

Fisheries Management (E-Monitoring Eastern Tuna and Billfish Fishery) Direction 2020

I, **WEZ NORRIS**, Chief Executive Officer of the Australian Fisheries Management Authority, as delegate under delegation No. 2 of 2016 made on 14 November 2016 from the AFMA Commission, make the following Direction pursuant to s40A(1) of the *Fisheries Management Act 1991.*

Dated 5 August 2020

**Wez Norris**

Chief Executive Officer

Australian Fisheries Management Authority

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E-monitoring (Eastern Tuna and Billfish Fishery) Direction 2015 No 2 5

1. Name

This instrument is the *Fisheries Management* (*E-monitoring Eastern Tuna and Billfish Fishery) Direction 2020*.

1. Commencement

(1) Each provision of this instrument 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 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | This Instrument commences upon registration on the Federal Register of Legislation. |  |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

1. Authority

This instrument is made under s40A(1) of theAct.

1. Definitions

Note: A number of expressions used in this instrument are defined in s4 of the Act, and s1.3 of the *Eastern Tuna and Billfish Fishery Management Plan 2010* including the following:

1. boat;
2. e-monitoring;
3. fishing concession;
4. holder;
5. fish.

In this instrument:

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

***Contractor*** means the party contracted as AFMA’s agents to provide e-monitoring systems and associated services.

***Data drive*** means a component of an e-monitoring system that can store e-monitoring data and can be removed by the operator of the e-monitoring system but does not include removable Random Access Memory.

***E-monitoring system*** means e-monitoring equipment and peripheral equipment approved by AFMA that can:

1. record, store and transmit details of a vessel’s position and activity; and
2. record, store and transmit details of the e-monitoring system’s status; and
3. record (including visually) and store all fishing events.

***Fishing event*** means the setting of fishing gear, hauling of fishing gear, and handling of catch.

1. Schedules

Each instrument that is specified in a Schedule to this instrument is 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.

1. Requirement to install and operate an e-monitoring system on longline vessels
2. A concession holder (or person acting on behalf of the concession holder) fishing in the Eastern Tuna and Billfish Fishery (ETBF) must have an e-monitoring system installed and operating on a nominated longline boat that:
3. is supplied to the person and installed by AFMA or the Contractor; or
4. complies with the standards and requirements specified in the certificate granting the statutory fishing right.
5. For the purpose of s40A(3) of the Act, the obligation prescribed in this clause must be complied with no later than 3 months from the date of this direction commencing or on the day the e-monitoring system is first installed within this period.
6. Subject to clause 6(4), a concession holder (or person acting on behalf of a concession holder) must take all reasonable steps to ensure the e-monitoring system is operational at all times and capable of recording all longline fishing events.

Note: Clause 7(2) imposes certain obligations on a person subject to the requirement to install an e-monitoring system if the e-monitoring system ceases to function correctly.

1. An installed e-monitoring system may be powered off if:
2. the nominated boat is in port; and
3. the nominated boat has an operational Vessel Monitoring System installed.
4. Requirement to monitor function, of an e-monitoring system, arrange repair and provide e-monitoring data
5. A concession holder (or person acting on behalf of a concession holder) must take all reasonable steps to maintain their e-monitoring system in good working order by:

(a) undertaking system function tests:

(i) immediately after a data drive exchange;

(ii) prior to starting a new trip;

(iii) when there is a reasonable suspicion of issues or fault with the system; and

(iv) after any periods of inactivity greater than 14 days.

(b) reporting suspected issues with the e-monitoring system to AFMA, or the Contractor, as soon as practicable;

(c) cleaning camera lenses to ensure that a clear field of view is maintained at all times; and

(d) ensuring camera views of fishing events remain unobstructed and well-lit.

(2) If the e-monitoring system stops operating, the concession holder (or person acting on behalf of a concession holder) must:

(a) contact AFMA or the Contractor as soon as practicable after the concession holder (or person acting on behalf of the concession holder) becomes aware that the e-monitoring system has stopped operating to organise repairs of the e-monitoring system; and

(b) take all reasonable steps to make the boat available at the earliest time agreed to with AFMA or the Contractor.

(3) A concession holder (or person acting on behalf of a concession holder) must, in accordance with the requirements in clause 7(4), exchange the e-monitoring system’s data drive and return it to AFMA when:

(a) the data drive’s capacity is reached; or

(b) the data drive has failed a system test and a replacement data drive has been issued; or

(c) instructed by AFMA or the Contractor.

whichever occurs first.

(4) A concession holder (or person acting on behalf of a concession holder) must exchange the e-monitoring system’s data drive and return it to AFMA by:

(a) removing the data drive and packaging the drive in a preaddressed, prepaid envelope; and

(b) posting the data drive within 24 hours of returning to Port.

(5) A concession holder (or person acting on behalf of a concession holder) must install a new or replacement data drive by following the instructions issued by AFMA, the Contractor, or the manufacturer of the e-monitoring system.

(6) For the purpose of s40A(3) of the Act, the obligations prescribed in clause 6 commence on the day the e-monitoring system is first installed.

1. Requirement to provide certain information to AFMA

(1) AFMA may require a concession holder (or person acting on behalf of a concession holder) to give a statement to AFMA setting out:

(a) the facts leading to any loss, theft or damage to the e-monitoring system or e-monitoring data;

(b) the time, date and location where the person posted or handed over the e-monitoring system or data drive to another person (including a postal worker or courier);

(c) the names and addresses of any person employed or engaged by the person who had any interactions with the e-monitoring system (whether while operating, off or in sleep or idle mode) or data drive;

(d) the reasons why the e-monitoring system was not operational at a given time; or

(e) any other matter relating to the circumstances, time, place, or manner of installation, carriage, use, handling, maintenance or monitoring of use of the e-monitoring system or data drive.

(2) A concession holder (or person acting on behalf of a concession holder) must not, without reasonable excuse, fail to comply with a request to give a statement requested under clause 8(1) to AFMA within a reasonable time period.

Schedule 1—Repeals

E-monitoring (Eastern Tuna and Billfish Fishery) Direction 2015 No 2

1 The whole of the instrument

Repeal the instrument