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**GUIDELINES FOR APPLICATIONS  
FOR THE USE OF FOREIGN FISHING VESSELS  
IN THE AUSTRALIAN FISHING ZONE**

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Australian Fisheries Service  
Canberra, August 1989

These guidelines were endorsed by the Australian Fisheries Council in July 1989. The issue of foreign fishing will be addressed further in the Government's policy statement on management of Commonwealth fisheries to be issued in late 1989.

## CONTENTS

	Page
1. Introduction	1
2. Strategies for managing foreign fishing access	2
3. Access fees	3
4. Categories of foreign fishing	4
4.1 Wholly foreign fishing activity	4
4.1.1 Foreign fee fishing	4
4.1.2 Foreign feasibility fishing	5
4.2 Collaborative fishing activity	6
5. Consultation on foreign fishing access	8
6. Assessment and comparison of proposals	8
7. Preparation of applications for collaborative fishing	9
8. Submission of applications	11
 Attachment A	 Summary of categories of foreign fishing access
Attachment B	Guidelines for the landing of catch from foreign fishing vessels

GUIDELINES FOR APPLICATIONS  
FOR THE USE OF FOREIGN FISHING VESSELS  
IN THE AUSTRALIAN FISHING ZONE

1. INTRODUCTION

The following guidelines have been prepared to provide advice on Government policy and procedures which apply to fishing enterprises interested in using foreign fishing vessels<sup>1</sup> to undertake any fishing activity in the Australian fishing zone (AFZ)<sup>2</sup>.

Fisheries resources in Australian waters are substantially smaller than those in most other fishing zones of equivalent size. Australia has sovereign rights for the purpose of exploring and exploiting, conserving and managing the living natural resources of the AFZ. The Fisheries Act 1952, accordingly places an obligation on the Government to ensure the conservation and optimum utilisation of those resources.

In managing Australia's fisheries resources, preference is given to fishing operations which are owned and conducted by Australians and which use Australian vessels. Where foreign fishing operations<sup>3</sup> are permitted, the principal objective is to maximise genuine, tangible and assessable benefits to Australia. The Government also has international rights and obligations in the conservation and management of the fishery resources of the AFZ (such as those it will have under the principles of the United Nations Convention on the Law of the Sea). As well as seeking the maximum benefit from foreign fishing operations for the Australian community in general, the Government recognises a need to consider the specific interests of the Australian fishing industry.

The benefits sought from authorising foreign fishing access may include direct economic returns, technology transfer, development of new fishing techniques, resource information, establishment of onshore facilities, improved market access and other benefits which may accrue to the Australian community.

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<sup>1</sup> For the purposes of these guidelines, a foreign fishing vessel is a vessel which does not fulfil both of the following requirements:

· being listed on the Australian Ships Register, under the Shipping Registration Act 1981  
· being wholly owned by a natural person who is a resident of, or by a company incorporated in, Australia or an external Territory

<sup>2</sup> The Australian fishing zone (AFZ) comprises all marine waters between 3 and 200 nautical miles seawards of the baselines from which the territorial sea of Australia is measured. These baselines correspond largely to the coastline. Exceptions have been made to this definition of the width of the AFZ in the Torres Strait Protected Zone and in other areas of potential overlap with the territorial seas, fishing zones or exclusive economic zones of other countries.

<sup>3</sup> Foreign fishing operations are any fishing operations (including processing or carrying fish) using foreign fishing vessels. The two categories of foreign fishing operation are wholly foreign (which includes foreign fee fishing and foreign feasibility fishing) and collaborative fishing.

The Government recognises that there will be circumstances in which the use of foreign fishing vessels may offer significant advantages to Australian companies involved in high risk exploratory or developmental work.

Where little is known of a resource and the costs of exploration are high, the use of a foreign vessel under temporary lease or charter may reduce the risks to both the operator and the community in general. The investment required to assess the resource can be minimised and, should the resource prove unproductive or the vessel prove unsuitable, resources elsewhere in the AFZ need not be subject to the pressure which might otherwise arise had the vessel been permanently imported.

Applicants should be aware that specific procedures for submitting proposals for fishing activity may vary. For instance, in fisheries where the Government seeks to encourage development, a call for expressions of interest may be announced, with applicants required to meet specific deadlines in submitting proposals.

These guidelines will be used as the basis for assessing applications for the use of foreign fishing vessels which are submitted on an *ad hoc* basis. They will also apply (in conjunction with any relevant management arrangements) in circumstances where expressions of interest are sought in a particular fishery.

## 2. STRATEGIES FOR MANAGING FOREIGN FISHING ACCESS

In managing foreign fishing access to the AFZ, Australia has adopted the following strategies:

- to consider foreign fishing operations only where stocks are under-utilised<sup>4</sup> by Australians or where there are established fisheries in which Australia considers foreign involvement will result in net benefits to Australia.
- to determine a level/type of benefit for Australia for each fishery in which foreign fishing operations are proposed
- to require the proponents of any foreign fishing operation to provide acceptable benefits to Australia
- to require the proponents of any fishing operations to guarantee compliance with Australian law, including the provisions of specific fishery management arrangements and, in all but exceptional circumstances, to pay the costs incurred by Australia in administering and monitoring the operation
- to ensure that decisions concerning the nature and extent of fish stocks surplus to Australia's requirements continue to be based on the best available scientific advice.

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<sup>4</sup> For the purposes of these guidelines, *under-utilised* stocks are those where the existing Australian fleet does not have the capacity to harvest the majority of the resource, or where Australians are not willing to exploit the resource within a reasonable period of time. In allocating access to both managed and under-utilised fisheries, preference will be given to Australian operators using Australian vessels.

to minimise the impact of foreign fishing operations on prospects for development of a resource by Australians

to monitor the conduct of approved foreign fishing operations

to maintain surveillance and enforcement at a level which will deter unauthorised foreign fishing operations.

Consistent with these strategies, foreign fishing operations will be permitted in the AFZ only in accordance with agreements entered into with the Australian Government. These guidelines set out the circumstances under which proposals will be considered and indicate the kinds of agreement appropriate for various types of foreign fishing activity.

### 3. ACCESS FEES

Access fees associated with foreign fishing activities comprise two distinct components:

a component relating to the return to Australia (resource rent) derived from permitting foreign access to specific Australian fishery resources. In determining the resource rent component, the highest economic benefit achievable to Australia is sought commensurate with the value of the access provided. The level of resource rent may be set in advance for a particular fishery or may be subject to a negotiating or competitive bidding process.

a component relating to costs incurred by the Commonwealth as a result of administration and monitoring foreign fishing activity (eg observer placement, logbook and radio reporting requirements, licensing etc)

The recoverable cost component reflects the projected costs of administration, monitoring (including logbooks) and enforcement incurred by the Commonwealth which are directly attributable to the foreign fishing activity. In general, it is not open to negotiation. Only in very exceptional circumstances may all or part of the recoverable cost component be waived.

The resource rent component may be negotiable, and may in some circumstances be partially or completely waived in recognition of significant benefits being provided to Australia from the foreign fishing operation.

#### 4. CATEGORIES OF FOREIGN FISHING

For the purposes of these guidelines, foreign fishing proposals are considered in two categories:

- wholly foreign fishing activity, conducted and financed entirely by a foreign government or foreign commercial principal, involving the use of foreign fishing vessels in the AFZ
- collaborative fishing activity, where an Australian principal has a commercial interest (including equity or control) in a venture involving the use of foreign fishing vessels in the AFZ.

A summary table setting out details of the different categories of foreign fishing access is at Attachment A.

##### 4.1 WHOLLY FOREIGN FISHING ACTIVITY

Only fisheries or areas currently under-utilised by Australians will be considered for wholly foreign fishing access.

Wholly foreign fishing activity is authorised under a government-to-government agreement (except when a commercial principal acts as agent for a foreign fishing interest), setting out the terms and conditions of access to the AFZ. In return for providing that access, Australia requires that tangible benefits be realised from the fishing activity. Those returns can be in the form of direct economic returns (fee fishing) or returns by way of information provided on the extent and/or commercial viability of specific fisheries or fishing methods (feasibility fishing). Government approval for wholly foreign fishing activity is for a specified time period and carries with it no undertaking to provide future access for any fishing activity.

##### 4.1.1 Foreign Fee Fishing

Foreign fee fishing access (a solely commercial fishing operation) is usually authorised on an annual basis. The access fee payable for fee fishing is set by the Government to achieve the maximum return to Australia commensurate with the value of the fishing operations undertaken. The Fisheries Agreements (Payments) Act 1981 establishes the legislative basis for payment of access fees under government-to-government fisheries agreements. The access fee for foreign fee fishing includes resource rent and cost recovery components, neither of which can be waived.

The full fee is charged whether or not the projected catch is achieved. Proponents are expected to provide comprehensive information on their fishing operations, including full catch and effort data in a form prescribed by Australian fisheries authorities, as a condition of access to the AFZ.

#### 4.1.2 Foreign Feasibility Fishing

Foreign feasibility fishing involves fishing activity by a wholly foreign enterprise using foreign commercial fishing vessels which engage in fishing of an exploratory or research nature in accordance with an agreed fishing plan. The fishing plan sets out a comprehensive description of the proposed research/exploratory activity, including permitted areas and styles of operation, gear restrictions, data recording requirements, target species, treatment of by-catch, catch handling and processing etc.

The objective of feasibility fishing is to serve as a catalyst to fisheries development by Australians by locating and assisting in the evaluation of the commercial potential of new resources, testing gear and vessels, exploring new possibilities for processing and marketing and developing new techniques.

Essentially, feasibility fishing operations take place under terms and conditions similar to those applied to fee fishing. The main difference is that the resource rent component of the access fee, which would otherwise be payable may be completely or partially waived, subject to provision of benefits in the form of information on the fishery being investigated. In very exceptional circumstances the Commonwealth may consider that the benefits provided by way of information from research/exploratory fishing would be sufficient to warrant partial waiving of the recoverable cost component of the access fee.

Agreements covering foreign feasibility fishing operate for one year or less. Feasibility fishing operations are expected to provide comprehensive information on the commercial viability of a fishery and, in particular, to enable more accurate specification of some or all of the following:

- . the nature and extent of the resource
- . catch rate and species composition
- . vulnerability to and selectivity of fishing gears
- . economic viability of the fishing activity undertaken
- . marketability of catch
- . potential opportunities for Australian involvement in catching, processing or marketing the resource.



#### 4.2 COLLABORATIVE FISHING ACTIVITY

The term collaborative fishing activity is used to describe activity, involving the use of foreign fishing vessels, in which an Australian principal (ie not solely an agent) has a commercial interest. Australian involvement can take a variety of forms, such as:

- . equity in the controlling enterprise
- . development of shore-based facilities
- . ownership and control of fishing rights on which the activity relies, such as quota holdings
- . formation of a joint venture company involving bona fide Australian involvement and investment in conjunction with foreign principals.

The objective of collaborative fishing activity is to develop fishing capability and related facilities and expertise which offer long-term economic benefits to Australia, particularly where benefits can be realised in the development of the catching, processing or marketing sectors of the Australian fishing industry.

For collaborative fishing ventures, the resource rent component of the access fees (which would be payable if the activity were undertaken by a wholly foreign venture) may be waived in whole or in part subject to the venture providing significant, tangible benefits to Australia. The degree to which the resource rent component of the access fee is waived will generally reflect nature and extent of non-revenue benefits to which the Australian community is expected to derive from the venture.

For the resource rent to be waived, a collaborative venture must offer genuine, tangible and assessable benefits to Australia (for example, direct and indirect benefits to the catching, processing or marketing sectors of the Australian fishing industry) which clearly outweigh the revenue foregone.

Collaborative fishing ventures are not given automatic precedence over wholly foreign fishing proposals. Proposals which do no more than facilitate commercial access for foreign operators will not be afforded the privileges available under these guidelines, ie they will be charged a full access fee. Only collaborative ventures which offer genuine benefits to Australia will be considered eligible to apply for waiving of fees.

Activities such as victualling, refuelling, routine maintenance and shore-based fleet support would normally result from wholly foreign fishing operations. Therefore, benefits which can be considered to warrant waiving of the resource rent component of access fees must be additional to those which would have resulted had the operation been conducted on a wholly foreign basis.

With regard to the value of non-revenue benefits offered by a collaborative fishing proposal, the onus of proof rests with the proponents to demonstrate clearly the nature and economic value of benefits to be provided. Proponents must describe specific benefits in sufficient detail to establish whether they provide genuine offsets to revenue foregone by the Government, eg assessment of the value of employment opportunities, skills formation and expenditure on processing and support facilities in Australia.

Particular attention will be paid to the amount of catch to be landed/processed in Australia for processing and/or export and to the proponents' intentions with regard to catch handling and marketing (see Attachment B).

In general, only fisheries or areas currently under-utilised by Australians will be considered for collaborative fishing ventures. Consideration may be given to applications for limited collaborative operations in established fisheries where the activity proposed offers benefits to Australia over and above those obtainable through existing operations, eg assessment of new fishing techniques which have the potential to significantly increase returns from the fishery and which are not currently employed by Australians.

Collaborative fishing ventures can proceed only on the basis of an agreement between the Australian company involved and the Australian Government. The agreement specifies the terms and conditions under which the fishing activity may proceed and includes a clear statement of the expected benefits against which performance of the operation can be assessed. The agreement also specifies the overall access fees for the venture (cost recovery and resource rent) and establishes, where appropriate, the payment waived subject to the projected benefits being realised.

The Foreign Fishing Boats Levy Act 1981 and associated regulations establish the legislative basis under which access fees are payable by collaborative ventures involving the use of foreign fishing vessels. If the agreement authorising a collaborative venture does not otherwise specify the fees payable, the legislation prescribes the sum of \$15,000 per foreign fishing vessel.

The extent to which the resource rent component may be waived (ie the amount which is not charged at commencement but which would become payable on non-performance) is determined prior to establishment of an agreement and in a manner similar to that which would have applied had the venture been a wholly foreign fishing activity.

Agreements covering collaborative fishing activity may be for up to three years, but will be subject to annual review and annual licensing provisions. "Roll over" provisions may be incorporated which provide the Australian principal with a planning horizon.

## 5. CONSULTATION ON FOREIGN FISHING ACCESS

The principles outlined in these guidelines form the basis upon which all proposals for foreign fishing access will be assessed. When considering proposals which fall within the ambit of these guidelines and which are sufficiently well developed to enable assessment, the Commonwealth may consider the views of:

- any Commonwealth fisheries management advisory committee for which the proposal has direct relevance

- the National Fishing Industry Council

- Commonwealth Government agencies and fisheries research bodies to which the proposal may have direct relevance

- including the Department of Foreign Affairs and Trade, particularly where government-to-government agreements are proposed.

In assessing proposals under these guidelines the Australian Fisheries Service will consult with the States and/or Territories where port access or other activities associated with the proposal are envisaged or which may otherwise be interested, eg in the resources to be fished.

Applications for collaborative fishing activity will be treated on a commercial-in-confidence basis. The Australian Fisheries Service may engage the services of others to assist in assessment of proposals.

Where a fishery is subject to a developmental or management plan which has already been the subject of consultation with groups outlined above, individual proposals for foreign involvement in that fishery will be assessed in accordance with these guidelines and with the fishery-specific policies on foreign involvement which have been established through prior consultation.

## 6. ASSESSMENT AND COMPARISON OF PROPOSALS

As previously outlined, the major objective of providing foreign fishing access is to maximise the benefits in terms of both cash and other tangible gains which flow to Australia. Decisions about the nature and level of foreign involvement which will be authorised in a particular fishery and the relative merits of particular proposals will take into account such factors as:

- economic returns to the Australian community from foreign fishing activity in the AFZ

- Australia's international rights and obligations with regard to the conservation, management and development of the fishery resources of the AFZ

- scientific advice on the nature, extent and sustainable yield of the fishery resource concerned

- . possible interactions with the Australian fishing industry, including potential conflict or competition with existing or developing domestic fishing operations
- . possible impacts of the foreign fishing activity on subsequent development of the resource by Australians
- . identifiable prospects for developing new opportunities, technologies or markets for the Australian fishing industry
- . protection of the marine environment, including possible environmental impacts of proposed fishing methods and issues such as by-catches of marine mammals and seabirds
- . industrial relations considerations
- . foreign policy considerations
- . the views of special interest groups, eg recreational and sport fisheries bodies.

The assessment of collaborative fishing proposals will include consideration of the nature and extent of Australian involvement in the venture and the way in which the costs and benefits of the proposed fishing operations are to be shared between Australian and foreign interests.

#### 7. PREPARATION OF APPLICATIONS FOR COLLABORATIVE FISHING

Proposals for collaborative fishing activity must be able to clearly identify and quantify the full range of projected benefits to facilitate objective assessment and comparison between proposals. Such elements include projected catch, operating costs, capital costs, employment opportunities, marketing arrangements (domestic and export), operational plans, timetables/milestones and the direct and indirect benefits expected to flow from the proposal.

Proponents should be aware of the need for them to have obtained the support of the fisheries authorities in States/Territories which may have a direct interest in the proposal, eg where the venture is likely to involve port access or onshore activity. In preparing proposals, due consideration should be given to industrial relations consultative requirements including those applicable in the States/Territories.

Proponents should be aware that there are other relevant areas of legislation such as those relating to transport, customs and immigration with which they may be required to comply.

Proposals must state unequivocally the relative levels of Australian and foreign investment, control and operational involvement envisaged. Applicants will enhance their proposals by ensuring that their applications address the following areas:

- . clear statement of the basic thrust of the proposal
- . demonstrated managerial capability and financial commitment
- . detailed description of the proposed fishing operations, including gear type, target species, anticipated by-catch, on-board handling of catch and projected catch volume and value
- . details of the nature and extent of involvement of foreign nationals, companies and vessels in the proposal
- . business plans on all aspects of the proposal with clear, readily assessable milestones and performance indicators
- . clear description of proposed employment (including crewing) and marketing strategies
  - including details, where appropriate, of plans to land product in Australian ports for export or domestic sale (note the guidelines on landing of catch from foreign fishing vessels at Attachment B)
- . ability to demonstrate that information is available to support financial analyses and marketing strategies, including the projected levels of Australian and foreign investment and involvement.
- . where the proposal includes substantial expenditure on vessels, gear or support facilities, such expenditure must be capable of detailed substantiation in terms of funding availability, timetable for expenditure and sources of supply
- . where lease or charter of foreign vessels is proposed, copies of contract documentation providing full details including cost/profit sharing of the charter/lease arrangement may be required.

## 8. SUBMISSION OF APPLICATIONS

Applicants are advised to forward a well developed proposal in the first instance, but must be prepared to enlarge and develop their proposal should further information be required.

For fisheries subject to management plans or formal developmental arrangements, deadlines for submitting proposals may apply, so that proposals can be assessed in accordance with scheduled quota and/or licensing arrangements. Given the time needed for consultation and thorough consideration of proposals, applicants should allow a minimum lead time of three months for Commonwealth consultations and assessment of applications.

## SUMMARY OF CATEGORIES OF FOREIGN FISHING ACCESS

FOREIGN FEE FISHING	FOREIGN FEASIBILITY FISHING	COLLABORATIVE FISHING
<p><b>Application</b></p> <p>to wholly foreign fishing operations seeking to use foreign fishing vessels in the AFZ</p> <p>proposals may be developed</p> <ul style="list-style-type: none"> <li>· on the initiative of a foreign interest</li> <li>· in response to Australian fisheries authorities' advice of areas/fisheries where fee fishing might be undertaken</li> </ul> <p>proposals will involve</p> <ul style="list-style-type: none"> <li>· fishing a known resource, part or all of which is surplus to Australian requirements</li> </ul>	<p><b>Application</b></p> <p>to wholly foreign fishing operations seeking to use foreign fishing vessels in the AFZ</p> <p>proposals may be developed</p> <ul style="list-style-type: none"> <li>· on the initiative of a foreign interest</li> <li>· in response to Australian fisheries authorities' advice of areas/fisheries where feasibility fishing might be undertaken</li> </ul> <p>proposals will involve</p> <ul style="list-style-type: none"> <li>· fishing a resource about which little is known, for the purpose of obtaining information on that resource</li> <li>· testing gear or fishing methods not previously used in Australia in the harvesting of a particular resource</li> </ul>	<p><b>Application</b></p> <p>to fishing activity involving the use of foreign fishing vessels, where an Australian principal (not simply an agent) has a commercial interest</p> <p>proposal may be developed</p> <ul style="list-style-type: none"> <li>· on the initiative of an Australian company</li> <li>· in response to Australian fisheries authorities' advice of areas/fisheries where collaborative fishing may be undertaken</li> </ul> <p>proposals will involve some of the following:</p> <ul style="list-style-type: none"> <li>· fishing a known resource, part or all of which is surplus to Australian requirements</li> <li>· fishing a resource about which little is known, for the purposes of obtaining information about that resource</li> <li>· testing gear or fishing methods which may be of benefit to Australia in the harvesting of a particular resource</li> </ul>
<p><b>Objective</b></p> <p>Whilst maintaining the resource in a biological state which does not jeopardise future prospects for harvesting by Australians</p> <ul style="list-style-type: none"> <li>· to obtain the maximum economic benefit</li> </ul>	<p><b>Objective</b></p> <p>Whilst safeguarding the resource in a biological state which does not jeopardise future prospects for harvesting by Australians</p> <ul style="list-style-type: none"> <li>· to obtain information derived through the use of foreign fishing vessels</li> </ul>	<p><b>Objective</b></p> <p>Whilst safeguarding the resource in a biological state which does not jeopardise future prospects for harvesting by Australians</p>
<p><b>Access rights</b></p> <p>usually valid for one year to be defined in terms of quota and/or input units (eg number of vessels)</p>	<p><b>Access rights</b></p> <p>valid for a limited and predetermined period, access permitted for one year or less at a time</p> <p>to be defined in terms of either total allowable catch and/or input units (eg number of vessels)</p>	<ul style="list-style-type: none"> <li>· to develop information on the resource, fishing capability, related facilities and expertise which offer long-term economic benefits to Australia</li> </ul> <p><b>Access rights</b></p> <p>valid for up to three years, but subject to annual review of performance</p> <p>licensed on an annual basis</p> <p>defined in terms of either total allowable catch and/or input units (eg number of vessels)</p>

## FOREIGN FEE FISHING

## Fees

comprise both resource rent and recoverable cost components

set to achieve highest economic benefit to Australia, commensurate with the value of access provided

## Agreement

usually in the form of a government-to-government agreement containing the following

- the area in which fishing is permitted
- the period for which fishing is permitted
- species which may be taken
- gear which may be used
- permitted access to specific ports and facilities
- administrative arrangements
- reporting requirements
- any ancillary undertakings
- fees to be paid

## Assessment

In considering applications for fee fishing, the Australian authorities will take into account:

- economic returns to the Australian community from foreign fishing activity in the AFZ
- Australia's international rights and obligations with regard to the conservation, management and development of the fishery resources of the AFZ
- scientific advice on the nature, extent and sustainable yield of the fishery resource concerned
- possible interactions with the Australian fishing industry, including potential conflict or competition with existing or developing domestic fishing operations

## FOREIGN FEASIBILITY FISHING

## Fees

comprise both resource rent and recoverable cost components

resource rent component of access fee may be partially or completely waived subject to benefits being provided by way of information; recoverable cost component may be waived only in very exceptional circumstances

fees become payable if information is not provided

## Agreement

usually in the form of a government-to-government agreement containing the following

- the area in which fishing is permitted
- the period for which fishing is permitted
- species which may be taken
- gear which may be used
- permitted access to specific ports and facilities
- administrative arrangements
- routine reporting requirements
- details of how the results of the exploratory fishing activity is to be reported to the Commonwealth
- any ancillary undertakings
- payment due as a result of cost recovery requirements
- payment due on non-performance ie if information is not provided

## Assessment

In considering applications for feasibility fishing, the Australian authorities will take into account:

- the nature and extent of resource information which is likely to be derived from the proposed fishing activity

## COLLABORATIVE FISHING

## Fees

comprise both resource rent and recoverable cost components

resource rent component may be partially or completely waived subject to specified benefits being provided

waived fees (resource rent) becomes payable if benefits are not provided

## Agreement

to be in the form of a contract between the applicant and the Commonwealth containing the following

- a statement of the objective(s) of the applicant
- the area in which fishing is permitted
- the period and tenure of collaborative fishing activity
- the species which may be taken
- gear which may be used
- details of the arrangements for disposal of product
- permitted access to specific ports and facilities
- administrative arrangements
- details of how the results of the collaborative fishing activity is to be reported to the Commonwealth
- any ancillary undertakings
- payment due as a result of cost recovery requirements
- payment due on non-performance ie if projected benefits are not provided

## Assessment

In considering applications for collaborative fishing, the Australian authorities will take into account:

- the potential benefits offered by the collaborative fishing venture, including



## FOREIGN FEE FISHING

- possible impacts of the foreign fishing activity on subsequent development of the resource by Australians
- identifiable prospects for developing new opportunities, technologies or markets for the Australian fishing industry
- protection of the marine environment, including possible environmental impacts of proposed fishing methods and issues such as by-catches of marine mammals and seabirds
- industrial relations considerations
- foreign policy considerations
- the views of special interest groups, eg recreational and sport fisheries bodies.

## FOREIGN FEASIBILITY FISHING

- identifiable prospects for developing new opportunities, technologies or markets for the Australian fishing industry
- Australia's international rights and obligations with regard to the conservation, management and development of the fishery resources of the AFZ
- scientific advice on the nature, extent and sustainable yield of the fishery resource concerned, and the value of information likely to be gained from the feasibility fishing
- possible interactions with the Australian fishing industry, including potential conflict or competition with existing or developing domestic fishing operations
- possible impacts of the foreign fishing activity on subsequent development of the resource by Australians
- protection of the marine environment, including possible environmental impacts of proposed fishing methods and issues such as by-catches of marine mammals and seabirds
- industrial relations considerations
- foreign policy considerations
- the views of special interest groups, eg recreational and sport fisheries bodies.

## COLLABORATIVE FISHING

- economic returns to the Australian community
- the nature and extent of resource information which is likely to be derived from the proposed fishing activity
- identifiable prospects for developing new opportunities, technologies or markets for the Australian fishing industry
- the nature and extent of Australian involvement in the venture
- the way in which the costs and benefits of the proposed fishing operations are to be shared between Australian and foreign interests
- Australia's international rights and obligations with regard to the conservation, management and development of the fishery resources of the AFZ
- scientific advice on the nature, extent and sustainable yield of the fishery resource concerned, and the value of information likely to be gained from the collaborative fishing activity
- possible interactions with the Australian fishing industry, including potential conflict or competition with existing or developing domestic fishing operations
- possible impacts of the collaborative fishing activity on subsequent development of the resource by Australians
- protection of the marine environment, including possible environmental impacts of proposed fishing methods and issues such as by-catches of marine mammals and seabirds
- industrial relations considerations
- foreign policy considerations
- the views of special interest groups, eg recreational and sport fisheries bodies.

GUIDELINES FOR THE LANDING OF CATCH  
FROM FOREIGN FISHING VESSELS

These guidelines apply to landing of product at Australian ports from foreign fishing vessels licensed to fish in the AFZ.

Applicants who wish to use foreign fishing vessels in the AFZ and to land product from those vessels at Australian ports should, in their application, provide a full description of their proposed landing and marketing strategy.

All catch landed must comply with relevant Commonwealth and State/Territory regulations concerning retention and landing of relevant species, eg where a State applies size restrictions (eg minimum length), then only catches which comply with those restrictions may be landed.

Landing of product for export

Catch from foreign fishing vessels may be landed for export in any form, provided that there is compliance with all relevant export regulations. Proof of export may be required, with the onus of proof being on the operator of the foreign vessel from which product is landed.

Landing of product for sale in Australia

Catch from foreign fishing vessels, whether it is fresh or frozen, may be landed for sale in Australia when it is sold directly for processing, ie drying, smoking, canning, cooking or similar treatment\*.

Operators wishing to land catch in circumstances other than those set out above must seek prior written approval from the Australian Fisheries Service. In deciding whether or not to grant such approval, AFS will consult with the fisheries authorities in the State(s)/Territory in which the landing will occur and catch is destined for sale.

\* *For the purposes of these guidelines, the term processing does not include activities which do no more than dismember, fillet, clean or freeze*

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