least 1 scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, is on board the boat during all fishing activities; and
  - (d) if 3 seabirds are caught in a fishing season—longlines are set only at night, during the hours of darkness between the times of nautical twilight, for the remainder of the fishing season.

Note: See also clause 16.

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- 41.4 The person using a boat in Statistical Division 58.4.3b for fishing must not fish for *Dissostichus* species within a SSRU in Statistical Division 58.4.3b in a fishing season if the precautionary catch limit applied to that SSRU, as specified in CCAMLR Conservation Measure 41-07, has been reached.

**42 Limits on the exploratory fishery for *Dissostichus* species in Statistical Subarea 88.1**

- 42.1 A person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species in Statistical Subarea 88.1 in a fishing season unless the person is conducting the exploratory longline fishery in a flagged boat of a country permitted to do so in accordance with CCAMLR Conservation Measure 41-09, as given effect by this clause.
- 42.2 The person must ensure that:
- (a) toothfish caught in each SSRU within Statistical Subarea 88.1 are tagged at a rate of at least one fish per tonne green weight caught; and
  - (c) at least 2 scientific observers are on board throughout all fishing activities, and that at least one of them is appointed in accordance with the CCAMLR Scheme of International Scientific Observation; and
  - (d) if 3 seabirds are caught in a fishing season—longlines are set only at night, during the hours of darkness between the times of nautical twilight, for the remainder of the fishing season; and
  - (e) the person does not fish for *Dissostichus* species within 10 nautical miles of the Balleny Islands.

Note: See also clause 16.

- 42.3 A person using a boat in Statistical Subarea 88.1 for fishing must not fish for *Dissostichus* species within a SSRU in Statistical Subarea 88.1 in a fishing season if the precautionary catch limit applied to that SSRU, as specified in CCAMLR Conservation Measure 41-09, has been reached.
- 42.4A The person using a boat in Statistical Subarea 88.1 for fishing must not fish for *Dissostichus* species in a fishing season if the precautionary catch limit for by-catch of skates and rays, and of *Macrourus* species, in Statistical Subarea 88.1, as specified in CCAMLR Conservation Measure 41-09, has been reached.
- 42.4B The person using a boat in Statistical Subarea 88.1 for fishing must not fish for a *Dissostichus* species in a SSRU in a fishing season if the individual by-catch limit for that species in the SSRU, or group of SSRUs, specified in CCAMLR Conservation Measure 41-09, is zero, or has been reached by the person.
- 42.5 In this clause, a fishing season is taken to start on 1 December of a year and to end on 31 August of the following year.

**43 Limits on the exploratory fishery for *Dissostichus* species in Statistical Subarea 88.2**

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- 43.1 A person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species in Statistical Subarea 88.2 in a fishing season unless the person is fishing in the exploratory longline fishery in a flagged boat of a country permitted to do so in accordance with CCAMLR Conservation Measure 41-10, as given effect by this clause.
- 43.2 The person must not fish for *Dissostichus* species within a SSRU in Statistical Subarea 88.2 in a fishing season if the precautionary catch limit applied to that SSRU, as specified in CCAMLR Conservation Measure 41-10, has been reached.
- 43.3 The person must ensure that:
- (a) toothfish caught in Statistical Subarea 88.2 are tagged as follows:
    - (i) for fish caught during the course of the research in SSRUs A and B—at the rate of at least 3 fish per tonne green weight;
    - (ii) for fish caught in each of the research blocks in SSRUs C to G—at the rate of at least 3 fish per tonne green weight;
    - (iii) for fish caught in SSRU H—at the rate of at least 1 fish per tonne green weight; and
  - (b) if 3 seabirds are caught in a fishing season—longlines are set only at night, during the hours of darkness between the times of nautical twilight, for the remainder of the fishing season; and
  - (d) at least 2 scientific observers are on board during all fishing activities; and
  - (e) at least one of the scientific observers has been appointed in accordance with the CCAMLR Scheme of International Scientific Observation.
- Note: See also clause 16.
- 43.4 The person using a boat in Statistical Subarea 88.2 for fishing must not fish for *Dissostichus* species in a fishing season if the precautionary by-catch limit applied to Statistical Subarea 88.2 for skates and rays, or *Macrourus* species, as specified in CCAMLR Conservation Measure 41-10, has been reached.
- 43.4A The person using a boat in Statistical Subarea 88.2 for fishing must not fish for *Dissostichus* species in a SSRU in a fishing season if the individual by-catch limit for that species in the SSRU, or group of SSRUs, specified in CCAMLR Conservation Measure 41-10, is zero, or has been reached by the person.
- 43.5 In this clause, a fishing season is taken to start on 1 December of a year and to end on 31 August of the following year.

#### **44 Limits on the exploratory fishery for *Dissostichus* species in Statistical Division 58.4.1**

- 44.1 A person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species in Statistical Division 58.4.1 in a fishing season unless the person is fishing in the exploratory longline fishery in a flagged boat of a country permitted to do so in accordance with CCAMLR Conservation Measure 41-11, as given effect by this clause.

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- 44.2 The person must not fish for *Dissostichus* species within a SSRU in Statistical Division 58.4.1 in a fishing season if the precautionary catch limit applied to the SSRU, as specified in CCAMLR Conservation Measure 41-11, has been reached.
- 44.3 The person must ensure that:
- (a) toothfish caught in Statistical Subarea 58.4.1 are tagged at a rate of at least 5 fish per tonne green weight caught in each SSRU mentioned in CCAMLR Conservation Measure 41-11; and
  - (b) if 3 seabirds are caught in a fishing season—longlines are set only at night, during the hours of darkness between the times of nautical twilight, for the remainder of the fishing season; and
  - (c) at least 2 scientific observers are on board during all fishing activities; and
  - (d) at least one of the scientific observers has been appointed in accordance with the CCAMLR Scheme of International Scientific Observation.
- Note: See also clause 16.
- 44.4A The person must not discharge offal in Statistical Division 58.4.1.

**44A Limits on the fishery for *Champtocephalus gunnari* in Statistical Subarea 48.3**

- 44A.1 This clause applies to the portion of Statistical Subarea 48.3 that is not under the jurisdiction of the United Kingdom.
- 44A.2 A person using a boat in the Convention Area for fishing must not fish for *Champtocephalus gunnari* in that portion of Statistical Subarea 48.3 unless the person uses trawls, other than bottom trawls.
- 44A.3 If the catch of *Champtocephalus gunnari* is more than 100 kg in any one haul, and more than 10% of the *Champtocephalus gunnari* by number are smaller than 240 mm total length, the person must:
- (a) move the boat to another location that is at least 5 nautical miles from the location where 10% of the *Champtocephalus gunnari* by number are smaller than 240 mm total length; and
  - (b) ensure that the boat does not return to any point within 5 nautical miles of that location for a period of at least 5 days (treating the location as the path followed by the boat while taking the catch).
- 44A.4 The fishing season for *Champtocephalus gunnari* starts on 1 December in a year and ends on the earlier of:
- (a) 30 November of the following year; and
  - (b) the time the catch limit is reached.
- 44A.5 If the by-catch of *Gobionotothen gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*, *Notothenia rossii* or *Lepidonotothen squamifrons* is 100 kg or more in any one haul, and more than 5% of the total weight of all fish, or is a total of 2 tonnes or more, the person must:

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- (a) move the boat to another location that is at least 5 nautical miles from the location (the *first location*) where the by-catch of any species mentioned in CCAMLR Conservation Measure 33-01 is more than 5% of the total weight of all fish caught; and
- (b) ensure that the boat does not return to any point within 5 nautical miles of the first location for a period of at least 5 days (treating that location as the path followed by the boat while taking the catch).
- 44A.6 The person must use net binding to reduce seabird captures during shooting operations.
- 44A.7 If the person catches a total of 20 seabirds, the person must cease fishing and must not use the boat to fish for *Champtocephalus gunnari* in Statistical Subarea 48.3 for the remainder of the fishing season.
- 44A.8 The person must ensure that at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, is on board during all fishing activities.

#### **44B Limits on the fishery for *Champtocephalus gunnari* in Statistical Division 58.5.2**

- 44B.1 A person must not engage in fishing for *Champtocephalus gunnari* in Statistical Division 58.5.2 outside areas of national jurisdiction.

#### **45 Precautionary catch limitations on *Euphausia superba* in Statistical Subareas 48.1, 48.2, 48.3 and 48.4**

- 45.1 A person using a boat in the Convention Area for fishing in Statistical Subareas 48.1, 48.2, 48.3 and 48.4:
- (a) must fish for *Euphausia superba* using only any of the methods specified in Annex A of Conservation Measure 21-03 Notification of intent to participate in a fishery for *Euphausia superba*; and
- (b) must not use any other method of fishing for *Euphausia superba*; and
- (c) must use a marine mammal exclusion device on any trawl.

#### **46 Precautionary catch limitation on *Euphausia superba* in Statistical Division 58.4.1**

- 46.1 A person using a boat in the Convention Area for fishing in Statistical Division 58.4.1:
- (a) must fish for *Euphausia superba* using only any of the methods specified in Annex A of Conservation Measure 21-03 Notification of intent to participate in a fishery for *Euphausia superba*; and
- (b) must not use any other method of fishing for *Euphausia superba*; and
- (c) must use a marine mammal exclusion device on any trawl.

**47 Precautionary catch limitation on *Euphausia superba* in Statistical Division 58.4.2**

- 47.1 A person using a boat in the Convention Area for fishing in Statistical Division 58.4.2:
- (a) must fish for *Euphausia superba* using only any of the methods specified in Annex A of Conservation Measure 21-03 Notification of intent to participate in a fishery for *Euphausia superba*; and
  - (b) must not use any other method of fishing for *Euphausia superba*; and
  - (c) must use a marine mammal exclusion device on any trawl; and
  - (d) must have 1 scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board the boat during all fishing activities.

**48 General measure for exploratory fisheries for *Euphausia superba* in the Convention Area**

- 48.1 A person using a boat in the Convention Area for fishing must not fish for *Euphausia superba* in a statistical subarea or division if the Commission has announced that the catch limit for *Euphausia superba* for that statistical subarea or division has been reached.
- 48.2 The person must:
- (a) meet the requirements of the Ten-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-02, as given effect by clause 55 of this Schedule; and
  - (b) meet the requirements of the Monthly Fine-Scale Catch and Effort Data Reporting System set out in CCAMLR Conservation Measure 23-04, as given effect by clause 56 of this Schedule; and
  - (c) meet the requirements of the Monthly Fine-Scale Biological Data Reporting System set out in CCAMLR Conservation Measure 23-05, as given effect by clause 57 of this Schedule; and
  - (d) collect the following for each fishing trip:
    - (i) the data required by the CCAMLR Scientific Observers Manual to be collected for krill fisheries;
    - (ii) information on the configuration of the commercial trawl used during each fishing operation;
    - (iii) information on the configuration of the research net used during each research operation; and
  - (e) collect the following information for each research net haul:
    - (i) the start position and time of the haul;
    - (ii) the end position and time of the haul;
    - (iii) the date on which the haul was conducted;
    - (iv) the characteristics of the haul, including tow speed, maximum amount of wire payed out during a tow, average wire angle during the tow and calibrated flow-meter values;

- (v) an estimate of the total catch of krill in numbers or weight;
- (vi) the length, sex and maturity stage for a random sample of up to 200 krill or the entire catch that is measured and recorded in accordance with protocols set out in the CCAMLR Scientific Observers Manual; and
- (f) ensure that data collected from acoustic transects are:
  - (i) recorded in accordance with protocols specified for the CCAMLR-2000 Krill Synoptic Survey; and
  - (ii) linked to position data recorded from a GPS; and
  - (iii) continuously recorded and then electronically archived every 5 days or whenever the boat moves between exploratory units, whichever occurs most frequently; and
- (g) ensure that research is conducted in accordance with the research plan requirements in Annex 51-04/B to the CCAMLR Conservation Measure 51-04; and
- (h) give to the Commission the following data and information within 1 month after a fishing trip has ended:
  - (i) the data mentioned in subparagraph (d)(i) and paragraph (f);
  - (ii) the information mentioned in subparagraphs (d)(ii) and (iii) and paragraph (e).

Note: The following documents could in 2017 be viewed on the CCAMLR's website (<http://www.ccamlr.org>):

- (a) the CCAMLR Scientific Observers Manual;
- (b) the CCAMLR-2000 Krill Synoptic Survey;
- (c) CCAMLR Conservation Measures 23-02, 23-04, 23-05 and 51-04.

- 48.2A The person must cease fishing for *Euphausia superba* in a fishery in the Convention Area if the fishery has been closed to the person under subclause 56.2 or 57.3 of this Schedule.
- 48.3 A person using a boat in the Convention Area for fishing for *Euphausia superba* must have 1 scientific observer, appointed in accordance with the CCAMLR Scheme of Scientific Observation, on board the boat during all fishing activities.
- 48.5 This clause applies subject to any exemptions granted in relation to a fishery by the Commission.

#### **49 General measure for scientific observation in fisheries for *Euphausia superba***

- 49.1 A person using a boat to fish for *Euphausia superba* in the CCAMLR Convention Area must report the total green weight of krill caught and brought on board the boat.
- 49.2 The person must ensure that sufficient samples are made available to the scientific observer to enable collection of all data required by the CCAMLR Scientific Observers Manual.

Clause 49A

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**49A Interim distribution of the trigger level in the fishery for *Euphausia superba* in Statistical Subareas 48.1 to 48.4**

- 49A.1 A person using a boat must not fish for *Euphausia superba* in Statistical Subareas 48.1 to 48.4 when the trigger level for each Subarea has been reached.

**53 Protection of the South Orkney Islands southern shelf**

- 53.1 A person using a boat in the Convention Area must not:
- (a) undertake any fishing in the defined area, other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14; or
  - (b) dump or discharge waste product from the boat; or
  - (c) participate in transshipment activity.

- 53.2 In this clause:

*defined area* means the South Orkney Islands southern marine shelf area bounded by a line beginning at 60° 30' S, 41° W, and running progressively as described in the following table.

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Item	Description
1	West along 61° 30' S latitude to its intersection with 44° W longitude
2	South along 44° W longitude to its intersection with 62° S latitude
3	West along 62° S latitude to its intersection with 46° W longitude
4	North along 46° W longitude to its intersection with 61° 30' S latitude
5	West along 61° 30' S latitude to its intersection with 48° W longitude
6	South along 48° W longitude to its intersection with 64° S latitude
7	East along 64° S latitude to its intersection with 41° W longitude
8	North along 41° W longitude to the point where the line began

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**54 Five-day Catch and Effort Reporting System**

- 54.1 A person using a boat in the Convention Area that is required to meet the requirements of the Five-day Catch and Effort Reporting System must, at the end of each reporting period, give the flag State of the boat the following information for the reporting period:

- (a) total catch of all species caught, including by-catch species;
- (b) total days and hours fished.

- 54.2 The person must cease fishing if the flag State of the boat notifies the person that the fishery has been closed to the person because the person has failed to provide the information mentioned in subclause 54.1.

- 54.3 In this clause:

*reporting period* means the following periods:

- (a) day 1 to day 5 of a month;
- (b) day 6 to day 10 of a month;
- (c) day 11 to day 15 of a month;
- (d) day 16 to day 20 of a month;
- (e) day 21 to day 25 of a month;
- (f) day 26 to the last day of the month.

## **55 Ten-day Catch and Effort Reporting System**

55.1 A person using a boat in the Convention Area that is required to meet the requirements of the Ten-day Catch and Effort Reporting System must, at the end of each reporting period, give the flag State of the boat the following information for the reporting period:

- (a) total catch caught;
- (b) total days and hours fished;
- (c) retained catch of all species and by-catch species;
- (d) if the boat is used for longline fishing—the number of hooks used.

55.2 In this clause:

*reporting period* means the following periods:

- (a) day 1 to day 10 of a month;
- (b) day 11 to day 20 of a month;
- (c) day 21 to the last day of the month.

## **56 Monthly Fine-Scale Catch and Effort Data Reporting System**

56.1 A person using a boat in the Convention Area that is required to meet the requirements of the Monthly Fine-Scale Catch and Effort Data Reporting System must, at the end of each month, give the flag State of the boat the following information for the month:

- (a) if the boat is used in a trawl fishery—the information required by the Fine-Scale Catch and Effort Data for Trawl Fisheries Form (Form C1);
- (b) if the boat is used in a longline fishery—the information required by the Fine-Scale Catch and Effort Data for Longline Fisheries Form (Form C2);
- (c) if the boat is used in a pot fishery—the information required by the Fine-Scale Catch and Effort Data for Pot Fisheries Form (Form C5);
- (d) the catch, reported by species, of all target and by-catch species for the month;
- (e) the number of seabirds caught and released or killed during the month;
- (f) the number of marine mammals of each species caught and released or killed during the month.

Note: The forms mentioned in paragraphs (a), (b) and (c) could in 2014 be viewed on the CCAMLR's website (<http://www.ccamlr.org>).

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- 56.2 The CCAMLR Executive Secretary may close a fishery in the Convention Area to boats of a flag State that have not provided the information mentioned in subclause 56.1.

## **57 Monthly Fine-Scale Biological Data Reporting System**

- 57.1 A person using a boat in the Convention Area that is required to meet the requirements of the Monthly Fine-Scale Biological Data Reporting System must, at the end of each month, give the flag State of the boat the information required by the Fine-Scale Biological Data Form (Form B2) for the target and by-catch species.

Note: The Fine-Scale Biological Data Form (Form B2) could in 2014 be viewed on the CCAMLR's website (<http://www.ccamlr.org>).

- 57.2 For the purpose of providing the information mentioned in subclause 57.1, the person must:
- (a) round down the measurement of total length of a fish to the nearest centimetre; and
  - (b) take a representative sample of length composition from each fine-scale grid rectangle (0.5° latitude by 1° longitude) in which fishing occurs.

- 57.3 The CCAMLR Executive Secretary may close a fishery in the Convention Area to boats of a flag State that have not provided the information mentioned in subclause 57.1.

### **57A Data reporting system for *Euphausia superba* fisheries**

- 57A.1 A person using a boat to fish for *Euphausia superba* in the Convention Area must email the CCAMLR Secretariat of:
- (a) the boat's entry into, or exit from, a Statistical Subarea or Statistical Division; or
  - (b) the boat's movement between Statistical Subareas or Statistical Divisions.
- 57A.2 The email must be sent no later than 24 hours after the entry, exit or movement.

## **58 Daily Catch and Effort Reporting System for exploratory fisheries**

- 58.1 A person using a boat in the Convention Area that is required to meet the requirements of the Daily Catch and Effort Reporting System for exploratory fisheries must, at the end of each day, give the CCAMLR Secretariat or the flag State of the boat the following information for the day:
- (a) the total green weight for each target species and by-catch species caught if a catch limit applies to the species;
  - (b) if the boat is being used in a longline fishery—the number of hooks in the water at the time of reporting;
  - (c) if the boat is being used in a pot fishery—the number of pots in the water at the time of reporting.



- 58.2 The person must cease fishing if the flag State of the boat notifies the person that the fishery has been closed to the person because the person failed to provide the information mentioned in subclause 58.1.

## Schedule 2—Prescribed measures—Indian Ocean Tuna Commission

(paragraph 2.1(b))

### 1 Definitions

1.1 In this Schedule:

**Commission** means the Indian Ocean Tuna Commission.

**IOTC Area** means the area of competence of the IOTC as defined in Article II of the *Agreement for the Establishment of the Indian Ocean Tuna Commission*, done at Rome on 25 November 1993 ([1996] ATS 20).

Note: The text of the Agreement is available in the Australian Treaties Library, located on the Internet at <http://www.austlii.edu.au>.

**IOTC Secretariat** means the Secretariat of the Commission.

**IUU Vessels List** means the *List of Vessels Presumed to have conducted illegal, unregulated and unreported fishing* established by the IOTC, as amended from time to time.

Note: The IUU Vessels List is available on the Internet at <http://www.iotc.org>.

**Tuna and tuna-like species** means the species listed in Annex B to the Agreement for the Establishment of the Indian Ocean Tuna Commission, done at Rome on 25 November 1993 ([1996] ATS 20).

Note: The text of the Agreement is available in the Australian Treaties Library, located on the Internet at <http://www.austlii.edu.au>.

### 2 Control of fishing activities

2.1 A person using a boat for fishing in the IOTC Area must ensure that the boat carries on board documents issued and certified by the competent authority of the Contracting Party or non-Contracting Party co-operating with the IOTC that include each of the following documents or information:

- (a) a license, permit or authorisation to fish;
- (b) the terms and conditions (if any) attached to the licence, permit or authorisation;
- (c) the name of the boat;
- (d) the port in which the boat is registered;
- (e) the number or numbers under which the boat is registered;
- (f) the international call sign of the boat;
- (g) the name and address of the owner of the boat;
- (h) if relevant—the charterer of the boat;
- (i) the length over all of the boat;
- (j) if appropriate—the engine power of the boat, in kW/horsepower.

- 2.2 A person using a boat in the IOTC Area for fishing must ensure that each document or information mentioned in subclause 2.1 is verified by the competent authority of the Contracting Party or non-Contracting Party no less than once in any period of 12 months.
- 2.3 A person using a boat in the IOTC Area for fishing must ensure that fishing gear is marked in the manner described in the following paragraphs:
- (a) for fishing gear that is used by the person between sunrise and sunset—the beginning and ends of nets, lines and gear are fitted with:
    - (i) flag buoys sufficient to indicate the position and extent of the nets, lines or gear; or
    - (ii) radar reflector buoys sufficient to indicate the position and extent of the nets, lines or gear;
  - (b) for fishing gear that is used by the person between sunset and sunrise—the beginning and ends of nets, lines and gear are fitted with:
    - (i) light buoys sufficient to indicate the position and extent of the nets, lines or gear; and
    - (ii) an iridescent light.
- 2.4 A person using a boat in the IOTC Area for fishing must ensure that each fish aggregating device used by the person is, at all times, clearly marked with:
- (a) the letter or letters of the boat to which the fish aggregating device belongs; or
  - (b) the number or numbers of the boat to which the fish aggregating device belongs; or
  - (c) the combination of letters and numbers of the boat to which the fish aggregating device belongs.
- 2.5 A person using a boat that has a length overall of 24 metres or more in the IOTC Area for fishing must:
- (a) keep on board the boat a bound fishing national logbook with consecutively numbered pages; and
  - (b) record in the logbook each fishing activity engaged in by the person; and
  - (c) retain each record of fishing activity recorded in the logbook for a period of at least 12 months after the record is made.
- 2.5A The requirements of subclause 2.5 also apply to a boat that:
- (a) has a length overall of less than 24 metres; and
  - (b) operates in waters outside the economic exclusive zone of the flag State of the boat.
- 2.6 A person using a boat in the IOTC Area for fishing must mark the boat in such a way that it can be identified in accordance with internationally-recognised standards such as the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.

Note: The FAO Standard Specifications for the Marking and Identification of Fishing Vessels is located in Annex II of the *FAO Technical Guidelines for Responsible Fisheries No. 1*, available on the Internet at <http://www.fao.org>.

### 3 Conservation of sharks caught in association with fisheries managed by IOTC

- 3.1 A person using a boat in the IOTC Area for fishing must:
- (a) retain on board the boat, until the first point of landing, each part of a shark that is caught by the person, excluding the head, guts and skins of the shark; and
  - (b) ensure that the total weight of shark fins kept on board the boat do not, at any time until the first point of landing, exceed 5 percent of the total weight of sharks kept on board the boat.

### 4 Establishing a vessel monitoring system programme

- 4.1 A person may use a boat in the IOTC area to:
- (a) fish for, retain on board, transship or land tuna; or
  - (b) fish for, retain on board, transship or land tuna-like species;
- if the boat has a satellite-linked vessel monitoring system device on board that complies with the requirements set out in subclause 4.1A and satisfies the length requirements set out in subclause 4.1B.
- 4.1A A vessel monitoring system device on the boat must:
- (a) be fully operational; and
  - (b) record the boat's identification, current geographical position and the date and time expressed in UTC; and
  - (c) report to the Fisheries Monitoring Centre of the flag State of the boat every 4 hours; and
  - (d) be located within a sealed unit and be protected by official seals (or mechanisms) of a type that indicate whether the unit has been accessed or tampered with.
- 4.1B The length requirements are that:
- (a) the boat has an overall length of 24 metres or more; or
  - (b) both:
    - (i) the boat has an overall length of less than 24 metres; and
    - (ii) operates in waters outside the economic exclusive zone of the flag State of the boat.
- 4.2 A person using a boat for fishing in the IOTC Area must not:
- (a) alter vessel monitoring system messages in any way; or
  - (b) alter vessel monitoring system reports in any way; or
  - (c) obstruct an antenna connected to a vessel monitoring device in any way; or
  - (d) interrupt the power supply of a satellite monitoring device in any way; or
  - (e) remove a vessel monitoring device from the boat.
- 4.3 In the event of a technical failure or non-operation of the vessel monitoring device, the person must communicate the information in paragraph 4.1B(b) to the Fisheries Monitoring Centre of their flag State every four hours by other means.

## **5 Establishment of IOTC Record of Vessels Authorised to operate in the IOTC Area**

5.1 A person may use a boat in the IOTC area to:

- (a) fish for, retain on board, transship or land tuna; or
- (b) fish for, retain on board, transship or land tuna-like species; or
- (c) support any fishing activity; or
- (d) set drifting fish aggregation devices;

if the boat is included on the IOTC Record of Vessels Authorised to Operate in the IOTC Area and satisfies the length requirements set out in subclause 5.2.

Note: The IOTC Record of Vessels Authorised to Operate in the IOTC Area could in 2015 be viewed on the IOTC's website (<http://www.iotc.org>).

5.2 The length requirements are that:

- (a) the boat has an overall length of 24 metres or more; or
- (b) both:
  - (i) the boat has an overall length of less than 24 metres; and
  - (ii) operates in waters outside the economic exclusive zone of the flag State of the boat.

## **7 Establishment of programme for transshipment by large scale fishing vessels**

7.1 A person using a boat in the IOTC Area for fishing must not carry out transshipment operations of tuna and tuna-like species and sharks in the IOTC Area unless:

- (a) the person is authorised by a Contracting Party or non-Contracting Party to use the boat for transshipment operations of that type; and
- (b) the boat is:
  - (i) a large-scale tuna longline fishing vessel; or
  - (ii) a carrier vessel authorised to receive transshipments at sea from a large-scale tuna longline fishing vessel; and
- (c) if the boat is a boat mentioned in subparagraph (b)(i)—the person has, before each transshipment takes place, obtained authorisation from its flag State in accordance with IOTC Resolution 14/06; and
- (d) if the boat is a boat mentioned in subparagraph (b)(ii)—the master of the boat confirms, before each transshipment takes place, that the large-scale tuna longline fishing vessel participating in the transshipment operations:
  - (i) is participating in the IOTC programme to monitor transshipment at sea; and
  - (ii) has obtained authorisation for the transshipment from the flag State of the boat; and
- (e) if the boat is a boat mentioned in subparagraph (b)(ii)—the master of the boat, within 24 hours after completing the transshipment:
  - (i) completes the IOTC transshipment declaration; and
  - (ii) transmits each of the following to the IOTC Secretariat and the flag Contracting Party or Co-Operating Non-Contracting Party:

Clause 7

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- (A) the completed IOTC transshipment declaration;
  - (C) the number of the boat included in the IOTC Record of Carrier Vessels; and
  - (f) if the boat is a boat mentioned in subparagraph (b)(ii)—the master of the boat, within 48 hours before landing must transmit an IOTC transshipment declaration, along with its number in the IOTC Record of Carrier Vessels authorised to receive transshipment in the IOTC area of competence, to the competent authorities of the State where the landing takes place.
- 7.2 A person using a boat in the IOTC Area for fishing must not receive tuna and tuna-like species and sharks in an at-sea transshipment operation unless:
- (a) the name of the boat is included on the IOTC Record of Carrier Vessels; and
  - (b) an operational vessel monitoring device that is part of the flag State's vessel monitoring system is installed on the boat.
- 7.3 A person using, in the IOTC Area for fishing, a boat that:
- (a) is included in the IOTC Record of Carrier Vessels; and
  - (b) is authorised to receive transshipments in the IOTC Area; and
  - (c) transships at sea;
- must carry an IOTC observer on board the boat during each transshipment operation in the IOTC Area.
- 7.4 The person using the boat must allow each IOTC observer on board the boat access to:
- (a) the boat; and
  - (b) the personnel of the boat; and
  - (c) the gear of the boat; and
  - (d) the equipment of the boat.
- 7.5 The person using the boat must provide each IOTC observer with each of the following:
- (a) adequate space on the bridge or pilot house for clerical work;
  - (b) space on deck adequate for carrying out observer duties;
  - (c) accommodation, including lodging, food and adequate sanitary facilities that are equivalent to those provided to the personnel of the boat.
- 7.6 The person using the boat must not:
- (a) obstruct; or
  - (b) intimidate; or
  - (c) interfere with; or
  - (d) influence; or
  - (e) bribe; or
  - (f) attempt to bribe;
- an IOTC observer in the performance of the observer's duties.
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## 8 Reducing the incidental by-catch of seabirds in longline fisheries

- 8.1 If a person is using a longline fishing boat in the IOTC Area for fishing for tuna and tuna-like species south of 25° S:
- (a) the person must use at least 2 of the mitigation measures mentioned in column 1 of the following table; and
  - (b) the person must consider using the mitigation measures in other areas, as appropriate, consistent with scientific advice; and
  - (c) the mitigation measures must conform to the minimum technical specification mentioned in column 3 of the table.

<b>Mitigation Measures</b>			
<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Measure</b>	<b>Description</b>	<b>Technical Specification</b>
1	Night setting with minimum deck lighting	The person must: <ol style="list-style-type: none"> <li>(a) not set longlines between nautical dawn and nautical dusk; and</li> <li>(b) keep deck lighting to a minimum.</li> </ol>	Nautical dusk and nautical dawn are defined in the Nautical Almanac tables for relevant latitude, local time and date. Minimum deck lighting must not breach minimum standards for safety and navigation.
2	Bird-scaring lines (Tori lines)	The person must deploy bird-scaring lines during the entire process of setting the longline to deter birds from approaching the branch line.	<p>For vessels of 35 m or more, the person must:</p> <ol style="list-style-type: none"> <li>(a) deploy at least one bird-scaring line; and</li> <li>(b) deploy more than one bird-scaring line at times of high bird abundance or activity, if practical; and</li> <li>(c) if deploying more than one bird-scaring line, deploy the bird-scaring lines simultaneously, one on each side of the longline being set; and</li> <li>(d) ensure that the aerial extent of bird-scaring lines is 100 m or more; and</li> <li>(e) use long streamers of sufficient length to reach the sea surface in calm conditions, placed at intervals of no more than 5 m.</li> </ol> <p>For vessels less than 35 m, the person must:</p> <ol style="list-style-type: none"> <li>(a) deploy at least one bird-scaring line; and</li> <li>(b) ensure that the aerial extent of bird-scaring lines is 75 m or more; and</li> </ol>

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<b>Mitigation Measures</b>			
<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Measure</b>	<b>Description</b>	<b>Technical Specification</b>
			<p>(c) use long or short streamers (greater than 1 m in length), placed at intervals as follows:</p> <p>(i) short—intervals of no more than 2 m;</p> <p>(ii) long—intervals of no more than 5 m for the first 55 m of bird-scaring line.</p> <p>A person must ensure that when using this measure, that the person complies with additional minimum technical standards for this measure as provided in Annex 1 of IOTC Resolution 12/06, as given effect by this clause.</p>
3	Line weighting	The person must deploy line weights on the snood before setting.	<p>Line weights must be attached as follows:</p> <p>(a) if the weights are more than 45 g but less than 60 g—they must be attached within 1 m of the hook;</p> <p>(b) if the weights are more than 60 g but less than 98 g—they must be attached within 3.5 m of the hook;</p> <p>(c) if the weights are more than 98 g—they must be attached within 4 m of the hook.</p>

## 9 Recording of catch and effort by fishing vessels in the IOTC Area of Competence

- 9.1 A person must comply with subclause 9.2 if:
- (a) the person uses a boat that is a purse seine, longline, gillnet, pole and line, handline or trolling boat; and
  - (b) the boat satisfies the length requirements set out in subclause 9.1A.
- 9.1A The length requirements are that:
- (a) the boat has an overall length of 24 metres or more; or
  - (b) both:
    - (i) the boat has an overall length of less than 24 metres; and
    - (ii) operates in waters outside the economic exclusive zone of the flag State of the boat; or
  - (c) both:
    - (i) the boat has an overall length of less than 24 metres; and



- (ii) operates in waters within the economic exclusive zone of a Contracting Party or Co-Operating non-Contracting Party that is not a developing State.

9.2 The person must:

- (a) keep a bound or electronic logbook that records the information mentioned in column 1 of an item in the following table, for the vessel mentioned in column 2; and
- (b) record the information as mentioned in column 3; and
- (c) maintain the logbook in accordance with the annex of IOTC Resolution 15/01 mentioned in column 4; and
- (d) submit a copy of the logbook to the flag State of the boat; and
- (e) if the person has used the boat to fish in the exclusive economic zone of a State (the *other State*) other than the flag State of the boat—submit a copy of the parts of the logbook that relate to fishing in the other State's exclusive economic zone to the other State.

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#### Logbook Information

Item	Column 1 Information	Column 2 Vessel	Column 3 Frequency	Column 4 Annex of IOTC Resolution 15/01
1	Vessel, trip and gear configuration	Purse seine, longline, gillnet and pole and line	Once each trip, unless gear configuration changes	I
2	Purse seine, longline, gillnet and pole and line operations and catch	Purse seine, longline, gillnet and pole and line	For each set or operation of the fishing gear	II
3	Handline and trolling gear	Handline and trolling gear	For each operation of the fishing gear	III

## 10 Establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC Area of Competence

10.1 A person using a boat in the IOTC Area for fishing must not participate in a joint operation with a vessel included in the IUU Vessels List.

Note: Examples of a joint operation mentioned in subclause 10.1 include resupplying and refuelling a vessel included in the IUU Vessels List. Transhipping with a vessel included in the IUU Vessels List is included in the definition of IUU Fishing Activities in the IOTC Resolution.

## 11 Regional observer scheme

11.1 A person using a boat in the IOTC Area for fishing must, if an observer is placed on the boat:

Clause 12

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- (a) provide the observer with access to retained catch; and
- (b) provide the observer with access to catch that is intended to be discarded; and
- (c) ensure that the observer is able to carry out the observer's duties in a competent and safe manner; and
- (d) provide the observer with access to boat staff and to the gear and equipment that is necessary to carry out the observer's duties, including the following (if present on the boat):
  - (i) satellite navigation equipment;
  - (ii) radar display viewing screens;
  - (iii) electronic means of communication.

## **12 To prohibit the use of large-scale driftnets on the high seas in the IOTC Area**

- 12.1 Unless subclause 12.5 applies, a person using a boat in the IOTC Area for fishing for tuna and tuna-like species must comply with subclauses 12.2, 12.3 and 12.4.
- 12.2 The person must not have on board the boat a gillnet that:
- (a) is more than 2.5 kilometres in length; and
  - (b) has any of the following purposes:
    - (i) to enmesh fish by drifting on the surface of the water column;
    - (ii) to enmesh fish by drifting in the water column;
    - (iii) to entrap fish by drifting on the surface of the water column;
    - (iv) to entrap fish by drifting in the water column;
    - (v) to entangle fish by drifting on the surface of the water column;
    - (vi) to entangle fish by drifting in the water column.
- 12.3 The person must not have on board the boat a net other than a gillnet that:
- (a) is more than 2.5 kilometres in length; and
  - (b) has any of the following purposes:
    - (i) to enmesh fish by drifting on the surface of the water column;
    - (ii) to enmesh fish by drifting in the water column;
    - (iii) to entrap fish by drifting on the surface of the water column;
    - (iv) to entrap fish by drifting in the water column;
    - (v) to entangle fish by drifting on the surface of the water column;
    - (vi) to entangle fish by drifting in the water column.
- 12.4 The person must not have on board the boat a combination of nets that:
- (a) is more than 2.5 kilometres in length; and
  - (b) has any of the following purposes:
    - (i) to enmesh fish by drifting on the surface of the water column;
    - (ii) to enmesh fish by drifting in the water column;
    - (iii) to entrap fish by drifting on the surface of the water column;
    - (iv) to entrap fish by drifting in the water column;
    - (v) to entangle fish by drifting on the surface of the water column;
-

(vi) to entangle fish by drifting in the water column.

- 12.5 If the boat is authorised to use large-scale driftnets in the economic exclusive zone of the Flag State of the boat, the person using the boat must ensure that, if any net of a type mentioned in subclause 12.2, 12.3 or 12.4 is on board the boat, the net is:
- (a) stowed so that the net is not readily available to be used for fishing; or
  - (b) secured so that the net is not readily available to be used for fishing.

### **13 Conservation of marine turtles**

- 13.1 A person using a boat in the IOTC Area for fishing for tuna or tuna-like species that:
- (a) has gillnets on board; or
  - (b) is using gillnets;
- must record each incident involving a marine turtle that takes place during fishing operations in the boat's logbook.
- 13.2 A person using a boat that has longlines on board in the IOTC Area for fishing must:
- (a) carry line cutters and de-hookers, in order to facilitate the appropriate handling and prompt release of marine turtles caught or entangled; and
  - (b) record each incident involving a marine turtle that takes place during fishing operations in the boat's logbook.
- 13.3 A person using a purse seine boat in the IOTC Area for fishing must:
- (a) if a marine turtle is caught in a net:
    - (i) stop net roll; and
    - (ii) remove the turtle from the net before resuming net roll; and
  - (b) record each incident involving a marine turtle that takes place during fishing operations in the boat's logbook.
- 13.4 A person using a boat in the IOTC area that has longlines on board, or is being used for fishing for tuna and tuna-like species, must:
- (a) bring aboard, if practicable, any captured marine turtle that is comatose or inactive as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water; and
  - (b) be aware of and use proper mitigation, identification, handling and de-hooking techniques and keep on board all necessary equipment for the release of marine turtles, in accordance with handling guidelines in the IOTC Marine Turtle Identification Cards.

### **14 Conservation of thresher sharks (Family *Alopiidae*) caught in association with fisheries in the IOTC Area of Competence**

- 14.1 A person using a boat which appears on the IOTC record of authorised vessels:
- (a) must release all species of the Family *Alopiidae* that are brought alongside the boat; and

Clause 15

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- (b) must release the species unharmed if practicable; and
- (c) must not retain on board, store, tranship, land, offer for sale, or sell, any part or whole carcass of the species.

14.2 However, scientific observers may collect biological samples (vertebrae, tissues, reproductive tracts, stomachs, skin samples, spiral valves, jaws, whole and skeletonised specimens for taxonomic works and museum collections) from thresher sharks that are dead at haulback, only if the samples are part of a research project approved by the Scientific Committee (or Working Party on Ecosystems and By-catch) in accordance with IOTC Resolution 12/09, as given effect by this clause.

## 15 Conservation of cetaceans

15.1 A person using a boat to fish for tuna or tuna-like species on the high seas within the IOTC Area must not set a purse seine net around a cetacean if the cetacean is sighted prior to the commencement of the set.

15.2 If a cetacean is encircled in a purse seine net, the person must:

- (a) take all reasonable steps to ensure the safe release of the cetacean, including following the best practice guidelines for the safe release and handling of cetaceans developed by the IOTC Scientific Committee; and
- (b) record for each encirclement incident the following information:
  - (i) the species of cetacean (if known);
  - (ii) the number of cetaceans encircled;
  - (iii) a short description of the interaction with the cetacean, including details of how and why the interaction occurred (if possible);
  - (iv) the location of the encirclement;
  - (v) the steps taken to ensure the safe release of the cetacean;
  - (vi) the life status of the cetacean on release, including whether the cetacean was released alive but subsequently died; and
- (c) report the information to the appropriate authority of the flag State of the boat.

15.3 A person using a boat to fish for tuna or tuna-like species on the high seas within the IOTC Area using fishing gear other than a purse seine net must:

- (a) record for each incident involving a cetacean the following information:
  - (i) the species (if known);
  - (ii) the number of cetaceans involved;
  - (iii) a short description of the incident, including details of how and why the incident occurred (if possible);
  - (iv) the location of the incident;
  - (v) the steps taken to ensure the safe release of the cetacean;
  - (vi) the life status of the cetacean on release, including whether the cetacean was released alive but subsequently died; and
- (b) report the information to the appropriate authority of the flag State of the boat.

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## **16 Conservation of whale sharks**

- 16.1 A person using a boat to fish for tuna or tuna-like species on the high seas within the IOTC Area must not set a purse seine net around a whale shark if the whale shark is sighted prior to the commencement of the set.
- 16.2 If a whale shark is encircled in a purse seine net, the person must:
- (a) take all reasonable steps to ensure the safe release of the whale shark including following the best practice guidelines for the safe release and handling of whale sharks developed by the IOTC Scientific Committee; and
  - (b) record for each encirclement incident the following information:
    - (i) the number of whale sharks encircled;
    - (ii) a short description of the interaction with the whale shark, including details of how and why the interaction occurred (if possible);
    - (iii) the location of the encirclement;
    - (iv) steps taken to ensure safe release of the whale shark;
    - (v) the life status of the whale shark on release, including whether the whale shark was released alive but subsequently died; and
  - (c) report the information to the appropriate authority of the flag State of the boat.
- 16.3 A person using a boat to fish for tuna or tuna-like species on the high seas within the IOTC Area using fishing gear other than a purse seine net must:
- (a) record for each incident involving a whale shark the following information:
    - (i) the number of whale sharks involved;
    - (ii) a short description of the incident, including details of how and why the incident occurred (if possible);
    - (iii) the location of the incident;
    - (iv) steps taken to ensure safe release of the whale shark;
    - (v) the life status of the whale shark on release, including whether the whale shark was released alive but subsequently died; and
  - (b) report the information to the appropriate authority of the flag State of the boat.

## **17 Conservation of shark species caught in association with IOTC managed fisheries**

- 17.1 This clause applies to a person using a boat in the IOTC Area for fishing if:
- (a) the boat is:
    - (i) listed on the IOTC Record of Vessels Authorised to Operate in the IOTC Area; or
    - (ii) authorised to fish for tuna or tuna-like species on the high seas within the IOTC Area; and
  - (b) the person is not using the boat to catch fish for local consumption in an artisanal fishery located in the exclusive economic zone of the flag State of the boat.

Clause 18

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Note: The IOTC Record of Vessels Authorised to Operate in the IOTC Area could in 2014 be viewed on the Commission's website (<http://www.iotc.org>).

- 17.2 The person:
- (a) must promptly release unharmed, to the extent practicable, oceanic whitetip brought alongside the boat; and
  - (b) must not retain on board, tranship, land or store any part or whole carcass of an oceanic whitetip shark.
- 17.3 However, scientific observers may collect biological samples from oceanic whitetip sharks that are dead at haulback if the samples are taken as part of a research project approved by the IOTC Scientific Committee or IOTC's Working Party on Ecosystems and By-catch.

## 18 Use of fish aggregating devices

- 18.1 A person using a purse seine boat to fish on a fish aggregating device in the IOTC Area must comply with this clause.
- 18.2 The person must:
- (a) if the person is fishing on a drifting fish aggregating device—keep a logbook that records the following information:
    - (i) the position of the device;
    - (ii) the date of the visit;
    - (iii) the device identifier;
    - (iv) the type of device (natural or artificial);
    - (v) the characteristics of the device, including dimensions and material of the floating part and underwater hanging equipment;
    - (vi) the type of visit (such as deployment, hauling, retrieving, loss or intervention on electronic equipment);
    - (vii) if the visit is followed by a set—the catch and by-catch of the set; or
  - (b) if the person is fishing on an anchored fish aggregating device—keep a logbook that records the following information:
    - (i) the position of the device;
    - (ii) the date of the visit;
    - (iii) the device identifier;
    - (iv) if the visit is followed by a set—the catch and by-catch of the set.
- 18.3 If the person is fishing on a drifting fish aggregating device, the person may use a buoy for the purpose of aggregating:
- (a) tuna and tuna-like species; or
  - (b) species associated with, or dependent on, tuna or tuna-like species.
- However, on and after 1 January 2017, the person may only use an instrumented buoy for this purpose.
- 18.4 A person using a purse seine boat must ensure that:
- (a) no more than 425 active instrumented buoys are used at any one time; and
  - (b) no more than 850 instrumented buoys are acquired for the boat each year.
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18.5 In this clause:

*instrumented buoy* means a buoy:

- (a) that can be identified by a clearly marked reference number; and
- (b) whose position can be monitored by a satellite tracking system.

## **19 Ban on discards of bigeye, skipjack and yellowfin tuna**

19.1 A person using a purse seine boat to fish in an IOTC area must retain on board and then land at port all bigeye, skipjack and yellowfin tuna caught unless:

- (a) the tuna are unfit for human consumption; or
- (b) in a final set of a trip:
  - (i) there is insufficient storage capacity in the boat to accommodate all of the tuna caught in the final set; and
  - (ii) the person attempts to release the tuna alive; and
  - (iii) the person does not undertake any further fishing until the tuna on board the boat are landed or transhipped.

19.2 For the purpose of subclause 19.1, fish are considered to be caught at the point in the set when the net is fully pursed and more than one half of the net has been retrieved.

19.3 In this clause:

*unfit for human consumption*, in relation to bigeye, skipjack and yellowfin tuna, means:

- (a) fish that are meshed or crushed in the purse seine; or
- (b) fish that are damaged due to depredation; or
- (c) fish that have died and spoiled because a gear failure has prevented normal retrieval of the fish and effort to release the fish alive;

but does not include:

- (d) fish that are considered undesirable because of size, marketability or species composition; or
- (e) fish that are spoiled or contaminated as the result of an act or omission by the crew of a boat.

## **20 Ban on using artificial lights to attract fish**

20.1 A person using a boat in the IOTC Area for fishing must not install or operate surface or submerged artificial lights for the purpose of aggregating:

- (a) tuna and tuna-like species; or
- (b) species associated with, or dependent on, tuna or tuna-like species.

20.2 A person using a boat in the IOTC Area for fishing must not fish around or near any boat or drifting fish aggregating device equipped with artificial lights for the purpose of attracting tuna or tuna-like species.

Clause 21

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**21 Ban on using aircraft or unmanned aerial vehicles as fishing aids**

- 21.1 A person using a fishing boat, support boat or supply boat in the IOTC Area must not use an aircraft or an unmanned aerial vehicle as a fishing aid for fishing for tuna or tuna-like species.



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## Schedule 3—Prescribed measures—Western and Central Pacific Fisheries Commission

(paragraph 2.1(c))

Note: The formal title of the Western and Central Pacific Fisheries Commission (WCPFC) is the *Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*, established under the Convention mentioned in item 4 of Schedule 4. However, the short title is used as an official title on the WCPFC website, see <http://www.wcpfc.int>.

### 1 Definitions

1.1 In this Schedule:

**Commission** means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

**Convention Area** means the waters defined in Article 3 of the *Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*, done at Honolulu on 5 September 2000 ([2004] ATS 15).

Note: The text of the Convention is available in the Australian Treaties Library, located on the Internet at <http://www.austlii.edu.au>.

**IUU vessels list** means the *List of vessels presumed to have conducted illegal, unregulated and unreported fishing activities in the Western and Central Pacific Ocean* as amended from time to time.

Note: The IUU vessels list is available on the Internet at <http://www.wcpfc.org>.

### 2 WCPFC Record of Fishing Vessels and authorisation to fish

2.1 A person using a boat in the Convention Area for fishing must not fish for highly migratory fish stocks unless the boat is recorded on the WCPFC Record of Fishing Vessels.

2.2 The person must not transship highly migratory fish stocks that have been caught in the Convention Area to a boat which is not recorded on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of Non-Member Carrier and Bunker Vessels.

2.3 The person must not bunker or otherwise receive supplies from a boat that is not recorded on the WCPFC Interim Register of non-Member Carrier and Bunker Vessels.

Note: The WCPFC Record of Fishing Vessels and the WCPFC Interim Register of Non-Member Carrier and Bunker Vessels are available on the internet at [www.wcpfc.int](http://www.wcpfc.int).

Clause 3

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### 3 Specifications for the marking and identification of fishing vessels

- 3.1 A person using a boat in the Convention Area for fishing must not fish in the Convention Area unless:
- (a) the WCPFC Identification number for the boat is displayed on the boat at all times:
    - (i) prominently; and
    - (ii) in the English language; and
  - (b) the WCPFC Identification number displayed on the boat is the number that is recorded for the boat on the WCPFC Record of Fishing Vessels.

### 4 Western and Central Pacific Fisheries Commission Boarding and Inspection Procedures

- 4.1 A person using a boat that is licensed to operate in the Convention Area must allow an authorised inspector to board and inspect the boat.

### 5 Conservation and Management Measure for the Regional Observer Programme

- 5.1 A person using a boat that is licensed to operate in the Convention Area for fishing:
- (a) if the Commission requires—must allow an observer to board the boat; and
  - (b) must not obstruct the observer in the performance of his or her duties; and
  - (c) must assist the observer to perform his or her duties safely.

### 6 Commission Vessel Monitoring System

- 6.1 A person using a boat to fish for highly migratory fish stocks on the High Seas in the Convention Area south of 20° N and east of 175° E must, while the boat remains on the high seas in the Convention Area, have an ALC:
- (a) that enables the WCPFC to monitor the true location of the boat; and
  - (b) that is of the minimum standard mentioned in Annex 1 to the WCPFC Conservation and Management Measure on the Commission Vessel Monitoring System; and
  - (c) that is used in accordance with the *Standards, specifications and procedures (SSP) for the fishing vessel monitoring system (VMS) of the Western and Central Pacific Fisheries Commission (WCPFC)*.

Note: The following documents could in 2015 be viewed on the Western and Central Pacific Fisheries Commission's website (<http://www.wcpfc.int>):

- (a) Annex 1 to the WCPFC Conservation and Management Measure on the Commission Vessel Monitoring System;
- (b) *Standards, specifications and procedures (SSP) for the fishing vessel monitoring system (VMS) of the Western and Central Pacific Fisheries Commission (WCPFC)*.

- 6.2 In this clause:
-

*Automatic Location Communicator* (or *ALC*) means a near real-time satellite position fixing transmitter.

## **7 Conservation and Management Measure to Establish a List of Vessels presumed to have carried out Illegal, Unreported and Unregulated Fishing Activities in the WCPO**

- 7.1 A person using a boat in the Convention Area for fishing must not:
- (a) tranship with a boat included in the IUU Vessels List; or
  - (b) participate in a joint fishing operation with a boat included in the IUU Vessels List; or
  - (c) support a vessel included in the IUU Vessels List; or
  - (d) resupply a vessel included in the IUU Vessels List; or
  - (e) trade highly migratory fish stocks caught by a boat included in the IUU Vessels List; or
  - (f) import highly migratory fish stocks caught by a boat included in the IUU Vessels List; or
  - (g) transport highly migratory fish stocks caught by a boat included in the IUU Vessels List; or
  - (h) engage in transactions in highly migratory fish stocks caught by a boat included in the IUU Vessels List.

Note: The IUU Vessels List is available on the Internet at <http://www.wcpfc.int>.

## **8 Conservation and Management Measure to Mitigate the Impact of Fishing for Highly Migratory Fish Stocks on Seabirds**

- 8.1 A person using a longline boat to fish for highly migratory fish stocks in the Convention Area must:
- (a) if the person is fishing in an area south of 30°S in the Convention Area—use at least 2 of the mitigation measures mentioned in column 1 of items 1, 2 and 3 of the following table; or
  - (b) if the boat is 24 metres or more in overall length, and the person is fishing in an area north of 23°N in the Convention Area—use at least 2 of the mitigation measures mentioned in the following table, including at least one mentioned in column 1 of the table; or
  - (c) if the boat is less than 24 metres in overall length, and the person is fishing in an area north of 23°N in the Convention Area—use at least one of the mitigation measures mentioned in column 1 of the following table.

<b>Mitigation measures</b>		
<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>
1	Night setting with minimum deck lighting	Tori line
2	Tori line	Blue-dyed bait
3	Weighted branch lines	Deep setting line shooter

Clause 9

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**Mitigation measures**

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<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>
4	Side setting with a bird curtain and weighted branch lines	Management of offal discharge

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Note: If a person selects “tori line” from column 1 and column 2 of the table, the selection equates to simultaneously using 2 (that is paired) tori lines.

8.1A For the purposes of subclause 8.1, a person using the mitigation measure mentioned in column 1 of item 4 of the table in that subclause is taken to be using 2 mitigation measures mentioned in column 1 of that table.

8.2 The person must implement the measures in the Table in accordance with the minimum technical specifications set out in Annex 1 of WCPFC Conservation and Management Measure to Mitigate the Impact of Fishing for Highly Migratory Fish Stocks on Seabirds.

Note: Annex 1 of WCPFC Conservation and Management Measure to Mitigate the Impact of Fishing for Highly Migratory Fish Stocks on Seabirds is available on the Internet at <http://www.wcpfc.int>.

## **9 Conservation and management measure for bigeye, yellowfin and skipjack tuna**

9.1 This clause applies to a person using a purse seine boat to fish for highly migratory fish stocks:

- (a) on the high seas within the Convention Area; or
- (b) in an exclusive economic zone in the Convention Area.

9.2 The person:

- (a) must not fish on fish aggregating devices between:
  - (i) 0000 hours on 1 July 2014 and 2400 hours on 30 September 2014; and
  - (ii) 0000 hours on 1 July 2015 and 2400 hours on 30 September 2015; and
  - (iii) 0000 hours on 1 July 2016 and 2400 hours on 30 September 2016; and
- (b) must not fish on fish aggregating devices during one of the following periods if the flag State of the boat has notified the Secretariat of the Commission that it elects to extend the prohibition on fish aggregating devices to include that period:
  - (i) between 0000 hours on 1 October 2014 and 2400 hours on 31 October 2014;
  - (ii) between 0000 hours on 1 January 2015 and 2400 hours on 28 February 2015;
  - (iii) between 0000 hours on 1 January 2016 and 2400 hours on 29 February 2016; and

- 
- (c) must not fish on fish aggregating devices located in the high sea on or after 0000 hours on 1 January 2017 unless the Commission has granted an exemption to the person; and
  - (d) if fishing between 20°N and 20°S—must carry on board the boat an observer; and
  - (e) if fishing between 20°N and 20°S—must retain on board and then land or tranship at port all bigeye, skipjack and yellowfin tuna caught unless any of the following circumstances exist:
    - (i) in the final set of a trip, there is insufficient well space in the boat to accommodate all fish caught in the final set, and unless prohibited under applicable national law, excess fish taken in the final set are transferred to and retained on board another purse seine boat;
    - (ii) the fish are unfit for human consumption for a reason other than the size of the fish;
    - (iii) a serious malfunction of equipment on the boat occurs; and
  - (f) if the flag State of the boat has notified the Secretariat of the Commission that it elects to limit the number of fish aggregating device sets—must report each week to the flag State of the boat the following:
    - (i) the number of fish aggregating device sets;
    - (ii) the total number of sets;
    - (iii) an estimate of bigeye tuna caught.
- 9.3 For paragraph 9.2(d), the observer must be from the Regional Observer Program unless the person is fishing solely within the national jurisdiction of the flag State of the boat.

## **10 Conservation and Management of Sea Turtles**

- 10.1 A person who:
- (a) is using a boat to fish in the Convention Area; and
  - (b) is targeting highly migratory fish stocks; and
  - (c) catches a sea turtle that is comatose or inactive;
- must, if practicable, perform each of the actions included in subclause 10.2.
- 10.2 The person mentioned in subclause 10.1 must, if practicable, perform each of the following actions:
- (a) bring the sea turtle on board the boat as soon as practicable after the sea turtle is caught; and
  - (b) revive the sea turtle; and
  - (c) immediately after the sea turtle is revived, return the sea turtle to the water.
- 10.3 A person using a longline fishing boat to fish for highly migratory fish stocks in the Convention Area must perform each of the following actions:
- (a) carry line cutters and de-hookers;
  - (b) if a sea turtle is caught or entangled—use line cutters or de-hookers to handle and promptly release the sea turtle;
  - (c) if appropriate—carry and use dip-nets.

Clause 11

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- 10.4 A person:
- (a) using a longline fishing boat to fish in the Convention Area; and
  - (b) fishing for swordfish in a shallow-set manner;
- must record each incident involving sea turtles that occurs during fishing operations and report each incident to the appropriate authorities of the flag state of the boat.
- 10.5 A person using a purse seine boat to fish for highly migratory fish stocks in the Convention Area must:
- (a) to the extent that is practicable, avoid encirclement of a sea turtle; and
  - (b) if a sea turtle is encircled or entangled—take practicable measures to safely release the sea turtle; and
  - (c) if a sea turtle is entangled in a fish aggregating device or other fishing gear—if practicable, release it from the device or gear; and
  - (d) carry and use dip nets if handling turtles.
- 10.6 A person using a purse seine boat to fish in the Convention Area must:
- (a) record each incident involving sea turtles that occurs during fishing operations; and
  - (b) report each incident to the appropriate authorities of the flag state of the boat.

## 11 Conservation and Management Measure to Prohibit the Use of Large Scale Driftnets on the High Seas in the Convention Area

- 11.1 Unless subclause 11.2 applies, a person using a boat to fish in the Convention Area must not:
- (a) use large-scale driftnets on the high seas within the Convention Area; or
  - (b) configure large-scale driftnets for use on the high seas within the Convention Area; or
  - (c) possess large-scale driftnets on the high seas within the Convention Area.
- 11.2 Subclause 11.1 does not apply if the person using the boat can demonstrate that:
- (a) the boat is duly authorised to use large-scale driftnets in waters under national jurisdiction; and
  - (b) while the boat is on the high seas in the Convention Area:
    - (i) each large-scale driftnet; and
    - (ii) any fishing equipment related to large-scale driftnets;is stowed or secured in such a manner that each large-scale driftnet or any related fishing equipment is not readily available to be used for fishing.
- 11.3 In this clause:
- large-scale driftnets** means gillnets, other nets, or a combination of nets that:
- (a) are more than 2.5 kilometres in length; and
  - (b) have any of the following purposes:
    - (i) to enmesh fish;
-

- (ii) to entrap fish;
  - (iii) to entangle fish;
- by drifting on the surface of the water or in the water column.

**configure** means to have on board a boat fishing gear, either assembled or unassembled, that collectively would enable a person using the boat to deploy and retrieve large-scale driftnets.

## **12 Conservation and Management of Sharks**

- 12.1 A person using a boat to fish for highly migratory fish stocks in the Convention Area for fishing must:
- (a) retain on board the boat, until the point of first landing or transshipment, each part of a shark, except the head, guts and skins of the shark; and
  - (b) unless the flag state of the boat does not require the person to do so, offload shark fins and carcasses together at the point of first landing; and
  - (c) If paragraph (b) does not apply, the person must ensure that the total weight of shark fins kept on board the boat does not, at any time until the first point of landing, exceed 5 percent of the total weight of sharks kept on board the boat.
- 12.2 A person using a longline fishing boat to fish for tuna and billfish in the Convention Area must ensure that:
- (a) the boat does not use or carry wire trace as:
    - (i) a branch line; or
    - (ii) a leader; or
  - (b) the boat does not use a branch line that runs directly off a longline float or drop line.

## **13 Conservation and Management Measure on the Application of High Seas FAD Closures and Catch Retention**

- 13.1 This clause applies to a person using a purse seine boat to fish for highly migratory fish stocks on the high seas in the area of the Convention Area bounded by 20° N and 20° S in the closure period starting at 0000 hours on 1 July in a calendar year and ending at 2400 hours on 30 September in the year.
- 13.2 The person must not:
- (a) conduct any part of a set within 1 nautical mile of a FAD; or
  - (b) allow the boat to be used to aggregate fish or to move aggregated fish; or
  - (c) retrieve a FAD or electronic equipment associated with a FAD unless:
    - (i) the FAD or electronic equipment are kept on board the boat until the boat lands or the end of the closure; and
    - (ii) the boat does not conduct a set for a period of 7 days after the day of the retrieval or within 50 nautical miles of the place at which the retrieval occurred; or
  - (d) cooperate with another boat in order to catch aggregated fish; or

Clause 13

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- (e) fish during the closure period within 1 nautical mile of a place where a FAD has been retrieved by another vessel, unless more than 24 hours has passed since the FAD was retrieved.
- 13.3 The person may release fish if the person considers the fish to be undesirable because of the size of the fish, the marketability of the fish or the species composition of the fish.
- 13.4 However, the person must not release the fish unless the person does so before the net is fully pursed and one half retrieved.
- 13.5 The person may discard fish if any of the circumstances mentioned in subclause 13.6 occurs and an observer has estimated the species composition of the fish to be discarded.
- 13.6 For subclause 13.5, each of the following are circumstances:
- (a) the fish are unfit for human consumption for a reason other than the size or marketability of the fish;
  - (b) a serious malfunction of the boat's equipment occurs;
  - (c) in a final set of a trip:
    - (i) there is insufficient well space in the boat to accommodate all the fish to be caught in the final set; and
    - (ii) the person attempts to release the fish alive; and
    - (iii) the person does not undertake any further fishing until the fish on board the boat are landed or transhipped.
- 13.7 If the person discards fish, the person must give the Executive Director of the Commission, no later than 48 hours after the fish have been discarded, a statement containing the following information:
- (a) the boat's name, flag and WCPFC Identification Number;
  - (b) the name and nationality of the master of the boat;
  - (c) the boat's licence number;
  - (d) the name of the observer;
  - (e) the date and time on which the person discarded the fish;
  - (f) the latitude and longitude at which the fish were discarded;
  - (g) the type of FAD used;
  - (h) the reason the fish from the set were discarded;
  - (i) the estimated tonnage and species composition of fish from the set that were discarded;
  - (j) the estimated tonnage and species composition of fish from the set that were not discarded.
- 13.8 If the person discards fish in the circumstance mentioned in paragraph 13.6(c), the statement mentioned in subclause 13.7 must also include a statement that no further fishing will be undertaken until the catch on board has been landed or transhipped.
- 13.9 The person must give a copy of the statement to the observer.
-



13.10 In this clause:

**FAD** means a Fish Aggregating Device that:

- (a) has or has not been deployed; and
- (b) is an object or group of objects of any size with which fish may associate; and
- (c) consists of, but is not limited to, the following:
  - (i) living marine life;
  - (ii) dead marine life;
  - (iii) tree matter;
  - (iv) non-living equipment.

Note: Examples of FADs are a whale shark, bamboo, logs, buoys, floats, netting, webbing and plastics that are floating on or near the surface of the water.

#### **14 Conservation and Management Measure Prohibiting Fishing on Data Buoys**

14.1 A person using a boat in the Convention Area for fishing must not fish within 1 nautical mile of or interact with a data buoy unless the WCPFC has authorised the fishing.

14.2 If a boat becomes entangled with a data buoy, the person must remove the entangled boat or fishing gear connected to the boat in a way that limits any damage to the data buoy.

14.3 In this clause:

**data buoy** means a floating device that:

- (a) is used for collecting and measuring environmental data; and
- (b) is not used for fishing.

#### **15 Conservation and Management Measure on the Regulation of Transhipment**

15.1 A person must not tranship highly migratory fish stocks caught in the Convention Area unless:

- (a) the person has completed a transhipment declaration in the approved form; and
- (b) an observer is onboard the boat receiving the transhipment; and
- (c) the boat receiving the transhipment is only receiving product from 1 boat at a time.

15.2 However, the person may tranship highly migratory fish stocks caught in the Convention Area to another boat if the transhipping is a result of:

- (a) force majeure; or
- (b) a serious mechanical breakdown of the boat that could threaten the safety of the crew or result in significant financial loss to the person as a result of the fish spoiling.

Clause 16

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- 15.3 If the person is using a purse seine boat, the person must not tranship the fish stock at sea unless the WCPFC has granted an exemption.
- 15.4 If the person is not using a purse seine boat, the person must not tranship the fish stock unless the person gives the following information to the Executive Director of the Commission of the WCPFC no less than 36 hours before the transhipment occurs:
- (a) the name and identification number of the offloading boat;
  - (b) the name and identification number of the receiving boat;
  - (c) a description of the fish including the species and its processed state (if any);
  - (d) the tonnage of fish to be transhipped;
  - (e) the day and time of the transhipment;
  - (f) the place that the transhipment will occur including the latitude and longitude of the place;
  - (g) the place or places where the fish stock was caught.
- 15.5 If the person is not using a purse seine boat, the person must give a transhipment declaration form to the WCPFC no later than 15 days after the transhipment occurs.

## 16 Eastern High-Seas Pocket Special Management Area

- 16.1 A person using a boat to conduct transhipment activities (either unloading or receiving) in the Eastern High-Seas Pocket must report this to the Commission, in the reporting format described in paragraph 2 of CMM 2010-02.

## 17 Conservation and management measure for protection of whale sharks from purse seine fishing operations

- 17.1 This clause applies to a person using a purse seine boat to fish for highly migratory fish stocks:
- (a) on the high seas within the Convention Area; or
  - (b) in an exclusive economic zone in the Convention Area.
- 17.2 The person must not set a purse seine net on a school of tuna if a whale shark is sighted prior to the commencement of the set.
- 17.3 If a whale shark is encircled in a purse seine net, the person must:
- (a) take all reasonable steps to ensure the safe release of the whale shark; and
  - (b) record for each incident the following information:
    - (i) the number of whale sharks involved;
    - (ii) details of how and why the encirclement happened;
    - (iii) where the encirclement occurred;
    - (iv) steps taken to ensure the safe release of the whale shark;
    - (v) the life status of the whale shark on release, including whether the whale shark was released alive but subsequently died; and

- (c) report the information to the appropriate authority of the flag State of the boat.

## **18 Conservation and management measure on daily catch and effort reporting**

- 18.1 A person using a fishing boat in the Convention Area must record in a bound or electronic logbook the following information for each day the person is on the high seas within the Convention Area:
- (a) if fishing operations occur during a day—the effort and catch at the end of each fishing operation;
  - (b) if no fishing operations occur during a day but other fishing efforts occur during the day (such as searching or deployment or retrieval of fish aggregating devices)—the fishing efforts that occur during the day;
  - (c) if no fishing operations or other fishing efforts occur during a day—the main activity undertaken during the day.
- 18.2 A person required to keep a logbook under subclause 18.1 must keep the logbook on board the boat at all times during the course of a fishing trip.
- 18.3 A person required to keep a logbook under subclause 18.1 must give the logbook or a copy of the logbook to the appropriate authority of the flag State of the boat:
- (a) within 15 days after:
    - (i) the end of the fishing trip; or
    - (ii) the occurrence of a transshipment; or
  - (b) if the authority of the flag State of the boat specifies another period—the period specified.

## **19 Conservation and management measure for silky sharks**

- 19.1 A person using a boat in the Convention Area for fishing:
- (a) must release all silky sharks that are brought alongside the boat as soon as possible and in a manner that results in as little harm to the shark as possible; and
  - (b) must not retain on board, tranship, store or land any part or whole carcass of a silky shark caught in the Convention Area.
- 19.2 However, scientific observers may collect biological samples from silky sharks caught in the Convention Area if:
- (a) the shark is dead on haulback; and
  - (b) the samples are required as part of a research project that has been approved by the Commission's Scientific Committee.

## **20 Protection of cetaceans from purse seine fishing operations**

- 20.1 This clause applies to a person using a boat to fish for tuna or tuna-like species:
- (a) on the high seas within the Convention Area; or
  - (b) in an exclusive economic zone in the Convention Area.

Clause 21

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- 20.2 The person must not set a purse seine net on a school of tuna associated with a cetacean if the cetacean is sighted before the commencement of the set.
- 20.3 If a cetacean is encircled in a purse seine net, the person must take all reasonable steps to ensure its safe release, including:
- (a) stopping the net roll; and
  - (b) not recommencing fishing until the cetacean has been released and is no longer at risk of capture.
- 20.4 If a cetacean is encircled in a purse seine net, the person must also:
- (a) record the following information:
    - (i) the species of cetacean (if known);
    - (ii) the number of cetaceans involved;
    - (iii) the location;
    - (iv) the date;
    - (v) the steps taken to ensure the safe release of the cetacean;
    - (vi) the life status of the cetacean on release, including (if possible) whether the cetacean was released alive but subsequently died; and
  - (b) report the information to the appropriate authority of the flag State of the boat.

## 21 Conservation measure for oceanic whitetip sharks

- 21.1 A person using a boat in the Convention Area for fishing:
- (a) must release all oceanic whitetip sharks that are brought alongside the boat as soon as possible and in a manner that results in as little harm to the shark as possible; and
  - (b) must not retain on board, tranship, store or land any part or whole of an oceanic whitetip shark caught in the Convention Area.

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## **Schedule 3A—Prescribed measures—Commission for the Conservation of Southern Bluefin Tuna**

Note: See paragraph 2.1(d).

### **1 Definition**

1.1 In this Schedule:

*ICCAT recommendation for vessel monitoring systems* means the recommendation by ICCAT concerning Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area and as in force from time to time.

### **2 Illegal, Unregulated and Unreported Fishing and Establishment of CCSBT Record of Vessels over 24 metres Authorised to Fish for Southern Bluefin Tuna**

2.1 A person using a boat for a fishing trip must not fish for Southern Bluefin Tuna unless:

- (a) the boat is recorded on the CCSBT Record of Vessels to which the Resolution relates; and
- (b) a certificate (however described) of registration of the boat is in force and on board the boat; and
- (c) an authorisation (however described) to fish is in force for the boat and on board the boat; and
- (d) if transhipping will be undertaken on the fishing trip:
  - (i) an authorisation (however described) to tranship is in force for the boat; and
  - (ii) the authorisation, or a copy of it, is on board the boat and is available to a CCSBT regional observer on request; and
- (e) the person does not engage in activities with another boat fishing for Southern Bluefin Tuna if the other boat is not recorded on the CCSBT Record of Vessels; and
- (f) if the boat:
  - (i) is not a wooden or fibreglass boat; and
  - (ii) has either a gross tonnage or a gross registered tonnage of 100 or more;the boat has an IMO number issued to it.

Note: The CCSBT Record of Vessels could in 2017 be viewed on the CCSBT's website (<http://www.ccsbt.org>).

Clause 3

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### 3 Establishing the CCSBT Vessel Monitoring System

- 3.1 A person who is using a boat to fish for Southern Bluefin Tuna in the CCAMLR area of competence must have an operational vessel monitoring system in accordance with clause 4 of Schedule 1.
- 3.2 A person who is using a boat to fish for Southern Bluefin Tuna in the IOTC area of competence must have an operational vessel monitoring system in accordance with clause 4 of Schedule 2.
- 3.3 A person who is using a boat to fish for Southern Bluefin Tuna in the WCPFC area of competence must have an operational vessel monitoring system in accordance with clause 6 of Schedule 3.
- 3.4 A person who is using a boat to fish for Southern Bluefin Tuna in the ICCAT area of competence must have an operational vessel monitoring system in accordance with recommendation 03-14 of the ICCAT recommendation for vessel monitoring systems.

Note 1: The CCAMLR area of competence is the Southern Ocean surrounding Antarctica, south of 60° S latitude and between that latitude and the Antarctic Convergence. The Antarctic Convergence is a line joining the following points along latitude and longitude lines: 50° S, 0°; 50° S, 30° E; 45° S, 30° E; 45° S, 80° E; 55° S, 80° E; 55° S, 150° E; 60° S, 150° E; 60° S, 50° W; 50° S, 50° W; 50° S, 0°.

Note 2: The IOTC area of competence is the Indian Ocean (FAO statistical areas 51 and 57) and adjacent seas, north of the Antarctic Convergence, to the extent necessary to cover those seas for the purpose of conserving and managing stocks that migrate into or out of the Indian Ocean.

Note 3: The WCPFC area of competence is set out on the internet at [www.wcpfc.int](http://www.wcpfc.int).

Note 4: The ICCAT area of competence is set out on the internet at [www.iccat.int](http://www.iccat.int).

- 3.5 A person who is using a boat to tranship Southern Bluefin Tuna must have an operational vessel monitoring system in accordance with the CCSBT Resolution on establishing vessel monitoring systems.
- 3.6 A person who is using a boat to receive a transhipment of Southern Bluefin Tuna must have an operational vessel monitoring system in accordance with the CCSBT Resolution on establishing vessel monitoring systems.
- Note 5: The CCSBT Resolution on establishing the CCSBT Vessel Monitoring System could in 2015 be viewed on the CCSBT's website (<http://www.ccsbt.org>).

### 4 Establishing a program for Transhipment by Large-Scale Fishing Vessels

*Boat from which transhipment occurs*

- 4.1 A person using a boat equipped with longlines and freezing capacity (the **firstboat**) for the purpose of transhipping Southern Bluefin Tuna to another boat (the **second boat**) must:
- (a) tranship Southern Bluefin Tuna to the second boat only if the second boat is recorded on the CCSBT Record of Carrier Vessels; and

- (b) notify the first boat's flag State national fisheries authority about the transshipment at least 24 hours before the transshipment occurs; and
- (c) include with the notification the following information:
  - (i) the name and number of the first boat as recorded in the CCSBT Record of Carrier Vessels;
  - (ii) the name and number of the second boat as recorded in the CCSBT Record of Carrier Vessels;
  - (iii) if issued—the IMO/Lloyd's registration number of the second boat;
  - (iv) the amount by tonnage of Southern Bluefin Tuna that was transhipped;
  - (v) the day on which and the place at which the transshipment occurred;
  - (vi) the geographic location at which the Southern Bluefin Tuna was caught;
  - (vii) the type of vessel used in the transshipment including the length of the vessel, the gross tonnage of the vessel and the vessel's carrying capacity; and
- (d) notify the first boat's flag State national fisheries authority and, if applicable, the competent authority of the coastal State where the transshipment occurs, in the approved form and no later than 15 days after the transshipment occurs, that the transshipment has occurred.

*Boat to which transshipment occurs*

- 4.2 The person using the second boat to receive a transshipment of Southern Bluefin Tuna from the first boat must not allow the second boat to receive the transshipment unless the person using the first boat provides evidence that the first boat:
- (a) is participating in the CCSBT program to monitor transshipment at sea; and
  - (b) has been authorised by the first boat's flag State national fisheries authority to tranship at sea.
- 4.3 The person using the second boat must:
- (a) notify the second boat's flag State national fisheries authority, in the approved form and no later than 24 hours after the transshipment occurs, that the transshipment has occurred; and
  - (b) when the transshipment occurs—ensure that a CCSBT regional observer is on board the first boat unless:
    - (i) a force majeure, or another unexpected and disruptive event, has prevented the person from having the observer on board; and
    - (ii) the person has notified the CCSBT Executive Secretary that the observer is not on board; and
  - (c) no later than 48 hours before landing the Southern Bluefin Tuna:
    - (i) notify the competent authority of the State fishing entity where the landing is to take place, in the approved form, that the transshipment has occurred; and
    - (ii) include with the notification the number of the second boat as recorded in the CCSBT Record of Carrier Vessels.
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## 5 Implementation of a CCSBT Catch Documentation Scheme

- 5.1 A person fishing for Southern Bluefin Tuna must:
- (a) attach a CCSBT tag to each whole Southern Bluefin Tuna caught:
    - (i) at the time the fish is killed; or
    - (ii) if the fish is caught in a farming operation—within 30 hours of the fish being killed; or
    - (iii) if the fish is caught by a person using a boat recorded on the CCSBT Record of Fishing Vessels and the person does not have sufficient CCSBT tags on board to tag all killed Southern Bluefin Tuna—at the time the fish is landed; or
    - (iv) if the fish is caught as unexpected by-catch and the person does not have CCSBT tags on board, or does not have sufficient CCSBT tags on board, to tag all killed Southern Bluefin Tuna—at the time the fish is landed; and
  - (b) complete a Catch Tagging Form for each Southern Bluefin Tuna tagged as soon as possible after the fish is tagged; and
  - (c) give the completed Catch Tagging Form to the flag State of the boat.

Note: The CCSBT Record of Fishing Vessels was in 2014 available on the CCSBT's website (<http://www.ccsbt.org>).

- 5.2 A person must not use a CCSBT tag in a manner other than a manner authorised by this clause.

- 5.3 In this clause:

**Catch Tagging Form** means the Catch Tagging Form set out in Appendix 1 to the Resolution on the Implementation of a CCSBT Catch Documentation Scheme.

**CCSBT tag** means a tag that complies with the requirements of Appendix 2 to the Resolution on the Implementation of a CCSBT Catch Documentation Scheme.

Note: The Resolution on the Implementation of a CCSBT Catch Documentation Scheme could in 2014 be viewed on the CCSBT's website (<http://www.ccsbt.org>).

## 6 Establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities for Southern Bluefin Tuna

- 6.1 A person fishing for Southern Bluefin Tuna must not:
- (a) use a boat that is included on the IUU Vessels List; or
  - (b) tranship with a boat included on the IUU Vessels List; or
  - (ba) farm Southern Bluefin Tuna taken from a boat included on the IUU Vessels List; or
  - (c) participate in a joint fishing operation with a boat included on IUU Vessels List; or
  - (d) assist a boat included on the IUU Vessels List; or
  - (e) resupply a boat included on the IUU Vessels List.



6.2 In this clause:

***IUU Vessels List*** means the list of boats identified by the CCSBT as having carried out illegal, unreported and unregulated fishing activities in relation to Southern Bluefin Tuna.

Note: The IUU Vessels List could in 2014 be viewed on the CCSBT's website (<http://www.ccsbt.org>).

## **7 Inspection in port**

7.1 This clause applies to a person using a boat (other than a container vessel):

- (a) that is carrying Southern Bluefin Tuna, or products made from Southern Bluefin Tuna, which have not been previously landed or transhipped at port; and
- (b) that seeks access to a port for the purpose of landing or transhipment of the Southern Bluefin Tuna or the products.

7.2 The person must:

- (a) provide the information set out in Annex A to the CCSBT Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port (15 October 2015) to the appropriate authority of the port State at least 72 hours before the estimated time of arrival at the port; and
- (b) cooperate with the competent authorities, including by:
  - (i) providing safe access to the boat; and
  - (ii) facilitating the inspection of the boat; and
  - (iii) facilitating communication with the inspectors; and
  - (iv) not obstructing, intimidating or interfering with the inspectors, or causing other persons to obstruct, intimidate or interfere with the inspectors.

Note: The CCSBT Resolution for a CCSBT Scheme for Minimum Standards for Inspection in Port (15 October 2015) could in 2017 be viewed on the CCSBT's website (<http://www.ccsbt.org>).

## Schedule 3B—Prescribed measures—South Pacific Regional Fisheries Management Organisation

Note: See paragraph 2.1(e).

### 1 Definitions

1.1 In this Schedule:

**Commission** means the Commission for the South Pacific Regional Fisheries Management Organisation.

**Convention Area** means the waters defined in Article 5 of the *Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean* done at Auckland on 14 November 2009.

Note: The Convention is in Australian Treaty Series 2012 No. 28 ([2012] ATS 28) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

**exploratory fishery** means:

- (a) a fishery in the Convention Area that has not been subject to fishing in the previous 10 years; or
- (b) a fishery in the Convention Area that is identified by reference to fishing by a particular gear type or technique, if the fishery has not been subject to fishing by that particular gear type or technique in the previous 10 years; or
- (c) any other fishery in the Convention Area if:
  - (i) fishing has been undertaken in the fishery in the previous 10 years in accordance with SPRFMO Conservation and Management Measure 13-2016; and
  - (ii) a decision has not yet been made under SPRFMO Conservation and Management Measure 13-2016 to either close or manage the fishery as an established fishery.

**IUU Vessels List** means the list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the SPRFMO convention area, established by SPRFMO, as in force from time to time.

**Record of Vessels** means the record of vessels established by the Commission of the South Pacific Regional Fisheries Management Organisation under Article 27 of the *Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean* done at Auckland on 14 November 2009.

Note: The Convention is in Australian Treaty Series 2012 No. 28 ([2012] ATS 28) and could in 2015 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

**UTC** means Coordinated Universal Time.

## **2 Conservation and management measure for gillnets**

- 2.1 A person using a boat in the Convention Area for fishing must not use large-scale pelagic driftnets or deepwater gillnets.
- 2.2 A person using a boat to transit through the Convention Area must not have gillnets on board the boat unless:
- (a) the person notifies the flag State of the boat of the following information at least 36 hours before the boat enters the Convention Area:
    - (i) the date the boat is expected to enter the Convention Area;
    - (ii) the date the boat is expected to leave the Convention Area;
    - (iii) the length of gillnets carried on board; and
  - (b) the person has on board a vessel monitoring system that:
    - (i) is fully operational; and
    - (ii) records the boat's identification, current geographical position and the date and time expressed in UTC; and
    - (iii) reports the information mentioned in subparagraph (ii) to the fisheries monitoring centre of the flag State of the boat at least every 2 hours while the boat is in the Convention Area.
- 2.3 If gillnets on board a boat transiting through the Convention Area are accidentally lost or fall overboard, the person using the boat must report the following information to the flag State of the boat within 48 hours after the gillnets are lost or fall overboard:
- (a) the date, time and position of the boat when the gillnets are lost or fall overboard;
  - (b) the length of the gillnets that have been lost or have fallen overboard.
- 2.4 In this clause:

*deepwater gillnet* means a string of single, double or triple netting walls held vertically on or near the bottom in which fish will gill, entangle or enmesh.

*large-scale pelagic driftnet* means nets or a combination of nets that:

- (a) are more than 2.5 kilometres in length; and
- (b) have any of the following purposes:
  - (i) to enmesh fish by drifting on the surface of the water column;
  - (ii) to enmesh fish by drifting in the water column;
  - (iii) to entrap fish by drifting on the surface of the water column;
  - (iv) to entrap fish by drifting in the water column;
  - (v) to entangle fish by drifting on the surface of the water column;
  - (vi) to entangle fish by drifting in the water column.

## **3 Conservation and management measure of establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the Convention Area**

- 3.1 A person fishing in the Convention Area must not:
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Clause 4

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- (a) use a boat that is included on the IUU Vessels List; or
- (b) tranship with a boat included on the IUU Vessels List; or
- (c) participate in a joint fishing operation with a boat included on the IUU Vessels List; or
- (d) assist a boat included on the IUU Vessels List; or
- (e) resupply a boat included on the IUU Vessels List.

#### 4 Conservation and management measure for *Trachurus murphyi*

- 4.1 A person using a boat in the Convention Area for fishing must not fish for *Trachurus murphyi* unless authorised to do so by the flag State of the boat.
- 4.2 A person using a boat in the Convention Area for fishing must not fish for *Trachurus murphyi* if the flag State of the boat announces that the catch limit for *Trachurus murphyi* has been reached.

#### 5 Conservation and management measure on standards for the collection, reporting, verification and exchange of data

- 5.1 A person using a boat in the Convention Area for fishing must have on board an automatic location communicator that:
  - (a) is fully operational; and
  - (b) records the boat's identification, current geographical position and the date and time expressed in UTC; and
  - (c) reports the information mentioned in paragraph (b) to the fisheries monitoring centre of the flag State of the boat:
    - (i) if the boat is benthic or benthopelagic trawling—at least every 2 hours; or
    - (ii) if the boat is operating within 20 nautical miles of an exclusive economic zone boundary—at least every 2 hours; or
    - (iii) in any other case—at least every 4 hours.

#### 6 Conservation and management measure for the management of bottom fishing

- 6.1 A person using a boat in the Convention Area for fishing must not engage in bottom fishing outside the bottom fishing footprint established for the flag State of the boat unless an exemption has been granted by the Commission.
- 6.2 A person using trawl gear in the Convention Area for bottom fishing must ensure that there is at least one observer on the boat for the duration of the trip.
- 6.3 In this clause:

**bottom fishing** means fishing using any gear that is likely to contact the seafloor or benthic organisms during normal use.

**bottom fishing footprint**, in relation to a flag State, means a map of the spatial extent and distribution of historical bottom fishing in the Convention Area of all

boats flagged to the State for the period between 1 January 2002 and 31 December 2006.

## **7 Conservation and management measure for the establishment of the commission record of vessels authorised to fish in the Convention Area**

7.1 A person must not use a boat in the Convention Area for fishing unless the name of the boat is recorded on the Record of Vessels.

Note: The Record of Vessels could in 2014 be viewed on the SPRFMO's website (<http://www.southpacificrfmo.org>).

## **8 Conservation and management measure for minimising by-catch of seabirds**

### *Demersal longline fishing*

8.1 If a person is using a boat in the Convention Area for demersal longline fishing:

- (a) the person must not discharge biological material during the shooting and hauling of demersal longlines unless it is necessary to discharge the material due to operational safety concerns; and
- (b) the person must use:
  - (i) the mitigation measures mentioned in column 1 of items 1, 2 and 3 of the following table; or
  - (ii) if the flag State of the boat has given the person approval to use only one of the mitigation measures mentioned in column 1 of an item of the following table—the mitigation measure approved by the flag State of the boat; and
- (c) the person must ensure that the mitigation measure used conforms to the specifications mentioned for the measure in column 3 of the item of the table that applies to the measure.

### **Mitigation measures for minimising by-catch of seabirds**

<b>Item</b>	<b>Column 1 Mitigation Measure</b>	<b>Column 2 Description</b>	<b>Column 3 Specifications</b>
1	Line weighting	The person must use a longline weighting regime that achieves a demonstrable minimum longline sink rate of 0.3 metres/second to 15 metres depth for gear.	The person's line weighting regime must meet or exceed the following: <ol style="list-style-type: none"> <li>(a) external weighted lines used in a Spanish system or on trot lines must use a minimum of:                             <ol style="list-style-type: none"> <li>(i) if rocks are used—8.5 kilograms mass at intervals of no more than 40 metres; or</li> <li>(ii) if concrete weights are used—6 kilograms mass at intervals of no more than 20 metres; or</li> <li>(iii) if solid metal weights are used—5 kilograms weights at intervals of no more than 40 metres;</li> </ol> </li> </ol>

Clause 8

**Mitigation measures for minimising by-catch of seabirds**

Item	Column 1 Mitigation Measure	Column 2 Description	Column 3 Specifications
			(b) external weighted lines used on an autoline system must: <ul style="list-style-type: none"> <li>(i) use a minimum of 5 kilograms mass at intervals of no more than 40 metres; and</li> <li>(ii) be released from the boat in a manner that avoids tension astern;</li> </ul> (c) internal weighted lines must have a lead core of 50 grams per metre or more.
2	Bird scaring lines	The person must have a bird scaring line deployed whenever fishing gear is being set from the boat.	The person must have at least one bird scaring line deployed and the line must: <ul style="list-style-type: none"> <li>(a) be attached to the boat so that when deployed the baits are protected by the streamer line (even in cross winds); and</li> <li>(b) use streamers that:                             <ul style="list-style-type: none"> <li>(i) are brightly coloured; and</li> <li>(ii) are attached to the line with swivels that prevent the streamers from wrapping around the line; and</li> </ul> </li> <li>(c) use streamers that are long enough to reach the sea-surface in calm conditions and placed at intervals of no more than 5 metres apart for at least the first 55 metres of the line; and</li> <li>(d) be deployed so that:                             <ul style="list-style-type: none"> <li>(i) it remains above the water surface to a distance where the hooks have sunk to a depth of 15 metres; or</li> <li>(ii) it is at least 150 metres in length and suspended from a point on the boat that is at least 7 metres above the sea-surface in calm conditions.</li> </ul> </li> </ul>
3	Night setting	The person must set demersal longlines between nautical dusk and nautical dawn.	Nautical dusk and nautical dawn are defined in the Nautical Almanac tables for the relevant latitude, local time and date.

*Trawl fishing*

8.2 Subject to subclauses 8.3 and 8.3A, if a person is using a boat in the Convention Area for trawl fishing, the person:

- (a) must have deployed when the trawl net is in the water:
  - (i) bird scaring lines on the port and starboard sides of the boat that meet the requirements mentioned in subclause 8.4; or

- (ii) if operational practice prevents the effective deployment of bird scaring lines (such as deep-water trawls targeting bathymetric features)—a bird baffle that meets the requirements mentioned in subclause 8.5; and
- (b) must not discharge any biological material during shooting and hauling unless it is necessary to discharge the material due to operational safety concerns.

8.3 Subclause 8.2 does not apply to a person if the boat being used does not discharge biological material during fishing.

8.3A Subclause 8.2 does not apply to the use of a boat in a particular fishery (identified by reference to gear type and geographical location) at a particular time if:

- (a) there have been no bird mortalities in relation to the boat within one year before the time; and
- (b) the flag State of the boat has maintained 100% observer coverage of the fishery for the 5-year period ending at the time; and
- (c) during that 5-year period, there have been fewer than one recorded bird mortalities per boat of that flag State in the fishery per year.

8.4 For subparagraph 8.2(a)(i), a bird scaring line must:

- (a) be attached above and outside the warp block of the boat; and
- (b) have a buoy or cone attached to the end of the line to create tension and keep the line straight; and
- (c) be long enough to extend beyond the point at which warp and net monitoring cables reach the sea-surface; and
- (d) have attached brightly coloured streamers that:
  - (i) are attached no more than 5 metres apart; and
  - (ii) are long enough to reach the sea-surface in calm conditions.

8.5 For subparagraph 8.2(a)(ii), a bird baffle must:

- (a) have a boom that extends outwards by at least 4 metres from the starboard and port stern quarters of the boat; and
- (b) have, attached to each boom, dropper lines that:
  - (i) are attached no more than 2 metres apart; and
  - (ii) have attached to the end of each line a plastic cone, rod or other brightly coloured and durable material that is no more than 500 millimetres above the sea-surface in calm conditions.

## **9 Conservation and management measure for regulating transshipment and other transfer activities**

9.1 A person must not transfer fishery resources, or a product derived from fishery resources, from a boat to another boat in the Convention Area, either at sea or in port, unless the name of each boat is recorded on the Record of Vessels.

Clause 10

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9.2 A person must not transfer crew, fuel, gear or any other supplies from a boat to another boat at sea in the Convention Area unless the name of each boat is recorded on the Record of Vessels.

9.3 In this clause:

*fishery resources* has the meaning given by Article 1 of the *Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean* done at Auckland on 14 November 2009.

Note: The Convention is in Australian Treaty Series 2012 No. 28 ([2012] ATS 28) and could in 2015 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

## 10 Conservation and management measure for exploratory fisheries

10.1 Subject to clause 11, a person using a boat in the Convention Area for fishing:

- (a) must not fish in an exploratory fishery otherwise than in accordance with a fishery operations plan approved, from time to time, by the SPRFMO Commission under SPRFMO Conservation and Management Measure 13-2016 in relation to the fishery; and
- (b) must:
  - (i) collect the data specified in the data collection plan approved, from time to time, by the SPRFMO Scientific Committee under SPRFMO Conservation and Management Measure 13-2016 in relation to the fishery; and
  - (ii) collect and report that data in accordance with SPRFMO Conservation and Management Measure 02-2017; and
- (c) must ensure that one or more independent observers, as necessary for the collection of data in accordance with the data collection plan, are on board the boat.

## 11 Conservation and management measure for exploratory fishing for toothfish

11.1 Clause 10 does not prevent a person from using a boat for fishing for toothfish in accordance with SPRFMO Conservation and Management Measure 14-2016.



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## Schedule 4—Prescribed arrangements

(regulation 3.1)

<b>Item</b>	<b>Arrangement</b>	<b>Australian Treaty Series Number</b>	<b>Entry into force for Australia</b>
1	<i>Convention for the Conservation of Southern Bluefin Tuna</i>	[1994] ATS 16	20 May 1994
2	<i>Agreement for the Establishment of the Indian Ocean Tuna Commission</i>	[1996] ATS 20	13 November 1996
3	<i>Convention on the Conservation of Antarctic Marine Living Resources</i>	[1982] ATS 9	7 April 1982
4	<i>Convention on the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean</i>	[2004] ATS 15	19 June 2004
5	<i>Southern Indian Ocean Fisheries Agreement</i>	[2012] ATS 21	21 June 2012
6	<i>Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean</i>	[2012] ATS 28	24 August 2012

Note: Each agreement or convention mentioned in Schedule 4 is included in the Australian Treaty Series that is available on the Internet at <http://www.austlii.edu.au>.

## Schedule 5—Prescribed organisations

(regulation 3.2)

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<b>Item</b>	<b>Organisation</b>
1	The Commission for the Conservation of Antarctic Marine Living Resources, established in accordance with the <i>Convention on the Conservation of Antarctic Marine Living Resources</i>
2	The Commission for the Conservation of Southern Bluefin Tuna, established in accordance with the <i>Convention for the Conservation of Southern Bluefin Tuna</i>
3	The Indian Ocean Tuna Commission, established in accordance with the <i>Agreement for the Establishment of the Indian Ocean Tuna Commission</i>
4	The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, established in accordance with the <i>Convention on the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean</i>
5	South Pacific Regional Fisheries Management Organisation, established in accordance with the <i>Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean</i>

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## Endnotes

### Endnote 1—About the endnotes

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

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

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

### Legislation history and amendment history—Endnotes 3 and 4

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

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

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

### Editorial changes

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

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

### Misdescribed amendments

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

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

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

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

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Number and year	FRLI registration	Commencement	Application, saving and transitional provisions
254, 2009	9 Oct 2009 (F2009L03790)	10 Oct 2009 (r 1.2)	
98, 2012	18 June 2012 (F2012L01240)	19 June 2012 (s 2)	—
204, 2013	8 Aug 2013 (F2013L01541)	Sch 2: 1 July 2014 (s 2(1) item 3) Remainder: 9 Aug 2013 (s 2(1) items 1, 2)	—
43, 2015	17 Apr 2015 (F2015L00544)	s 1–4 and Sch 1 (items 1–66): 18 Apr 2015 (s 2(1) items 1, 2) Sch 1 (items 67–68): 31 July 2015 (s 2(1) item 3)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Fisheries Management (International Agreements) Amendment (Other 2014 Measures) Regulation 2016	29 Feb 2016 (F2016L00186)	1 Mar 2016 (s 2(1) item 1)	—
Fisheries Management (International Agreements) Amendment (2015 and 2016 Measures) Regulations 2017	13 July 2017 (F2017L00920)	14 July 2017 (s 2(1) item 1)	—

## Endnotes

### Endnote 4—Amendment history

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### Endnote 4—Amendment history

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Provision affected	How affected
<b>Part 1</b>	
r 1.2 .....	rep LA s 48D
r 1.3 .....	am No 98, 2012; No 43, 2015; F2017L00920
<b>Part 2</b>	
r 2.1 .....	am No 98, 2012; No 43, 2015
r 2.2 .....	ad No 98, 2012 am No 204, 2013; No 43, 2015; F2016L00186; F2017L00920
r 2.3 .....	ad No 98, 2012 am No 204, 2013; No 43, 2015; F2016L00186; F2017L00920
r 2.4 .....	ad No 98, 2012 am No 204, 2013; No 43, 2015; F2016L00186; F2017L00920
r 2.5 .....	ad No 98, 2012 am No 43, 2015; F2017L00920
r 2.6 .....	ad No 43, 2015 am No 43, 2015; F2016L00186; F2017L00920
<b>Part 4</b>	
Part 4 .....	ad F2016L00186
r 4.1 .....	ad F2016L00186
r 4.2 .....	ad F2017L00920
<b>Schedule 1</b>	
c 1 .....	am F2017L00920
c 2 .....	am. 2012 No. 98; No 204, 2013; F2016L00186
c 3 .....	am. 2012 No. 98; No 204, 2013
c 3A .....	ad F2016L00186
c 4 .....	am No 98, 2012; No 204, 2013; F2017L00920
c 5 .....	am No 98, 2012; No 204, 2013; No 43, 2015; F2016L00186; F2017L00920
c 6 .....	am. 2012 No. 98; No. 204, 2013
c 7 .....	am. 2012 No. 98; No. 204, 2013
c 8 .....	am No 98, 2012; No 204, 2013
c 9 .....	am. 2012 No. 98; No. 204, 2013
c 10 .....	am. 2012 No. 98; No. 204, 2013
c 11 .....	am. 2012 No. 98; No. 204, 2013
c 12 .....	am. 2012 No. 98; No. 204, 2013
c 13 .....	am No 98, 2012; No 204, 2013; No 43, 2015
c 13A .....	ad No 98, 2012 am No 204, 2013; No 43, 2015
c 13B .....	ad. 2012 No. 98

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## Endnote 4—Amendment history

Provision affected	How affected
	am No. 204, 2013
c. 13BA .....	ad. No. 204, 2013
c. 13C .....	ad. 2012 No. 98
	am No. 204, 2013
	rep F2016L00186
c 14.....	am No 98, 2012; No 204, 2013; No 43, 2015; F2016L00186
c. 15.....	am. 2012 No. 98; No. 204, 2013; F2016L00186
c 16.....	am No 98, 2012; No 204, 2013; No 43, 2015; F2016L00186; F2017L00920
c. 17.....	am. 2012 No. 98; No. 204, 2013
c. 18.....	am. 2012 No. 98; No. 204, 2013
c. 19.....	am. 2012 No. 98; No. 204, 2013
c 20.....	am No 98, 2012; No 204, 2013
	rs No 43, 2015
c 21.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015
c 22.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015
c 23.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015
c 24.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015
c 25.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015
c 26.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015
c. 27.....	am. 2012 No. 98; No. 204, 2013
c 28.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015
c 29.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015
c 30.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015
c 31.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015
c 32.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015
c 33.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015
c 34.....	am No 98, 2012; No 204, 2013
	rep No 43, 2015

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
c 35.....	am No 98, 2012; No 204, 2013 rep No 43, 2015
c. 36.....	am. 2012 No. 98; No. 204, 2013
c 37.....	am No 98, 2012; No 204, 2013; No 43, 2015
c 37A.....	ad No 98, 2012 am No 204, 2013; No 43, 2015; F2017L00920
c 37B.....	ad No 204, 2013 am No 43, 2015; F2016L00186; F2017L00920
c. 37C.....	ad. No. 204, 2013
c 38.....	am No 98, 2012; No 204, 2013; No 43, 2015; F2016L00186
c. 39.....	am. 2012 No. 98; No. 204, 2013; F2016L00186 (Sch 1 item 41 md)
c. 40.....	am. 2012 No. 98; No. 204, 2013; F2016L00186
c. 41.....	am. 2012 No. 98; No. 204, 2013; F2016L00186
c 42.....	am No 98, 2012; No 204, 2013; No 43, 2015; F2016L00186 (Sch 1 item 47 md)
c 43.....	rs No 98, 2012 am No 204, 2013; No 43, 2015; F2016L00186 (Sch 1 item 49 md)
c 44.....	rs No 98, 2012 am No 204, 2013; No 43, 2015; F2016L00186 (Sch 1 item 51 md)
c. 44A.....	ad. No. 204, 2013 am F2016L00186
c. 44B.....	ad. No. 204, 2013
c. 45.....	am. 2012 No. 98; No. 204, 2013
c. 46.....	am. 2012 No. 98; No. 204, 2013
c. 47.....	am. 2012 No. 98; No. 204, 2013
c 48.....	am No 98, 2012; No 204, 2013; No 43, 2015; F2017L00920
c 49.....	rs No 98, 2012 am No 204, 2013; No 43, 2015
c. 49A.....	ad. 2012 No. 98 am. No. 204, 2013
c. 50.....	am. 2012 No. 98; No. 204, 2013 rep. No. 204, 2013
c. 51.....	am. 2012 No. 98 rep. No. 204, 2013
c. 52.....	am. 2012 No. 98 rep. No. 204, 2013
c. 53.....	ad. 2012 No. 98 am. No. 204, 2013
c 54.....	ad No 43, 2015
c 55.....	ad No 43, 2015
c 56.....	ad No 43, 2015



## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
c 57.....	ad No 43, 2015
c 57A.....	ad F2016L00186
c 58.....	ad No 43, 2015
<b>Schedule 2</b>	
c 2.....	am No 98, 2012; No 204, 2013; No 43, 2015; F2016L00186
c 3.....	am No 98, 2012; No 204, 2013
c 4.....	am No 98, 2012; No 204, 2013; F2016L00186
c 5.....	am No 98, 2012; No 204, 2013; F2016L00186
c 5A.....	ad. 2012 No. 98 am No. 204, 2013 rep F2016L00186
c 6.....	am No 98, 2012; No 204, 2013 rep. No. 204, 2013
c 7.....	am No 98, 2012; No 204, 2013; F2016L00186 ed C7
c 8.....	am No 98, 2012; No 204, 2013 rs No 204, 2013
c 9.....	am No 98, 2012 rs No 204, 2013 am No 43, 2015; F2016L00186
c 10.....	am No 98, 2012; No 204, 2013
c 11.....	am No 98, 2012; No 204, 2013; F2017L00920
c 12.....	am No 98, 2012; No 204, 2013
c 13.....	am. 2012 No. 98; No. 204, 2013
c 14.....	ad. 2012 No. 98 am. No. 204, 2013
c 15.....	ad No 43, 2015
c 16.....	ad No 43, 2015
c 17.....	ad No 43, 2015
c 18.....	ad No 43, 2015 am F2016L00186; F2017L00920
c 19.....	ad No 43, 2015 am F2016L00186
c 20.....	ad F2016L00186 am F2017L00920
c 21.....	ad F2017L00920
<b>Schedule 3</b>	
c. 2.....	am. 2012 No. 98; No. 204, 2013
c. 3.....	am. 2012 No. 98; No. 204, 2013
c 4.....	am No 98, 2012 (Sch 1 item 56 md not incorp); No 204, 2013; No 43, 2015

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
c. 5.....	am. 2012 No. 98; No. 204, 2013
c. 6.....	am. 2012 No. 98; No. 204, 2013; F2016L00186
c. 7.....	am. 2012 No. 98; No. 204, 2013
c. 8.....	am No 98, 2012; No 204, 2013; No 43, 2015; F2017L00920
c. 9.....	am No 98, 2012; No 204, 2013 rs No 43, 2015
c. 10.....	am. 2012 No. 98; No. 204, 2013
c. 11.....	am. 2012 No. 98; No. 204, 2013
c. 12.....	am. 2012 No. 98; No. 204, 2013; F2016L00186
c. 13.....	ad. 2012 No. 98 am. No. 204, 2013
c. 14.....	ad. 2012 No. 98 am. No. 204, 2013
c. 15.....	ad. 2012 No. 98 am. No. 204, 2013
c. 16.....	ad. No. 204, 2013
c. 17.....	ad No 43, 2015
c. 18.....	ad No 43, 2015
c. 19.....	ad No 43, 2015
c. 20.....	ad F2017L00920
c. 21.....	ad F2017L00920
<b>Schedule 3A</b>	
Schedule 3A heading.....	rs F2016L00186; F2017L00920
Schedule 3A.....	ad No 98, 2012
c. 1.....	ad. 2012 No. 98
c. 2.....	ad No 98, 2012 am F2016L00186; F2017L00920
c. 3.....	ad. 2012 No. 98 am. No. 204, 2013; F2016L00186
c. 4.....	ad. 2012 No. 98 am No. 204, 2013; F2016L00186 (Sch 1 item 94 md)
c. 5.....	ad No 43, 2015
c. 6.....	ad No 43, 2015 am F2016L00186
c. 7.....	ad F2017L00920 ed C7
<b>Schedule 3B</b>	
Schedule 3B.....	ad No 43, 2015
c. 1.....	ad No 43, 2015 am F2016L00186; F2017L00920

## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
c 2.....	ad No 43, 2015
c 3.....	ad No 43, 2015
c 4.....	ad No 43, 2015
c 5.....	ad No 43, 2015
	am F2016L00186
c 6.....	ad No 43, 2015
c 7.....	ad No 43, 2015
c 8.....	ad No 43, 2015
	am F2017L00920
c 8 (second occurring) .....	ad F2016L00186
	renum F2017L00920
c 9 (prev c 8 second occurring)	
c 10.....	ad F2017L00920
c 11.....	ad F2017L00920
<b>Schedule 4</b>	
Schedule 4.....	am. No. 204, 2013
<b>Schedule 5</b>	
Schedule 5.....	am. No. 204, 2013

## Endnotes

### Endnote 5—Editorial changes

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#### **Endnote 5—Editorial changes**

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

#### **Paragraph 7.2(b) of Schedule 2**

##### **Kind of editorial change**

Change to punctuation

##### **Details of editorial change**

Schedule 1 item 128 of the *Fisheries Management (International Agreements) Amendment Regulation 2013 (No. 1)* instructs to repeal paragraph 7.2(c) of Schedule 2.

This action removed paragraph 7.2(c) but left the “; and” at the end of paragraph 7.2(b) of Schedule 2.

This compilation was editorially changed to remove “; and” at the end of paragraph 7.2(b) and substitute it with a full stop to bring it into line with legislative drafting practice.

#### **Paragraph 7.5(b) of Schedule 2**

##### **Kind of editorial change**

Change to punctuation

##### **Details of editorial change**

Paragraph 7.5(b) ends in a full stop despite being followed by a paragraph (c).

This compilation was editorially changed to remove the full-stop at the end of the paragraph and replace it with a semi-colon to bring it into line with legislative drafting practice.

**Subclause 7.1 of Schedule 3A****Kind of editorial change**

Change to punctuation

**Details of editorial change**

Schedule 1 item 44 of the *Fisheries Management (International Agreements) Amendment (2015 and 2016 Measures) Regulations 2017* instructs to insert clause 7 at the end of Schedule 3A, which reads partly as follows:

- 7.1 This clause applies to a person using a boat (other than a container vessel):
- (a) that is carrying southern bluefin tuna, or products made from southern bluefin tuna, which have not been previously landed or transhipped at port; and
  - (b) that seeks access to a port for the purpose of landing or transhipment of the southern bluefin tuna or the products.

This compilation was editorially changed to replace all occurrences of “southern bluefin tuna” with “Southern Bluefin Tuna” in subclause 7.1 of Schedule 3A to correct the punctuation.