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Statutory Rules 1997 No. <sup>1</sup> *k*

*6*

## Antarctic Marine Living Resources Conservation Regulations<sup>2</sup> (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Antarctic Marine Living Resources Conservation Act 1981*.

Dated *k* 1997.

*5 February*

*k* WILLIAM DEANE /  
Governor-General

By His Excellency's Command,

*k*

ROBERT HILL /

Minister for the Environment

### 1. Amendment

1.1 The Antarctic Marine Living Resources Conservation Regulations are amended as set out in these Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

**2. Schedule**

2.1 After Conservation Measure 19/IX, insert:

**“CONSERVATION MEASURE 29/XV<sup>1, 2</sup>**

**Minimisation of the Incidental Mortality of Seabirds in the  
Course of Longline Fishing or Longline Fishing Research in the  
Convention Area**

The Commission,

Noting the need to reduce the incidental mortality of seabirds during longline fishing by minimising their attraction to fishing vessels and by preventing them from attempting to seize baited hooks, particularly during the period when the lines are set,

Adopts the following measures to reduce the possibility of incidental mortality of seabirds during longline fishing.

1. Fishing operations shall be conducted in such a way that the baited hooks sink as soon as possible after they are put in the water<sup>3</sup>. Only thawed bait shall be used.
2. Longlines shall be set at night only (i.e. during the hours of darkness between the times of nautical twilight<sup>4</sup>)<sup>5</sup>. During longline fishing at night, only the minimum ship's lights necessary for safety shall be used.
3. The dumping of offal shall be avoided as far as possible while longlines are being set or hauled; if discharge of offal is unavoidable, this discharge shall take place on the opposite side of the vessel to that where longlines are set or hauled.
4. Every effort should be made to ensure that birds captured alive during longlining are released alive and that wherever possible hooks are removed without jeopardising the life of the bird concerned.
5. A streamer line designed to discourage birds from settling on baits during deployment of longlines shall be towed. Specification of the streamer line and its method of deployment

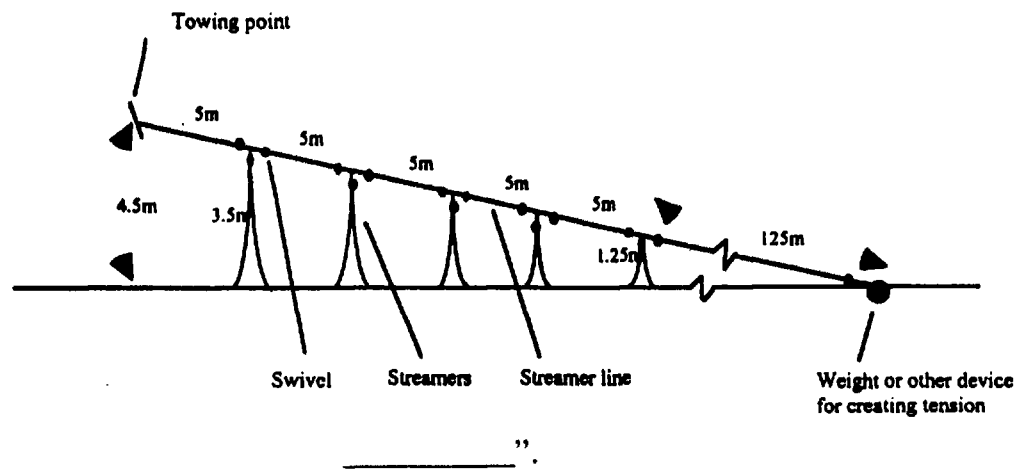
is given in the Appendix to this Measure. Details of the construction relating to the number and placement of swivels may be varied so long as the effective sea surface covered by the streamers is no less than that covered by the currently specified design. Details of the device dragged in the water in order to create tension in the line may also be varied.

6. Other variations in the design of streamer lines may be tested on vessels carrying two observers, at least one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, providing that all other elements of this Conservation Measure are complied with<sup>6</sup>.
  1. Except for waters adjacent to the Kerguelen and Crozet Islands.
  2. Except for waters adjacent to the Prince Edward Islands.
  3. For vessels using the Spanish method of longline fishing, weights should be released before line tension occurs; wherever possible weights of at least 6 kg mass should be used, spaced at 20 m intervals.
  4. The exact times of nautical twilight are set forth in the Nautical Almanac tables for the relevant latitude, local time and date. All times whether for ship operations or observer reporting shall be referenced to GMT.
  5. Wherever possible, setting of lines should be completed at least three hours before sunrise (to reduce loss of bait to/catches of white-chinned petrels).
  6. The streamer lines under test should be constructed and operated taking full account of the principles set out in WG-IMALF-94/19 (available from the CCAMLR Secretariat); testing should be carried out independently of actual commercial fishing and in a manner consistent with the spirit of Conservation Measure 65/XII.

#### **APPENDIX TO CONSERVATION MEASURE 29/XV**

1. The streamer line is to be suspended at the stern from a point approximately 4.5 m above the water and such that the line is directly above the point where the baits hit the water.
2. The streamer line is to be approximately 3 mm diameter, have a minimum length of 150 m and have a device at the end to create tension so that the main line streams directly behind the ship even in cross winds.

3. At 5 m intervals commencing from the point of attachment to the ship five branch streamers each comprising two strands of approximately 3 mm diameter cord should be attached. The length of the streamer should range between approximately 3.5 m nearest the ship to approximately 1.25 m for the fifth streamer. When the streamer line is deployed the branch streamers should reach the sea surface and periodically dip into it as the ship heaves. Swivels should be placed in the streamer line at the towing point, before and after the point of attachment of each branch streamer and immediately before any weight placed on the end of the streamer line. Each branch streamer should also have a swivel at its attachment to the streamer line.



## 2.2 Conservation Measure 29/XII and Appendix to Conservation Measure 29/XII:

Omit.

2.3 Conservation Measure 63/XII:  
Omit the Conservation Measure, substitute:

**“CONSERVATION MEASURE 63/XV**

**Regulation of the Use and Disposal of  
Plastic Packaging Bands on Fishing Vessels**

The Commission,

Recollecting that for many years it has received evidence from the Scientific Committee that substantial numbers of Antarctic fur seals have been entangled and killed in plastic packaging bands in the Convention Area,

Noting that, despite the recommendations of CCAMLR and the provisions of the MARPOL Convention and its Annexes which prohibit the jettisoning of all plastics at sea, substantial entanglement of fur seals is still continuing,

Recognising that the bait boxes used on fishing vessels in particular and other packages in general need not be secured by plastic packaging bands because suitable alternatives exist,

Agrees to adopt the following Conservation Measure, to reduce the incidental mortality of Antarctic fur seals due to entanglement, in accordance with Article IX of the Convention.

1. The use on fishing vessels of plastic packaging bands to secure bait boxes shall be prohibited.
2. The use of other plastic packaging bands for other purposes on fishing vessels which do not use on-board incinerators (closed systems) shall be prohibited.
3. Any packaging bands, once removed from packages, shall be cut, so that they do not form a continuous loop and at the earliest opportunity burned in the on-board incinerator.

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4. Any plastic residue shall be stored on board the vessel until reaching port and in no case discarded at sea.

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2.4 After Conservation Measure 64/XII, insert:

**“CONSERVATION MEASURE 106/XV**

**Precautionary Catch Limitation on *Euphausia superba*  
in Statistical Division 58.4.1**

The total catch of *Euphausia superba* in Statistical Division 58.4.1 shall be limited to 775 000 tonnes in any fishing season. A fishing season begins on 1 July and finishes on 30 June the following year.

This limit shall be kept under review by the Commission, taking into account the advice of the Scientific Committee.

For the purposes of implementing this Conservation Measure, the catches shall be reported to the Commission on a monthly basis.

**“CONSERVATION MEASURE 109/XV**

**Limits on the fishery for *Dissostichus eleginoides*  
in Statistical Division 58.5.2 for the 1996/97 Season**

1. The total catch of *Dissostichus eleginoides* in Statistical Division 58.5.2 in the 1996/97 season shall not exceed 3 800 tonnes.
2. For the purposes of this fishery, the 1996/97 season is defined as the period from 2 November 1996 to 31 August 1997, or until the TAC is reached, whichever is the sooner.

[NOTE: The initials ‘TAC’ stand for Total Allowable Catch.]

3. The TAC may only be taken by trawling.
4. Each vessel participating in the *Dissostichus eleginoides* fishery in Statistical Division 58.5.2 in the 1996/97 season shall

have at least one scientific observer, and may include one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.

5. For the purpose of implementing this Conservation Measure:
- (i) the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII; and
  - (ii) the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV,

shall apply in the 1996/97 fishing season.

[NOTE: Conservation Measures 61/XII and 117/XV relate to a Contracting Party's obligation to provide a report in relation to catch and by-catch.]

6. If, in the course of a directed fishery for *Dissostichus eleginoides*, the by-catch in any one haul of any of the species *Lepidonotothen squamifrons*, *Notothenia rossii*, *Channichthys rhinoceratus* or *Bathyraja* spp. exceeds 5% of the total catch by weight, the fishing vessel shall move to another fishing location at least 5 n miles distant<sup>1</sup>. The fishing vessel shall not return to the location where the by-catch exceeded 5% for a period of at least five days<sup>2</sup>.
7. Catches of other species not specified above, shall not exceed 50 tonnes, as set out in Conservation Measure 111/XIV.
8. The total number and weight of *Dissostichus eleginoides* discarded, including those with the 'jellymeat' condition, shall be reported. These fish will count towards the total allowable catch.
1. This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.
  2. The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

**“CONSERVATION MEASURE 110/XV**

**Precautionary Catch Limits on *Champtocephalus gunnari*  
in Statistical Division 58.5.2**

1. In accordance with the management advice of the 1994 meeting of the Scientific Committee a precautionary TAC of 311 tonnes in the 1996/97 season shall be set for *Champtocephalus gunnari* in Division 58.5.2.

[NOTE: The initials ‘TAC’ stand for Total Allowable Catch.]

2. For the purposes of this fishery on *Champtocephalus gunnari*, the 1996/97 season is defined as the period from 2 November 1996 to 31 August 1997, or until the TAC is reached, whichever is the sooner.
3. The TAC may only be taken by trawling.
4. If, in any haul, more than 10% of *Champtocephalus gunnari* are smaller than 28 cm total length, the fishing vessel shall move to another fishing location at least 5 n miles distant<sup>1</sup>. The fishing vessel shall not return to the location where catch of small *Champtocephalus gunnari* exceeded 10% for a period of at least five days<sup>2</sup>.
5. Each vessel participating in the *Champtocephalus gunnari* fishery in Statistical Division 58.5.2 in the 1996/97 season shall have at least one scientific observer, and may include one appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board throughout all fishing activities within the fishing period.
6. For the purpose of implementing this Conservation Measure:
  - (i) the Ten-day Catch and Effort Reporting System set out in Conservation Measure 61/XII; and



- (ii) the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV;

shall apply in the 1996/97 fishing season.

[NOTE: Conservation Measures 61/XII and 117/XV relate to a Contracting Party's obligation to provide a report in relation to catch and by-catch.]

7. If, in the course of a directed fishery for *Champsocephalus gunnari*, the by-catch in any one haul of any of the species *Lepidonotothen squamifrons*, *Notothenia rossii*, *Channichthys rhinoceratus* or *Bathyraja* spp. exceeds 5% of the total catch by weight, the fishing vessel shall move to another fishing location at least 5 n miles distant<sup>1</sup>. The fishing vessel shall not return to the location where the by-catch exceeded 5%, for a period of at least five days<sup>2</sup>.
8. Catches of other species not specified above shall not exceed 50 tonnes, as set out in Conservation Measure 111/XIV.
9. The catch limit of *Champsocephalus gunnari* shall be kept under review by the Commission, taking into account the advice of the Scientific Committee.
  1. This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.
  2. The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.

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## “CONSERVATION MEASURE 111/XV

### **New Fishery in Statistical Division 58.5.2 in the 1996/97 Season for Deep-water Species**

The Commission,

Welcoming the notification of Australia of its intention to conduct a new fishery in the 1996/97 season in Statistical Division 58.5.2 for deep-water species, not covered by Conservation Measures 109/XV and 110/XV,

Noting that no other Member has notified the Commission of the intent to establish a new fishery for these species in this Statistical Division,

adopts the following Conservation Measure in accordance with Conservation Measure 31/X:

1. The new fishery by Australia for deep-water species, not covered by Conservation Measures 109/XV and 110/XV, shall be limited to 50 tonnes for each species. The fishery shall be conducted by trawling only.
2. For the purposes of this new fishery, the fishing season is defined as the period from 2 November 1996 to 31 August 1997.
3. Each vessel participating in this new fishery in Statistical Division 58.5.2 in the 1996/97 season shall have at least one scientific observer appointed in accordance with the CCAMLR Scheme of International Scientific Observation on board throughout all fishing activities within the fishing period.
4. For the purpose of implementing this Conservation Measure:
  - (i) the Ten-day Catch and Effort Reporting System, as set out in Conservation Measure 61/XII; and
  - (ii) the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV;

shall apply in the 1996/97 fishing season.

[NOTE: Conservation Measures 61/XII and 117/XV relate to a Contracting Party's obligation to provide a report in relation to catch and by-catch.]

5. If the by-catch in any one haul of the species *Lepidonotothen squamifrons*, *Notothenia rossii*, *Channichthys rhinoceratus* or *Bathyraja* spp. exceeds 5% of the total catch by weight, the fishing vessel shall move to another fishing location at least 5 n miles distant<sup>1</sup>. The fishing vessel shall not return to the location where the by-catch exceeded 5%, for a period of at least five days<sup>2</sup>.

1. This provision is adopted pending the adoption of a more appropriate definition of a fishing location by the Commission.
  2. The specified period is adopted in accordance with the reporting period specified in Conservation Measure 51/XII, pending the adoption of a more appropriate period by the Commission.
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**“CONSERVATION MEASURE 112/XV**

**General Measures for New Fisheries for *Dissostichus* spp.  
in the Convention Area for the 1996/97 Season**

The Commission,

Noting the need for the distribution of fishing effort and appropriate catch levels in fine-scale rectangles in these new fisheries,

adopts the following Conservation Measure in accordance with Conservation Measure 31/X:

1. Fishing should take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and effort. To this end, fishing in any fine-scale rectangle<sup>1</sup> shall cease when the reported catch reaches 100 tonnes and that rectangle shall be closed to fishing for the remainder of the season. Fishing in any fine-scale rectangle shall be restricted to one vessel at any one time.
2. In order to give effect to paragraph 1. above:
  - (i) the precise geographic position of the mid-point between the start and end of the haul/line shall be determined using appropriate means;
  - (ii) catch and effort information for each species by fine-scale rectangle shall be reported to the Executive Secretary every five days using the Five-Day Catch and Effort Reporting System set out in Conservation Measure 51/XII; and
  - (iii) the Secretariat shall notify Contracting Parties participating in these fisheries when the total catch for

*Dissostichus eleginoides* and *D. mawsoni* combined in any fine-scale rectangle exceeds 100 tonnes.

3. Any new fishery for *Dissostichus* spp. in the 1996/97 season shall be deemed to have demonstrated commercial potential if catches in the Statistical Subarea or Divisions concerned reach 1 980 tonnes. In this event, the fishery shall be closed and the provisions of Conservation Measure 65/XII shall apply.
4. The by-catch of any species in the new fisheries for *Dissostichus* spp. other than *Dissostichus eleginoides* and *D. mawsoni* in the Statistical Subareas and Divisions concerned shall not exceed 50 tonnes.
- 5<sup>2</sup>. Each vessel participating in the new fisheries for *Dissostichus* spp. during the 1996/97 season shall have on board at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, throughout all fishing activities within the fishing season.
6. The total number and weight of *Dissostichus eleginoides* and *D. mawsoni* discarded, including those with the 'jellymeat' condition, shall be reported.
7. For the purpose of implementing this Conservation Measure the Monthly Fine-scale Effort and Biological Data Reporting System set out in Conservation Measure 117/XV shall apply in the 1996/97 season.
8. Monthly effort and biological data shall be reported in accordance with Conservation Measure 40/X. By-catch species are defined as any cephalopod, crustacean or fish species other than *Dissostichus* spp.
  1. A fine-scale rectangle is defined as an area of 0.5° latitude by 1° longitude with respect to the northwest corner of the Statistical Subarea or Division. The identification of each rectangle is by the latitude of its northernmost boundary and the longitude of the boundary closest to 0°.
  2. In respect of this provision, South Africa reserves its right to carry only national observers in the waters adjacent to the Prince Edward Islands.

**“CONSERVATION MEASURE 113/XV**

**New Fishery for *Dissostichus eleginoides* and *D. mawsoni*  
in Statistical Division 58.4.3 in the 1996/97 Season**

The Commission,

Welcoming the notification of Australia and South Africa of their intention to conduct new fisheries in Statistical Division 58.4.3 for *Dissostichus eleginoides* and *D. mawsoni* in the 1996/97 season,

adopts the following Conservation Measure in accordance with Conservation Measure 31/X:

1. Fishing for *Dissostichus eleginoides* and *D. mawsoni* in Statistical Division 58.4.3 shall be limited to the new fisheries by Australia and South Africa.
2. Fishing shall cease in Statistical Division 58.4.3 if the commercial potential is demonstrated in accordance with the definition given in Conservation Measure 112/XV, paragraph 3.
3. For the purposes of these new fisheries, the fishing season for longlining is defined as the period from 1 March 1997 until 31 August 1997. The fishing season for trawling commences on 2 November 1996 and ends on 31 August 1997.
4. The directed fisheries for the above species shall be carried out in accordance with Conservation Measures 112/XV and 117/XV.

[NOTE: Conservation Measure 117/XV relates to a Contracting Party's obligation to provide a report in relation to catch and by-catch.]

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on
2. Statutory Rules 1994 No. 345.

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1997. 12 February /