

Antarctic Marine Living Resources Conservation Regulations (Amendment) 1998 No. 40

EXPLANATORY STATEMENT

STATUTORY RULES 1998 NO. 40

ISSUED BY THE AUTHORITY OF THE MINISTER FOR THE ENVIRONMENT

Antarctic Marine Living Resources Conservation Act 1981

Antarctic Marine Living Resources Conservation Regulations (Amendment)

Subsection 24(1) of the *Antarctic Marine Living Resources Conservation Act 1981* empowers the Governor-General to make regulations not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act, the Convention or the conservation measures.

The Act implements the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) and provides for a permit system in respect to harvesting or carrying out research into specified marine organisms in the CCAMLR area. The Commission for CAMLR is responsible for giving effect to the objective and principles of the Convention and to this end it formulates, adopts and revises conservation measures. The Antarctic Marine Living Resources Conservation Regulations (the Regulations) prescribe that permits under section 9 of the Act must not be granted to allow activities contrary to the conservation measures.

The amending Regulations provide for the revision of the existing Schedule to include additional conservation measures adopted by the Commission since the Regulations were last amended in 1997, such as establishing the catch limit for various species, the alteration of catch reporting requirements and a change to by-catch requirements.

The proposed Regulations commence on gazettal.

Details of the Regulations are as follows:

Regulation 2 - Amendment

This regulation provides for the Antarctic Marine Living Resources Conservation Regulations, the principal Regulations, to be amended as provided for in these Regulations. The amendments are for the purpose of incorporating additional conservation measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources since the making of the original Regulations.

Regulation 3 - Schedule

This regulation amends the Schedule of the Principal Regulations.

SCHEDULE

The Schedule is a copy of certain conservation measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources. The Schedule has been amended to reflect recent changes to measures adopted by the Commission. The opportunity will be taken to re-structure the Schedule to allow easier reference to existing conservation measures and facilitate future amendment of the Schedule. Details of these changes are as follows:

Conservation Measure 29/XVI involves a minor amendment, as an addition to Conservation Measure 29/XV, which sets out line weights using the Spanish method of long lining.

Conservation Measure 130/XVI revises and replaces Conservation Measure 110/XV and sets out restrictions for a mackerel icefish fishery in Division 58.5.2 which surrounds Heard Island and McDonald Islands. Provision for scientific observers, the use of Vessel Monitoring Systems (VMS), and catch and effort and biological data reporting have been incorporated in the measure.

Conservation Measure 131/XVI revises and replaces Conservation Measure 109/XV and sets out restrictions for a Patagonian toothfish fishery in Division 58.5.2. Provisions for scientific observers, the use of VMS, and catch and effort and biological data reporting have been incorporated into the measure together with modified by-catch requirements.

Conservation Measure 132/XVI is a new measure that sets out total by-catch limits, in Division 58.5.2, for some fish species whose population could be significantly affected by directed fisheries for other species.

Conservation Measure e 133/XVI revises and replaces Conservation Measure 112/XV and applies to all fisheries which involve longlining for toothfish species. It sets out restrictions to longline fisheries only and will therefore not apply to Australian vessels that are restricted to trawling for toothfish.

Conservation Measure 144/XVI revises and replaces in part Conservation Measure 113/XV and regulates the exploratory fishery for toothfish carried out by Australian flagged vessels in Division 58.4.3 south of Heard Island. The Conservation measure sets out conditions for the collection of research survey and fisheries management data on the Elan and Banzarre Banks.