



# **Fisheries Management (International Agreements) Amendment (Other 2014 Measures) Regulation 2016**

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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 25 February 2016

Peter Cosgrove  
Governor-General

By His Excellency's Command

Anne Ruston  
Parliamentary Secretary to the Minister for Agriculture and Water Resources

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## 1 Name

This is the *Fisheries Management (International Agreements) Amendment (Other 2014 Measures) Regulation 2016*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	1 March 2016

Note: This table relates only to the provisions of this instrument as originally made.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

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

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Amendments relating to Schedule 1

#### *Fisheries Management (International Agreements) Regulations 2009*

**1 Regulation 2.2 (cell at table item 1, column headed “CCAMLR measure”)**

Repeal the cell, substitute:

CM 10-01 2014

**2 Regulation 2.2 (after table item 2)**

Insert:

2A                      3A                                      CM 10-03 2014

**3 Regulation 2.2 (cell at table item 4, column headed “CCAMLR measure”)**

Repeal the cell, substitute:

CM 10-05 2014

**4 Regulation 2.2 (table item 15)**

Repeal the item.

**5 Regulation 2.2 (cell at table item 17, column headed “CCAMLR measure”)**

Repeal the cell, substitute:

CM 24-02 2014

**6 Regulation 2.2 (cell at table item 18, column headed “CCAMLR measure”)**

Repeal the cell, substitute:

CM 25-02 2014

**7 Regulation 2.2 (cell at table item 29, column headed “CCAMLR measure”)**

Repeal the cell, substitute:

CM 32-09 2014

**8 Regulation 2.2 (cell at table item 39, column headed “CCAMLR measure”)**

Repeal the cell, substitute:

CM 33-03 2014

**9 Regulation 2.2 (cell at table item 40, column headed “CCAMLR measure”)**

Repeal the cell, substitute:

CM 41-01 2014

**10 Regulation 2.2 (cell at table item 40A, column headed “CCAMLR measure”)**

Repeal the cell, substitute:  
CM 41-02 2014

**11 Regulation 2.2 (cell at table item 40B, column headed “CCAMLR measure”)**

Repeal the cell, substitute:  
CM 41-03 2014

**12 Regulation 2.2 (cell at table item 41, column headed “CCAMLR measure”)**

Repeal the cell, substitute:  
CM 41-04 2014

**13 Regulation 2.2 (cell at table item 42, column headed “CCAMLR measure”)**

Repeal the cell, substitute:  
CM 41-05 2014

**14 Regulation 2.2 (cell at table item 43, column headed “CCAMLR measure”)**

Repeal the cell, substitute:  
CM 41-06 2014

**15 Regulation 2.2 (cell at table item 44, column headed “CCAMLR measure”)**

Repeal the cell, substitute:  
CM 41-07 2014

**16 Regulation 2.2 (cell at table item 45, column headed “CCAMLR measure”)**

Repeal the cell, substitute:  
CM 41-09 2014

**17 Regulation 2.2 (cell at table item 46, column headed “CCAMLR measure”)**

Repeal the cell, substitute:  
CM 41-10 2014

**18 Regulation 2.2 (cell at table item 47, column headed “CCAMLR measure”)**

Repeal the cell, substitute:  
CM 41-11 2014

**19 Regulation 2.2 (cell at table item 47A, column headed “CCAMLR measure”)**

Repeal the cell, substitute:

CM 42-01 2014

**20 Regulation 2.2 (cell at table item 47B, column headed “CCAMLR measure”)**

Repeal the cell, substitute:

CM 42-02 2014

**21 Regulation 2.2 (cell at table item 51, column headed “CCAMLR measure”)**

Repeal the cell, substitute:

CM 51-04 2014

**22 Regulation 2.2 (cell at table item 52, column headed “CCAMLR measure”)**

Repeal the cell, substitute:

CM 51-06 2014

**23 Regulation 2.2 (cell at table item 53, column headed “CCAMLR measure”)**

Repeal the cell, substitute:

CM 51-07 2014

**24 Regulation 2.2 (after table item 59)**

Insert:

59A

57A

CM 23-06 2012

**25 After Part 3**

Insert:

## **Part 4—Application and transitional provisions**

### **4.1 Transitional provision—*Fisheries Management (International Agreements) Amendment (Other 2014 Measures) Regulation 2016***

- (1) Clauses 40 to 43 of Schedule 1, as amended by the amending regulation, apply:
  - (a) in respect of the 2015/16 fishing season, for the period:
    - (i) starting on the day after the day the amending regulation commences; and
    - (ii) ending on 30 November 2016; and
  - (b) in respect of the 2016/17 and later fishing seasons.
- (2) In this regulation:

***amending regulation*** means the *Fisheries Management (International Agreements) Amendment (Other 2014 Measures) Regulation 2016*.



## **26 Subclause 2.1 of Schedule 1**

Repeal the subclause, substitute:

- 2.1 A person using a boat in the Convention Area for fishing must:
- (a) mark the boat in such a way that it can be readily identified with markings prominently displayed at all times; and
  - (b) mark all floating gear that is used or intended to be used with the letter or letters (if any) and the number or numbers (if any) of the boat to which the gear belongs.
- 2.2 For the purposes of paragraph 2.1(a), markings are taken to be readily identified and prominently displayed at all times if:
- (a) the boat's name and international radio call sign are marked on the boat's side or superstructure, on both port and starboard sides, so that they are visible from another boat or the air; and
  - (b) the boat's international radio call sign is marked on the boat's deck, and any deck awning or temporary cover, placed athwartships, with the top of the numbers or letters towards the bow.
- 2.3 The markings mentioned in paragraphs 2.2(a) and (b) must:
- (a) be placed as high as possible above the waterline and not extend below the waterline; and
  - (b) not be obscured by fishing gear, whether it is stowed or in use; and
  - (c) be clear of flow from scuppers or overboard discharges; and
  - (d) be clear of any area that might be damaged or discoloured from a catch of fish; and
  - (e) meet the technical specifications specified in Annex 10-01/A to CCAMLR Conservation Measure 10-01.
- 2.4 If the boat carries another boat, skiff or other craft, the requirements of subclause 2.2 apply in respect of the other boat, skiff or craft.

## **27 After clause 3 of Schedule 1**

Insert:

### **3A Information required before port entry**

- 3A.1 A person using a boat in the Convention Area for fishing must give at least 48 hours prior notice of entry into a port to the appropriate authority of the Port State.
- 3A.2 The notice must include:
- (a) the information specified in Annex 10-03/A to CCAMLR Conservation Measure 10-03; and
  - (b) a written declaration required by Annex 10-03/A to CCAMLR Conservation Measure 10-03 that:
    - (i) the person has not engaged in or supported illegal, unregulated or unreported fishing activity in the Convention Area; and
    - (ii) all fishing activities undertaken in the Convention Area have complied with all relevant CCAMLR Conservation Measures.

## 28 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:
- (a) accurately complete a DCD before transshipping or landing *Dissostichus* species; and
  - (b) accurately complete a DED before exporting or importing *Dissostichus* species; and
  - (c) accurately complete a DRED before re-exporting or importing *Dissostichus* species.
- 5.1A The DCD, DED or DRED must be:
- (a) generated and validated by means of the e-CDS; and
  - (b) completed as described in Annex 10-05/A of CCAMLR Conservation Measure 10-05 and by means of the e—CDS.

## 29 Paragraph 5.2(j) of Schedule 1

Repeal the paragraph, substitute:

- (j) the net weight of each *Dissostichus* species landed or transhipped by species and product type;

## 30 After clause 5.2 of Schedule 1

Insert:

- 5.2A The DED or DRED must include the following information:
- (a) for a DED—the name of the relevant vessel;
  - (b) the export code;
  - (c) for a DRED—the original export code;
  - (d) the specific identification number of the DCD to which the catch relates;
  - (e) the period in which the catch is taken;
  - (f) the net weight of each *Dissostichus* species exported by species and product type;
  - (g) the exporter's name, address and signature;
  - (h) the importer's name and address;
  - (i) the point of import;
  - (j) the name, title and signature of the official representing the State from which the catch is exported, and the date of signature;
  - (k) if the catch is transported by sea:
    - (i) the name of the vessel; and
    - (ii) the container number containing the catch; and
    - (iii) if available, the bill of lading number; and
    - (iv) the port from which the vessel departed;
  - (l) if the catch is transported by air:
    - (i) the flight number; and
    - (ii) the airway bill number, and
    - (iii) the airport from which the flight departed;
  - (m) if the catch is transported overland, by truck:

- (i) the truck registration number and nationality of the trucking company;  
and
- (ii) the bill of lading number or other document that identifies the catch;  
and
- (iii) the place from which the truck departed;
- (n) if the catch is transported overland, by rail:
  - (i) the railway transport number; and
  - (ii) the bill of lading number or other document that identifies the catch;  
and
  - (iii) the station from which the train departed.

### **31 Subclause 5.3 of Schedule 1**

Repeal the subclause, substitute:

5.3 In this clause:

**DCD** (short for *Dissostichus* catch document) means a document containing information relating to transhipping or landing *Dissostichus* species.

**DED** (short for *Dissostichus* export document) means a document containing information relating to an export or import of *Dissostichus* species.

**DRED** (short for *Dissostichus* re-export document) means a document that contains information relating to a re-export or import of *Dissostichus* species.

**e-CDS** means an internet-based system for generating, validating, completing and storing DCDs, DEDs and DREDs.

**export** means any movement of *Dissostichus* species (in any form) from a territory under the control of:

- (a) a State or free-trade zone; or
- (b) if a State or free-trade zone forms part of a customs union—another member State of the customs union.

**import** means the physical entry or bringing of *Dissostichus* species (in any form) into a territory under the control of a State, other than an entry or bringing of such species that occurs when the species is in transit to another State.

**landing** means the initial unloading or transfer of *Dissostichus* species (in any form) from a boat in a port or free-trade zone if the species are certified by an authority of the Port State as landed. For the purpose of this definition, it does not matter:

- (a) if the *Dissostichus* species are unloaded or transferred to:
  - (i) dockside; or
  - (ii) a container; or
- (b) if the *Dissostichus* species are subsequently transferred to another boat.

**Port State** means the State:

- (a) that has control over a particular port area or free-trade zone for the purposes of landing, transhipment, importing, exporting or re-exporting *Dissostichus* species; and
- (b) that gives authority for landing or transhipment certifications.

*re-export* means any movement of *Dissostichus* species (in any form) from a territory under the control of:

- (a) a State or free-trade zone; or
- (b) if a State or free-trade zone forms part of a customs union—another member State of the customs union;

if the State, free-trade zone or member State of the customs union is not the first place of import for the *Dissostichus* species.

*transshipment* means the transfer (other than by way of import) of *Dissostichus* species (in any form) that have not previously been landed from one boat directly to another, either at sea or in port.

### **32 Clause 13C of Schedule 1**

Repeal the clause.

### **33 Paragraph 14.2(e) of Schedule 1**

Omit “13C”, substitute “57A”.

### **34 Subclause 15.1 of Schedule 1**

Omit “during between sunrise and sunset”.

### **35 After subclause 15.1 of Schedule 1**

Insert:

15.1A However, subclause 15.1 does not apply if the boat uses:

- (a) an autoline system; or
- (b) the Spanish method of longline fishing; or
- (c) the trotline system exclusively (not alternating between trotlines and the Spanish method of longline fishing within the same longline).

### **36 Paragraphs 15.2(a) to (c) of Schedule 1**

Omit “the Conservation Measure”, substitute “CCAMLR Conservation Measure 24-02”.

### **37 Subclause 16.6 of Schedule 1**

Repeal the subclause, substitute:

16.6 A person using a boat for longline fishing must, to the extent allowed by weather conditions, use a bird exclusion device in:

- (a) any of Statistical Subareas 48.3, 58.6 or 58.7 of the Convention Area; or
- (b) any of Statistical Divisions 58.5.1 or 58.5.2 in the Convention Area.

### **38 After subclause 37B.1 of Schedule 1**

Insert:

37B.1A If longlines are used, they may only be set at night, during the hours of darkness between the times of nautical twilight.

### **39 Subclause 38.5 of Schedule 1**

Repeal the subclause, substitute:

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38.5 If 3 seabirds are caught in a fishing season, the person may set longlines only at night, during the hours of darkness between the times of nautical twilight, for the remainder of the fishing season.

Note: See also clause 16.

#### **40 Paragraph 39.2(d) of Schedule 1**

Repeal the paragraph, substitute:

(d) if 3 seabirds are caught in a fishing season—longlines are set only at night, during the hours of darkness between the times of nautical twilight, for the remainder of the fishing season.

#### **41 At the end of subclause 39(2) of Schedule 1**

Add:

Note: See also clause 16.

#### **42 At the end of subclause 40.3 of Schedule 1**

Add:

; and (d) if 3 seabirds are caught in a fishing season—longlines are set only at night, during the hours of darkness between the times of nautical twilight, for the remainder of the fishing season.

Note: See also clause 16.

#### **43 Subclauses 40.3A and 40.4 of Schedule 1**

Repeal the subclauses.

#### **44 At the end of subclause 41.3 of Schedule 1**

Add:

; and (d) if 3 seabirds are caught in a fishing season—longlines are set only at night, during the hours of darkness between the times of nautical twilight, for the remainder of the fishing season.

Note: See also clause 16.

#### **45 Subclauses 41.5 and 41.6 of Schedule 1**

Repeal the subclauses.

#### **46 Paragraph 42.2(d) of Schedule 1**

Repeal the paragraph, substitute:

(d) if 3 seabirds are caught in a fishing season—longlines are set only at night, during the hours of darkness between the times of nautical twilight, for the remainder of the fishing season; and

#### **47 At the end of subclause 42(2) of Schedule 1**

Add:

Note: See also clause 16.

#### **48 Paragraphs 43.3(a) and (c) of Schedule 1**

Repeal the paragraphs, substitute:

(a) toothfish caught in Statistical Subarea 88.2 are tagged as follows:

**Schedule 1** Amendments

**Part 1** Amendments relating to Schedule 1

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- (i) for fish caught during the course of the research in SSRUs A and B—  
at the rate of at least 3 fish per tonne green weight;
  - (ii) for fish caught in each of the research blocks in SSRUs C to G—at the  
rate of at least 3 fish per tonne green weight;
  - (iii) for fish caught in SSRU H—at the rate of at least 1 fish per tonne  
green weight; and
- (b) if 3 seabirds are caught in a fishing season—longlines are set only at night,  
during the hours of darkness between the times of nautical twilight, for the  
remainder of the fishing season; and

**49 At the end of subclause 43(3) of Schedule 1**

Add:

Note: See also clause 16.

**50 Paragraph 44.3(b) of Schedule 1**

Repeal the paragraph, substitute:

- (b) if 3 seabirds are caught in a fishing season—longlines are set only at night,  
during the hours of darkness between the times of nautical twilight, for the  
remainder of the fishing season; and

**51 At the end of subclause 44(3) of Schedule 1**

Add:

Note: See also clause 16.

**52 Subclause 44A.4 of Schedule 1**

Repeal the subclause, substitute:

44A.4 The fishing season for *Champrocephalus gunnari* starts on 1 December in a year  
and ends on the earlier of:

- (a) 30 November of the following year; and
- (b) the time the catch limit is reached.

**53 After clause 57 of Schedule 1**

Insert:

**57A Data reporting system for *Euphausia superba* fisheries**

57A.1 A person using a boat to fish for *Euphausia superba* in the Convention Area  
must email the CCAMLR Secretariat of:

- (a) the boat's entry into, or exit from, a Statistical Subarea or Statistical  
Division; or
- (b) the boat's movement between Statistical Subareas or Statistical Divisions.

57A.2 The email must be sent no later than 24 hours after the entry, exit or movement.

## Part 2—Amendments relating to Schedule 2

### *Fisheries Management (International Agreements) Regulations 2009*

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

Repeal the cell, substitute:

15/04

**55 Regulation 2.3 (cell at table item 3, column headed “IOTC measure”)**

Repeal the cell, substitute:

15/03

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

Repeal the cell, substitute:

15/04

**57 Regulation 2.3 (table item 5)**

Repeal the item.

**58 Regulation 2.3 (cell at table item 7, column headed “IOTC measure”)**

Repeal the cell, substitute:

14/06

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

Repeal the cell, substitute:

15/01

**60 Regulation 2.3 (cell at table item 18, column headed “IOTC measure”)**

Repeal the cell, substitute:

15/08

**61 Regulation 2.3 (cell at table item 19, column headed “IOTC measure”)**

Repeal the cell, substitute:

15/06

**62 Regulation 2.3 (at the end of the table)**

Add:

20	20	15/07	Ban on using artificial lights to attract fish to drifting fish aggregating devices
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**63 Subclause 2.5 of Schedule 2**

Omit “over all of more than 24 metres”, substitute “overall of 24 metres or more”.

**64 After subclause 2.5 of Schedule 2**

Insert:

2.5A The requirements of subclause 2.5 also apply to a boat that:

- (a) has a length overall of less than 24 metres; and
- (b) operates in waters outside the economic exclusive zone of the flag State of the boat.

### **65 Subclause 4.1 of Schedule 2**

Repeal the subclause, substitute:

- 4.1 A person may use a boat in the IOTC area to:
- (a) fish for, retain on board, transship or land tuna; or
  - (b) fish for, retain on board, transship or land tuna-like species;
- if the boat has a satellite-linked vessel monitoring system device on board that complies with the requirements set out in subclause 4.1A and satisfies the length requirements set out in subclause 4.1B.
- 4.1A A vessel monitoring system device on the boat must:
- (a) be fully operational; and
  - (b) record the boat's identification, current geographical position and the date and time expressed in UTC; and
  - (c) report to the Fisheries Monitoring Centre of the flag State of the boat every 4 hours; and
  - (d) be located within a sealed unit and be protected by official seals (or mechanisms) of a type that indicate whether the unit has been accessed or tampered with.
- 4.1B The length requirements are that:
- (a) the boat has an overall length of 24 metres or more; or
  - (b) both:
    - (i) the boat has an overall length of less than 24 metres; and
    - (ii) operates in waters outside the economic exclusive zone of the flag State of the boat.

### **66 Subclause 4.3 of Schedule 2**

Omit "paragraph 4.1(b)", substitute "paragraph 4.1B(b)".

### **67 Subclauses 5.1 and 5.2 of Schedule 2**

Repeal the subclauses, substitute:

- 5.1 A person may use a boat in the IOTC area to:
- (a) fish for, retain on board, transship or land tuna; or
  - (b) fish for, retain on board, transship or land tuna-like species; or
  - (c) support any fishing activity; or
  - (d) set drifting fish aggregation devices;
- if the boat is included on the IOTC Record of Vessels Authorised to Operate in the IOTC Area and satisfies the length requirements set out in subclause 5.2.
- Note: The IOTC Record of Vessels Authorised to Operate in the IOTC Area could in 2015 be viewed on the IOTC's website (<http://www.iotc.org>).
- 5.2 The length requirements are that:
- (a) the boat has an overall length of 24 metres or more; or
  - (b) both:



- (i) the boat has an overall length of less than 24 metres; and
- (ii) operates in waters outside the economic exclusive zone of the flag State of the boat.

**68 Clause 5A of Schedule 2**

Repeal the clause.

**69 Paragraph 7.1(c) of Schedule 2**

Omit “12/05”, substitute “14/06”.

**70 Sub-subparagraph 7.1(e)(ii)(B) of Schedule 2**

Repeal the sub-subparagraph.

**71 At the end of subclause 7.5 of Schedule 2**

Add:

- (c) accommodation, including lodging, food and adequate sanitary facilities that are equivalent to those provided to the personnel of the boat.

**72 Subclause 9.1 of Schedule 2**

Repeal the subclause, substitute:

- 9.1 A person must comply with subclause 9.2 if:
- (a) the person uses a boat that is a purse seine, longline, gillnet, pole and line, handline or trolling boat; and
  - (b) the boat satisfies the length requirements set out in subclause 9.1A.
- 9.1A The length requirements are that:
- (a) the boat has an overall length of 24 metres or more; or
  - (b) both:
    - (i) the boat has an overall length of less than 24 metres; and
    - (ii) operates in waters outside the economic exclusive zone of the flag State of the boat; or
  - (c) both:
    - (i) the boat has an overall length of less than 24 metres; and
    - (ii) operates in waters within the economic exclusive zone of a Contracting Party or Co-Operating non-Contracting Party that is not a developing State.

**73 Paragraph 9.2(c) of Schedule 2**

Omit “either IOTC Resolution 12/03 or IOTC Resolution 13/03 (whichever is applicable)”, substitute “IOTC Resolution 15/01”.

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

Repeal the heading, substitute:

**Column 4**

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Annex of IOTC Resolution 15/01

**75 Subclause 9.3 of Schedule 2**

Repeal the subclause.

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**76 Subclause 18.1 of Schedule 2**

Omit “or bait”.

**77 Subclause 18.1 of Schedule 2**

Omit “subclause 18.2”, substitute “this clause”.

**78 At the end of clause 18 of Schedule 2**

Add:

- 18.3 If the person is fishing on a drifting fish aggregating device, the person may use a buoy for the purpose of aggregating:
- (a) tuna and tuna-like species; or
  - (b) species associated with, or dependent on, tuna or tuna-like species.
- However, on and after 1 January 2017, the person may only use an instrumented buoy for this purpose.
- 18.4 A person using a purse seine boat must ensure that:
- (a) no more than 550 instrumented buoys are used at any one time; and
  - (c) no more than 1100 instrumented buoys are acquired for the boat each year.
- 18.5 In this clause:
- instrumented buoy* means a buoy:
- (a) that can be identified by a clearly marked reference number; and
  - (b) whose position can be monitored by a satellite tracking system.

**79 Subparagraph 19.1(b)(i) of Schedule 2**

Omit “well space”, substitute “storage capacity”.

**80 At the end of Schedule 2**

Add:

**20 Ban on using artificial lights to attract fish to drifting fish aggregating devices**

- 20.1 A person using a boat in the IOTC Area for fishing must not install or operate surface or submerged artificial lights for the purpose of aggregating:
- (a) tuna and tuna-like species; or
  - (b) species associated with, or dependent on, tuna or tuna-like species;
- on drifting fish aggregating devices.

## **Part 3—Amendments relating to Schedule 3**

### ***Fisheries Management (International Agreements) Regulations 2009***

#### **81 Regulation 2.4 (cell at table item 5, column headed “WCPFC measure”)**

Repeal the cell, substitute:

2014-02

#### **82 Regulation 2.4 (cell at table item 8, column headed “WCPFC measure”)**

Repeal the cell, substitute:

2014-01

#### **83 Regulation 2.4 (cell at table item 11, column headed “WCPFC measure”)**

Repeal the cell, substitute:

2010-07,

2014-05

#### **84 Subclause 6.1 of Schedule 3 (note)**

Repeal the note, substitute:

Note: The following documents could in 2015 be viewed on the Western and Central Pacific Fisheries Commission’s website (<http://www.wcpfc.int>):

- (a) Annex 1 to the WCPFC Conservation and Management Measure on the Commission Vessel Monitoring System;
- (b) *Standards, specifications and procedures (SSP) for the fishing vessel monitoring system (VMS) of the Western and Central Pacific Fisheries Commission (WCPFC).*

#### **85 At the end of clause 12 of Schedule 3**

Add:

- 12.2 A person using a longline fishing boat to fish for tuna and billfish in the Convention Area must ensure that:
- (a) the boat does not use or carry wire trace as:
    - (i) a branch line; or
    - (ii) a leader; or
  - (b) the boat does not use a branch line that runs directly off a longline float or drop line.

## Part 4—Amendments relating to Schedule 3A

### *Fisheries Management (International Agreements) Regulations 2009*

#### **86 Schedule 3A (heading)**

Repeal the heading, substitute:

### **Schedule 3A—Prescribed measures—Extended Commission for the Conservation of Southern Bluefin Tuna**

Note: See paragraph 2.1(d).

#### **87 Subclause 2.1 of Schedule 3A (notes 1 and 2)**

Repeal the notes, substitute:

Note: The CCSBT Record of Vessels could in 2015 be viewed on the CCSBT's website (<http://www.ccsbt.org>).

#### **88 Paragraph 2.1(d) of Schedule 3A**

Repeal the paragraph, substitute:

- (d) if transhipping will be undertaken on the fishing trip:
  - (i) an authorisation (however described) to tranship is in force for the boat; and
  - (ii) the authorisation, or a copy of it, is on board the boat and is available to a CCSBT regional observer on request; and

#### **89 Subclause 3.4 of Schedule 3A**

Omit “operation”, substitute “operational”.

#### **90 After subclause 3.4 of Schedule 3A**

Insert:

- 3.5 A person who is using a boat to tranship Southern Bluefin Tuna must have an operational vessel monitoring system in accordance with the CCSBT Resolution on establishing vessel monitoring systems.
- 3.6 A person who is using a boat to receive a transhipment of Southern Bluefin Tuna must have an operational vessel monitoring system in accordance with the CCSBT Resolution on establishing vessel monitoring systems.

#### **91 At the end of clause 3 of Schedule 3A**

Add:

Note 5: The CCSBT Resolution on establishing the CCSBT Vessel Monitoring System could in 2015 be viewed on the CCSBT's website (<http://www.ccsbt.org>).

#### **92 After subparagraph 4.1(c)(ii) of Schedule 3A**

Insert:

- (ia) if issued—the IMO/Lloyd's registration number of the second boat;

**93 Paragraph 4.1(d) of Schedule 3A**

After “authority”, insert “and, if applicable, the competent authority of the coastal State where the transhipment occurs”.

**94 Subclause 4.2 of Schedule 3A**

4.2 The person using the second boat to receive a transhipment of Southern Bluefin Tuna from the first boat must not allow the second boat to receive the transhipment unless the person using the first boat provides evidence that the first boat:

- (a) is participating in the CCSBT program to monitor transhipment at sea; and
- (b) has been authorised by the first boat’s flag State national fisheries authority to tranship at sea.

**95 After paragraph 6.1(b) of Schedule 3A**

Insert:

- (ba) farm Southern Bluefin Tuna taken from a boat included on the IUU Vessels List; or

## Part 5—Amendments relating to Schedule 3B

### *Fisheries Management (International Agreements) Regulations 2009*

#### 96 Regulation 2.6 (at the end of the table)

Add:

7	8	CMM 3.05	Conservation and management measure for regulating transshipment and other transfer activities
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#### 97 Subclause 1.1 of Schedule 3B

Insert:

*Record of Vessels* means the record of vessels established by the Commission of the South Pacific Regional Fisheries Management Organisation under Article 27 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 2015 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

#### 98 Subparagraph 5.1(c)(i) of Schedule 3B

Omit “bentho-pelagic”, substitute “benthopelagic”.

#### 99 At the end of Schedule 3B

Add:

### **8 Conservation and management measure for regulating transshipment and other transfer activities**

8.1 A person must not transfer fishery resources, or a product derived from fishery resources, from a boat to another boat in the Convention Area, either at sea or in port, unless the name of each boat is recorded on the Record of Vessels.

8.2 A person must not transfer crew, fuel, gear or any other supplies from a boat to another boat at sea in the Convention Area unless the name of each boat is recorded on the Record of Vessels.

8.3 In this clause:

*fishery resources* has the meaning given by Article 1 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 2015 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).