



Fisheries Management (E-Monitoring Southern and Eastern Scalefish and Shark Fishery) Direction 2021

I, **WEZ NORRIS**, Chief Executive Officer of the Australian Fisheries Management Authority, as delegate under Delegation No. 2 of 2016 made on 14 November 2016 from the AFMA Commission, make the following Direction pursuant to s40A(1) of the *Fisheries Management Act 1991*.

Dated 16 April 2021

Wez Norris
Chief Executive Officer, Australian Fisheries Management Authority

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1. Name

This instrument is the *Fisheries Management (E-monitoring Southern and Eastern Scalefish and Shark Fishery) Direction 2021*.

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	This Instrument commences on 1 May 2021.	

Note: This table relates only to the provisions of this instrument as originally made.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 s40A(1) of the Act.

4. Definitions

Note: A number of expressions used in this instrument are defined in s4 of the Act, and s3 of the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003* including the following:

- (a) boat;
- (b) e-monitoring;
- (c) fishing concession;
- (d) holder;
- (e) fish.

In this instrument:

Act means the *Fisheries Management Act 1991*.

Contractor means the party contracted as AFMA's agents to provide e-monitoring systems and associated services.

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.

E-monitoring system means e-monitoring equipment and peripheral equipment approved by AFMA, that can:

- (a) record, store and transmit details of a boat'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.

Fishing day is defined as any calendar day in which fishing gear is deployed or retrieved.

5. Schedules

Each instrument that is specified in a Schedule to this instrument is 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.

6. Requirement to install and operate an e-monitoring system on boats

- (1) A concession holder (or person acting on behalf of the concession holder) fishing in the Gillnet Hook and Trap Fishery (GHAT) of the Southern and Eastern Scalefish and Shark Fishery 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 the Contractor; or
 - (b) complies with the standards and requirements specified in the certificate granting the statutory fishing right.
- (2) For the purpose of s40A(3) of the Act, the obligation prescribed in this clause must be complied with no later than 3 months from the date of this direction commencing or on the day the e-monitoring system is first installed within this period.
- (3) Subject to Clauses 6(4), 6(5) and 6(6), 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 Act, the obligation prescribed in this Clause commences on the day the e-monitoring system is first installed.

Note: Clause 7(2) 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.

- (4) An installed e-monitoring system may be powered off if:
 - (a) the nominated boat is in port; and
 - (b) the nominated boat has an operational Vessel Monitoring System installed.
- (5) 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:
 - (a) has been used for gillnet fishing in the GHAT for less than fifty (50) fishing days in the current fishing season and less than fifty (50) fishing days in the previous fishing season; or

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- (b) has been used for automatically baited longline fishing in the GHAT for less than fifty (50) fishing days in the current fishing season and less than fifty (50) fishing days in the previous fishing season; or
 - (c) has been used for manually baited longline fishing in the GHAT for less than one hundred (100) fishing days in the current fishing season and less than one hundred (100) fishing days in the previous fishing season; or
 - (d) has been used for dropline fishing in the GHAT for less than one hundred (100) fishing days in the current fishing season and less than one hundred (100) fishing days in the previous fishing season.
- (6) A concession holder (or person acting on behalf of a concession holder) is not exempt from installing and operating an e-monitoring system on the nominated boat if the boat:
- (a) has used a combination of fishing methods specified in clauses 6(5)(a)-(d) for a period of one hundred (100) fishing days or more; or
 - (b) has a requirement to install and operate an e-monitoring system under another direction made under section 40A(1) of the Act.

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

- (1) 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 the Contractor, 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.
- (2) If the e-monitoring system stops operating, the concession holder (or person acting on behalf of the concession holder) must:
- (a) not fish using the specified methods in the areas listed in Annex 1 unless an AFMA observer is on board;
 - (b) contact AFMA or the Contractor 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
 - (c) 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 the Contractor.

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- (3) A concession holder (or person acting on behalf of a concession holder) must, in accordance with the requirements in Clause 7(4), 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 the Contractor whichever occurs first.
 - (4) 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.
 - (5) 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, the Contractor, or the manufacturer of the e-monitoring system.
 - (6) For the purpose of subsection 40A(3) of the Act, the obligations prescribed in Clauses 7(1)-7(5) commence on the day the e-monitoring system is first installed.

8. Requirement to provide certain information to AFMA

- (1) 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.
- (2) 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 8(1) to AFMA within a reasonable time period.

Annex 1

1. For the purposes of Clause 7, the following fishing methods and areas are specified:

Australian Sea Lion Management Zones, Coorong Dolphin Zones, dolphin observation zone (Gillnet methods only)

Area of waters where gillnet fishing is authorised under a Commonwealth concession between longitude 129° east and longitude 140°58' east.

St Helens Hill Closure (automatic longline equipment only)

That part of the AFZ known as St Helens Hill that is contained within and bounded by a line:

- a) commencing at the point of latitude 41° 05' south, longitude 148° 39' east and running progressively;
- b) east along that parallel to its intersection with the meridian of longitude 148° 52' 30" east;
- c) then south along that meridian to its intersection with the parallel of latitude 41°21' south;
- d) then west along that parallel to its intersection with the meridian of longitude 148° 39' east;
- e) then north along that meridian to the point of commencement.

Murray Dogfish Closure (automatic longline equipment only)

The area of the Murray Dogfish Closure is that part of the AFZ contained within and bounded by a line:

- a) commencing at the point of latitude 37° 03' 12" south, longitude 138° 27' 21" east (point 1);
- b) then generally south westerly along the geodesic to the point of latitude 37° 04' 24.6" south, longitude 138° 02' 52.2" east (point 2);
- c) then generally south westerly along the geodesic to the point of latitude 37° 07' 31.8" south, longitude 138° 00' 11.4" east (point 3);
- d) then generally south easterly along the geodesics sequentially connecting the following points:

4	37° 09' 22.8" south	138° 05' 00" east
5	37° 13' 48.6" south	138° 10' 57.6" east
6	37° 15' 1.2" south	138° 11' 3.6" east
7	37° 16' 40.8" south	138° 12' 24" east

8	37° 17' 19.2" south	138° 16' 48" east
9	37° 16' 6.6" south	138° 18' 54" east
10	37° 17' 22.8" south	138° 20' 54.6" east
11	37° 17' 24.6" south	138° 23' 21.6" east
12	37° 16' 10.2" south	138° 27' 5.4" east
13	37° 18' 58.8" south	138° 29' 30.6" east

- e) then generally north westerly along the geodesic to the point of commencement.

Murray Commonwealth Marine Reserve Closure – West (automatic longline equipment only)

The area of the Murray Commonwealth Marine Reserve Closure – West is that part of the AFZ contained within and bounded by a line:

- a) commencing at the point of latitude 36° 31' 57" south, longitude 136° 48' 06" east;
- b) then south easterly along the geodesic to the point of latitude 36° 40' 12" south, longitude 137° 10' 12" east;
- c) then south along the geodesic to the point of latitude 36° 54' 20" south, longitude 137° 10' 12" east;
- d) then north westerly along the geodesic to the point of latitude 36° 44' 00" south, longitude 136° 42' 00" east;
- e) then north easterly along the geodesic to the point of commencement.

Murray Commonwealth Marine Reserve Closure – East (automatic longline equipment only)

The area of the Murray Commonwealth Marine Reserve Closure - East is that part of the AFZ contained within and bounded by a line:

- a) commencing at the point of latitude 37° 0' 25.2" south, longitude 137° 44' 52.8" east;
- b) then easterly along the geodesic to the point of latitude 37° 3' 18" south, longitude 137° 58' 33.6" east;
- c) then south easterly along the geodesic to the point of latitude 37° 5' 2.4" south, longitude 138° 2' 31.2" east;
- d) then south westerly along the geodesic to the point of latitude 37° 7' 30" south, longitude 138° 0' 21.6" east;
- e) then westerly along the geodesic to the point of latitude 37° 6' 43.2" south, longitude 137° 47' 31.2" east;
- f) then north westerly along the geodesic to the point of latitude 37° 4' 33.6" south, longitude 137° 41' 9.6" east;
- g) then north easterly along the geodesic to the point of commencement.

Freycinet Commonwealth Marine Reserve Closure (automatic longline equipment only)

The area of the Freycinet Commonwealth Marine Reserve Closure is that part of the AFZ contained within and bounded by a line:

- a) commencing at the point of latitude 41° 45' 39.6" south, longitude 148° 34' 22.8" east and running progressively:
- b) easterly along the geodesic to the point of latitude 41° 44' 56.4" south and longitude 148° 40' 8.4" east;
- c) then generally southerly along the geodesic to the point of latitude 42° 6' 21.6" south, longitude 148° 39' 21.6" east;
- d) then generally westerly along the geodesic to the point of latitude 42° 6' 18" south, longitude 148° 36' 18" east;
- e) then generally northerly along the geodesic to the point of latitude 41° 59' 45.6" south, longitude 148° 35' 42" east;
- f) then generally north easterly along the geodesic to the point of latitude 41° 58' 58.8" south, longitude 148° 37' 8.4";
- g) then generally north westerly along the geodesic to the point of commencement.

Barcoo Seamount (automatic longline equipment only)

The area of the Barcoo Seamount Closure is that part of the AFZ contained within and bounded by a line:

- a) commencing at the point of latitude 32° 24' 00" south, longitude 156° 08' 00" east;
- b) then south easterly along the geodesic to the point of latitude 32° 36' 00" south, longitude 156° 35' 00" east;
- c) then south westerly along the geodesic to the point of latitude 32° 51' 00" south, longitude 156° 26' 00" east;
- d) then north westerly along the geodesic to the point of latitude 32° 36' 00" south, longitude 156° 00' 00" east;
- e) then north easterly along the geodesic to the point of commencement.

Taupo Seamount (automatic longline equipment only)

The area of the Taupo Seamount Closure is that part of the AFZ contained within and bounded by a line:

- a) commencing at the point of latitude 32° 45' 00" south, longitude 156° 08' 00" east;
- b) then south easterly along the geodesic to the point of latitude 33° 00' 00" south, longitude 156° 33' 00" east;

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- c) then south westerly along the geodesic to the point of latitude 33° 30' 00" south, longitude 156° 15' 00" east;
 - d) then north westerly along the geodesic to the point of latitude 33° 15' 00" south, longitude 155° 49' 00" east;
 - e) then north easterly along the geodesic to the point of commencement.

Schedule 1—Repeals

E-Monitoring (Southern and Eastern Scalefish and Shark Fishery) Direction 2015

1 The whole of the instrument

Repeal the instrument