



# **Fisheries Management (International Agreements) Amendment Regulation 2013 (No. 1)**

## **Select Legislative Instrument No. 204, 2013**

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I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Fisheries Management Act 1991*.

Dated 05 August 2013

Quentin Bryce  
Governor-General

By Her Excellency's Command

Peter Douglas Sidebottom  
Parliamentary Secretary for Agriculture, Fisheries and Forestry

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OPC50429 - A



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## Contents

1	Name of regulation .....	1
2	Commencement .....	1
3	Authority .....	1
4	Schedule(s) .....	1
<b>Schedule 1—Amendments commencing day after registration</b>		<b>2</b>
	<i>Fisheries Management (International Agreements) Regulations 2009</i>	2
<b>Schedule 2—Amendments commencing 1 July 2014</b>		<b>34</b>
	<i>Fisheries Management (International Agreements) Regulations 2009</i>	34

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No. 204, 2013      *Fisheries Management (International Agreements) Amendment  
Regulation 2013 (No. 1)*      *i*

OPC50429 - A



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## 1 Name of regulation

This regulation is the *Fisheries Management (International Agreements) Amendment Regulation 2013 (No. 1)*.

## 2 Commencement

Each provision of this regulation specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 4 and anything in this regulation not elsewhere covered by this table	The day after this regulation is registered.	
2. Schedule 1	The day after this regulation is registered.	
3. Schedule 2	1 July 2014.	1 July 2014

## 3 Authority

This regulation is made under the *Fisheries Management Act 1991*.

## 4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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No. 204, 2013      *Fisheries Management (International Agreements) Amendment Regulation 2013 (No. 1)*      1

OPC50429 - A

## Schedule 1—Amendments commencing day after registration

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

#### **1 Regulation 2.2 (table items 2 and 3)**

Omit “2010”, substitute “2011”.

#### **2 Regulation 2.2 (table item 7)**

Omit “2009”, substitute “2011”.

#### **3 Regulation 2.2 (after table item 14)**

Insert:

14A	13BA	CM 22-09 2011
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#### **4 Regulation 2.2 (table item 16)**

Omit “2010”, substitute “2011”.

#### **5 Regulation 2.2 (table item 19)**

Omit “2009”, substitute “2011”.

#### **6 Regulation 2.2 (table item 40)**

Omit “2010”, substitute “2011”.

#### **7 Regulation 2.2 (after table item 40)**

Insert:

40A	37B	CM 41-02 2011
40B	37C	CM 41-03 2011

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#### **8 Regulation 2.2 (table items 41, 42, 43, 44, 45, 46 and 47)**

Omit “2010”, substitute “2011”.

**9 Regulation 2.2 (after table item 47)**

Insert:

47A	44A	CM 42-01 2011
47B	44B	CM 42-02 2011

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**10 Regulation 2.2 (table items 51 and 52)**

Omit “2010”, substitute “2011”.

**11 Regulation 2.2 (table item 53)**

Omit “2009”, substitute “2011”.

**12 Regulation 2.2 (table item 54)**

Repeal the item.

**13 Regulation 2.3 (table item 5)**

Omit “10/01”, substitute “12/13”.

**14 Regulation 2.3 (table item 6)**

Repeal the item.

**15 Regulation 2.3 (table item 7)**

Omit “11/05”, substitute “12/05”.

**16 Regulation 2.3 (table item 8)**

Omit “10/06”, substitute “12/06”.

**17 Regulation 2.3 (table item 9)**

Omit “08/04”, substitute “12/03”.

**18 Regulation 2.3 (table item 12)**

Omit “09/05”, substitute “12/12”.

**19 Regulation 2.3 (table item 13)**

Omit “09/06”, substitute “12/04”.

**20 Regulation 2.3 (table item 14)**

Omit “10/12”, substitute “12/09”.

**21 Regulation 2.4 (table item 5)**

Omit “2007-02”, substitute “2011-02”.

**22 Regulation 2.4 (at the end of the table)**

Add:

15	16	2010-02	Conservation and Management Measure for the Eastern High-Seas Pocket Special Management Area
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**23 Clause 2 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**24 Clause 3 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**25 Clause 4 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**26 Clause 5 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**27 Clause 6 of Schedule 1 (heading)**

Repeal the heading, substitute:



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

**28 Clause 7 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**29 Clause 8 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**30 Subclause 8.1 of Schedule 1 (at end of table)**

add:

5	Krill ( <i>Euphausia superba</i> )	Subareas 48.1, 48.2, 48.3, 48.4 Divisions 58.4.1, 58.4.2	Trawl, continuous fishing system, pumping to clear codend
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**31 Clause 9 of Schedule 1 (heading)**

Repeal the heading, substitute:

**9 Mesh size**

**32 Subclause 9.1 of Schedule 1 (table items 1 and 4)**

Omit “*Notonthenia*”, substitute “*Notothenia*”.

**33 Clause 10 of Schedule 1 (heading)**

Repeal the heading, substitute:

**10 Mesh size for *Champscephalus gunnari***

**34 Clause 11 of Schedule 1 (heading)**

Repeal the heading, substitute:

**11 Interim prohibition of deep sea gillnetting**

**35 Clause 12 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**36 Clause 13 of Schedule 1 (heading)**

Repeal the heading, substitute:

**13 Bottom fishing in the Convention Area**

**37 After paragraph 13.4(a) of Schedule 1**

Insert:

(aa) the area of Statistical Division 58.4.1 north of 60° S; and

**38 Subclause 13.5 of Schedule 1**

Repeal the subclause, substitute:

13.5 This clause does not apply to any Statistical Subarea or Statistical Division of the Convention Area in which an established fishery:

- (a) was in place in the 2006/07 fishing season; and
- (b) had a catch limit greater than zero.

**39 Clause 13A of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**40 Clause 13B of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**41 After clause 13B of Schedule 1**

Insert:

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

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

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

**42 Clause 13C of Schedule 1 (heading)**

Repeal the heading, substitute:

**13C Data reporting system for *Euphausia superba* fisheries**

**43 Clause 14 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**44 Subclauses 14.1 and 14.2 of Schedule 1**

Repeal the subclauses, substitute:

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14.1 A person using a boat in the Convention Area for fishing must not use the boat for scientific research purposes unless the fishing is in accordance with CCAMLR Conservation Measure 24-01.

14.2 A person using a boat in the Convention Area for scientific research purposes, must:

- (a) during a voyage that involves any commercial fishing—ensure that the boat is linked to an automated satellite linked vessel monitoring system in accordance with CCAMLR Conservation Measure 10-04, as given effect by clause 4; and
- (b) during a voyage involving the taking of more than 50 tonnes of finfish or more than the amounts specified for finfish taxa in Annex 24-01/B or more than 0.1% of a given catch limit for non-fish taxa indicated in Annex 24-01/B—ensure that at least 2 scientific observers are on board throughout all fishing activities, and that at least one of them is appointed in accordance with the CCAMLR Scheme of International Scientific Observation.

**45 Clause 15 of Schedule 1 (heading)**

Repeal the heading, substitute:

**15 Longline weighting for seabird conservation**

**46 Clause 16 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**47 Clause 17 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**48 Clause 18 of Schedule 1 (heading)**

Repeal the heading, substitute:

**18 General environmental protection during fishing**

**49 Clause 19 of Schedule 1 (heading)**

Repeal the heading, substitute:

**19 General measure for the closure of all fisheries**

**50 Clause 20 of Schedule 1 (heading)**

Repeal the heading, substitute:

**20 Prohibition of directed fishing for finfish in Statistical Subarea 48.1**

**51 Clause 21 of Schedule 1 (heading)**

Repeal the heading, substitute:

**21 Prohibition of directed fishing for finfish in Statistical Subarea 48.2**

**52 Clause 22 of Schedule 1 (heading)**

Repeal the heading, substitute:

**22 Prohibition of directed fishery for *Notothenia rossii* in the Peninsula area (Statistical Subarea 48.1)**

**53 Clause 23 of Schedule 1 (heading)**

Repeal the heading, substitute:

**23 Prohibition of directed fishery for *Notothenia rossii* around South Orkneys (Statistical Subarea 48.2)**

**54 Clause 24 of Schedule 1 (heading)**

Repeal the heading, substitute:

**24 Prohibition of directed fishery for *Notothenia rossii* around South Georgia (Statistical Subarea 48.3)**

**55 Clause 25 of Schedule 1 (heading)**

Repeal the heading, substitute:

**25 Prohibition of directed fishery for *Gobionotothen gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*, *Lepidonotothen squamifrons* and *Patagonotothen guntheri* in Statistical Subarea 48.3**

**56 Clause 26 of Schedule 1 (heading)**

Repeal the heading, substitute:

**26 Prohibition of directed fishing for *Lepidonotothen squamifrons* in Statistical Division 58.4.4 (Ob and Lena Banks)**

**57 Clause 27 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**58 Clause 28 of Schedule 1 (heading)**

Repeal the heading, substitute:

**28 Prohibition of directed fishing for *Dissostichus* species in Statistical Division 58.4.4 outside areas of national jurisdiction**

**59 Clause 29 of Schedule 1 (heading)**

Repeal the heading, substitute:

**29 Prohibition of directed fishing for *Dissostichus eleginoides* in Statistical Subarea 58.6**

**60 Clause 30 of Schedule 1 (heading)**

Repeal the heading, substitute:

**30 Prohibition of directed fishing for *Dissostichus eleginoides* in Statistical Subarea 58.7**

**61 Clause 31 of Schedule 1 (heading)**

Repeal the heading, substitute:

**31 Prohibition of directed fishing for *Dissostichus eleginoides* in Statistical Division 58.5.1 outside areas of national jurisdiction**

**62 Clause 32 of Schedule 1 (heading)**

Repeal the heading, substitute:

**32 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**

**63 Clause 33 of Schedule 1 (heading)**

Repeal the heading, substitute:

**33 Prohibition of directed fishing for *Dissostichus* species in Statistical Subarea 88.2 north of 65° S**

**64 Clause 34 of Schedule 1 (heading)**

Repeal the heading, substitute:

**34 Prohibition of directed fishing for *Dissostichus* species in Statistical Subarea 88.3**

**65 Clause 35 of Schedule 1 (heading)**

Repeal the heading, substitute:

**35 Prohibition of directed fishing for *Electrona carlsbergi* in Statistical Subarea 48.3**

**66 Clause 36 of Schedule 1 (heading)**

Repeal the heading, substitute:

**36 Conservation of sharks**

**67 Clause 37 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**68 Clause 37A of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**69 At the end of subclause 37A.1 of Schedule 1**

Add:

; and (d) ensure that sufficient samples are made available to the scientific observer to enable collection of all data required by the CCAMLR Scientific Observers Manual for finfish fisheries.



**70 Subclause 37A.2 of Schedule 1**

Omit “exceeded”, substitute “reached”.

**71 At the end of clause 37A of Schedule 1**

Add:

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

**72 After clause 37A of Schedule 1**

Insert:

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

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

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

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

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

37B.4 The fishing season for the longline fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3:

- (a) is the period starting on 1 May in a year and ending on the earlier of:
  - (i) 31 August in that year; and
  - (ii) the time the catch limit is reached; but
- (b) may be extended, in accordance with CCAMLR Conservation Measure 41-02, for a boat which has demonstrated full compliance with CCAMLR Conservation Measure 25-02 in the previous season.

37B.5 The fishing season for the pot fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3 is the period starting on 1 December in a year and ending on the earlier of:

- (a) 30 November in the following year; and
- (b) the time the catch limit is reached.

37B.6 Any by-catch of crabs must, as far as possible, be released alive.

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

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

### **73 Clause 38 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

#### **74 Subclause 38.1**

Repeal the subclause, substitute:

38.1 A person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species in Statistical Subarea 48.6 unless the person is fishing in the exploratory longline fishery in a flagged boat of a country permitted to do so in accordance with CCAMLR Conservation Measure 41-04 as given effect by this clause.

#### **75 Subclauses 38.3 and 38.4 of Schedule 1**

Repeal the subclauses, substitute:

38.3 The person using a boat in Statistical Subarea 48.6 for fishing must not fish for *Dissostichus* species in an area that lies:

- (a) north of latitude 60° S; or
- (b) south of latitude 60° S;

in a fishing season if the precautionary catch limit applied to that area, as specified within CCAMLR Conservation Measure 41-04, has been reached.

38.4 The person must ensure that:

- (a) toothfish caught in Statistical Subarea 48.6 in a fishing season are tagged at a rate of at least 5 fish per tonne green weight caught; and
- (b) at least 2 scientific observers are on board throughout all fishing activities, and at least one of the observers is appointed in accordance with the CCAMLR Scheme of International Scientific Observations.

38.5 The person must ensure that night setting occurs in accordance with CCAMLR Conservation Measure 25-02 if a total of 3 seabirds are caught in the fishing season.

**76 Clause 39 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**77 Subclause 39.1 of Schedule 1**

Repeal the subclause, substitute:

39.1 A person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species in Statistical Division 58.4.2 unless the person is fishing in the exploratory longline fishery in a flagged boat of a country permitted to do so in accordance with CCAMLR Conservation Measure 41-05, as given effect by this clause.

**78 Paragraphs 39.2(a) and (b) of Schedule 1**

Repeal the paragraphs, substitute:

- (a) toothfish caught in Statistical Division 58.4.2 in a fishing season are tagged at a rate of at least 5 fish per tonne green weight caught; and

**79 Paragraph 39.2(d) of Schedule 1**

Omit “(2008)”.

**80 Subclauses 39.3, 39.4, 39.5 and 39.6 of Schedule 1**

Repeal the subclauses, substitute:

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39.3 The person must not fish for *Dissostichus* species within a SSRU in Statistical Division 58.4.2 in a fishing season if the precautionary catch limit applied to the SSRU, as specified in CCAMLR Conservation Measure 41-05, has been reached.

**81 Clause 40 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**82 Subclauses 40.1 and 40.2 of Schedule 1**

Repeal the subclauses, substitute:

40.1 A person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction unless the person is fishing in the exploratory longline fishery in a flagged boat of a country permitted to do so in accordance with CCAMLR Conservation Measure 41-06, as given effect by this clause.

40.2 The person must not fish for *Dissostichus* species on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction in a fishing season if the precautionary catch limit applied to Statistical Division 58.4.3a, as specified in CCAMLR Conservation Measure 41-06, has been reached.

**83 Paragraphs 40.3(a) and (b) of Schedule 1**

Repeal the paragraphs, substitute:

- (a) toothfish caught by the person on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction in a fishing season are tagged at a rate of at least 5 fish per tonne green weight caught; and

**84 After subclause 40.3 of Schedule 1**

Insert:

40.3A The person must not fish for *Dissostichus* species on Elan Bank (Statistical Division 58.4.3a) outside areas of national jurisdiction if 3 seabirds are caught during the period between the end of a fishing season and the beginning of the next fishing season.

**85 Clause 41 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**86 Subclause 41.1 of Schedule 1**

Omit “Japan.”, substitute “a country permitted to do so in accordance with CCAMLR Conservation Measure 41-07, as given effect by this clause.”.

**87 Subclause 41.2 of Schedule 1**

Repeal the subclause.

**88 Paragraphs 41.3(a) and (b) of Schedule 1**

Repeal the paragraphs, substitute:

- (a) toothfish caught by the person on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction in a fishing season are tagged at a rate of at least 5 fish per tonne green weight caught; and

**89 Subclause 41.4 of Schedule 1**

Repeal the subclause, substitute:

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

**90 At the end of clause 41 of Schedule 1**

Add:

41.5 The person must not fish for *Dissostichus* species on BANZARE Bank (Statistical Division 58.4.3b) outside areas of national jurisdiction if 3 seabirds are caught during the period between the end of a fishing season and the commencement of the next fishing season.

41.6 In this clause, a fishing season is taken to start on 1 May of a year and to end on 31 August of that year.

## **91 Clause 42 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

### **92 Subclause 42.1 of Schedule 1**

Repeal the subclause, substitute:

42.1 A person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species in Statistical Subarea 88.1 in a fishing season unless the person is conducting the exploratory longline fishery in a flagged boat of a country permitted to do so in accordance with CCAMLR Conservation Measure 41-09, as given effect by this clause.

### **93 Paragraphs 42.2(a) and (b) of Schedule 1**

Repeal the paragraphs, substitute:

- (a) toothfish caught in each SSRU within Statistical Subarea 88.1 are tagged at a rate of at least one fish per tonne green weight caught; and

### **94 Subclause 42.3 of Schedule 1**

Repeal the subclause, substitute:

42.3 A person using a boat in Statistical Subarea 88.1 for fishing must not fish for *Dissostichus* species within a SSRU in Statistical Subarea 88.1 in a fishing season if the precautionary catch limit applied to that SSRU, as specified in CCAMLR Conservation Measure 41-09, has been reached.

**95 After subclause 42.4 of Schedule 1**

Insert:

- 42.4A The person using a boat in Statistical Subarea 88.1 for fishing must not fish for *Dissostichus* species in a fishing season if the precautionary catch limit for by-catch of skates and rays, and of *Macrourus* species, in Statistical Subarea 88.1, as specified in CCAMLR Conservation Measure 41-09, has been reached.
- 42.4B The person using a boat in Statistical Subarea 88.1 for fishing must not fish for a *Dissostichus* species in a SSRU in a fishing season if the individual by-catch limit for that species in the SSRU, or group of SSRUs, specified in CCAMLR Conservation Measure 41-09, is zero, or has been reached by the person.

**96 Clause 43 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**97 Subclauses 43.1 and 43.2 of Schedule 1**

Repeal the subclauses, substitute:

- 43.1 A person using a boat in the Convention Area for fishing must not fish for *Dissostichus* species in Statistical Subarea 88.2 in a fishing season unless the person is fishing in the exploratory longline fishery in a flagged boat of a country permitted to do so in accordance with CCAMLR Conservation Measure 41-10, as given effect by this clause.
- 43.2 The person must not fish for *Dissostichus* species within a SSRU in Statistical Subarea 88.2 in a fishing season if the precautionary catch limit applied to that SSRU, as specified in CCAMLR Conservation Measure 41-10, has been reached.

**98 Paragraph 43.3(b) of Schedule 1**

Repeal the paragraph.

**99 At the end of clause 43 of Schedule 1**

Add:

- 43.4 The person must ensure that the person's total by-catch of skates, rays and *Macrourus* species in Statistical Subarea 88.2 in a fishing season does not exceed a precautionary catch limit of 50 tonnes of skates and rays and 84 tonnes of *Macrourus* species, with limits for the SSRUs as follows:
- (a) 0 tonnes of any species in SSRU A;
  - (b) 0 tonnes of any species in SSRU B;
  - (c) 50 tonnes of skates and rays, 20 tonnes of *Macrourus* species and 100 tonnes of other species in each of SSRUs C, D, E, F and G;
  - (d) 50 tonnes of skates and rays, 64 tonnes of *Macrourus* species and 20 tonnes of other species in SSRU H;
  - (e) 0 tonnes of any species in SSRU I.
- 43.5 In this clause, a fishing season is taken to start on 1 December of a year and to end on 31 August of the following year.

**100 Clause 44 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**101 Subclauses 44.1 and 44.2 of Schedule 1**

Repeal the subclauses, substitute:

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



precautionary catch limit applied to the SSRU, as specified in CCAMLR Conservation Measure 41-11, has been reached.

**102 Paragraph 44.3(a) of Schedule 1**

Omit “3”, substitute “5”.

**103 After subclause 44.4 of Schedule 1**

Insert:

44.4A The person must not discharge offal in Statistical Division 58.4.1.

**104 After clause 44 of Schedule 1**

Insert:

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

44A.1 This clause applies to the portion of Statistical Subarea 48.3 that is not under the jurisdiction of the United Kingdom.

44A.2 A person using a boat in the Convention Area for fishing must not fish for *Champtocephalus gunnari* in that portion of Statistical Subarea 48.3 unless the person uses trawls, other than bottom trawls.

44A.3 If the catch of *Champtocephalus gunnari* is more than 100 kg in any one haul, and more than 10% of the *Champtocephalus gunnari* by number are smaller than 240 mm total length, the person must:

- (a) move the boat to another location that is at least 5 nautical miles from the location where 10% of the *Champtocephalus gunnari* by number are smaller than 240 mm total length; and
- (b) ensure that the boat does not return to any point within 5 nautical miles of that location for a period of at least 5 days (treating the location as the path followed by the boat while taking the catch).

44A.4 The fishing season begins at the time mentioned in subclause 1.1 and ends on the earlier of:

- (a) the time mentioned in subclause 1.1; and
- (b) the time when the catch limit is reached.

44A.5 If the by-catch of *Gobionotothen gibberifrons*, *Chaenocephalus aceratus*, *Pseudochaenichthys georgianus*, *Notothenia rossii* or *Lepidonotothen squamifrons* is 100 kg or more in any one haul, and more than 5% of the total weight of all fish, or is a total of 2 tonnes or more, the person must:

- (a) move the boat to another location that is at least 5 nautical miles from the location (the **first location**) where the by-catch of any species mentioned in CCAMLR Conservation Measure 33-01 is more than 5% of the total weight of all fish caught; and
- (b) ensure that the boat does not return to any point within 5 nautical miles of the first location for a period of at least 5 days (treating that location as the path followed by the boat while taking the catch).

44A.6 The person must use net binding to reduce seabird captures during shooting operations.

44A.7 If the person catches a total of 20 seabirds, the person must cease fishing and must not use the boat to fish for *Champocephalus gunnari* in Statistical Subarea 48.3 for the remainder of the fishing season.

44A.8 The person must ensure that at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, is on board during all fishing activities.

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

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

### **105 Clause 45 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**106 Clause 46 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**107 Paragraph 46.1(c) of Schedule 1**

Omit “trawl; and”, substitute “trawl.”.

**108 Paragraph 46.1(d) of Schedule 1**

Repeal the paragraph.

**109 Clause 47 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**110 Clause 48 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**111 Subclause 48.1 of Schedule 1**

Repeal the subclause, substitute:

48.1 A person using a boat in the Convention Area for fishing must not fish for *Euphausia superba* in a statistical subarea or division if the Commission has announced that the catch limit for *Euphausia superba* for that statistical subarea or division has been reached.

**112 At the end of clause 48 of Schedule 1**

Add:

48.5 This clause applies subject to any exemptions granted in relation to a fishery by the Commission.

**113 Clause 49 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**114 At the end of clause 49**

Add:

49.2 The person must ensure that any scientific observer on board the boat has access to sufficient samples to meet the target coverage rate of at least 20% of hauls or haul units during the period that the observer is on board the boat per fishing season.

**115 Clause 49A of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**116 Subclause 49A.2**

Repeal the subclause.

**117 Clauses 50, 51 and 52 of Schedule 1**

Repeal the clauses.

**118 Clause 53 of Schedule 1 (heading)**

Repeal the heading, substitute:

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

**119 Clause 2 of Schedule 2 (heading)**

Repeal the heading, substitute:

**2 Control of fishing activities**

**120 Clause 3 of Schedule 2 (heading)**

Repeal the heading, substitute:

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

**121 Clause 4 of Schedule 2 (heading)**

Repeal the heading, substitute:

**4 Establishing a vessel monitoring system programme**

**122 Clause 5 of Schedule 2 (heading)**

Repeal the heading, substitute:

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

**123 Clause 5A of Schedule 2 (heading)**

Repeal the heading, substitute:

**5A Conservation and management of tropical tuna stocks in the IOTC area of competence**

**124 Clause 6 of Schedule 2**

Repeal the clause.

**125 Clause 7 of Schedule 2 (heading)**

Repeal the heading, substitute:

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

**126 Subclause 7.1 of Schedule 2**

Repeal the subclause, substitute:

- 7.1 A person using a boat in the IOTC Area for fishing must not carry out transshipment operations of tuna and tuna-like species and sharks in the IOTC Area unless:
- (a) the person is authorised by a Contracting Party or non-Contracting Party to use the boat for transshipment operations of that type; and
  - (b) the boat is:
    - (i) a large-scale tuna longline fishing vessel; or
    - (ii) a carrier vessel authorised to receive transshipments at sea from a large-scale tuna longline fishing vessel; and
  - (c) if the boat is a boat mentioned in subparagraph (b)(i)—the person has, before each transshipment takes place, obtained authorisation from its flag State in accordance with IOTC Resolution 12/05; and
  - (d) if the boat is a boat mentioned in subparagraph (b)(ii)—the master of the boat confirms, before each transshipment takes place, that the large-scale tuna longline fishing vessel participating in the transshipment operations:
    - (i) is participating in the IOTC programme to monitor transshipment at sea; and
    - (ii) has obtained authorisation for the transshipment from the flag State of the boat; and
  - (e) if the boat is a boat mentioned in subparagraph (b)(ii)—the master of the boat, within 24 hours after completing the transshipment:
    - (i) completes the IOTC transshipment declaration; and
    - (ii) transmits each of the following to the IOTC Secretariat and the flag Contracting Party or Co-Operating Non-Contracting Party:
      - (A) the completed IOTC transshipment declaration;
      - (B) the name of the boat;
      - (C) the number of the boat included in the IOTC Record of Carrier Vessels; and
  - (f) if the boat is a boat mentioned in subparagraph (b)(ii)—the master of the boat, within 48 hours before landing must transmit an IOTC transshipment declaration, along with its number in the IOTC Record of Carrier Vessels authorised to receive transshipment in the IOTC area of competence, to the

competent authorities of the State where the landing takes place.

**127 Subclause 7.2 of Schedule 2**

After “tuna-like species”, insert “and sharks”.

**128 Paragraph 7.2(c) of Schedule 2**

Repeal the paragraph.

**129 Clause 9 of Schedule 2**

Repeal the clause, substitute:

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

9.1 A person:

(a) using a boat that:

(i) is fishing outside the economic exclusion zone of its flag State, or has a length over all of more than 24 metres; and

(ii) is a purse seine, longline, gillnet, pole and line, handline or trolling boat; and

(b) using the boat for fishing for tuna and tuna-like species in the IOTC Area;

must comply with subclause 9.2.

9.2 The person must:

(a) keep a bound or electronic logbook that records the information mentioned in column 1 of an item in the following table, for the vessel mentioned in column 2; and

(b) record the information as mentioned in column 3; and

(c) maintain the logbook in accordance with the annex of IOTC Resolution 12/03 mentioned in column 4.

**Schedule 1** Amendments commencing day after registration

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<b>Logbook Information</b>				
<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
	<b>Information</b>	<b>Vessel</b>	<b>Frequency</b>	<b>Annex of IOTC Resolution 12/03</b>
1	Vessel, trip and gear configuration	Purse seine, longline, gillnet and pole and line	Once each trip, unless gear configuration changes	I
2	Purse seine, longline, gillnet and pole and line operations and catch	Purse seine, longline, gillnet and pole and line	For each set or operation of the fishing gear	II
3	Handline and trolling gear	Handline and trolling gear	For each operation of the fishing gear	III

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9.3 This clause does not apply to vessels of developing States.

**130 Clause 10 of Schedule 2 (heading)**

Repeal the heading, substitute:

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

**131 Clause 11 of Schedule 2 (heading)**

Repeal the heading, substitute:

**11 Regional observer scheme**

**132 Clause 12 of Schedule 2 (heading)**

Repeal the heading, substitute:



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

**133 Clause 13 of Schedule 2 (heading)**

Repeal the heading, substitute:

**13 Conservation of marine turtles**

**134 Paragraph 13.2(a) of Schedule 2**

Repeal the paragraph, substitute:

- (a) carry line cutters and de-hookers, in order to facilitate the appropriate handling and prompt release of marine turtles caught or entangled; and

**135 At the end of clause 13 of Schedule 2**

Add:

13.4 A person using a boat in the IOTC area that has longlines on board, or is being used for fishing for tuna and tuna-like species, must:

- (a) bring aboard, if practicable, any captured marine turtle that is comatose or inactive as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water; and
- (b) be aware of and use proper mitigation, identification, handling and de-hooking techniques and keep on board all necessary equipment for the release of marine turtles, in accordance with handling guidelines in the IOTC Marine Turtle Identification Cards.

**136 Clause 14 of Schedule 2 (heading)**

Repeal the heading, substitute:

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

**137 At the end of clause 14 of Schedule 2**

Add:

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

**138 Clause 2 of Schedule 3 (heading)**

Repeal the heading, substitute:

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

**139 Clause 3 of Schedule 3 (heading)**

Repeal the heading, substitute:

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

**140 Clause 4 of Schedule 3 (heading)**

Repeal the heading, substitute:

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

**141 Clause 5 of Schedule 3 (heading)**

Repeal the heading, substitute:

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

**142 Clause 6 of Schedule 3 (heading)**

Repeal the heading, substitute:

**6 Commission Vessel Monitoring System**

**143 Clause 7 of Schedule 3 (heading)**

Repeal the heading, substitute:

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

**144 Clause 8 of Schedule 3 (heading)**

Repeal the heading, substitute:

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

**145 Clause 9 of Schedule 3 (heading)**

Repeal the heading, substitute:

**9 Conservation and Management Measure for Bigeye and Yellowfin  
Tuna in the Western and Central Pacific Ocean**

**146 Clause 10 of Schedule 3 (heading)**

Repeal the heading, substitute:

**10 Conservation and Management of Sea Turtles**

**147 Clause 11 of Schedule 3 (heading)**

Repeal the heading, substitute:

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

**148 Clause 12 of Schedule 3 (heading)**

Repeal the heading, substitute:

**12 Conservation and Management of Sharks**

**149 Clause 13 of Schedule 3 (heading)**

Repeal the heading, substitute:

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

**150 Clause 14 of Schedule 3 (heading)**

Repeal the heading, substitute:

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

**151 Clause 15 of Schedule 3 (heading)**

Repeal the heading, substitute:

**15 Conservation and Management Measure on the Regulation of  
Transshipment**

**152 At the end of Schedule 3**

Add:

**16 Eastern High-Seas Pocket Special Management Area**

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

**153 Clause 3 of Schedule 3A (heading)**

Repeal the heading, substitute:

**3 Establishing the CCSBT Vessel Monitoring System**

**154 Clause 4 of Schedule 3A (heading)**

Repeal the heading, substitute:

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**4 Establishing a program for Transshipment by Large-Scale Fishing Vessels****155 Schedule 4 (at the end of the table)**

Add:

5	<i>Southern Indian Ocean Fisheries Agreement</i>	[2012] ATS 21	21 June 2012
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6	<i>Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean</i>	[2012] ATS 28	24 August 2012
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**156 Schedule 5 (at the end of the table)**

Add:

5	South Pacific Regional Fisheries Management Organisation, established in accordance with the <i>Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean</i>		
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## Schedule 2—Amendments commencing 1 July 2014

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

#### 1 Clause 8 of Schedule 2

Repeal the clause, substitute:

#### 8 Reducing the incidental by-catch of seabirds in longline fisheries

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

<b>Mitigation Measures</b>			
<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Measure</b>	<b>Description</b>	<b>Technical Specification</b>
1	Night setting with minimum deck lighting	The person must: (a) not set longlines between nautical dawn and nautical dusk; and (b) keep deck lighting to a minimum.	Nautical dusk and nautical dawn are defined in the Nautical Almanac tables for relevant latitude, local time and date. Minimum deck lighting must not breach minimum standards for safety and navigation.
2	Bird-scaring lines (Tori lines)	The person must deploy bird-scaring lines during the entire process of setting the	For vessels of 35 m or more, the person must: (a) deploy at least one bird-scaring line; and

34 *Fisheries Management (International Agreements) Amendment Regulation 2013 (No. 1)* No. 204, 2013

OPC50429 - A

<b>Mitigation Measures</b>			
<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Measure</b>	<b>Description</b>	<b>Technical Specification</b>
		longline to deter birds from approaching the branch line.	<p>(b) deploy more than one bird-scaring line at times of high bird abundance or activity, if practical; and</p> <p>(c) if deploying more than one bird-scaring line, deploy the bird-scaring lines simultaneously, one on each side of the longline being set; and</p> <p>(d) ensure that the aerial extent of bird-scaring lines is 100 m or more; and</p> <p>(e) use long streamers of sufficient length to reach the sea surface in calm conditions, placed at intervals of no more than 5 m.</p> <p>For vessels less than 35 m, the person must:</p> <p>(a) deploy at least one bird-scaring line; and</p> <p>(b) ensure that the aerial extent of bird-scaring lines is 75 m or more; and</p> <p>(c) use long or short streamers (greater than 1 m in length), placed at intervals as follows:</p> <p>(i) short—intervals of no more than 2 m;</p> <p>(ii) long—intervals of no more than 5 m</p>

No. 204, 2013

*Fisheries Management (International Agreements) Amendment Regulation 2013 (No. 1)*

35

OPC50429 - A

**Schedule 2** Amendments commencing 1 July 2014

<b>Mitigation Measures</b>			
<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Measure</b>	<b>Description</b>	<b>Technical Specification</b>
			for the first 55 m of bird-scaring line.  A person must ensure that when using this measure, that the person complies with additional minimum technical standards for this measure as provided in Annex 1 of IOTC Resolution 12/06, as given effect by this clause.
3	Line weighting	The person must deploy line weights on the snood before setting.	Line weights must be attached as follows: (a) if the weights are more than 45 g but less than 60 g—they must be attached within 1 m of the hook; (b) if the weights are more than 60 g but less than 98 g—they must be attached within 3.5 m of the hook; (c) if the weights are more than 98 g—they must be attached within 4 m of the hook.

36 *Fisheries Management (International Agreements) Amendment Regulation 2013 (No. 1)* No. 204, 2013

OPC50429 - A