



Fisheries Management (International Agreements) Amendment (2012 to 2014 Measures) Regulation 2015

Select Legislative Instrument No. 43, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 16 April 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Richard Colbeck
Parliamentary Secretary to the Minister for Agriculture

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1 Name

This is the *Fisheries Management (International Agreements) Amendment (2012 to 2014 Measures) Regulation 2015*.

2 Commencement

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
Provisions	Commencement
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.
2. Schedule 1, Part 1	The day after this instrument is registered.
3. Schedule 1, Part 2	The day after this instrument is registered.

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Amendments

Part 1—Amendments commencing day after registration

Fisheries Management (International Agreements) Regulations 2009

1 Regulation 1.3

Insert:

SPRFMO means the South Pacific Regional Fisheries Management Organisation.

2 At the end of regulation 2.1

Add:

; and (e) Schedule 3B prescribes measures to give effect to measures established by SPRFMO.

3 Regulation 2.2 (table items 2 and 3)

Omit “2011”, substitute “2013”.

4 Regulation 2.2 (table item 4)

Omit “2009”, substitute “2013”.

5 Regulation 2.2 (table item 12)

Omit “2010”, substitute “2012”.

6 Regulation 2.2 (table item 13)

Omit “2010”, substitute “2013”.

7 Regulation 2.2 (table item 14A)

Omit “2011”, substitute “2012”.

8 Regulation 2.2 (table item 15)

Omit “2010”, substitute “2012”.

9 Regulation 2.2 (table item 16)

Omit “2011”, substitute “2013”.

10 Regulation 2.2 (table item 18)

Omit “2009”, substitute “2012”.

11 Regulation 2.2 (table item 22)

Omit “1998”, substitute “2012”.

12 Regulation 2.2 (table items 23 to 28)

Repeal the items.

13 Regulation 2.2 (table item 29)

Omit “2010”, substitute “2013”.

14 Regulation 2.2 (table items 30 to 37)

Repeal the items.

15 Regulation 2.2 (table item 39)

Omit “2010”, substitute “2013”.

16 Regulation 2.2 (table items 40 to 47B and 51)

Omit “2011”, substitute “2013”.

17 Regulation 2.2 (table item 52)

Omit “2011”, substitute “2012”.

18 Regulation 2.2 (at the end of the table)

Add:

56	54	CM 23-01 2005
57	55	CM 23-02 1993
58	56	CM 23-04 2000
59	57	CM 23-05 2000
60	58	CM 23-07 2012

19 Regulation 2.3

Omit “the IOTC measure mentioned in the item”, substitute “an IOTC measure mentioned in the item”.

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20 Regulation 2.3 (cell at table item 1, column headed “IOTC measure”)

Repeal the cell, substitute:

01/02,
13/02

21 Regulation 2.3 (cell at table item 4, column headed “IOTC measure”)

Repeal the cell, substitute:

07/02,
13/02

22 Regulation 2.3 (cell at table item 9, column headed “IOTC measure”)

Repeal the cell, substitute:

12/03,
13/03

23 Regulation 2.3 (at the end of the table)

Add:

15	15	13/04	Conservation of cetaceans
16	16	13/05	Conservation of whale sharks
17	17	13/06	Conservation of shark species caught in IOTC managed fisheries
18	18	13/08	Use of fish aggregating devices
19	19	13/11	Ban on discards of bigeye, skipjack and yellowfin tuna

24 Regulation 2.4 (cell at table item 1, column headed “WCPFC measure”)

Repeal the cell, substitute:

2013-10

25 Regulation 2.4 (cell at table item 7, column headed “WCPFC measure”)

Repeal the cell, substitute:

2012-07

26 Regulation 2.4 (table item 8)

Repeal the item, substitute:

8	9	2013-01	Bigeye, yellowfin and skipjack tuna
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27 Regulation 2.4 (at the end of the table)

Add:

16	17	2012-04	Protection of whale sharks
17	18	2013-05	Daily catch and effort reporting
18	19	2013-08	Conservation and management measure for silky sharks

28 Regulation 2.5 (at the end of the table)

Add:

4	5		Implementation of a CCSBT Catch Documentation Scheme
5	6		Establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities for Southern Bluefin Tuna

29 At the end of Part 2

Add:

2.6 Identification of SPRFMO measures

A Schedule 3B clause mentioned in an item of the following table gives effect to the SPRFMO measure mentioned in the item.

SPRFMO measures			
Item	Schedule 3B clause number	SPRFMO measure	Brief description
1	2	CMM 1.02	Conservation and management measure for gillnets
2	3	CMM 1.04	SPRFMO illegal, unreported and unregulated fishing vessels list

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SPRFMO measures			
Item	Schedule 3B clause number	SPRFMO measure	Brief description
3	4	CMM 2.01	Conservation and management measure for <i>Trachurus murphyi</i>
4	5	CMM 2.02	Standards for the collection, reporting, verification and exchange of data
5	6	CMM 2.03	Management of bottom fishing
6	7	CMM 2.05	Record of fishing vessels

30 Subclause 5.1 of Schedule 1

Repeal the subclause, substitute:

- 5.1 A person using a boat in the Convention Area for fishing, or a person authorised to represent the boat, must:
- accurately complete a DCD immediately after the completion of each transshipment or landing of *Dissostichus* species; and
 - ensure that the DCD is signed by the person to whom the catch is transferred, or the recipient of the landed catch; and
 - send a copy of the DCD by electronic means to the appropriate authority of the Flag State of the boat.

31 Clause 13 of Schedule 1 (heading)

Repeal the heading, substitute:

13 Bottom fishing in certain parts of Convention Area

32 Subclauses 13.1, 13.2 and 13.3 of Schedule 1

Before “Convention Area”, insert “relevant”.

33 Subclause 13.6 of Schedule 1

Insert:

relevant Convention Area means the areas of the Convention Area to which this clause applies under subclauses 13.4 and 13.5.

34 Subclause 13A.1 of Schedule 1

Repeal the subclause, substitute:

- 13A.1 A person using a boat for bottom fishing activities in the relevant Convention Area must:
- (a) use a line marked into line segments to carry out the activities; and
 - (b) give to the CCAMLR Secretariat or flag State of the boat each day a report setting out the following information:
 - (i) the total benthos recovered during the day;
 - (ii) if the person is using the boat in a longline fishery—the number of hooks in the water at the time of reporting;
 - (iii) if the person is using the boat in a pot fishery—the number of pots in the water at the time of reporting.

35 Subclauses 13A.2 and 13A.3 of Schedule 1

Before “Convention Area”, insert “relevant”.

36 Subclause 13A.4 of Schedule 1 (definition of *line segment*)

Repeal the definition, substitute:

line segment means:

- (a) for a longline—the shorter of the following:
 - (i) a section of line with 1 000 hooks;
 - (ii) a section of line 1 200 metres long; and
- (b) for a potline—a section of line 1 200 metres long.

37 Subclause 13A.4 of Schedule 1

Insert:

relevant Convention Area has the same meaning as in clause 13.

38 At the end of subclause 14.1 of Schedule 1

Add “, as given effect by this clause”.

39 At the end of subclause 14.2 of Schedule 1

Add:

- ; and (c) if the person is fishing in an exploratory finfish fishery—meet the requirements of the Daily Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-07, as given effect by clause 58 of this Schedule; and

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- (d) if the person is fishing in an exploratory krill fishery—meet the reporting requirements for exploratory fisheries for *Euphausia superba* set out in CCAMLR Conservation Measure 51-04, as given effect by clause 48 of this Schedule; and
- (e) if the person is fishing in a krill fishery other than an exploratory krill fishery mentioned in paragraph (d) and the fishery has a catch limit greater than zero—meet the requirements of the Data Reporting System for *Euphausia superba* fisheries set out in CCAMLR Conservation Measure 23-06, as given effect by clause 13C of this Schedule; and
- (f) if the person is fishing in a fishery other than a fishery mentioned in paragraph (c), (d) or (e)—meet the requirements of the Five-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-01, as given effect by clause 54 of this Schedule; and
- (g) if the person is undertaking a trawl survey—give the flag State of the boat the information required by the Fine-Scale Catch, Effort and Biological Data for Trawl Surveys Form (Form C4); and
- (h) if paragraph (g) does not apply—meet the requirements of the Monthly Fine-Scale Catch and Effort Data Reporting System set out in CCAMLR Conservation Measure 23-04, as given effect by clause 56 of this Schedule; and
- (i) meet the requirements of the Monthly Fine-Scale Biological Data Reporting System set out in CCAMLR Conservation Measure 23-05, as given effect by clause 57 of this Schedule; and
- (j) if the fishery is closed to the person under subclause 54.2 or 58.2 of this Schedule—cease fishing in the fishery.

40 Paragraph 16.8(c) of Schedule 1

Repeal the paragraph, substitute:

- (c) must only discharge offal on the opposite side of the boat to where longlines have been hauled; and
- (d) must remove all fish hooks from offal before it is discharged.

41 Clause 20 of Schedule 1

Repeal the clause, substitute:

20 Prohibition of directed fishing

*Directed fishing for *Chaenocephalus aceratus**

- 20.1 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Chaenocephalus aceratus* in:
- (a) Statistical Subarea 48.1 or 48.2 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14; or
 - (b) Statistical Subarea 48.3.

*Directed fishing for *Dissostichus eleginoides**

- 20.2 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus eleginoides* in the following areas other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule:
- (a) Statistical Subarea 48.1;
 - (b) Statistical Subarea 48.2;
 - (c) Statistical Division 58.5.1 other than areas of national jurisdiction adjacent to the Kerguelen Islands and Crozet Islands;
 - (d) Statistical Division 58.5.2 east of 79°20'E and outside the exclusive economic zone to the west of 79°20'E;
 - (e) Statistical Subarea 58.6 other than areas of national jurisdiction adjacent to the Prince Edward Islands, Kerguelen Islands and Crozet Islands;
 - (f) Statistical Subarea 58.7 other than areas of national jurisdiction adjacent to the Prince Edward Islands.

*Directed fishing for *Dissostichus species**

- 20.3 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Dissostichus* species in the following areas other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule:
- (a) Statistical Subarea 48.1;
 - (b) Statistical Subarea 48.2;

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- (c) Statistical Division 58.4.4a other than areas of national jurisdiction adjacent to the Prince Edward Islands;
- (d) Statistical Division 58.4.4b;
- (e) Statistical Subarea 88.2 north of 65°S;
- (f) Statistical Subarea 88.3.

*Directed fishing for *Electrona carlsbergi**

- 20.4 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Electrona carlsbergi* in Statistical Subarea 48.1, 48.2 or 48.3 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule.

*Directed fishing for *Gobionotothen gibberifrons**

- 20.5 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Gobionotothen gibberifrons* in:
- (a) Statistical Subarea 48.1 or 48.2 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule; or
 - (b) Statistical Subarea 48.3.

*Directed fishing for *Lepidonotothen squamifrons**

- 20.6 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Lepidonotothen squamifrons* in:
- (a) the following areas other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule:
 - (i) Statistical Subarea 48.1;
 - (ii) Statistical Subarea 48.2;
 - (iii) Statistical Division 58.4.4a other than areas of national jurisdiction adjacent to the Prince Edward Islands;
 - (iv) Statistical Division 58.4.4b; or
 - (b) Statistical Subarea 48.3.

*Directed fishing for *Notothenia rossii**

- 20.7 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Notothenia rossii* in:
- (a) Statistical Subarea 48.1 or 48.2 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule; or
 - (b) Statistical Subarea 48.3.

*Directed fishing for *Patagonotothen guntheri**

- 20.8 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Patagonotothen guntheri* in:
- (a) Statistical Subarea 48.1 or 48.2 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule; or
 - (b) Statistical Subarea 48.3.

*Directed fishing for *Pseudochaenichthys georgianus**

- 20.9 A person using a boat in the Convention Area for fishing must not undertake directed fishing for *Pseudochaenichthys georgianus* in:
- (a) Statistical Subarea 48.1 or 48.2 other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule; or
 - (b) Statistical Subarea 48.3.

Directed fishing for other species of finfish

- 20.10 A person using a boat in the Convention Area for fishing must not undertake directed fishing for species of finfish not mentioned in subclauses 20.1 to 20.9, in Statistical Subarea 48.1 or 48.2, other than for scientific research purposes that are carried out in accordance with CCAMLR Conservation Measure 24-01, as given effect by clause 14 of this Schedule.

42 Clauses 21 to 26 and 28 to 35 of Schedule 1

Repeal the clauses.

43 Subclause 37.1 of Schedule 1

Repeal the subclause, substitute:

- 37.1 A person using a boat in the Convention Area for new or exploratory fishing must:
- (a) bring on board or alongside the boat all skates and rays that are caught; and
 - (b) retain on board tagged skates and rays; and
 - (c) release untagged skates and rays that are alive and have a high probability of survival by:
 - (i) cutting snoods; and
 - (ii) if practicable, removing the hooks.
- 37.1A A person is not required to comply with paragraph 37.1(c) if a scientific observer on board the boat tells the person not to do so.

44 Subclauses 37A.1 to 37A.3 of Schedule 1

Repeal the subclauses, substitute:

- 37A.1 A person using a boat in the Convention Area for exploratory fishing for *Dissostichus* species during a fishing season:
- (a) must meet the requirements of the Daily Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-07, as given effect by clause 58 of this Schedule; and
 - (b) must meet the requirements of the Monthly Fine-Scale Catch and Effort Data Reporting System set out in CCAMLR Conservation Measure 23-04, as given effect by clause 56 of this Schedule; and
 - (c) must meet the requirements of the Monthly Fine-Scale Biological Data Reporting System set out in CCAMLR Conservation Measure 23-05, as given effect by clause 57 of this Schedule; and
 - (d) must submit fine-scale data on a haul-by-haul basis; and
 - (e) must record and report the total number and weight of *Dissostichus eleginoides* and *Dissostichus mawsoni* discarded during the fishing season, including fish with the condition known as “jellymeat”; and

- (f) must have one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, on board the boat during the fishing season; and
- (g) must 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; and
- (h) if the person is fishing in a longline fishery—must record the following information:
 - (i) position and sea depth at each end of every line in a haul;
 - (ii) setting, soak and hauling times;
 - (iii) number and species of fish lost at surface;
 - (iv) number of hooks set;
 - (v) bait type;
 - (vi) baiting success as a percentage;
 - (vii) hook type; and
- (i) if the person is using the boat in an area of the Convention Area other than Statistical Subarea 88.1 or 88.2—must not fish for the species other than for scientific research purposes agreed upon by the CCAMLR Scientific Committee.

37A.2 If the person is using a longline boat, the person must ensure that:

- (a) toothfish that are suitable to be tagged and released in accordance with the CCAMLR Tagging Protocol are tagged and released continuously while fishing at the rate specified in the conservation measure for that fishery according to the CCAMLR Tagging Protocol; and
- (b) toothfish that are already tagged when caught are not released; and
- (c) tag data for newly tagged and recaptured toothfish are given at the end of each month to:
 - (i) the CCAMLR Executive Secretary; and
 - (ii) the relevant regional tag data repository as set out in the CCAMLR Tagging Protocol.

Note: The CCAMLR Tagging Protocol can be obtained from the CCAMLR Secretariat.

37A.3 The person must not fish for the species if:

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- (a) the CCAMLR Secretariat has announced that the catch limit for the species has been reached; or
- (b) the fishery has been closed to the person under subclause 56.2, 57.3 or 58.2 of this Schedule.

45 Paragraph 37B.4(a) of Schedule 1

Omit “1 May”, substitute “16 April”.

46 At the end of clause 37B of Schedule 1

Add:

37B.7 A person using a boat in Statistical Subarea 48.3 for fishing for *Dissostichus eleginoides* 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.

47 Subclause 38.3 of Schedule 1

Repeal the subclause, substitute:

38.3 The person must not fish for *Dissostichus* species within a SSRU in Statistical Subarea 48.6 in a fishing season if the precautionary catch limit applied to the SSRU, as specified in CCAMLR Conservation Measure 41-04, has been reached.

48 Subclause 42.4 of Schedule 1

Repeal the subclause.

49 Subclause 42.5 of Schedule 1

Repeal the subclause, substitute:

42.5 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.

50 Subclause 43.4 of Schedule 1

Repeal the subclause, substitute:

43.4 The person using a boat in Statistical Subarea 88.2 for fishing must not fish for *Dissostichus* species in a fishing season if the precautionary by-catch limit applied to Statistical Subarea 88.2 for

skates and rays, or *Macrourus* species, as specified in CCAMLR Conservation Measure 41-10, has been reached.

- 43.4A The person using a boat in Statistical Subarea 88.2 for fishing must not fish for *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 41-10, is zero, or has been reached by the person.

51 Subclauses 44.4 and 44.5 of Schedule 1

Repeal the subclauses.

52 Subclause 48.2 of Schedule 1

Repeal the subclause, substitute:

48.2 The person must:

- (a) meet the requirements of the Ten-day Catch and Effort Reporting System set out in CCAMLR Conservation Measure 23-02, as given effect by clause 55 of this Schedule; and
- (b) meet the requirements of the Monthly Fine-Scale Catch and Effort Data Reporting System set out in CCAMLR Conservation Measure 23-04, as given effect by clause 56 of this Schedule; and
- (c) meet the requirements of the Monthly Fine-Scale Biological Data Reporting System set out in CCAMLR Conservation Measure 23-05, as given effect by clause 57 of this Schedule; and
- (d) collect the following for each fishing trip:
 - (i) the data required by the CCAMLR Scientific Observers Manual to be collected for krill fisheries;
 - (ii) information on the configuration of the commercial trawl used during each fishing operation;
 - (iii) information on the configuration of the research net used during each research operation; and
- (e) collect the following information for each research net haul:
 - (i) the start position and time of the haul;
 - (ii) the end position and time of the haul;
 - (iii) the date on which the haul was conducted;

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- (iv) the characteristics of the haul, including tow speed, maximum amount of wire payed out during a tow, average wire angle during the tow and calibrated flow-meter values;
- (v) an estimate of the total catch of krill in numbers or weight;
- (vi) the length, sex and maturity stage for a random sample of up to 200 krill or the entire catch that is measured and recorded in accordance with protocols set out in the CCAMLR Scientific Observers Manual; and
- (f) ensure that data collected from acoustic transects are:
 - (i) recorded in accordance with protocols specified for the CCAMLR-2000 Krill Synoptic Survey; and
 - (ii) linked to position data recorded from a GPS; and
 - (iii) continuously recorded and then electronically archived every 5 days or whenever the boat moves between exploratory units, whichever occurs most frequently; and
- (g) ensure that research is conducted in accordance with the research plan requirements in Annex 51-04/B to the CCAMLR Conservation Measure 51-04; and
- (h) give to the Commission the following data and information within 1 month after a fishing trip has ended:
 - (i) the data mentioned in subparagraph (d)(i) and paragraph (f);
 - (ii) the information mentioned in subparagraphs (d)(ii) and (iii) and paragraph (e).

Note: The following documents could in 2014 be viewed on the CCAMLR's website (<http://www.ccamlr.org>):

- (a) the CCAMLR Scientific Observers Manual;
- (b) the CCAMLR-2000 Krill Synoptic Survey;
- (c) CCAMLR Conservation Measures 23-02, 23-04, 23-05 and 51-04.

48.2A The person must cease fishing for *Euphausia superba* in a fishery in the Convention Area if the fishery has been closed to the person under subclause 56.2 or 57.3 of this Schedule.

53 Subclause 48.4 of Schedule 1

Repeal the subclause.

54 Subclause 49.2 of Schedule 1

Repeal the subclause, substitute:

- 49.2 The person must ensure that sufficient samples are made available to the scientific observer to enable collection of all data required by the CCAMLR Scientific Observers Manual.

55 At the end of Schedule 1

Add:

54 Five-day Catch and Effort Reporting System

- 54.1 A person using a boat in the Convention Area that is required to meet the requirements of the Five-day Catch and Effort Reporting System must, at the end of each reporting period, give the flag State of the boat the following information for the reporting period:
- (a) total catch of all species caught, including by-catch species;
 - (b) total days and hours fished.
- 54.2 The person must cease fishing if the flag State of the boat notifies the person that the fishery has been closed to the person because the person has failed to provide the information mentioned in subclause 54.1.
- 54.3 In this clause:

reporting period means the following periods:

- (a) day 1 to day 5 of a month;
- (b) day 6 to day 10 of a month;
- (c) day 11 to day 15 of a month;
- (d) day 16 to day 20 of a month;
- (e) day 21 to day 25 of a month;
- (f) day 26 to the last day of the month.

55 Ten-day Catch and Effort Reporting System

- 55.1 A person using a boat in the Convention Area that is required to meet the requirements of the Ten-day Catch and Effort Reporting System must, at the end of each reporting period, give the flag State of the boat the following information for the reporting period:
- (a) total catch caught;

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- (b) total days and hours fished;
- (c) retained catch of all species and by-catch species;
- (d) if the boat is used for longline fishing—the number of hooks used.

55.2 In this clause:

reporting period means the following periods:

- (a) day 1 to day 10 of a month;
- (b) day 11 to day 20 of a month;
- (c) day 21 to the last day of the month.

56 Monthly Fine-Scale Catch and Effort Data Reporting System

56.1 A person using a boat in the Convention Area that is required to meet the requirements of the Monthly Fine-Scale Catch and Effort Data Reporting System must, at the end of each month, give the flag State of the boat the following information for the month:

- (a) if the boat is used in a trawl fishery—the information required by the Fine-Scale Catch and Effort Data for Trawl Fisheries Form (Form C1);
- (b) if the boat is used in a longline fishery—the information required by the Fine-Scale Catch and Effort Data for Longline Fisheries Form (Form C2);
- (c) if the boat is used in a pot fishery—the information required by the Fine-Scale Catch and Effort Data for Pot Fisheries Form (Form C5);
- (d) the catch, reported by species, of all target and by-catch species for the month;
- (e) the number of seabirds caught and released or killed during the month;
- (f) the number of marine mammals of each species caught and released or killed during the month.

Note: The forms mentioned in paragraphs (a), (b) and (c) could in 2014 be viewed on the CCAMLR's website (<http://www.ccamlr.org>).

56.2 The CCAMLR Executive Secretary may close a fishery in the Convention Area to boats of a flag State that have not provided the information mentioned in subclause 56.1.

57 Monthly Fine-Scale Biological Data Reporting System

57.1 A person using a boat in the Convention Area that is required to meet the requirements of the Monthly Fine-Scale Biological Data Reporting System must, at the end of each month, give the flag State of the boat the information required by the Fine-Scale Biological Data Form (Form B2) for the target and by-catch species.

Note: The Fine-Scale Biological Data Form (Form B2) could in 2014 be viewed on the CCAMLR's website (<http://www.ccamlr.org>).

57.2 For the purpose of providing the information mentioned in subclause 57.1, the person must:

- (a) round down the measurement of total length of a fish to the nearest centimetre; and
- (b) take a representative sample of length composition from each fine-scale grid rectangle (0.5° latitude by 1° longitude) in which fishing occurs.

57.3 The CCAMLR Executive Secretary may close a fishery in the Convention Area to boats of a flag State that have not provided the information mentioned in subclause 57.1.

58 Daily Catch and Effort Reporting System for exploratory fisheries

58.1 A person using a boat in the Convention Area that is required to meet the requirements of the Daily Catch and Effort Reporting System for exploratory fisheries must, at the end of each day, give the CCAMLR Secretariat or the flag State of the boat the following information for the day:

- (a) the total green weight for each target species and by-catch species caught if a catch limit applies to the species;
- (b) if the boat is being used in a longline fishery—the number of hooks in the water at the time of reporting;
- (c) if the boat is being used in a pot fishery—the number of pots in the water at the time of reporting.

58.2 The person must cease fishing if the flag State of the boat notifies the person that the fishery has been closed to the person because the person failed to provide the information mentioned in subclause 58.1.

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56 Paragraph 2.1(h) of Schedule 2

Omit “charter”, substitute “charterer”.

57 Paragraph 9.2(c) of Schedule 2

Omit “IOTC Resolution 12/03”, substitute “either IOTC Resolution 12/03 or IOTC Resolution 13/03 (whichever is applicable)”.

58 After paragraph 9.2(c) of Schedule 2

Insert:

- ; and (d) submit a copy of the logbook to the flag State of the boat;
and
- (e) if the person has used the boat to fish in the exclusive economic zone of a State (the *other State*) other than the flag State of the boat—submit a copy of the parts of the logbook that relate to fishing in the other State’s exclusive economic zone to the other State.

59 Subclause 9.2 of Schedule 2 (table, heading to column 4)

Repeal the heading, substitute:

**Annex of IOTC
Resolution 12/03
or 13/03**

60 At the end of Schedule 2

Add:

15 Conservation of cetaceans

- 15.1 A person using a boat to fish for tuna or tuna-like species on the high seas within the IOTC Area must not set a purse seine net around a cetacean if the cetacean is sighted prior to the commencement of the set.
- 15.2 If a cetacean is encircled in a purse seine net, the person must:
 - (a) take all reasonable steps to ensure the safe release of the cetacean, including following the best practice guidelines for the safe release and handling of cetaceans developed by the IOTC Scientific Committee; and
 - (b) record for each encirclement incident the following information:

- (i) the species of cetacean (if known);
 - (ii) the number of cetaceans encircled;
 - (iii) a short description of the interaction with the cetacean, including details of how and why the interaction occurred (if possible);
 - (iv) the location of the encirclement;
 - (v) the steps taken to ensure the safe release of the cetacean;
 - (vi) the life status of the cetacean on release, including whether the cetacean was released alive but subsequently died; and
- (c) report the information to the appropriate authority of the flag State of the boat.
- 15.3 A person using a boat to fish for tuna or tuna-like species on the high seas within the IOTC Area using fishing gear other than a purse seine net must:
- (a) record for each incident involving a cetacean the following information:
 - (i) the species (if known);
 - (ii) the number of cetaceans involved;
 - (iii) a short description of the incident, including details of how and why the incident occurred (if possible);
 - (iv) the location of the incident;
 - (v) the steps taken to ensure the safe release of the cetacean;
 - (vi) the life status of the cetacean on release, including whether the cetacean was released alive but subsequently died; and
 - (b) report the information to the appropriate authority of the flag State of the boat.

16 Conservation of whale sharks

- 16.1 A person using a boat to fish for tuna or tuna-like species on the high seas within the IOTC Area must not set a purse seine net around a whale shark if the whale shark is sighted prior to the commencement of the set.
- 16.2 If a whale shark is encircled in a purse seine net, the person must:
- (a) take all reasonable steps to ensure the safe release of the whale shark including following the best practice guidelines

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for the safe release and handling of whale sharks developed by the IOTC Scientific Committee; and

- (b) record for each encirclement incident the following information:
 - (i) the number of whale sharks encircled;
 - (ii) a short description of the interaction with the whale shark, including details of how and why the interaction occurred (if possible);
 - (iii) the location of the encirclement;
 - (iv) steps taken to ensure safe release of the whale shark;
 - (v) the life status of the whale shark on release, including whether the whale shark was released alive but subsequently died; and
- (c) report the information to the appropriate authority of the flag State of the boat.

16.3 A person using a boat to fish for tuna or tuna-like species on the high seas within the IOTC Area using fishing gear other than a purse seine net must:

- (a) record for each incident involving a whale shark the following information:
 - (i) the number of whale sharks involved;
 - (ii) a short description of the incident, including details of how and why the incident occurred (if possible);
 - (iii) the location of the incident;
 - (iv) steps taken to ensure safe release of the whale shark;
 - (v) the life status of the whale shark on release, including whether the whale shark was released alive but subsequently died; and
- (b) report the information to the appropriate authority of the flag State of the boat.

17 Conservation of shark species caught in association with IOTC managed fisheries

17.1 This clause applies to a person using a boat in the IOTC Area for fishing if:

- (a) the boat is:
 - (i) listed on the IOTC Record of Vessels Authorised to Operate in the IOTC Area; or

- (ii) authorised to fish for tuna or tuna-like species on the high seas within the IOTC Area; and
- (b) the person is not using the boat to catch fish for local consumption in an artisanal fishery located in the exclusive economic zone of the flag State of the boat.

Note: The IOTC Record of Vessels Authorised to Operate in the IOTC Area could in 2014 be viewed on the Commission's website (<http://www.iotc.org>).

17.2 The person:

- (a) must promptly release unharmed, to the extent practicable, oceanic whitetip brought alongside the boat; and
- (b) must not retain on board, tranship, land or store any part or whole carcass of an oceanic whitetip shark.

17.3 However, scientific observers may collect biological samples from oceanic whitetip sharks that are dead at haulback if the samples are taken as part of a research project approved by the IOTC Scientific Committee or IOTC's Working Party on Ecosystems and By-catch.

18 Use of fish aggregating devices

18.1 A person using a purse seine or bait boat to fish on a fish aggregating device in the IOTC Area must comply with subclause 18.2.

18.2 The person must:

- (a) if the person is fishing on a drifting fish aggregating device—keep a logbook that records the following information:
 - (i) the position of the device;
 - (ii) the date of the visit;
 - (iii) the device identifier;
 - (iv) the type of device (natural or artificial);
 - (v) the characteristics of the device, including dimensions and material of the floating part and underwater hanging equipment;
 - (vi) the type of visit (such as deployment, hauling, retrieving, loss or intervention on electronic equipment);
- (vii) if the visit is followed by a set—the catch and by-catch of the set; or

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- (b) if the person is fishing on an anchored fish aggregating device—keep a logbook that records the following information:
 - (i) the position of the device;
 - (ii) the date of the visit;
 - (iii) the device identifier;
 - (iv) if the visit is followed by a set—the catch and by-catch of the set.

19 Ban on discards of bigeye, skipjack and yellowfin tuna

- 19.1 A person using a purse seine boat to fish in an IOTC area must retain on board and then land at port all bigeye, skipjack and yellowfin tuna caught unless:
- (a) the tuna are unfit for human consumption; or
 - (b) in a final set of a trip:
 - (i) there is insufficient well space in the boat to accommodate all of the tuna caught in the final set; and
 - (ii) the person attempts to release the tuna alive; and
 - (iii) the person does not undertake any further fishing until the tuna on board the boat are landed or transhipped.
- 19.2 For the purpose of subclause 19.1, fish are considered to be caught at the point in the set when the net is fully pursed and more than one half of the net has been retrieved.
- 19.3 In this clause:
- unfit for human consumption***, in relation to bigeye, skipjack and yellowfin tuna, means:
- (a) fish that are meshed or crushed in the purse seine; or
 - (b) fish that are damaged due to depredation; or
 - (c) fish that have died and spoiled because a gear failure has prevented normal retrieval of the fish and effort to release the fish alive;
- but does not include:
- (d) fish that are considered undesirable because of size, marketability or species composition; or
 - (e) fish that are spoiled or contaminated as the result of an act or omission by the crew of a boat.

61 Subclause 4.1 of Schedule 3

Repeal the subclause (not including the heading), substitute:

- 4.1 A person using a boat that is licensed to operate in the Convention Area must allow an authorised inspector to board and inspect the boat.

62 Subclause 8.1 of Schedule 3

Repeal the subclause, substitute:

- 8.1 A person using a longline boat to fish for highly migratory fish stocks in the Convention Area must:
- (a) if the person is fishing in an area south of 30°S in the Convention Area—use at least 2 of the mitigation measures mentioned in column 1 of items 1, 2 and 3 of the following table; or
 - (b) if the person is fishing in an area north of 23°N in the Convention Area—use at least 2 of the mitigation measures mentioned in the following table including at least one from column 1.

Mitigation measures		
Item	Column 1	Column 2
1	Night setting with minimum deck lighting	Tori line
2	Tori line	Blue-dyed bait
3	Weighted branch lines	Deep setting line shooter
4	Side setting with a bird curtain and weighted branch lines	Management of offal discharge

Note: If a person selects “tori line” from column 1 and column 2 of the table, the selection equates to simultaneously using 2 (that is paired) tori lines.

63 Clause 9 of Schedule 3

Repeal the clause, substitute:

9 Conservation and management measure for bigeye, yellowfin and skipjack tuna

9.1 This clause applies to a person using a purse seine boat to fish for highly migratory fish stocks:

- (a) on the high seas within the Convention Area; or
- (b) in an exclusive economic zone in the Convention Area.

9.2 The person:

- (a) must not fish on fish aggregating devices between:
 - (i) 0000 hours on 1 July 2014 and 2400 hours on 30 September 2014; and
 - (ii) 0000 hours on 1 July 2015 and 2400 hours on 30 September 2015; and
 - (iii) 0000 hours on 1 July 2016 and 2400 hours on 30 September 2016; and
- (b) must not fish on fish aggregating devices during one of the following periods if the flag State of the boat has notified the Secretariat of the Commission that it elects to extend the prohibition on fish aggregating devices to include that period:
 - (i) between 0000 hours on 1 October 2014 and 2400 hours on 31 October 2014;
 - (ii) between 0000 hours on 1 January 2015 and 2400 hours on 28 February 2015;
 - (iii) between 0000 hours on 1 January 2016 and 2400 hours on 29 February 2016; and
- (c) must not fish on fish aggregating devices located in the high sea on or after 0000 hours on 1 January 2017 unless the Commission has granted an exemption to the person; and
- (d) if fishing between 20°N and 20°S—must carry on board the boat an observer; and
- (e) if fishing between 20°N and 20°S—must retain on board and then land or tranship at port all bigeye, skipjack and yellowfin tuna caught unless any of the following circumstances exist:
 - (i) in the final set of a trip, there is insufficient well space in the boat to accommodate all fish caught in the final set, and unless prohibited under applicable national law, excess fish taken in the final set are transferred to and retained on board another purse seine boat;

- (ii) the fish are unfit for human consumption for a reason other than the size of the fish;
- (iii) a serious malfunction of equipment on the boat occurs; and
- (f) if the flag State of the boat has notified the Secretariat of the Commission that it elects to limit the number of fish aggregating device sets—must report each week to the flag State of the boat the following:
 - (i) the number of fish aggregating device sets;
 - (ii) the total number of sets;
 - (iii) an estimate of bigeye tuna caught.

9.3 For paragraph 9.2(d), the observer must be from the Regional Observer Program unless the person is fishing solely within the national jurisdiction of the flag State of the boat.

64 At the end of Schedule 3

Add:

17 Conservation and management measure for protection of whale sharks from purse seine fishing operations

- 17.1 This clause applies to a person using a purse seine boat to fish for highly migratory fish stocks:
- (a) on the high seas within the Convention Area; or
 - (b) in an exclusive economic zone in the Convention Area.
- 17.2 The person must not set a purse seine net on a school of tuna if a whale shark is sighted prior to the commencement of the set.
- 17.3 If a whale shark is encircled in a purse seine net, the person must:
- (a) take all reasonable steps to ensure the safe release of the whale shark; and
 - (b) record for each incident the following information:
 - (i) the number of whale sharks involved;
 - (ii) details of how and why the encirclement happened;
 - (iii) where the encirclement occurred;
 - (iv) steps taken to ensure the safe release of the whale shark;

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- (v) the life status of the whale shark on release, including whether the whale shark was released alive but subsequently died; and
- (c) report the information to the appropriate authority of the flag State of the boat.

18 Conservation and management measure on daily catch and effort reporting

- 18.1 A person using a fishing boat in the Convention Area must record in a bound or electronic logbook the following information for each day the person is on the high seas within the Convention Area:
- (a) if fishing operations occur during a day—the effort and catch at the end of each fishing operation;
 - (b) if no fishing operations occur during a day but other fishing efforts occur during the day (such as searching or deployment or retrieval of fish aggregating devices)—the fishing efforts that occur during the day;
 - (c) if no fishing operations or other fishing efforts occur during a day—the main activity undertaken during the day.
- 18.2 A person required to keep a logbook under subclause 18.1 must keep the logbook on board the boat at all times during the course of a fishing trip.
- 18.3 A person required to keep a logbook under subclause 18.1 must give the logbook or a copy of the logbook to the appropriate authority of the flag State of the boat:
- (a) within 15 days after:
 - (i) the end of the fishing trip; or
 - (ii) the occurrence of a transshipment; or
 - (b) if the authority of the flag State of the boat specifies another period—the period specified.

19 Conservation and management measure for silky sharks

- 19.1 A person using a boat in the Convention Area for fishing:
- (a) must release all silky sharks that are brought alongside the boat as soon as possible and in a manner that results in as little harm to the shark as possible; and

- (b) must not retain on board, tranship, store or land any part or whole carcass of a silky shark caught in the Convention Area.

19.2 However, scientific observers may collect biological samples from silky sharks caught in the Convention Area if:

- (a) the shark is dead on haulback; and
- (b) the samples are required as part of a research project that has been approved by the Commission's Scientific Committee.

65 At the end of Schedule 3A

Add:

5 Implementation of a CCSBT Catch Documentation Scheme

5.1 A person fishing for Southern Bluefin Tuna must:

- (a) attach a CCSBT tag to each whole Southern Bluefin Tuna caught:
 - (i) at the time the fish is killed; or
 - (ii) if the fish is caught in a farming operation—within 30 hours of the fish being killed; or
 - (iii) if the fish is caught by a person using a boat recorded on the CCSBT Record of Fishing Vessels and the person does not have sufficient CCSBT tags on board to tag all killed Southern Bluefin Tuna—at the time the fish is landed; or
 - (iv) if the fish is caught as unexpected by-catch and the person does not have CCSBT tags on board, or does not have sufficient CCSBT tags on board, to tag all killed Southern Bluefin Tuna—at the time the fish is landed; and
- (b) complete a Catch Tagging Form for each Southern Bluefin Tuna tagged as soon as possible after the fish is tagged; and
- (c) give the completed Catch Tagging Form to the flag State of the boat.

Note: The CCSBT Record of Fishing Vessels was in 2014 available on the CCSBT's website (<http://www.ccsbt.org>).

5.2 A person must not use a CCSBT tag in a manner other than a manner authorised by this clause.

5.3 In this clause:

Catch Tagging Form means the Catch Tagging Form set out in Appendix 1 to the Resolution on the Implementation of a CCSBT Catch Documentation Scheme.

CCSBT tag means a tag that complies with the requirements of Appendix 2 to the Resolution on the Implementation of a CCSBT Catch Documentation Scheme.

Note: The Resolution on the Implementation of a CCSBT Catch Documentation Scheme could in 2014 be viewed on the CCSBT's website (<http://www.ccsbt.org>).

6 Establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities for Southern Bluefin Tuna

6.1 A person fishing for Southern Bluefin Tuna must not:

- (a) use a boat that is included on the IUU Vessels List; or
- (b) tranship with a boat included on the IUU Vessels List; or
- (c) participate in a joint fishing operation with a boat included on IUU Vessels List; or
- (d) assist a boat included on the IUU Vessels List; or
- (e) resupply a boat included on the IUU Vessels List.

6.2 In this clause:

IUU Vessels List means the list of boats identified by the CCSBT as having carried out illegal, unreported and unregulated fishing activities in relation to Southern Bluefin Tuna.

Note: The IUU Vessels List could in 2014 be viewed on the CCSBT's website (<http://www.ccsbt.org>).

66 After Schedule 3A

Insert:

Schedule 3B—Prescribed measures—South Pacific Regional Fisheries Management Organisation

Note: See paragraph 2.1(e).

1 Definitions

1.1 In this Schedule:

Commission means the Commission for the South Pacific Regional Fisheries Management Organisation.

Convention Area means the waters defined in Article 5 of the *Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean* done at Auckland on 14 November 2009.

Note: The Convention is in Australian Treaty Series 2012 No. 28 ([2012] ATS 28) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

IUU Vessels List means the list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the SPRFMO convention area, established by SPRFMO, as in force from time to time.

UTC means Coordinated Universal Time.

2 Conservation and management measure for gillnets

- 2.1 A person using a boat in the Convention Area for fishing must not use large-scale pelagic driftnets or deepwater gillnets.
- 2.2 A person using a boat to transit through the Convention Area must not have gillnets on board the boat unless:
- (a) the person notifies the flag State of the boat of the following information at least 36 hours before the boat enters the Convention Area:
 - (i) the date the boat is expected to enter the Convention Area;
 - (ii) the date the boat is expected to leave the Convention Area;
 - (iii) the length of gillnets carried on board; and
 - (b) the person has on board a vessel monitoring system that:
 - (i) is fully operational; and

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- (ii) records the boat's identification, current geographical position and the date and time expressed in UTC; and
- (iii) reports the information mentioned in subparagraph (ii) to the fisheries monitoring centre of the flag State of the boat at least every 2 hours while the boat is in the Convention Area.

2.3 If gillnets on board a boat transiting through the Convention Area are accidentally lost or fall overboard, the person using the boat must report the following information to the flag State of the boat within 48 hours after the gillnets are lost or fall overboard:

- (a) the date, time and position of the boat when the gillnets are lost or fall overboard;
- (b) the length of the gillnets that have been lost or have fallen overboard.

2.4 In this clause:

deepwater gillnet means a string of single, double or triple netting walls held vertically on or near the bottom in which fish will gill, entangle or enmesh.

large-scale pelagic driftnet means 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 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.

3 Conservation and management measure of establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing activities in the Convention Area

3.1 A person fishing in the Convention Area must not:

- (a) use a boat that is included on the IUU Vessels List; or
- (b) tranship with a boat included on the IUU Vessels List; or
- (c) participate in a joint fishing operation with a boat included on the IUU Vessels List; or
- (d) assist a boat included on the IUU Vessels List; or
- (e) resupply a boat included on the IUU Vessels List.

4 Conservation and management measure for *Trachurus murphyi*

- 4.1 A person using a boat in the Convention Area for fishing must not fish for *Trachurus murphyi* unless authorised to do so by the flag State of the boat.
- 4.2 A person using a boat in the Convention Area for fishing must not fish for *Trachurus murphyi* if the flag State of the boat announces that the catch limit for *Trachurus murphyi* has been reached.

5 Conservation and management measure on standards for the collection, reporting, verification and exchange of data

- 5.1 A person using a boat in the Convention Area for fishing must have on board an automatic location communicator 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 the information mentioned in paragraph (b) to the fisheries monitoring centre of the flag State of the boat:
 - (i) if the boat is benthic or bentho-pelagic trawling—at least every 2 hours; or
 - (ii) if the boat is operating within 20 nautical miles of an exclusive economic zone boundary—at least every 2 hours; or
 - (iii) in any other case—at least every 4 hours.

6 Conservation and management measure for the management of bottom fishing

- 6.1 A person using a boat in the Convention Area for fishing must not engage in bottom fishing outside the bottom fishing footprint established for the flag State of the boat unless an exemption has been granted by the Commission.

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6.2 A person using trawl gear in the Convention Area for bottom fishing must ensure that there is at least one observer on the boat for the duration of the trip.

6.3 In this clause:

bottom fishing means fishing using any gear that is likely to contact the seafloor or benthic organisms during normal use.

bottom fishing footprint, in relation to a flag State, means a map of the spatial extent and distribution of historical bottom fishing in the Convention Area of all boats flagged to the State for the period between 1 January 2002 and 31 December 2006.

7 Conservation and management measure for the establishment of the commission record of vessels authorised to fish in the Convention Area

7.1 A person must not use a boat in the Convention Area for fishing unless the name of the boat is recorded on the Record of Vessels.

Note: The Record of Vessels could in 2014 be viewed on the SPRFMO's website (<http://www.southpacificrfmo.org>).

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Fisheries Management (International Agreements) Regulations 2009

67 Regulation 2.6 (at the end of the table)

Add:

7	8	CMM 2.04	Minimising by-catch of seabirds
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68 At the end of Schedule 3B

Add:

8 Conservation and management measure for minimising by-catch of seabirds

Demersal longline fishing

- 8.1 If a person is using a boat in the Convention Area for demersal longline fishing:
- (a) the person must not discharge biological material during the shooting and hauling of demersal longlines unless it is necessary to discharge the material due to operational safety concerns; and
 - (b) the person must use:
 - (i) the mitigation measures mentioned in column 1 of items 1, 2 and 3 of the following table; or
 - (ii) if the flag State of the boat has given the person approval to use only one of the mitigation measures mentioned in column 1 of an item of the following table—the mitigation measure approved by the flag State of the boat; and
 - (c) the person must ensure that the mitigation measure used conforms to the specifications mentioned for the measure in column 3 of the item of the table that applies to the measure.

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Mitigation measures for minimising by-catch of seabirds			
Item	Column 1 Mitigation Measure	Column 2 Description	Column 3 Specifications
1	Line weighting	The person must use a longline weighting regime that achieves a demonstrable minimum longline sink rate of 0.3 metres/second to 15 metres depth for gear.	<p>The person's line weighting regime must meet or exceed the following:</p> <p>(a) external weighted lines used in a Spanish system or on trot lines must use a minimum of:</p> <ul style="list-style-type: none"> (i) if rocks are used—8.5 kilograms mass at intervals of no more than 40 metres; or (ii) if concrete weights are used—6 kilograms mass at intervals of no more than 20 metres; or (iii) if solid metal weights are used—5 kilograms weights at intervals of no more than 40 metres; <p>(b) external weighted lines used on an autoline system must:</p> <ul style="list-style-type: none"> (i) use a minimum of 5 kilograms mass at intervals of no more than 40 metres; and (ii) be released from the boat in a manner that avoids tension astern; <p>(c) internal weighted lines must have a lead core of 50 grams per metre or more.</p>
2	Bird scaring lines	The person must have a bird scaring line deployed whenever fishing gear is being set from the boat.	<p>The person must have at least one bird scaring line deployed and the line must:</p> <p>(a) be attached to the boat so that when deployed the baits are protected by the streamer line (even in cross winds); and</p> <p>(b) use streamers that:</p> <ul style="list-style-type: none"> (i) are brightly coloured; and (ii) are attached to the line with swivels that prevent the streamers from wrapping around the line; and <p>(c) use streamers that are long enough to</p>

Mitigation measures for minimising by-catch of seabirds			
Item	Column 1 Mitigation Measure	Column 2 Description	Column 3 Specifications
			reach the sea-surface in calm conditions and placed at intervals of no more than 5 metres apart for at least the first 55 metres of the line; and (d) be deployed so that: (i) it remains above the water surface to a distance where the hooks have sunk to a depth of 15 metres; or (ii) it is at least 150 metres in length and suspended from a point on the boat that is at least 7 metres above the sea-surface in calm conditions.
3	Night setting	The person must set demersal longlines between nautical dusk and nautical dawn.	Nautical dusk and nautical dawn are defined in the Nautical Almanac tables for the relevant latitude, local time and date.

Trawl fishing

8.2 Subject to subclause 8.3, if a person is using a boat in the Convention Area for trawl fishing, the person:

- (a) must have deployed when the trawl net is in the water:
 - (i) bird scaring lines on the port and starboard sides of the boat that meet the requirements mentioned in subclause 8.4; or
 - (ii) if operational practice prevents the effective deployment of bird scaring lines (such as deep-water trawls targeting bathymetric features)—a bird baffler that meets the requirements mentioned in subclause 8.5; and
- (b) must not discharge any biological material during shooting and hauling unless it is necessary to discharge the material due to operational safety concerns.

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8.3 Subclause 8.2 does not apply to a person if the boat being used does not discharge biological material during fishing.

8.4 For subparagraph 8.2(a)(i), a bird scaring line must:

- (a) be attached above and outside the warp block of the boat; and
- (b) have a buoy or cone attached to the end of the line to create tension and keep the line straight; and
- (c) be long enough to extend beyond the point at which warp and net monitoring cables reach the sea-surface; and
- (d) have attached brightly coloured streamers that:
 - (i) are attached no more than 5 metres apart; and
 - (ii) are long enough to reach the sea-surface in calm conditions.

8.5 For subparagraph 8.2(a)(ii), a bird baffler must:

- (a) have a boom that extends outwards by at least 4 metres from the starboard and port stern quarters of the boat; and
- (b) have, attached to each boom, dropper lines that:
 - (i) are attached no more than 2 metres apart; and
 - (ii) have attached to the end of each line a plastic cone, rod or other brightly coloured and durable material that is no more than 500 millimetres above the sea-surface in calm conditions.