



Fisheries Management (International Agreements) Regulations 2009¹

Select Legislative Instrument 2009 No. 254

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Fisheries Management Act 1991*.

Dated 8 October 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

TONY BURKE
Minister for Agriculture, Fisheries and Forestry

Contents

Part 1	Preliminary	
1.1	Name of Regulations	3
1.2	Commencement	3
1.3	Interpretation	3
Part 2	International fisheries management measures	
2.1	Prescribed measures	4
Part 3	International fisheries management organisations	
3.1	Prescribed organisations or arrangements	5
Schedule 1	Prescribed measures — Commission for the Conservation of Antarctic Marine Living Resources	6
Schedule 2	Prescribed measures — Indian Ocean Tuna Commission	43
Schedule 3	Prescribed measures — Western and Central Pacific Fisheries Commission	56
Schedule 6	Prescribed organisations or arrangements	66

Part 1 Preliminary

1.1 Name of Regulations

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

1.2 Commencement

These Regulations commence on the day after they are registered.

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.

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>.

IOTC means the Indian Ocean Tuna Commission.

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

Regulation 2.1

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.

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.

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.

IMO means the International Maritime Organization.

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.

2 CCAMLR Conservation Measure 10-01 (1998): Marking of fishing vessels and fishing gear

2.1 To give effect to CCAMLR Conservation Measure 10-01 (1998), 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 in accordance with internationally-recognised standards such as the FAO Standard Specifications for the Marking and Identification of Fishing Vessels; 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.

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 CCAMLR Conservation Measure 10-02 (2008):
Licensing and inspection obligations of Contracting
Parties with regard to their flag vessels operating in
the Convention Area**

- 3.1 To give effect to CCAMLR Conservation Measure 10-02 (2008), 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.

**4 CCAMLR Conservation Measure 10-04 (2007):
Automated satellite-linked Vessel Monitoring
Systems (VMS)**

- 4.1 To give effect to CCAMLR Conservation Measure 10-04 (2007), a person using a boat in the Convention Area for fishing must:
- (a) have a satellite-linked vessel monitoring device that communicates:
 - (i) the boat's identification; and
 - (ii) the boat's current geographical position; and

-
- (iii) the date and time expressed in UTC;
to the fisheries monitoring centre of the Flag State of the
boat at least once every 4 hours; and
 - (b) ensure that the vessel monitoring device is:
 - (i) located in a sealed unit; and
 - (ii) protected by official seals (or mechanisms) of a type
that indicate whether the unit has been accessed or
tampered with.
 - 4.2 If a boat's satellite-linked vessel monitoring device cannot
communicate the information as required in
subclause 4.1 because the device has a technical fault, the
person must communicate the information by another means to
the fisheries monitoring centre of the Flag State of the boat at
least once every 6 hours.
 - 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.
 - 5 CCAMLR Conservation Measure 10-05 (2008): Catch
Documentation Scheme for *Dissostichus* spp.**
 - 5.1 To give effect to CCAMLR Conservation Measure 10-05
(2008), a person using a boat in the Convention Area for
fishing must:
 - (a) complete accurately a DCD immediately after the
completion of each transshipment of *Dissostichus* species;
and
 - (b) ensure that the DCD is signed by the person to whom the
catch is being transferred; and
 - (c) send a copy of the DCD by electronic means to the
appropriate authority of the Flag State of the boat.
 - 5.2 The DCD must include the following information:
 - (a) the name and address of the relevant issuing authority;

-
- (b) the telephone number of the relevant issuing authority;
 - (c) the facsimile number of the relevant issuing authority;
 - (d) the name of the relevant vessel;
 - (e) the home port of the relevant vessel;
 - (f) the national registry number of the relevant vessel;
 - (g) the call sign of the relevant vessel;
 - (h) if issued — the IMO/Lloyd's registration number of the relevant vessel;
 - (i) the reference number of the licence or permit that has been issued for the vessel;
 - (j) unless paragraph (k) or (l) applies, the weight of each *Dissostichus* species landed or transhipped by product type;
 - (k) if the *Dissostichus* species is caught in the Convention Area — the weight of each *Dissostichus* species landed or transhipped by CCAMLR statistical subarea or division in which the species was caught; or
 - (l) if the *Dissostichus* species is caught outside the Convention Area — the weight of each *Dissostichus* species landed or transhipped by the FAO statistical area, subarea or division in which the species was caught;
 - (m) the period in which the catch is taken;
 - (n) if the catch is landed:
 - (i) the date on which the catch is landed; and
 - (ii) the port at which, the catch is landed;
 - (o) if the catch is transhipped:
 - (i) the date of transshipment; and
 - (ii) the name of the vessel; and
 - (iii) the flag of the vessel; and
 - (iv) the national registry number of the vessel;
 - (p) for each recipient of the catch:
 - (i) the name of the recipient; and
 - (ii) the address of the recipient; and
 - (iii) the telephone number of the recipient; and
 - (iv) the facsimile number of the recipient; and

- (v) the amount of each species received by the recipient;
- (vi) the amount of each product type received by the recipient.

5.3 In this clause:

DCD means a *Dissostichus* catch document.

transshipment:

- (a) means the transfer of catch in its harvested or processed form from a vessel to another vessel or means of transport and, where such transfer takes place within the territory under the control of a Port State, for the purpose of effecting its removal from the State; and
- (b) does not include the temporary placement of catch on land or on an artificial structure to facilitate such transfer where the catch is not landed.

**6 CCAMLR Conservation Measure 10-06 (2008):
Scheme to promote compliance by Contracting Party
vessels with CCAMLR conservation measures**

6.1 To give effect to CCAMLR Conservation Measure 10-06 (2008), 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 CCAMLR Conservation Measure 10-07 (2008):
Scheme to promote compliance by non-Contracting
Party vessels with CCAMLR conservation measures**

7.1 To give effect to CCAMLR Conservation Measure 10-07 (2008), 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.

**8 CCAMLR Conservation Measure 10-09 (2008):
Notification scheme for transshipment within the
Conservation Area**

- 8.1 To give effect to CCAMLR Conservation Measure 10-09 (2008), a person using a boat in the Convention Area for fishing must not tranship catch from a new and exploratory fishery, or a 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 subclause 8.2; 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 subclause 8.2.

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
3	<i>Champscephalus gunnari</i>	Subarea 48.3 Division 58.5.2	Trawl Trawl
4	Crab	Subarea 48.3	Pot

- 8.2 The person must record and notify the following information in accordance with subclause 8.1:
- (a) the name of the carrier vessel that is to receive the fish
 - (b) the registration number of the carrier vessel;
 - (c) the international radio call sign of the carrier vessel;
 - (d) the Flag State of the carrier vessel;

- (e) the type of the carrier vessel;
- (f) the length of the carrier vessel;
- (g) the gross registered tonnage (*GRT*) of the carrier vessel;
- (h) the carrying capacity of the carrier vessel;
- (i) the proposed time of the transhipment;
- (j) the proposed location of the transhipment, expressed in latitude and longitude;
- (k) details of the type of the catch that is to be transhipped;
- (l) details of the amount of the catch that is to be transhipped;
- (m) details of the type of any other goods that are to be transhipped (such as food stores and fuel);
- (n) details of the amount of any other goods that are to be transhipped (such as food stores and fuel).

9 CCAMLR Conservation Measure 22-02 (1984): Mesh size

9.1 To give effect to CCAMLR Conservation Measure 22-02 (1984), 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 (2008), as given effect by clause 14.

Item	For this species ...	the minimum mesh size is ...
1	<i>Notonthenia rossii</i>	120 mm
2	<i>Dissostichus eleginoides</i>	120 mm
3	<i>Gobionotothen gibberifrons</i>	80 mm
4	<i>Notonthenia kempfi</i>	80 mm
5	<i>Lepidonotothen squamifrons</i>	80 mm

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 (2008), as given effect by clause 14.

10 CCAMLR Conservation Measure 22-03 (1990): Mesh size for *Chamsocephalus gunnari*

10.1 To give effect to CCAMLR Conservation Measure 22-03 (1990), A person using a boat in the Convention Area for fishing for *Chamsocephalus 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 (2008), as given effect by clause 14.

10.2 A person using a boat in the Convention Area for fishing for *Chamsocephalus 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 (2008), as given effect by clause 14.

11 CCAMLR Conservation Measure 22-04 (2006): Interim prohibition of deep-sea gillnetting

11.1 To give effect to CCAMLR Conservation Measure 22-04 (2006), 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 (2008), 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 CCAMLR Conservation Measure 22-05 (2008): Interim restrictions on the use of bottom trawling gear in high-seas areas of the Convention Area**
- 12.1 To give effect to CCAMLR Conservation Measure 22-05 (2008), 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.
- 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 (2008), as given effect by clause 14.
- 13 CCAMLR Conservation Measure 22-06 (2008): Bottom fishing in the Convention Area**
- 13.1 To give effect to CCAMLR Conservation Measure 22-06 (2008), a person using a boat in the Convention Area must not engage in bottom fishing activities otherwise than in accordance with CCAMLR Conservation Measures 22-06 (2008) and 22-07 (2008).
- 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 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 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
 - (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:
- (a) any Statistical Subarea or Statistical Division of the Convention Area in which an established fishery was in place in the 2006/07 fishing season and had a catch limit greater than zero, and
 - (b) the area of Statistical Division 58.4.1 north of 60° S.
- 13.6 In this clause:
- bottom fishing activities* includes the use of any gear that interacts with the bottom of the sea.
- vulnerable marine ecosystem* includes seamounts, hydrothermal vents, cold water corals and sponge fields.
- 14 CCAMLR Conservation Measure 24-01 (2008): The application of conservation measures to scientific research**
- 14.1 To give effect to CCAMLR Conservation Measure 24-01 (2008), a person using a boat in the Convention Area for fishing must not use the boat for scientific research purposes unless the fishing has been authorised by the Commission in accordance with CCAMLR Conservation Measure 24-01 (2008).
- 14.2 A person using a boat in the Convention Area for scientific research fishing, during a voyage that involves any commercial fishing, must ensure that the boat is linked to an automated satellite-linked vessel monitoring system in accordance with Conservation Measure 10-04 (2007), as given effect by clause 4.

**15 CCAMLR Conservation Measure 24-02 (2008):
Longline weighting for seabird conservation**

- 15.1 To give effect to CCAMLR Conservation Measure 24-02 (2008), a person using a boat for longline fishing during between sunrise and sunset 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.
- 15.2 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 the Conservation Measure, and using longlines to which weights are manually attached;
 - (b) Protocol B for vessels monitoring longline sink rate with bottle tests, set out in the Conservation Measure, 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 the Conservation Measure, 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 CCAMLR Conservation Measure 25-02 (2008):
Minimisation of the incidental mortality of seabirds in
the course of longline fishing or longline fishing
research in the Convention Area**
- 16.1 To give effect to CCAMLR Conservation Measure 25-02 (2008), 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
 - (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 in the Convention Area for fishing must set longlines only at night, during the hours of darkness between the times of nautical twilight, unless:
- (a) the person is conducting a longline sink rate test in
 - (i) any of Statistical Subareas 48.4, 48.6, 88.1 or 88.2 of the Convention Area; or
 - (ii) any of Statistical Divisions 58.4.1, 58.4.2, 58.4.3a, 58.4.3b or 58.5.2 in the Convention Area; and
 - (b) the person complies with clause 15.
- 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 during longline setting; and
 - (c) must have the boat equipped to discharge offal only on the opposite side of the boat to where longlines have been set.

-
- 17 CCAMLR Conservation Measure 25-03 (2003):
Minimisation of the incidental mortality of seabirds
and marine mammals in the course of trawl fishing in
the Convention Area**
- 17.1 To give effect to CCAMLR Conservation Measure 25-03 (2003), 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 CCAMLR Conservation Measure 26-01 (2008):
General environmental protection during fishing**
- 18.1 To give effect to CCAMLR Conservation Measure 26-01 (2008), 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;
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.
 - 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.
 - 19 CCAMLR Conservation Measure 31-02 (2007):
General measure for the closure of all fisheries**
 - 19.1 To give effect to CCAMLR Conservation Measure 31-02 (2007), 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
 - (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 CCAMLR Conservation Measure 32-02 (1998):
Prohibition of directed fishing for finfish in Statistical
Subarea 48.1**

20.1 To give effect to CCAMLR Conservation Measure 32-02 (1998), a person using a boat in the Convention Area for fishing must not fish for finfish in Statistical Subarea 48.1 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01 (2008), as given effect by clause 14.

**21 CCAMLR Conservation Measure 32-03 (1998):
Prohibition of directed fishing for finfish in Statistical
Subarea 48.2**

21.1 To give effect to CCAMLR Conservation Measure 32-03 (1998), a person using a boat in the Convention Area for fishing must not fish for finfish in Statistical Subarea 48.2 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01 (2008), as given effect by clause 14.

-
- 22 CCAMLR Conservation Measure 32-04 (1986):
Prohibition of directed fishery for *Notonthenia rossii*
in the Peninsula area (Statistical Subarea 48.1)**
- 22.1 To give effect to CCAMLR Conservation Measure 32-04 (1986), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Notonthenia rossii* in the Peninsula area (Statistical Subarea 48.1).
- 23 CCAMLR Conservation Measure 32-05 (1986):
Prohibition of directed fishery for *Notonthenia rossii*
around South Orkneys (Statistical Subarea 48.2)**
- 23.1 To give effect to CCAMLR Conservation Measure 32-05 (1986), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Notonthenia rossii* around the South Orkneys (Statistical Subarea 48.2).
- 24 CCAMLR Conservation Measure 32-06 (1985):
Prohibition of directed fishery for *Notonthenia rossii*
around South Georgia (Statistical Subarea 48.3)**
- 24.1 To give effect to CCAMLR Conservation Measure 32-06 (1985), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Notonthenia rossii* around South Georgia (Statistical Subarea 48.3).
- 25 CCAMLR Conservation Measure 32-07 (1999):
Prohibition of directed fishery for *Gobionotothen gibberifrons*,
Chaenocephalus aceratus,
Pseudochaenichthys georgianus, *Lepidonotothen squamifrons*
and *Patagonotothen guntheri* in
Statistical Subarea 48.3**
- 25.1 To give effect to CCAMLR Conservation Measure 32-07 (1999), a person using a boat in the Convention Area for fishing must not undertake directed fishing for any of the following species:
- (a) *Gobionotothen gibberifrons*;
 - (b) *Chaenocephalus aceratus*;

-
- (c) *Pseudochaenichthys georgianus*;
 - (d) *Lepidonotothen squamifrons*;
 - (e) *Patagonotothen guntheri*;
- in Statistical Subarea 48.3.

**26 CCAMLR Conservation Measure 32-08 (1997):
Prohibition of directed fishing for *Lepidonotothen
squamifrons* in Statistical Division 58.4.4 (Ob and
Lena Banks)**

- 26.1 To give effect to CCAMLR Conservation Measure 32-08 (1997), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Lepidonotothen squamifrons* in Statistical Division 58.4.4 (Ob and Lena Banks) other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01 (2008), as given effect by clause 14.

**27 CCAMLR Conservation Measure 32-09 (2008):
Prohibition of directed fishing for *Dissostichus* spp.
except in accordance with specific conservation
measures in the 2008/09 season**

- 27.1 To give effect to CCAMLR Conservation Measure 32-09 (2008), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus* species in Statistical Subarea 48.5 in the period starting on the day on which these Regulations commence and ending on 30 November 2009.

-
- 28 CCAMLR Conservation Measure 32-10 (2002):
Prohibition of directed fishing for *Dissostichus* spp.
in Statistical Division 58.4.4 outside areas of national
jurisdiction**
- 28.1 To give effect to CCAMLR Conservation Measure 32-10 (2002), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus* species in Statistical Division 58.4.4 outside areas of national jurisdiction other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01 (2008), as given effect by clause 14.
- 29 CCAMLR Conservation Measure 32-11 (2002):
Prohibition of directed fishing for *Dissostichus
eleginoides* in Statistical Subarea 58.6**
- 29.1 To give effect to CCAMLR Conservation Measure 32-11 (2002), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus eleginoides* in Statistical Subarea 58.6 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01 (2008), as given effect by clause 14.
- 30 CCAMLR Conservation Measure 32-12 (1998):
Prohibition of directed fishing for *Dissostichus
eleginoides* in Statistical Subarea 58.7**
- 30.1 To give effect to CCAMLR Conservation Measure 32-12 (1998), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus eleginoides* in Statistical Subarea 58.7 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01 (2008), as given effect by clause 14.

-
- 31 CCAMLR Conservation Measure 32-13 (2003):
Prohibition of directed fishing for *Dissostichus
eleginoides* in Statistical Division 58.5.1 outside
areas of national jurisdiction**
- 31.1 To give effect to CCAMLR Conservation Measure 32-13 (2003), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus eleginoides* in Statistical Division 58.5.1 outside areas of national jurisdiction other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01 (2008), as given effect by clause 14.
- 32 CCAMLR Conservation Measure 32-14 (2003):
Prohibition of directed fishing for *Dissostichus
eleginoides* in Statistical Division 58.5.2 east of
79° 20' E and outside the exclusive economic zone to
the west of 79° 20' E**
- 32.1 To give effect to CCAMLR Conservation Measure 32-14 (2003), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus eleginoides* in Statistical Division 58.5.2 to the east of 79° 20' E and outside the exclusive economic zone to the west of 79° 20' E other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01 (2008), as given effect by clause 14.
- 33 CCAMLR Conservation Measure 32-15 (2003):
Prohibition of directed fishing for *Dissostichus* spp.
In Statistical Subarea 88.2 North of 65° S**
- 33.1 To give effect to CCAMLR Conservation Measure 32-15 (2003), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus* species in Statistical Subarea 88.2 to the north of 65° S other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01 (2008), as given effect by clause 14.

**34 CCAMLR Conservation Measure 32-16 (2003):
Prohibition of directed fishing for *Dissostichus* spp.
in Statistical Subarea 88.3**

34.1 To give effect to CCAMLR Conservation Measure 32-16 (2003), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus* species in Statistical Subarea 88.3 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01 (2008), as given effect by clause 14.

**35 CCAMLR Conservation Measure 32-17 (2003):
Prohibition of directed fishing for *Electrona
carlsbergi* in Statistical Subarea 48.3**

35.1 To give effect to CCAMLR Conservation Measure 32-17 (2003), a person using a boat in the Convention Area for fishing must not undertake directed fishing for *Electrona carlsbergi* in Statistical Subarea 48.3 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01 (2008), as given effect by clause 14.

**36 CCAMLR Conservation Measure 32-18 (2006):
Conservation of sharks**

36.1 To give effect to CCAMLR Conservation Measure 32-18 (2006), 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 CCAMLR Conservation Measure 33-03 (2008):
Limitation of by-catch in new and exploratory
fisheries in the 2008/09 season**

- 37.1 To give effect to CCAMLR Conservation Measure 33-03 (2008), a person using a boat in the Convention Area for fishing must, if possible, release skates and rays alive from the line by:
- (a) cutting snoods; and
 - (b) if practical, removing the hooks;
- unless a scientific observer asks 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:
- (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.

**38 CCAMLR Conservation Measure 41-04 (2008): Limits
on the exploratory fishery for *Dissostichus* spp. in
Statistical Subarea 48.6 in the 2008/09 season**

- 38.1 To give effect to CCAMLR Conservation Measure 41-04 (2008), 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 conducting the exploratory longline fishery in:
- (a) a flagged boat of Japan; or

-
- (b) a flagged boat of the Republic of Korea.
- 38.2 The person must not:
- (a) fish for *Dissostichus* species at a depth shallower than 550 m in Statistical Subarea 48.6; or
 - (b) discharge offal.
- 38.3 The person must not fish for *Dissostichus* species in an area if the precautionary catch limit for that area has been caught.
- 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 3 fish per tonne green weight caught; and
 - (b) skates caught in Statistical Subarea 48.6 in a fishing season are tagged at a rate of at least 1 skate per 5 skates caught, up to a maximum of 500 skates per boat; and
 - (c) at least 2 scientific observers are on board throughout all fishing activities, and at least 1 of the observers is appointed in accordance with the CCAMLR Scheme of International Scientific Observations.
- 39 CCAMLR Conservation Measure 41-05 (2008): Limits on the exploratory fishery for *Dissostichus* spp. in Statistical Division 58.4.2 in the 2008/09 season**
- 39.1 To give effect to CCAMLR Conservation Measure 41-05 (2008), a person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species in Statistical Division 58.4.2 in the 2008/09 fishing season unless the person is conducting the exploratory longline fishery in:
- (a) a flagged boat of Japan; or
 - (b) a flagged boat of the Republic of Korea; or
 - (c) a flagged boat of Spain; or
 - (d) a flagged boat of Uruguay.
- 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 3 fish per tonne green weight caught; and

-
- (b) skates caught in Statistical Division 58.4.2 in a fishing season are tagged at a rate of at least 1 skate per 5 skates caught, up to a maximum of 500 skates per boat; 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) night setting occurs in accordance with Conservation Measure 25-02 (2008) if a total of 3 seabirds are caught in the fishing season.
- 39.3 The person must not fish for *Dissostichus* species in Statistical Division 58.4.2 if the precautionary catch limit for that area has been caught.
- 39.4 The person must not fish for *Dissostichus* species at a depth shallower than 550 m.
- 39.5 The person must ensure that the person's total catch of *Dissostichus* spp. in Statistical Division 58.4.2 in the 2008/09 fishing season does not exceed a precautionary catch limit of:
- (a) 30 tonnes in small-scale research unit (*SSRU*) A; and
 - (b) 0 tonnes in *SSRU* B; and
 - (c) 0 tonnes in *SSRU* C; and
 - (d) 0 tonnes in *SSRU* D; and
 - (e) 40 tonnes in *SSRU* E.
- 39.6 In this clause:
- (a) a fishing season is taken to start on 1 December of a year and to end on 30 November of the following year; and
 - (b) the 2008/09 fishing season is taken to start on 1 December 2008 and to end on 30 November 2009.

-
- 40 CCAMLR Conservation Measure 41-06 (2008): Limits on the exploratory fishery for *Dissostichus* spp. on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction in the 2008/09 season**
- 40.1 To give effect to CCAMLR Conservation Measure 41-06 (2008), 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 in a fishing season unless the person is conducting the exploratory longline fishery in a flagged boat of Japan.
- 40.2 The person must not fish for *Dissostichus* species on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction at a depth shallower than 550 m.
- 40.3 The person must not fish for *Dissostichus* species in Statistical Division 58.4.3a if the precautionary catch limit for that area has been caught.
- 40.4 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 the 2008/09 fishing season are tagged at a rate of at least 3 fish per tonne green weight caught; and
 - (b) skates caught by the person on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction in the 2008/09 fishing season are tagged at a rate of at least 1 skate per 5 skates caught, up to a maximum of 500 skates per boat; and
 - (c) at least 1 scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, is on board during all fishing activities.
- 40.5 In this clause:
- (a) a fishing season is taken to start on 1 May of a year and to end on 1 August of that year.

-
- 41 CCAMLR Conservation Measure 41-07 (2008): Limits on the exploratory fishery for *Dissostichus* spp. on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction in the 2008/09 season**
- 41.1 To give effect to CCAMLR Conservation Measure 41-07 (2008), 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 the 2008/09 fishing season unless the person is conducting the exploratory longline fishery in:
- (a) a flagged boat of Japan; or
 - (b) a flagged boat of Spain; or
 - (c) a flagged boat of Uruguay.
- 41.2 The person must not use the boat to fish for *Dissostichus* species on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction in the 2008/09 fishing season if another person is already conducting the exploratory longline fishery in a flagged boat of the same country.
- 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 the 2008/09 fishing season are tagged at a rate of at least 3 fish per tonne green weight caught; and
 - (b) skates caught by the person on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction in the 2008/09 fishing season are tagged at a rate of at least 1 skate per 5 skates caught, up to a maximum of 500 skates per boat; 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.
- 41.4 The person must not fish for *Dissostichus* species on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction at a depth shallower than 550m.

-
- 41.5 The person must not fish for *Dissostichus* species in Statistical Division 58.4.3b if the precautionary catch limit for that area has been caught.
- 42 CCAMLR Conservation Measure 41-09 (2008): Limits on the exploratory fishery for *Dissostichus* spp. in Statistical Subarea 88.1 in the 2008/09 season**
- 42.1 To give effect to CCAMLR Conservation Measure 41-09 (2008), a person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species in Statistical Subarea 88.1 in the 2008/09 fishing season unless the person is conducting the exploratory longline fishery in:
- (a) a flagged boat of Argentina; or
 - (b) a flagged boat of Chile; or
 - (c) a flagged boat of the Republic of Korea; or
 - (d) a flagged boat of New Zealand; or
 - (e) a flagged boat of Russia; or
 - (f) a flagged boat of South Africa; or
 - (g) a flagged boat of Spain; or
 - (h) a flagged boat of the United Kingdom; or
 - (i) a flagged boat of Uruguay.
- 42.2 The person must not fish for *Dissostichus* species in Statistical Subarea 88.1 at a depth shallower than 550 m.
- 42.3 The person must ensure that:
- (a) toothfish caught in Statistical Subarea 88.1 are tagged at a rate of at least 3 fish per tonne green weight caught; and
 - (b) skates caught in Statistical Subarea 88.1 are tagged at a rate of at least 1 skate per 5 skates caught, up to a maximum of 500 skates per boat; 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) night setting occurs in accordance with Conservation Measure 25-02 (2008) if a total of 3 seabirds are caught in the fishing season; and

- (e) the person does not fish for *Dissostichus* species within 10 nautical miles of the Balleny Islands.
- 42.4 The person must not fish for *Dissostichus* species in Statistical Subarea 88.1 if the precautionary catch limit for that area has been caught.
- 42.5 The person must:
- (a) meet the requirements of the Five-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-01 (2005); and
 - (b) meet the requirements of the Monthly Fine-scale Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-04 (2000); and
 - (c) submit fine-scale data on a haul-by-haul basis.
- 42.6 In this clause:
- (a) the fishing season is taken to start on 1 December 2008 and to end on 31 August 2009; and
 - (b) the Five-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-01 (2005) is taken to apply to the person; and
 - (c) the Monthly Fine-scale Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-04 (2000) is taken to apply to the person.
- 43 CCAMLR Conservation Measure 41-10 (2008): Limits on the exploratory fishery for *Dissostichus* species in Statistical Subarea 88.2 in the 2008/09 season**
- 43.1 To give effect to CCAMLR Conservation Measure 41-10 (2008), 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 conducting the exploratory longline fishery in:
- (a) a flagged boat of Argentina; or
 - (b) a flagged boat of Chile; or
 - (c) a flagged boat of the Republic of Korea; or
 - (d) a flagged boat of New Zealand; or

-
- (e) a flagged boat of Russia; or
 - (f) a flagged boat of South Africa; or
 - (g) a flagged boat of Spain; or
 - (h) a flagged boat of the United Kingdom; or
 - (i) a flagged boat of Uruguay.
- 43.2 The person must not fish for *Dissostichus* species in Statistical Subarea 88.2 in a fishing season at a depth shallower than 550 m.
- 43.3 The person must not fish for *Dissostichus* species in Statistical Subarea 88.2 if the precautionary catch limit for that area has been caught.
- 43.4 The person must:
- (a) ensure that toothfish caught in Statistical Subarea 88.2 are tagged at a rate of at least 1 fish per tonne green weight caught in each SSRU mentioned in CCAMLR Conservation Measure 41-10 (2008); and
 - (b) ensure that skates caught in Statistical Subarea 88.1 are tagged at a rate of at least 1 skate per 5 skates caught, up to a maximum of 500 skates per vessel; and
 - (c) if a total of 3 seabirds is caught in a fishing season — ensure that night-setting is carried out in accordance with CCAMLR Conservation Measure 25-02 (2008); and
 - (d) ensure that at least 2 scientific observers are on board during all fishing activities; and
 - (e) ensure that at least 1 of the scientific observers has been appointed in accordance with the CCAMLR Scheme of International Scientific Observation.

44 CCAMLR Conservation Measure 41-11 (2008): Limits on the exploratory fishery for *Dissostichus* species. in Statistical Division 58.4.1 in the 2008/09 season

- 44.1 To give effect to CCAMLR Conservation Measure 41-11 (2008), a person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species in Statistical Division 58.4.1 in the 2008/09 fishing season unless the person is conducting the exploratory longline fishery in:
- (a) a flagged boat of Japan; or
 - (b) a flagged boat of the Republic of Korea; or
 - (c) a flagged boat of New Zealand; or
 - (d) a flagged boat of South Africa; or
 - (e) a flagged boat of Spain; or
 - (f) a flagged boat of Uruguay.
- 44.2 The person must not fish for *Dissostichus* species in Statistical Division 58.4.1 in a fishing season at a depth shallower than 550 m.
- 44.3 The person must not fish for *Dissostichus* species in Statistical Division 58.4.1 if the precautionary catch limit for that area has been caught.
- 44.4 The person must:
- (a) ensure that toothfish caught in Statistical Subarea 58.4.1 are tagged at a rate of at least 3 fish per tonne green weight caught in each SSRU mentioned in CCAMLR Conservation Measure 41-11 (2008); and
 - (b) if a total of 3 seabirds is caught in a fishing season — ensure that night-setting is carried out in accordance with CCAMLR Conservation Measure 25-02 (2008); and
 - (c) ensure that at least 2 scientific observers are on board during all fishing activities; and
 - (d) ensure that at least 1 of the scientific observers has been appointed in accordance with the CCAMLR Scheme of International Scientific Observation.

-
- 44.5 The person must:
- (a) meet the requirements of the Five-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-01 (2005); and
 - (b) meet the requirements of the Monthly Fine-scale Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-04 (2000); and
 - (c) submit fine-scale data on a haul-by-haul basis.
- 44.6 In this clause:
- (a) the Five-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-01 (2005) is taken to apply to the person; and
 - (b) the Monthly Fine-scale Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-04 (2000) is taken to apply to the person.
- 45 CCAMLR Conservation Measure 51-01 (2008):
Precautionary catch limitations on *Euphausia
superba* in Statistical Subareas 48.1, 48.2, 48.3 and
48.4**
- 45.1 To give effect to CCAMLR Conservation Measure 51-01 (2008), 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 (2008) 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 CCAMLR Conservation Measure 51-02 (2008):
Precautionary catch limitation on *Euphausia superba*
in Statistical Division 58.4.1**

- 46.1 To give effect to CCAMLR Conservation Measure 51-02 (2008), 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 (2008) 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 an observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation on board during all fishing activities.

**47 CCAMLR Conservation Measure 51-03 (2008):
Precautionary catch limitation on *Euphausia superba*
in Statistical Division 58.4.2**

- 47.1 To give effect to CCAMLR Conservation Measure 51-03 (2008), 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 (2008) 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 CCAMLR Conservation Measure 51-04 (2008):
General Measure for exploratory fisheries for
Euphausia superba in the Convention Area in the
2008/09 season**

- 48.1 To give effect to CCAMLR Conservation Measure 51-04 (2008), a person using a boat in the Convention Area for fishing must not fish for *Euphausia superba* in the Convention Area in the 2008/09 fishing season if the Commission has announced that the catch limit for *Euphausia superba* has been exceeded.
- 48.2 The person must make and keep records of:
- (a) the total green weight of krill that the person has caught in the Convention Area; and
 - (b) the person's estimate of the total weight of lost krill in the Convention Area.
- 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.

**49 CCAMLR Conservation Measure 51-05 (2008): Limits
on the exploratory fishery for *Euphausia superba* in
Statistical Subarea 48.6 in the 2008/09 season**

- 49.1 To give effect to CCAMLR Conservation Measure 51-05 (2008), a person using a boat in the Convention Area for fishing must not fish for *Euphausia superba* in Statistical Subarea 48.6 in the 2008/09 fishing season unless the person is fishing in a flagged boat of Norway.
- 49.2 The person must:
- (a) use a marine mammal exclusion device on any trawl; and
 - (b) have 1 scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board the boat during all fishing activities; and
 - (c) ensure that no offal is discharged from the vessel.

-
- 49.3 The person must:
- (a) meet the requirements of the Five-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-01 (2005); and
 - (b) meet the requirements of the Monthly Fine-scale Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-04 (2000); and
 - (c) submit fine-scale data on a haul-by-haul basis.
- 49.4 In this clause:
- (a) the Ten-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-02 (2005) is taken to apply to the person; and
 - (b) the Monthly Fine-scale Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-04 (2000) is taken to apply to the person.
- 50 CCAMLR Conservation Measure 52-01 (2008): Limits on the fishery for crab in Statistical Subarea 48.3 in the 2008/09 season**
- 50.1 To give effect to CCAMLR Conservation Measure 52-01 (2008), a person using a boat in the Convention Area for fishing in Statistical Subarea 48.3 in a fishing season:
- (a) must fish for crab using pots only; and
 - (b) must retain only sexually-mature male crabs; and
 - (c) must have at least 1 scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board the boat during all fishing activities.
- 50.2 In this clause, the fishery for crab in Statistical Subarea 48.3 is any commercial harvest activity in which the target species is any member of the crab group (Order *Decapoda*, Suborder *Reptantia*).
- 50.3 In this clause, a fishing season is taken to start on 1 December of a year and to end on the earlier of:
- (a) 30 November of the following year; and
 - (b) the time at which the catch limit is reached.

-
- 50.4 The person must:
- (a) meet the requirements of the Five-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-01 (2005); and
 - (b) meet the requirements of the Monthly Fine-scale Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-04 (2000); and
 - (c) submit fine-scale data on a haul-by-haul basis.
- 50.5 In this clause:
- (a) the Ten-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-02 (2005) is taken to apply to the person; and
 - (b) the Monthly Fine-scale Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-04 (2000) is taken to apply to the person.
- 51 CCAMLR Conservation Measure 52-03 (2008): Limits on the exploratory fishery for crab in Statistical Subarea 48.4 in the 2008/09 season**
- 51.1 To give effect to CCAMLR Conservation Measure 52-03 (2008), a person using a boat in the Convention Area for fishing must not fish for crab in Statistical Subarea 48.4 in a fishing season unless the person is fishing in a flagged boat of Russia.
- 51.2 The person:
- (a) must fish for crab in Statistical Subarea 48.4 using pots only; and
 - (b) must retain only sexually-mature male crabs; and
 - (c) must have at least 1 scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board the boat during all fishing activities; and
 - (d) must not fish for crab if the precautionary catch limit for Statistical Subarea 48.4 has been caught; and
 - (e) must record all by-catch of finfish by length and species; and

-
- (f) after meeting the requirements of paragraph (e) — must release any live fish to the sea; and
- (g) if the bycatch is *Dissostichus* species — must tag and release the *Dissostichus* species to the sea; and
- (h) must not have on board at any one time more than 0.5 tonnes of by-catch.
- 51.3 In this clause, a fishing season is taken to start on 1 December of a year and to end on the earlier of:
- (a) 30 November of the following year; and
- (b) the time at which the catch limit is reached.
- 51.4 The person must:
- (a) meet the requirements of the Five-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-01 (2005); and
- (b) meet the requirements of the Monthly Fine-scale Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-04 (2000); and
- (c) submit fine-scale data on a haul-by-haul basis.
- 51.5 In this clause:
- (a) the Ten-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-02 (2005) is taken to apply to the person; and
- (b) the Monthly Fine-scale Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-04 (2000) is taken to apply to the person.

**52 CCAMLR Conservation Measure 91-02 (2004):
Protection of the Cape Shirreff CEMP site**

- 52.1 To give effect to CCAMLR Conservation Measure 91-02 (2004), a person using a boat in the Convention Area for fishing must not operate the boat in a CCAMLR Ecosystem Monitoring Program (*CEMP*) site unless the person has a permit issued by the person's Flag State that authorises activities which are consistent with a management plan for the CEMP site.

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 IOTC Resolution 01/02 Relating to Control of Fishing Activities

- 2.1 To give effect to IOTC Resolution 01/02, 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 cooperating 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 charter 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 over all of more than 24 metres 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.
- 2.6 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 IOTC Resolution 05/05 Concerning the conservation of sharks caught in association with fisheries managed by IOTC

- 3.1 To give effect to IOTC Resolution 05/05, 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 IOTC Resolution 06/03 On establishing a vessel monitoring system programme

- 4.1 To give effect to IOTC Resolution 06/03, person using a boat greater than 15 metres in length overall for fishing in the IOTC Area must have on board the boat a vessel monitoring system device 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 to the Fisheries Monitoring Centre of the flag State of the boat every 4 hours; and
 - (d) is located within a sealed unit and is protected by official seals (or mechanisms) of a type that indicate whether the unit has been accessed or tampered with.
- 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 4.1 (b) to the Fisheries Monitoring Centre of their flag State every four hours by other means.

5 IOTC Resolution 07/02 Concerning the establishment of an IOTC Record of Vessels Authorised to operate in the IOTC Area

5.1 To give effect to IOTC Resolution 07/02, a person must not use a boat that has a length of 24 metres or more to fish for, retain on board, tranship or land tuna and tuna-like species in the IOTC Area unless the name of the vessel is included on the IOTC Record of Vessels Authorised to Operate in the IOTC Area.

5.2 A person using a boat that:

- (a) has a length over all of less than 24 metres; and
- (b) operates in waters outside the economic exclusive zone of the flag State of the boat;

to fish for tuna and tuna-like species in the IOTC Area must ensure that the name of the boat is included on the IOTC Record of Vessels Authorised to Operate in the IOTC Area.

Note The IOTC Record of Vessels Authorised to Operate in the IOTC Area is available on the Internet at <http://www.iotc.org>.

6 IOTC Resolution 07/03 Concerning the recording of catch by fishing vessels in the IOTC Area

6.1 To give effect to IOTC Resolution 07/03, a person using a purse seine boat in the IOTC Area to fish for tuna or tuna-like species must comply with subclause 6.3.

6.2 Subclause 6.1 does not apply to boats with a length over all of less than 24 metres operating within the exclusive economic zone of a foreign country.

- 6.3 The person must keep a bound or electronic logbook that records at least the information in the following table:

Item	Information
1	The name of the boat
2	The name of the master of the boat
3	The date and time of departure
4	The port from which the boat departed
5	Position of boat at around midday
6	For each day of fishing — the date
7	For each set: <ol style="list-style-type: none"> (a) the date of the set; (b) the time of the set; (c) the position of the boat; (d) the estimated catch of each species; (e) the average weight of yellowfin, skipjack and bigeye tuna; (f) the estimated weight of species discarded; (g) the set association (none, beacon, whale, shark or log); (h) the log sheet number; (i) if known — the sea surface temperature; (j) if known — the speed and direction of the current.

Note See Annex I of IOTC Resolution 07/03 for the Logbook Template prepared by the IOTC. The IOTC resolutions are available on the Internet at <http://www.iotc.org>.

7 IOTC Resolution 08/02 On establishing a programme for transshipment by large-scale fishing vessels

- 7.1 To give effect to IOTC Resolution 08/02, a person using a boat in the IOTC Area for fishing must not carry out transshipment operations of tuna and tuna-like species in the IOTC Area unless the person is authorised by a Contracting Party or non-Contracting Party to use the boat for transshipment operations of that type.

-
- 7.2 A person using a boat in the IOTC Area for fishing must not receive tuna and tuna-like species 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; and
 - (c) 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 co-operating non-Contracting Party:
 - (A) the completed IOTC transshipment determination;
 - (B) the name of the boat;
 - (C) the number of the boat included in the IOTC Record of Carrier Vessels.
- 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) tranships 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.
- 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.

8 IOTC Resolution 08/03 On reducing the incidental bycatch of seabirds in longline fisheries

- 8.1 To give effect to IOTC Resolution 08/03, a person using a longline fishing boat in the IOTC Area for fishing for tuna or tuna-like species must ensure that each hookline used during a fishing operation sinks beyond the reach of seabirds as soon as possible after the hookline is put in the water.

Note On the commencement of these regulations, the definition of hookline included in IOTC Resolution 08/03 is 'the groundline or mainline to which the baited hooks are attached by snoods'. IOTC Resolution 08/03 is available on the Internet at <http://www.iotc.org>.

- 8.2 If a person is using a longline fishing boat in the IOTC Area for fishing for tuna or tuna-like species south of 30°S:
- (a) the person must use at least two of the mitigation measures included in the following table; and
 - (b) the person must use at least one of the measures included in column A of the table; and
 - (c) if a measure is included in both column A and column B of table 7.2 — the person must not use a measure included in column B that is the same as a measure:
 - (i) included in Column A; and
 - (ii) used by the person; and

- (d) the person may use a measure only if the measure complies with:
- (i) the minimum technical standards for the measure included in Annex I of IOTC Resolution 08/03; and
 - (ii) the specifications for the measure included in Annex II of IOTC Resolution 08/03.

Note IOTC Resolution 08/03, including Annex I and Annex II, is available on the Internet at <http://www.iotc.org>.

Column A	Column B
Night setting with minimum deck lighting	Night setting with minimum deck lighting
Bird-scaring lines (Tori lines)	Bird-scaring lines (Tori lines)
Weighted branch lines	Weighted branch lines
	Blue-dyed squid bait
	Offal discharge control
	Line shooting device

9 IOTC Resolution 08/04 Concerning the recording of catch by longline fishing vessels in the IOTC Area

- 9.1 To give effect to IOTC Resolution 08/04, a person:
- (a) using a boat that has a length over all of more than 24 metres; and
 - (b) using the boat for fishing for tuna and tuna-like species in the IOTC Area; and
 - (c) using longlines on the boat; must comply with subclause 9.2.
- 9.2 The person must keep a bound or electronic logbook that records, for each set, each of the following:
- (a) the date of the set, recorded in the format YYYY/MM/DD;
 - (b) the position in latitude and longitude, at either of the following positions:
 - (i) noon (local time) position; or
 - (ii) position of start of gear setting;

-
- (c) the local time of starting to set gear, expressed in 24 hour format;
 - (d) if available — the sea surface temperature at noon, recorded in Celsius with one decimal point in the format XX.X°C;
 - (e) subject to paragraph (f), the number of hooks between floats;
 - (f) for paragraph (e), if different hooks between floats are used in a single set — the number of the most representative type of hooks used between floats in the set.
 - (g) the number of hooks used in the set;
 - (h) the number of lightsticks used in the set;
 - (i) the type of bait used in the set;
 - (j) the catch in number and weight by species per set for each of the species included in an item of the following table:

Item	Species
1	Southern bluefin
2	Albacore
3	Bigeye
4	Yellowfin
5	Skipjack
6	Swordfish
7	Marlin
8	Shortbill spearfish
9	Sailfish
10	Blue shark
11	Porbeagle
12	Mako shark
13	Other sharks
14	Other fish

Note Examples of a position mentioned in subparagraph (b) (ii) include Seychelles EEZ and High Seas.

10 IOTC Resolution 09/03 On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC Area

10.1 To give effect to IOTC Resolution 09/03, 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. Transshipping with a vessel included in the IUU Vessels List is included in the definition of IUU Fishing Activities in IOTC Resolution 09/03.

11 IOTC Resolution 09/04 On a regional observer scheme

11.1 To give effect to IOTC Resolution 09/04, a person using a boat in the IOTC Area for fishing must, if an observer is placed on the boat:

- (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.

12 IOTC Resolution 09/05 To prohibit the use of large-scale driftnets on the high seas in the IOTC Area

12.1 To give effect to IOTC Resolution 09/05, 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 IOTC Resolution 09/06 On marine turtles

- 13.1 To give effect to IOTC Resolution 09/06, 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, de-hookers and dip-nets; 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.

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 CMM 2004-01 Record of Fishing Vessels and Authorisation to Fish

2.1 To give effect to WCPFC Conservation and Management Measure 2004-01, a person using a boat in the Convention Area for fishing must not fish for highly migratory fish stocks in the Convention Area 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.

Note The WCPFC Record of Fishing Vessels is available on the Internet at <http://www.wcpfc.int>.

3 WCPFC CMM 2004-03 Specification for the marking and identification of Fishing Vessels

3.1 To give effect to WCPFC Conservation and Management Measure 2004-03, 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 WCPFC CMM 2006-08 Western and Central Pacific Fisheries Commission Boarding and Inspection Procedures

4.1 To give effect to WCPFC Conservation and Management Measure 2006-08, a person using a boat that is licensed to operate in the Convention area for fishing must allow an authorised inspector to board and inspect the boat.

5 WCPFC CMM 2007-01 Conservation and Management Measure for the Regional Observer Programme

- 5.1 To give effect to WCPFC Conservation and Management Measure 2007-01, a person using a boat that is licensed to operate in the Convention Area for fishing must:
- (a) if the Commission requires — allow an observer to board the boat; and
 - (b) not obstruct the observer in the performance of his or her duties; and
 - (c) assist the observer to perform his or her duties safely; and
 - (d) comply with the Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew, set out in Annex B to WCPFC Conservation and Management Measure 2007-01.

6 WCPFC CMM 2007-02 Commission Vessel Monitoring System

- 6.1 To give effect to WCPFC Conservation and Management Measure 2007-02, 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 used in accordance with Annex 1 of WCPFC Conservation and Management Measure 2007-02; 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 Each of the following documents is available on the Internet at <http://www.wcpfc.int>:

- (a) *Standards, specifications and procedures (SSP) for the fishing vessel monitoring system (VMS) of the Western and Central Pacific Fisheries Commission (WCPFC)*;
- (b) Annex 1 of WCPFC Conservation and Management Measure 2007-02.

-
- 6.2 In this clause:
Automatic Location Communicator (or *ALC*) means a near real-time satellite position fixing transmitter.
- 7 WCPFC CMM 2007-03 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 To give effect to WCPFC Conservation and Management Measure 2007-03, 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 WCPFC CMM 2007-04 Conservation and Management Measure to Mitigate the Impact of Fishing for Highly Migratory Fish Stocks on Seabirds

8.1 To give effect to WCPFC Conservation and Management Measure 2007-04, a person using a longline boat to fish for highly migratory fish stocks in the Convention Area must use at least 2 of the mitigation measures in the following table, including at least 1 from Column A in areas south of 30°S and north of 23°N.

Column A	Column B
Side setting with a bird curtain and weighted branch lines (only to be applied in the area north of 23° N)	Tori line
Night setting with minimum deck lighting	Weighted branch lines
Tori line	Blue-dyed bait
Weighted branch lines	Deep setting line shooter
	Underwater setting chute
	Management of offal discharge

Note If a person selects 'tori line' from column A and column B of the table, the selection equates to simultaneously using two (that is paired) tori lines.

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 2007-04.

Note Annex 1 of WCPFC Conservation and Management Measure 2007-04 is available on the Internet at <http://www.wcpfc.int>.

9 WCPFC CMM 2008-01 Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean

- 9.1 To give effect to WCPFC Conservation and Management Measure 2008-01, 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 must not, on and after 1 July 2010, fish on fish aggregating devices between 0000 hours on 1 July and 2400 hours on 30 September in a year.
- 9.2 Unless subclause 9.3 applies, a person using a purse seine boat to fish for highly migratory fish stocks:
- (a) in an exclusive economic zone; and
 - (b) on the high seas in the area of the Convention Area bounded by 20° N and 20° S;
- must retain on board and then land or tranship at port all bigeye, skipjack and yellowfin tuna.
- 9.3 Subclause 9.2 does not apply if any of the following circumstances exist:
- (a) if, in the final set of a trip, there is insufficient well space in the boat to accommodate all fish caught in the final set, noting that, unless prohibited under applicable national law, excess fish taken in the final set may be transferred to and retained on board another purse seine boat; or
 - (b) if the fish are unfit for human consumption for a reason other than the size of the fish; or
 - (c) if a serious malfunction of equipment on the boat occurs.
- 9.4 On and after 1 January 2010, a person using a purse seine boat to fish for highly migratory fish stocks in any of the following locations:
- (a) on the high seas in the area of the Convention Area bounded by 20° N and 20° S;
 - (b) exclusively on the high seas;

-
- (c) on the high seas and in waters under the jurisdiction of 2 or more coastal states;

must carry on board the boat an observer from the Regional Observer Program.

9.5 On and after 1 January 2010, a person using a purse seine boat to fish for highly migratory fish stocks in the Convention Area must not fish in the following areas:

- (a) the area of the high seas within the Convention Area entirely enclosed by the exclusive economic zones of:
- (i) Federated States of Micronesia; and
 - (ii) Indonesia; and
 - (iii) Palau; and
 - (iv) Papua New Guinea;
- (b) the area of the high seas within the Convention Area entirely enclosed by the exclusive economic zones of:
- (i) Federated States of Micronesia; and
 - (ii) Fiji; and
 - (iii) Kiribati; and
 - (iv) Marshall Islands; and
 - (v) Nauru; and
 - (vi) Papua New Guinea; and
 - (vii) Solomon Islands.

10 WCPFC CMM 2008-03 Conservation and Management of Sea Turtles

10.1 To give effect to WCPFC Conservation and Management Measure 2008-03, 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.
- 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, on and after 1 January 2010, 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 — to the extent that is practicable, release the sea turtle from the fish aggregating device or other fishing gear.

-
- 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 WCPFC CMM 2008-04 Conservation and Management Measure to Prohibit the Use of Large Scale Driftnets on the High Seas in the Convention Area

- 11.1 To give effect to WCPFC Conservation and Management Measure 2008-04, 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 WCPFC CMM 2008-06 Conservation and Management of Sharks

12.1 To give effect to WCPFC Conservation and Management Measure 2008-06, 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.

Schedule 4 Prescribed arrangements

(regulation 3.1)

Item	Arrangement	Australian Treaty Series Number	Entry into force for Australia
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

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)

Item	Organisation
------	--------------

- | | |
|---|--|
| 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> |

Note Each agreement or convention mentioned in Schedule 5 is included in the Australian Treaty Series that is available on the Internet at <http://www.austlii.edu.au>.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.