



Australian Government

Australian Fisheries Management Authority

DIRECTION FOR E-MONITORING

Fisheries Management Act 1991

Section 40A(1)

E-MONITORING (EASTERN TUNA AND BILLFISH FISHERY) DIRECTION 2015 NO. 2

I, **Nick Rayns**, Acting Chief Executive Officer of the Australian Fisheries Management Authority, as delegate under delegation No. 6 of 2013 made on 16th September 2013 from the Commission, make the following Direction pursuant to section 40A(1) of the *Fisheries Management Act 1991*.

Dated: 22 May 2015

Nick Rayns
Acting Chief Executive Officer
Australian Fisheries Management Authority

Citation

1. This Direction may be cited as the *E-MONITORING (EASTERN TUNA AND BILLFISH FISHERY) DIRECTION 2015 NO. 2*.

Commencement

2. This Direction commences on the day after it is registered on the Federal Register of Legislative Instruments.

Cessation

3. This Direction ceases as if it were revoked on 31 December 2024 unless earlier revoked.

Revocation of Previous Direction

4. This Direction revokes the E-MONITORING (EASTERN TUNA AND BILLFISH FISHERY) DIRECTION 2015.

Interpretation

5. For the purpose of this Direction ‘e-monitoring system’ means e-monitoring equipment and peripheral equipment approved by AFMA, that can:
 - a. record, store and transmit details of a vessel’s position and activity; and
 - b. record, store and transmit details of the e-monitoring system’s status; and
 - c. record (including visually) and store all fishing events.
6. For the purposes of this Direction, ‘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.
7. For the purposes of this Direction, ‘AAP’ refers to Archipelago Asia Pacific Pty Ltd, ABN 33 169 201 192; that is, the party contracted as AFMA’s agents to provide electronic monitoring systems and services.
8. For the purposes of this Direction, a “shot” refers to any event in which fishing gear is deployed or retrieved.
9. A term used in this Direction that is defined for the purposes of the *Eastern Tuna and Billfish Fishery Management Plan 2010* has the same meaning in this Direction as it has in that Plan.

Note: Terms defined in the *Fisheries Management Act 1991* have the same meanings in this Direction.

Requirement to install and operate an e-monitoring system

10. 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 boat that:
 - a. is supplied to the person and installed by AFMA or AAP; or
 - b. complies with the standards and requirements specified in the certificate granting the statutory fishing right.

For the purpose of subsection 40A(3) of the *Fisheries Management Act 1991*, the obligation prescribed in this Clause must be complied with by 1 July 2015.

11. Subject to Clauses 12 and 13, 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 fishing events.

For the purpose of subsection 40A(3) of the *Fisheries Management Act 1991*, the obligation prescribed in this Clause commences on the day the e-monitoring system is first installed.

Note: Clause 15 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.

12. An installed e-monitoring system may be powered off if:
 - a. the nominated boat is in port; and
 - b. the nominated boat has an operating Vessel Monitoring System installed.
13. A concession holder (or person acting on behalf of a concession holder) is exempt from installing and operating an e-monitoring system on the nominated boat if the boat has been used for longline fishing in the ETBF for less than thirty (30) shots in the current fishing season and less than thirty (30) shots in the previous fishing season.

Requirement to monitor the functioning of an e-monitoring system and to provide e-monitoring data

14. 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 AAP, as soon as practicable;
 - c. cleaning camera lenses to ensure that a clear field of view is maintained at all times;
 - d. ensuring camera views of catch handling and gear deployment remain unobstructed and adequately lit.
15. If the e-monitoring system stops operating, the concession holder (or person acting on behalf of the concession holder) must:
 - a. contact AFMA or the agent AAP 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 for the e-monitoring system to be repaired at the earliest times agreed to with AFMA or AAP.
16. A concession holder or person acting on behalf of a concession holder must, in accordance with the requirements in Clause 17, exchange the e-monitoring system's data drive and return it to AFMA when:
 - a. the data drive's storage capacity is reached; or
 - b. the data drive has failed a systems test and a replacement data drive has been issued; or
 - c. instructed by AFMA or AAP,whichever occurs first.

17. 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 carefully from the e-monitoring system;
 - b. immediately packaging the removed data drive in a pre-addressed, pre-paid envelope; and
 - c. posting the data drive within 24 hours of returning to port or, if the data drive is not removed at sea, from removing the data drive.
18. 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, AAP, or the manufacturer of the e-monitoring system.
19. For the purpose of subsection 40A(3) of the *Fisheries Management Act 1991*, the obligations prescribed in Clauses 14-18 commence on the day the e-monitoring system is first installed.

Requirement to provide certain information to AFMA

20. 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.
21. 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 20 to AFMA within a reasonable time period.

Miscellaneous

22. A person must not tamper with an e-monitoring system or e-monitoring data stored on the e-monitoring system's data drive.
23. If a boat exits the fishery, the operator must notify AFMA immediately and take all reasonable steps to facilitate the removal of the electronic monitoring system if requested.

24. Unless a different day is stated, all obligations and restrictions in this Direction commence on the day the e-monitoring system is installed or 1 July 2015, whichever is earlier.